



ORDINANCE 2010-015

AN ORDINANCE AMENDING MULTIPLE SECTIONS OF THE ZONING AND COMMUNITY DEVELOPMENT CODE INCLUDING DIVISION, II, III, IV, V, VII AND VIII AND DECLARING AN EFFECTIVE DATE

WHEREAS, The Sherwood Zoning and Community Development Code has not been comprehensively updated in many years, and

WHEREAS, the City has undertaken a multi-phase, multi-year program to comprehensively update the development code to ensure that it is clear, consistent, and current; and

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

WHEREAS, the first phase includes simple housekeeping updates to Division II, III, IV, V, VII, and VIII which provide clarity but do not affect substance; updates to Division III to update standards to provide better public engagement and notice and updates to Division III and IV to modify and streamline the application submittal requirements; and

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

WHEREAS, the proposed amendments were subject to full and proper notice and review and a public hearing was held before the Planning Commission on August 10, 2010; and

WHEREAS, the Planning Commission voted to forward a recommendation of approval to the City Council for the proposed development code modifications attached as Exhibits A.1 through A.7; and

WHEREAS, the analysis and findings to support the Planning Commission recommendation are identified in the attached Exhibit A; and

WHEREAS, the City Council held a public hearing on October 5, 2010 and determined that the proposed changes to the Development Code met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

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

Section 1. Findings. After full and due consideration of the application, the Planning Commission recommendation, the record, findings, and of the evidence presented at the public hearing, the Council adopts the findings of fact contained in the Planning Commission recommendation attached as Exhibit A finding that the text of the SZCDC shall be amended as documented in Exhibits A.1 through A.7.

Section 2. Approval. The proposed amendments for Plan Text Amendment (PA) 10-02 identified in Exhibits A.1 through A.2 1 are hereby **APPROVED**.

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

Section 4 - Applicability. The amendments to the City of Sherwood Zoning and Community Development Code by Sections 1 to 3 of this Ordinance apply to all land use applications submitted after the effective date of this Ordinance.

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

Duly passed by the City Council this 5th day of October 2010.


Keith S. Mays, Mayor

ATTEST:


Sylvia Murphy, CMC, City Recorder

| | <u>AYE</u> | <u>NAY</u> |
|------------|---------------|------------|
| Folsom | <u>✓</u> | <u> </u> |
| Clark | <u>VACANT</u> | <u> </u> |
| Weislogel | <u>✓</u> | <u> </u> |
| Henderson | <u>✓</u> | <u> </u> |
| Grant | <u>✓</u> | <u> </u> |
| Heironimus | <u>✓</u> | <u> </u> |
| Mays | <u>✓</u> | <u> </u> |

City of Sherwood
Planning Commission Recommendation to the City Council
File No: PA 10-02 Code Clean-Up Phase I

September 10, 2010

Proposal: The City is beginning a multi-phase code clean-up project with the goal of providing a more clear and usable code for both citizens and developers. The proposed amendments in the first phase include: 1) updates to fix minor problems with no substantive changes to the standard, 2) modification to the public notice requirements to expand notice and provide better opportunity for public engagement and 3) modification to the application submittal requirements to eliminate confusion and streamline the submittal process. The Planning Commission held a public hearing on August 10, 2010 to consider the proposed amendments and forwarded a recommendation of approval to the Council. The proposed amendments are attached to this report as Exhibit A.1 through A.7.

I. BACKGROUND

- A. Applicant: This is a City initiated text amendment; therefore the applicant is the City of Sherwood.
- B. Location: The proposed amendment is to the text of the development code and, therefore applies citywide.
- G. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission will make a recommendation to the City Council who will make the final decision. Any appeal of the City Council decision would go directly to the Land Use Board of Appeals.
- H. Public Notice and Hearing: Notice of the August 10, 2010 Planning Commission hearing on the proposed amendment was published in *The Times* on 7/29/10 and 8/5/10. In addition, as a courtesy noticed with the status of all proposed project was placed in the August edition of the Gazette. Notice was posted in 5 public locations around town and on the web site on 7/20/10. The City also sent e-notice to the interested parties list and regular updates were provided in the City newsletter.

While this does apply citywide, it does not affect the permissible uses of any property; therefore Measure 56 notice was not required or provided. DLCDC notice was provided 6/25/10.

- I. Review Criteria:
The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC).
- J. Background:
The City underwent periodic review in 1989-1991 and the Zoning and Community Development Code was comprehensively reviewed and updated as part of that process. Since that time, there have been a number of updates to comply with regional and state laws, address local issues and in response to applications. Overtime the piece-meal updates resulted in the need to conduct a comprehensive audit and update of the code to ensure cross references are correct, standards are clear, and typographical errors are fixed. In addition, over time the trends and values have changed such that it is necessary to evaluate the standards to ensure they address current needs. To that end, the Council, Planning Commission and staff identified the need to conduct a comprehensive update of the Development Code. The Code Update project has been broken into phases to allow manageable portions to be reviewed and adopted prior to moving on to another phase.

After public input, it was determined that the first phase would focus on three elements: 1.) The “simplest” updates that resulted in no substantive changes but that provided corrections and clarifications, 2) public notice to ensure better and more complete public engagement in land use decisions, and 3.) application submittal requirements to enable more clear and streamlined requirements for the submittal of land use applications. It should be noted that simple fix updates for Division I, and IX are not included and will be addressed towards the end of the project and future phases.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The City sent request for comments to the standard agency notification list. The City has received no responses to date.

Public:

No formal public comments were received prior to the Planning Commission hearing on the proposed amendments; however the City and Commission has received input from the public during informal listening sessions and via public surveys which helped guide the proposed amendments under review.

The Commission received testimony from one citizen, Neil Shannon, at the hearing. Mr. Shannon’s testimony was regarding street trees and he was informed that this topic would be discussed in Phase II of the code clean-up project.

III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are 16.80.030.1 and 3

16.80.030.1 - Text Amendment Review

An amendment to the text of the Comprehensive Plan shall be based upon the need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the Comprehensive Plan, and with all other provisions of the Plan and Code, and with any applicable State or City statutes and regulations.

The City has long identified that the code is not always clear. Recent input from the public has also made it clear that the public notice requirements do not go far enough to ensure adequate notice and engagement. The City has embarked upon a multi-year, multi-phase review of the development code to make it more clear, more user-friendly, and to reflect current trends and community values. The proposed changes represent the first phase.

The Planning Commission has held a series of work sessions to discuss the proposed changes and considered public input before the changes were developed to obtain feedback on needed changes. The “simple fixes” to Division II, III, IV, V, VI, VII, and VIII have been specifically reviewed by both staff and the Commission to confirm that no change to substance is occurring with the minor changes.

As the City has grown and changed, there is less ability to affect a land use application after submittal unless there are clear standards not being met. By requiring an applicant to hold a neighborhood meeting prior to the submittal of a land use application, the community will become informed about a proposal before submittal, have an opportunity to potentially affect the application prior to submittal and will be more informed and prepared to provide substantive comments when the application is submitted.

The changes to the public notice requirements have been deemed necessary because, as a community, it has become clear that 100 foot notice is no longer adequate as the community has grown. The proposed change would increase the mailed notice from 100 feet to 1,000 feet. In addition to modifying the mailed notice standards, the City has determined that clarification and detail is needed to ensure that

the notice posted on-site provides the intended outcome by simplifying the information to be provided on the sign. By doing so, it allows the font to be much larger and visible to passersby without having to stop.

Modifications to the newspaper notice allow flexibility in the date for one of the published notices with the express intent to allow for publication in the local Gazette which is only published monthly. The code specifies desired local newspaper options, however also expresses the intent of a "similarly local publication" to guide staff in the future in the event names or publication schedules change. The proposed language retains the requirement for one date specific published notice two weeks prior to the initial hearing.

The application submittal requirement modification has been deemed necessary to continue to encourage and streamline the development process. The existing requirements are detailed, complex and overwhelming whereas, providing more concise submittal requirements will remove some barriers for developers.

The Code Clean-Up project was organized on the premise that the changes are consistent with the Comprehensive Plan and simply better clarify or represent policies already in place. There are no specific policies in the Comprehensive Plan that speak to public notice, streamlining of application submittal, or making sure the code is clear and consistent.

Applicable Regional (Metro) standards

There are no known Metro standards that this proposed amendment would conflict with.

Consistency with Statewide Planning Goals

Because the comprehensive plan policies and strategies are not changing and the comprehensive plan has been acknowledged by the State, there are no conflicts with this text change. Further, there are no known state goals or standards that the proposed amendment would conflict with. DLCD provided verbal comments that the code clean-up is a good thing. In addition they generally support efforts to remove barriers in the code such as conflicts or lack of clarity.

As a whole, the amendments are consistent and support Goal 1 by providing more opportunity to participate in and affect land use decisions. Making the code more clear opens it up for easier public use and eliminates or minimizes the need for staff to interpret what the code says.

The amendments are also consistent and support Goal 2 (land use planning) and Goal 9 (economic development). By providing more clear standards and a more public process, developers understand the criteria better. Ultimately, the decision makers know that the community has had the opportunity to understand the project, understand the code, and be engaged in all phases of the project from before application submittal through to the decision.

The process used is consistent with the Goal 1 and 2 requirements (and the development code):

- The Commission held multiple work sessions on the project,
- The web site was updated regularly to provide opportunity for people to get information and provide input on the project as a whole as well as input on specific topics,
- Staff attended, provided information and requested input at:
 - Community Services Fair held May 22, 2010
 - 3 HOA meetings (Woodhaven Board meeting, Sherwood Village and the Vineyards),
 - Chamber of Commerce board and breakfast meetings,
 - Sherwood Rotary,
 - Parks Board,
 - Sherwood Urban Renewal Agency (SURPAC), and
 - Business Owners of Old Town Sherwood (BOOTS).
- Flyers announcing the project and opportunities for input were developed and made available throughout the City.

- The Planning Commission held a “Listening Session” to get informal input as the proposed changes were being developed.

In addition to the public outreach before proposed changes were developed and a public hearing set, formal notice was also published in the newspaper for two weeks prior to the hearing, posted around town placed in the library and on the web site. Courtesy notices were also provided on the web site, in the City Newsletter (the Archer), in the Gazette, to the interested parties list and to the HOA contacts that we have information on.

FINDING: As demonstrated in the above analysis, there is a need for the proposed amendments and the amendments are consistent with the Comprehensive Plan and applicable City, regional and State regulations and policies.

16.80.030.2 – Transportation Planning Rule Consistency

A. Review of plan and text amendment applications for effect on transportation facilities.

Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.

FINDING: The amendment will not result in a change of uses otherwise permitted and will have no impact on the amount of traffic on the transportation system; therefore this policy is not applicable to the proposed amendment.

IV. RECOMMENDATION

Based on the above findings of fact, and the conclusion of law based on the applicable criteria, the Planning Commission forwards a recommendation of approval of PA 10-02 to the City Council.

V. EXHIBITS

A. Proposed development code changes:

1. Division II – Simple Fixes
2. Division III – Simple fixes and update to public notice and application submittal
3. Division IV – Simple fixes and update to application submittal
4. Division V – Simple fixes
5. Division VI – Simple fixes
6. Division VII – Simple fixes
7. Division VIII – Simple fixes

Division II. LAND USE AND DEVELOPMENT

Chapter 16.12 VERY LOW DENSITY RESIDENTIAL (VLDR)*

Sections:

16.12.010 Purpose

16.12.020 Permitted Uses

16.12.030 Conditional Uses

16.12.040 Dimensional Standards

16.12.050 Community Design

16.12.060 Flood Plain

16.12.070 Special Density Allowances

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

16.12.010 Purpose

The VLDR zoning district provides for low density, larger lot single-family housing and other related uses in natural resource and environmentally sensitive areas warranting preservation, but otherwise deemed suitable for limited development, with a density ~~of 0.7 to 1 dwelling unit per acre generally not to exceed one (1) dwelling unit per acre and a density not less than 0.7 dwelling units per acre.~~ If developed through the PUD process, as per Chapter 16.40, and if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, a density not to exceed two (2) dwelling units per acre and a density not less than 1.4 dwelling units per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirement.

(Ord. 2000-1108 § 3; 90-921; 86-851)

16.12.020 Permitted Uses

The following uses and their accessory uses are permitted outright:

A. Single-family detached or attached dwellings.

B. Accessory dwelling unit subject to Chapter 16.52.

(Ord. 2000-1108 § 3)

C. Manufactured homes on individual lots as per Section 16.46.010.

(Ord. 89-898 § 1; 86-851)

D. Agricultural uses such as truck farming and horticulture, but excluding commercial buildings or structures or the raising of animals other than household pets.

E. Home occupations, subject to Chapter 16.42.

F. Group homes not exceeding five (5) unrelated persons in residence, family day care providers, government assisted housing, provided such facilities are substantially identical, in the City's determination, in physical form to other types of housing allowed in the VLDR zone.

(Ord. 91-922 § 2; 90-921; 86-851)

G. Public recreational facilities, including but not limited to parks, playfields, sports and racquet courts, but excluding golf courses which are permitted conditionally.

H. PUDs, subject to Chapter 16.40 and Section 16.12.070.

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

(Ord. 86-851 § 3)

J. Residential care facility.

(Ord. 91-922 § 2)

16.12.030 Conditional Uses

The following uses and their accessory uses are permitted as conditional uses when approved in accordance with Chapter 16.82.

A. Churches and parsonages.

B. Cemeteries and crematory mausoleums.

- C. Public and private schools providing education at the preschool level or higher, but excluding commercial trade schools which are prohibited.
- D. Day care facilities other than family day care providers, which are permitted outright.
(Ord. 91-922 § 2; 86-851)
- E. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.
- F. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.
- G. Plant nurseries and other agricultural uses, including commercial buildings and structures.
- H. Special care facilities, including but not limited to hospitals, sanitariums, and convalescent homes.
- I. Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.
- J. Public and private utilities, including but not limited to telephone exchanges, electric sub-stations, gas regulator stations, sewage treatment plants, water wells, and public work yards.
- K. Any business, service, processing, storage, or display not conducted entirely within an enclosed building which is essential or incidental to any permitted or conditional use, as determined by the [Commission Review Authority](#).
- L. Radio, television, and similar communications stations, on lots with a minimum width and depth equal to the height of any tower, and in conformance with Chapter 16.62.
(Ord. 1997-1019 § 1; 86-851)
- M. Raising of animals other than household pets.
- N. Public golf courses.
(Ord. 86-851 § 3)

16.12.040 Dimensional Standards

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

A. Lot Dimensions.

Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 [\(Wetland, Habitat and Natural Areas\)](#), or as otherwise provided, required minimum lot areas and dimensions shall be:

TABLE INSET:

| | | |
|----|-----------------------------------|--------------------|
| 1. | Lot area (conventional): | 40,000 square feet |
| | Lot area (under PUD): | 10,000 square feet |
| | Lot width at front property line: | 25 feet |
| 3. | Lot width at building line: | No minimum |
| 4. | Lot depth: | No minimum |

(Ord. 2006-021; 90-927 § 2; 86-851)

B. Setbacks.

Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 [\(Wetland, Habitat and Natural Areas\)](#), or as otherwise provided, required minimum setbacks shall be:

TABLE INSET:

| | | |
|----|-------------|---------|
| 1. | Front yard: | 20 feet |
| 2. | Side yard: | |

| | | |
|----|---------------------------------------|---------|
| | a. Single-Family Detached: | 5 feet |
| | b. Corner Lots (street side): | 20 feet |
| | c. Single-Family Attached (one side): | 20 feet |
| 3. | Rear yard: | 20 feet |

(Ord. 2006-021; 86-851 § 3)

4. Accessory buildings see Chapter 16.50 -- Accessory Uses.

(Ord. 2003-1153 § 1)

C. Height

Except as otherwise provided for accessory structures, and for infill development under Chapter 16.68, the maximum height of structures shall be two (2) stories or thirty (30) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings or to accessory buildings, may exceed this height limitation by up to twenty (20) feet. 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.

(Ord. 2006-021; 86-851 § 3)

16.12.050 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. 91-922 § 2; 86-851)

16.12.060 Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. 2000-1092 § 3; 88-979; 87-867; 86-851)

16.12.070 Special Density Allowances

Housing densities up to two (2) units ~~to the per~~ acre, and minimum lot sizes ~~down to of~~ 10,000 square feet, may be allowed in the VLDR zone when:

A. The housing development is approved as a PUD, as per Chapter 16.40; and

B. The following areas are dedicated to the public or preserved as common open space: floodplains, as per Section 16.134.020 (Special Resource Zones); natural resources areas, per 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 as per current Federal regulations and Division VIII of this Code; and

C. The Commission-Review Authority determines that the higher density development would better preserve natural resources as compared to a one (1) unit ~~to the per~~ acre design.

(Ord. 90-927 § 2)

Chapter 16.14 LOW DENSITY RESIDENTIAL (LDR)*

Sections:

16.14.010 Purpose

16.14.020 Permitted Uses

16.14.030 Conditional Uses

16.14.040 Dimensional Standards

16.14.050 Community Design

16.14.060 Flood Plain

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

16.14.010 Purpose

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 not to exceed five (5) dwelling units per acre and a density not less than 3.5 dwelling units per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirement.

(Ord. 2000-1108 § 3; 86-851)

16.14.020 Permitted Uses

The following uses and their accessory uses are permitted outright:

- A. Single-family detached or attached dwellings.
- B. Accessory dwelling unit subject to Chapter 16.52.
(Ord. 2000-1108 § 3)
- C. Manufactured homes on individual lots as per Section 16.46.010.
(Ord. 89-898 § 1; 86-851)
- D. Agricultural uses such as truck farming and horticulture, but excluding commercial buildings or structures, or the raising of animals other than household pets.
- E. Home occupations, subject to Chapter 16.42.
- F. Group homes not exceeding five (5) unrelated persons in residence, family day care providers, government assisted housing, provided such facilities are substantially identical in physical form to other types of housing allowed in the zoning district.
(Ord. 91-922 § 2; 86-851)
- G. Public recreational facilities, including but not limited to parks, playfields, sports and racquet courts, but excluding golf courses which are permitted conditionally.
- H. PUDs, subject to Chapter 16.40 ~~and Section 16.12.070~~.
- I. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Chapter 16.86.
(Ord. 86-851 § 3)
- J. Residential care facility.
(Ord. 91-922 § 2)

16.14.030 Conditional Uses

The following uses and their accessory uses are permitted as conditional uses when approved in accordance with Chapter 16.82:

- A. Churches and parsonages.
- B. Cemeteries and crematory mausoleums.
- C. Public and private schools providing education at the preschool level or higher, but excluding commercial trade schools which are prohibited.
- D. Daycare facilities other than family day care providers, which are permitted outright.
(Ord. 91-922 § 2; 86-851)
- E. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.
- F. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.
- G. Plant nurseries and other agricultural uses including commercial buildings and structures.
- H. Special care facilities, including but not limited to hospitals, sanitariums, and convalescent homes.
- I. Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.
- J. Public and private utilities, including but not limited to telephone exchanges, electric sub-stations, gas regulator stations, sewage treatment plants, water wells, and public work yards.
- K. Any business, service, processing, storage, or display not conducted entirely within an enclosed building which is essential or incidental to any permitted or conditional use, as determined by the Commission.

L. Radio, television, and similar communications stations, on lots with a minimum width and depth equal to the height of any tower, and in conformance with Chapter 16.62([CHIMNEYS, SPIRES, ANTENNAS, AND SIMILAR STRUCTURES](#)).

(Ord. 1997-1019 § 1; 86-851)

M. Raising of animals other than household pets.

N. Public golf courses.

(Ord. 91-922 § 2; 86-851 § 3)

16.14.040 Dimensional Standards

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

A. Lot Dimensions

Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030, ~~–~~ ([Wetland, Habitat and Natural Areas](#)), or as otherwise provided, required minimum lot areas and dimensions shall be:

TABLE INSET:

| | | |
|----|-----------------------------------|-------------------|
| 1. | Lot area: | 7,000 square feet |
| | Lot width at front property line: | 25 feet |
| 3. | Lot width at building line: | 60 feet |
| 4. | Lot depth: | 80 feet |

(Ord. 2006-021; 91-922 § 2; 86-851)

B. Setbacks

Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 ([Wetland, Habitat and Natural Areas](#)), or as otherwise provided, required minimum setbacks shall be:

TABLE INSET:

| | | |
|----|---------------------------------------|---------|
| 1. | Front yard: | 20 feet |
| 2. | Side yard: | |
| | a. Single-Family Detached: | 5 feet |
| | b. Corner Lots (street side): | 20 feet |
| | c. Single-Family Attached (one side): | 20 feet |
| 3. | Rear yard: | 20 feet |

(Ord. 2006-021; 86-851 § 3)

4. Accessory buildings see Chapter 16.50 -- Accessory Uses.

(Ord. 2003-1153 § 1)

C. Height

Except as otherwise provided for accessory structures, and for infill development under Chapter 16.68, the maximum height of structures shall be two (2) stories or thirty (30) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet. 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.

(Ord. 2006-021; 86-851 § 3)

16.14.050 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 design, see Divisions V, VIII and IX.

(Ord. 86-851 § 3)

16.14.060 Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. 2000-1092 § 3; 88-979; 87-867; 86-851)

Chapter 16.16 MEDIUM DENSITY RESIDENTIAL LOW (MDRL)*

Sections:

16.16.010 Purpose

16.16.020 Permitted Uses

16.16.030 Conditional Uses

16.16.040 Dimensional Standards

16.16.050 Community Design

16.16.060 Flood Plain

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

16.16.010 Purpose

The MDRL zoning district provides for single-family and two-family housing, manufactured housing on individual lots and in manufactured home parks, and other related uses, with a density of 5.6 to 8 dwelling units per acre. ~~not to exceed eight (8) dwelling units per acre and a density not less than 5.6 dwellings per acre may be allowed.~~ Minor land partitions shall be exempt from the minimum density requirements.

(Ord. 2000-1108 § 3; 86-851)

16.16.020 Permitted Uses

The following uses and their accessory uses are permitted outright:

- A. Single-family detached or attached dwellings.
- B. Two-family dwellings.
- C. Accessory dwelling unit subject to Chapter 16.52.
(Ord. 2000-1108 § 3)
- D. Manufactured homes on individual lots as per Section 16.46.010.
(Ord. 89-898 § 1; 86-8510)
- E. Manufactured home parks, subject to Section 16.46.020.
(Ord. 89-898 § 1)
- F. Agricultural uses such as truck farming and horticulture, but excluding commercial buildings or structures, or the raising of animals other than household pets.
- G. Home occupations, subject to Chapter 16.42.
- H. Group homes not exceeding five (5) unrelated persons in residence, family day care providers, government assisted housing, provided such facilities are substantially identical in physical form to other types of housing allowed in the zoning district.
(Ord. 91-922 § 2; 86-851)
- I. Public recreational facilities, including but not limited to parks, playfields, sports and racquet courts, but excluding golf courses which are permitted conditionally.
- J. PUDs, subject to Chapter 16.40 ~~and Section 16.12.070.~~
- K. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Chapter 16.86.

- (Ord. 86-851 § 3)
- L. Residential care facility.
- (Ord. 91-922 § 2)

16.16.030 Conditional Uses

The following uses and their accessory uses are permitted as conditional uses when approved in accordance with Chapter 16.82:

- A. Churches and parsonages.
- B. Public and private schools providing education at the preschool level or higher, but excluding commercial trade schools which are prohibited.
- C. Daycare facilities other than family day care providers, which are permitted outright.
- (Ord. 91-922 § 2; 86-851)
- D. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.
- E. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.
- F. Plant nurseries and other agricultural uses including commercial buildings and structures.
- G. Special care facilities, including but not limited to hospitals, sanitariums, and convalescent homes.
- H. Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.
- I. Public and private utilities, including but not limited to telephone exchanges, electric sub-stations, gas regulator stations, sewage treatment plants, water wells, and public work yards.
- J. Any business, service, processing, storage, or display not conducted entirely within an enclosed building which is essential or incidental to any permitted or conditional use, as determined by the Commission.
- K. Raising of animals other than household pets.
- L. Public golf courses.

(Ord. 91-922 § 2; 86-851 § 3)

16.16.040 Dimensional Standards

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

(Ord. 91-922 § 2; 86-851)

A. Lot Dimensions

Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 ([Wetland, Habitat and Natural Areas](#)), or as otherwise provided, required minimum lot areas and dimensions shall be:

TABLE INSET:

| | | |
|----|---|--------------|
| 1. | Lot areas: | |
| | a. Single-Family Detached or Attached: | 5,000 sq ft |
| | b. Two-Family: | 10,000 sq ft |
| | c. Manufactured Homes: (Ord. 89-898 § 1) | 5,000 sq ft |
| | Lot width at front property line: | 25 feet |
| 3. | Lot width at building line: | |
| | a. Single-Family: | 50 feet |
| | b. Two-Family: | 60 feet |

| | | |
|----|------------------------|---------|
| | c. Manufactured Homes: | 50 feet |
| 4. | Lot depth: | 80 feet |

(Ord. 2006-021; 86-851 § 3)

B. Setbacks

Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 ([Wetland, Habitat and Natural Areas](#)), or as otherwise provided, required minimum setbacks shall be:

TABLE INSET:

| | | |
|----|---------------------------------------|---------|
| 1. | Front yard: | 20 feet |
| 2. | Side yard: | |
| | a. Single-Family Detached: | 5 feet |
| | Corner Lots (street side): | 15 feet |
| | b. Single-Family Attached (one side): | 10 feet |
| | c. Two-Family: | 5 feet |
| | Corner Lot (street side): | 15 feet |
| | d. Manufactured Home: | 5 feet |
| | Corner Lot (street side): | 15 feet |
| 3. | Rear yard: | 20 feet |

4. Accessory buildings see Chapter 16.50 -- Accessory Uses.

(Ord. 2006-021; 2003-1153 § 1)

C. Height

Except as otherwise provided for accessory structures, and for infill development under Chapter 16.68, the maximum height of structures shall be two (2) stories or thirty (30) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet. 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.

(Ord. 2006-021; 86-851 § 3)

16.16.050 Community Design

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

(Ord. 91-922; 86-851 § 3)

16.16.060 Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. 2000-1092 § 3; 88-979; 87-867; 86-851)

Chapter 16.18 MEDIUM DENSITY RESIDENTIAL HIGH (MDRH)*

Sections:

16.18.010 Purpose

16.18.020 Permitted Uses

Ordinance 2010-015, Exhibit A1
Division II, Phase I Code Updates

16.18.030 Conditional Uses

16.18.040 Dimensional Standards

16.18.050 Community Design

16.18.060 Flood Plain

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

16.18.010 Purpose

The MDRH zoning district provides for a variety of medium density housing, including single-family, two-family housing, manufactured housing on individual lots, multi-family housing, and other related uses, with a density ~~of 5.5 to 11 dwelling units per acre. not to exceed eleven (11) dwelling units per acre and a density not less than 5.5 dwellings per acre may be allowed.~~ Minor land partitions shall be exempt from the minimum density requirement.

(Ord. 86-851 § 3)

16.18.020 Permitted Uses

The following uses and their accessory uses are permitted outright:

- A. Single-family detached or attached dwellings.
- B. Two-family dwellings.
- C. Accessory dwelling unit subject to Chapter 16.52.
(Ord. 2000-1108 § 3)
- D. Manufactured homes on individual lots as per Section 16.46.010.
(Ord. 89-898 § 1; 86-851)
- E. Multi-family dwellings.
- F. Agricultural uses such as truck farming and horticulture, but excluding commercial buildings or structures, or the raising of animals other than household pets.
- G. Home occupations, subject to Chapter 16.42.
- H. Group homes not exceeding five (5) unrelated persons in residence, family day care providers, government assisted housing, provided such facilities are substantially identical in physical form to other types of housing allowed in the zoning district.
(Ord. 91-922 § 2; 86-851)
- I. Public recreational facilities, including but not limited to parks, playfields, sports and racquet courts, but excluding golf courses which are permitted conditionally.
- J. PUDs, subject to Chapter 16.40 ~~and Section 16.12.070.~~
- K. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Chapter 16.86.
- L. Residential care facility.
(Ord. 91-922 § 2)
- M. Townhomes, subject to Chapter 16.44.

16.18.030 Conditional Uses

The following uses and their accessory uses are permitted as conditional uses when approved in accordance with Chapter 16.82:

- A. Churches and parsonages.
- B. Public and private schools providing education at the preschool level or higher, but excluding commercial trade schools which are prohibited.
- C. Daycare facilities other than family day care providers which are permitted outright.
- D. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.
- E. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.
- F. Plant nurseries and other agricultural uses including commercial buildings and structures.
- G. Special care facilities, including but not limited to hospitals, sanitariums, and convalescent homes.
- H. Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.

- I. Public and private utilities, including but not limited to telephone exchanges, electric sub-stations, gas regulator stations, sewage treatment plants, water wells, and public work yards.
- J. Any business, service, processing, storage, or display not conducted entirely within an enclosed building which is essential or incidental to any permitted or conditional use, as determined by the Commission.
- K. Raising of animals other than household pets.
- L. Public golf courses.

16.18.040 Dimensional Standards

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Ord. 91-922 § 2; 86-851)

A. Lot Dimensions

Except as modified under Chapter 16.68 (Infill Development), Chapter 16.144 ([Wetland, Habitat and Natural Areas\(---\)](#)), Chapter 16.44 (Townhomes), or as otherwise provided, required minimum lot areas and dimensions shall be:

TABLE INSET:

| | | |
|----|---|-------------|
| 1. | Lot areas: | |
| | a. Single-Family Detached: | 5,000 sq ft |
| | b. Single-Family Attached: | 4,000 sq ft |
| | c. Two-Family: | 8,000 sq ft |
| | d. Manufactured Homes: | 5,000 sq ft |
| | e. Multi-Family: <u>First two units</u> | 8,000 sq ft |
| | (for the first two (2) units & for each additional unit) <u>Multi-Family: Each additional unit after the first two</u> | 3,200 sq ft |
| | Lot width at front property line: | 25 feet |
| 3. | Lot width at building line: | |
| | a. Single-Family: | 50 feet |
| | b. Two-Family & Multi-Family: | 60 feet |
| | c. Manufactured Homes: | 50 feet |
| 4. | Lot depth: | 80 feet |
| | | |

(Ord. 2006-021)

5. Townhome lots are subject to Chapter 16.44.

(Ord. 2002-1126 § 2; 2001-1123; 86-851 § 3)

B. Setbacks

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 setbacks shall be:

TABLE INSET:

| | | |
|----|--|---------|
| 1. | Front yard: | 20 feet |
| 2. | Side yard: | |
| | a. Single-Family Detached: | 5 feet |
| | Corner Lot (street side): | 15 feet |
| | b. Single-Family Attached (one side): | 5 feet |
| | c. Two-Family: | 5 feet |
| | Corner Lot (street side): | 15 feet |
| | d. Manufactured Home: | 5 feet |
| | Corner Lot (street side): | 15 feet |
| | e. Multi-Family, for portions of elevations that are: | |
| | 24 feet or less in height: | 5 feet |
| | Greater than 24 feet in height: (see setback requirements in Section 2.309.030B) | |
| | Corner Lot (street side) | 20 feet |
| 3. | Rear yard: | 20 feet |

4. Accessory buildings see Chapter 16.50 -- Accessory Uses.

(Ord. 2003-1153 § 1)

5. Buildings which are grouped together in one project on one (1) tract of land shall be separated by a distance equal to the sum of the required side yards for each building (i.e., as though an imaginary lot line is placed between the buildings).

(Ord. 2006-021; 91-922 § 2; 86-851)

6. Townhomes, subject to Chapter 16.44.

(Ord. 2002-1126 § 2; 2001-1123; 86-851 § 3)

C. Height

Except as otherwise provided for accessory structures, or for townhomes under Chapter 16.44, or for infill development under Chapter 16.68, the maximum height of structures shall be two and one-half (2- 1/2) stories or thirty-five (35) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet. [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.](#)

–Height of townhomes may be three (3) stories, subject to Chapter 16.44.

(Ord. 2006-021; 2002-1126 § 2; 2001-1123; 86-851)

16.18.050 Community Design

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

(Ord. 86-851 § 3)

16.18.060 Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. 2000-1092 § 3; 88-979; 87-867; 86-851)

Chapter 16.20 HIGH DENSITY RESIDENTIAL (HDR)*

Sections:

[16.20.010 PURPOSE](#) [16.20.010 Purpose](#)

[16.20.020 Permitted Uses](#)

[16.20.030 Conditional Uses](#)

[16.20.040 Dimensional Standards](#)

[16.20.050 Community Design](#)

[16.20.060 Flood Plain](#)

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

16.20.010 PURPOSE

The HDR zoning district provides for higher density multi-family housing and other related uses, with a density ~~of 16.8 to 24 dwelling units per acre. not to exceed twenty-four (24) dwelling units per acre and a density not less than 16.8 dwellings per acre may be allowed.~~ Minor land partitions shall be exempt from the minimum density requirement.

(Ord. 2000-1108 § 3; 86-851)

16.20.020 Permitted Uses

The following uses and their accessory uses are permitted outright:

- A. Single-family detached or attached dwellings.
- B. Two-family dwellings.
- C. Accessory dwelling unit subject to Chapter 16.52.
(Ord. 2000-1108 § 3)
- D. Manufactured homes on individual lots as per Section 16.46.010.
(Ord. 89-898 § 1; 86-851)
- E. Multi-family dwellings, including boarding and rooming houses.
- F. Agricultural uses such as truck farming and horticulture, but excluding commercial buildings or structures, or the raising of animals other than household pets.
- G. Home occupations, subject to Chapter 16.42.
- H. Group homes not exceeding five (5) unrelated persons in residence, family day care providers, government assisted housing, provided such facilities are substantially identical in physical form to other types of housing allowed in the zoning district.
(Ord. 91-922 § 2; 86-851)
- I. Public recreational facilities, including but not limited to parks, playfields, sports and racquet courts, but excluding golf courses which are permitted conditionally.
- J. PUDs, subject to Chapter 16.40 ~~and Section 16.12.070.~~
- K. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Chapter 16.86.
(Ord. 86-851 § 3)
- L. Residential Care Facility.
(Ord. 91-922 § 2)
- M. Special Care Facilities including but not limited to convalescent homes, nursing homes, specialized living facilities and assisted living facilities.

N. Townhomes, subject to Chapter 16.44.
(Ord. 2002-1126 § 2; 2001-1123; 86-851)

16.20.030 Conditional Uses

The following uses and their accessory uses are permitted as conditional uses when approved in accordance with Chapter 16.82:

- A. Churches and parsonages.
- B. Public and private schools providing education at the preschool level or higher, but excluding commercial trade schools which are prohibited.
- C. Daycare facilities other than family day care providers which are permitted outright.
(Ord. 91-922 § 2; 86-851)
- D. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.
- E. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.
- F. Plant nurseries and other agricultural uses including commercial buildings and structures.
- G. Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.
- H. Public and private utilities, including but not limited to telephone exchanges, electric sub-stations, gas regulator stations, sewage treatment plants, water wells, and public work yards.
- I. Any business, service, processing, storage, or display not conducted entirely within an enclosed building which is essential or incidental to any permitted or conditional use, as determined by the Commission.
- J. Raising of animals other than household pets.
- K. Public golf courses.
(Ord. 91-922 § 2; 86-851 § 3)

16.20.040 Dimensional Standards

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84.
(Ord. 91-922 § 2; 86-851)

A. Lot Dimensions

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 and dimensions shall be:

TABLE INSET:

| | | |
|----|---|-------------|
| 1. | Lot areas: | |
| | a. Single-Family Detached: | 5,000 sq ft |
| | b. Single-Family Attached: | 4,000 sq ft |
| | c. Two-Family: | 8,000 sq ft |
| | d. Multi-Family: <u>for the first two (2) units</u> | 8,000 sq ft |
| | (for the first two (2) units & for each additional unit) Multi-Family: <u>for each</u> | 1,500 sq |

| | | |
|----|--|---------|
| | <u>additional unit after the first two (2)</u> | ft |
| | Lot width at front property line: | 25 feet |
| 3. | Lot width at building line: | |
| | a. Single-Family: | 50 feet |
| | b. Two-Family & Multi-Family: | 60 feet |
| 4. | Lot depth: | 80 feet |

5. Townhome lots are subject to Chapter 16.44.
(Ord. 2006-021; 2002-1126 § 2; 2001-1123; 86-851 § 3)

B. Setbacks

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 setbacks shall be:

TABLE INSET:

| | | |
|----|--|---------|
| 1. | Front yard: | 20 feet |
| 2. | Side yard: | |
| | a. Single-Family Detached: | 5 feet |
| | Corner Lot (street side): | 15 feet |
| | b. Single-Family Attached (one side): | 5 feet |
| | c. Two-Family: | 5 feet |
| | Corner Lot (street side): | 15 feet |
| | d. Multi-Family, for portions of elevations that are: | |
| | 18 feet or less in height: | 5 feet |
| | 18-24 feet in height: | 7 feet |
| | Greater than 24 feet in height: (See setback requirements in Section 16.68.030B) | |
| | Corner Lot (street side) | 30 feet |
| 3. | Rear yard: | 20 feet |

4. Accessory buildings see Chapter 16.50 -- Accessory Uses.
(Ord. 2003-1153 § 1)

5. Buildings which are grouped together in one project on one (1) tract of land shall be separated by a distance equal to the sum of the required side yards for each building (i.e., as though an imaginary lot line is placed between the buildings).

(Ord. 2006-021; 91-922 § 2; 86-851)

6. Townhomes, subject to Chapter 16.44.
(Ord. 2002-1126 § 2; 2001-1123; 86-851 § 3)

C. Height

Except as otherwise provided for accessory structures, or for townhomes under Chapter 16.44, or for infill development under Chapter 16.68, the maximum height of structures shall be three (3) stories or forty (40) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet. 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.-
 (Ord. 2006-021; 91-922 § 2)

16.20.050 Community Design

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII and IX.
 (Ord. 86-851 § 3)

16.20.060 Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply.
 (Ord. 2000-1092 § 3; 88-979; 87-867; 86-851)

Chapter 16.22 OFFICE COMMERCIAL (OC)*

Only change this phase:

16.22.050.B. Setbacks

Except as otherwise provided, required minimum setbacks shall be:
 TABLE INSET:

| | | |
|----|-------------|--|
| 1. | Front yard: | None |
| 2. | Side yards: | None, except ten (10) feet when abutting a residential zone or public park. |
| 3. | Rear yard: | <u>None</u> , except twenty (20) feet when abutting a residential zone or public park. |

4. Existing residential uses shall maintain minimum setbacks specified in Section 16.20.040.

C. Height

Except as otherwise provided the maximum height of structures shall be two (2) stories or thirty (30) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet. 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.-
 (Ord. 91-922 § 3; 90-921; Ord. 90-921 § 1)

Chapter 16.24 OFFICE RETAIL (OR)*

Only change this phase:

16.24.050. C. Height

Except as otherwise provided the maximum height of structures shall be three (3) stories or 45 feet, whichever is less except that for every two (2) feet of increased setback the maximum height may be increased one (1) foot. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet.

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.

Chapter 16.26 NEIGHBORHOOD COMMERCIAL (NC)*

Only change this phase

16.26.050.B. Height

Except as otherwise provided the maximum height of buildings in the NC zone shall be limited to the height requirements for the least restrictive abutting residential zone. 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.

Chapter 16.28 RETAIL COMMERCIAL (RC)*

- No Changes for this Phase
-

Chapter 16.30 GENERAL COMMERCIAL (GC)*

Only change this phase:

16.30.030 Conditional Uses

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

- A. Special care facilities, including but not limited to hospitals, sanitariums, convalescent homes, correctional institutions, and residential care facilities.
(Ord. 86-851 § 3)
- B. Radio, television, and similar communication stations, including transmitters and wireless communication towers except for towers located within 1,000 feet of the Old Town District which are prohibited.
(Ord. 97-1019 § 1; 86-851)
- C. ~~Churches over 5,000 square feet in size.~~ Churches when all structures together total over 5,000 square feet in size.
(Ord. 2002-1136 § 3)
- D. Cemeteries and crematory mausoleums.
- E. Public and private utility buildings, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.
- F. Government offices, including but not limited to administrative offices, post offices, and police and fire stations.
- G. Public use buildings including but not limited to libraries, museums, community centers and senior centers.
- H. Private lodges, fraternal organizations, country clubs, sports and racquet clubs, and other similar clubs, but excluding golf courses which are prohibited.
- I. Motels or hotels.
- J. Residential apartments when located on the upper floors, in the rear of, or otherwise clearly secondary to a commercial building as defined in Section 16.30.060(B).

- K. Public recreational facilities, including but not limited to parks, playfields, and sports and racquet courts, but excluding golf courses which are prohibited.
 - L. Public and private schools providing education at the elementary school level or higher.
 - M. Any incidental business, service, process, storage or display, not otherwise permitted by Chapter 16.30, that is essential to and customarily associated with any use permitted outright.
- (Ord. 87-870 § 5)

Chapter 16.32 LIGHT INDUSTRIAL (LI)*

- No Changes for this Phase.

Chapter 16.34 GENERAL INDUSTRIAL (GI)*

- No Changes for this Phase

Chapter 16.36 INSTITUTIONAL AND PUBLIC (IP)*

- No Changes for this Phase

Chapter 16.38 SPECIAL USES*

- No Changes for this Phase

Chapter 16.40 PLANNED UNIT DEVELOPMENT (PUD)*

Only change this phase:

16.40.020 Preliminary Development Plan

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 shall also include a preliminary subdivision plat and meet all requirements of Chapter 16.122. The preliminary subdivision shall be processed concurrently with the PUD. (Ord. 2001-1119 § 1; 86-851)
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)i. Massing, facades, elevations, roof forms, proportions, materials, and color palette.
 - (2)ii. Architectural relevance or vernacular to the Pacific Northwest.
 - (3)iii. Doors, windows, siding, and entrances, including sash and trim details.
 - (4)iv. Porches, chimneys, light fixtures, and any other unique details, ornamentation, or accents.
 - v(5). A fencing plan with details that addresses the relationship between public space and maintaining individual privacy subject to Section 16.58.030.

Chapter 16.42 HOME OCCUPATIONS*

- No Changes for this Phase

Chapter 16.44 TOWNHOMES

- No Changes for this Phase

Chapter 16.46 MANUFACTURED HOMES*

Only change this phase:

16.46.020 Manufactured Home Parks

Manufactured home parks may be located in the MDRL zone only. Except as herein provided, the standards of this Section and the MDRL zone, shall apply to all manufactured home parks. The following additional standards shall also apply:

G. Vehicular Circulation

1. ~~All~~ Any private streets shall be constructed in accordance with applicable City standards and shall be curbed. The minimum paved street improvement width shall be:
 - a. Twenty-eight (28) feet with no on-street parking allowed.
 - b. Thirty-two (32) feet with on-street parking allowed on one (1) side.
 - c. Thirty-six (36) feet with parking allowed on two (2) sides, provided that at least one (1) private street thirty-six (36) feet in width with no on-street parking allowed shall be constructed to intersect with an adjacent public street.
2. Any street within the manufactured home park that, due to volumes of traffic or street location, as determined by the City, functions as a minor collector or higher functional classification roadway, shall be constructed to full City public improvement standards.

(Ord. 91-922 § 3; 86-851)

Chapter 16.48 NON-CONFORMING USES*

Ordinance 2010-015, Exhibit A1
Division II, Phase I Code Updates

Only change this phase:

16.48.060 Non-Conforming Uses of Structures

E. Where non-conforming uses status applies to a structure and premises, removal or destruction of the structure shall eliminate the non-conforming use status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than sixty percent (60%) of its current value, as appraised by the Washington County Assessor. Except as otherwise provided for in Section 16.468.020, any subsequent use shall conform fully to all provisions of the zone in which it is located. (Ord. 91-922 § 3; 86-851)

Chapter 16.50 ACCESSORY USES

- No Changes for this Phase

Chapter 16.52 ACCESSORY DWELLING UNITS*

- No Changes for this Phase

Chapter 16.54 ADULT ENTERTAINMENT*

Sections:

16.54.010 Adult entertainment

16.54.010 Adult entertainment

Where otherwise permitted by the provisions of this Code, an adult entertainment business shall not be located within one thousand (1,000) feet of an existing or previously approved adult entertainment business or within two hundred and fifty (250) feet of public parks, churches, schools, day care centers, or residentially zoned property. Both distances shall be measured in a straight line, without regard to intervening structures, from the closest structural wall of the adult entertainment business to either the closest structural wall of an existing or previously approved adult entertainment business, or to the closest property line of all impacted properties. (Ord. 86-851 § 3)

Chapter 16.56 OTHER LAND USE ACTIONS*

- No Changes for this Phase

Chapter 16.58 SUPPLEMENTARY STANDARDS*

Sections:

16.58.010 CLEAR VISION AREAS

16.58.020 ADDITIONAL SETBACKS

16.58.030 FENCES, WALLS AND HEDGES

16.58.040 LOT SIZES AND DIMENSIONS

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

16.58.010 CLEAR VISION AREAS

A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway. (Ord. 96-1014 § 1; 86-851)

B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the

third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.

(Ord. 86-851 § 3)

C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2- 1/2) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground.

(Ord. 86-851 § 3)

A. The following requirements shall govern clear vision areas:

A1. In a residential zone, the minimum distance shall be thirty (30) feet, or at intersections including an alley, ten (10) feet.

B2. In commercial and industrial zones, the minimum distance shall be fifteen (15) feet, or at intersections including an alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.

C3. Where no yards are required, buildings may be constructed within the clear vision area.

(Ord. 86-851 § 3)

16.58.030 FENCES, WALLS AND HEDGES

Generally

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. Definition: For purposes of this Section, a corner lot adjoining two (2) City streets shall have both yards adjoining the streets considered as front yards.

C. Types of Fences: The following standards apply to walls, fences, hedges, mounds, and screens of all types (or a combination thereof) whether open, solid, wood, metal, wire, masonry, plant vegetation or other materials.

D. Location:

1. Fences up to forty-two inches (42") high are allowed in required front building setbacks.
2. Fences up to six feet (6') 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 inches (42") in height unless there is a landscaped buffer at least three (3) feet wide between the fence and the access way or alley.
3. Rear (flag) lot access drives shall be separated from abutting property(ies) by a minimum of forty-two inch (42") sight-obscuring fence or a 42"-72" high landscape hedge within a four (4) foot wide landscape buffer. Alternatively, where existing mature trees and vegetation are suitable, the Planning Supervisor may waive the fence/buffer in order to preserve the mature vegetation.
4. Additionally, all fences shall be subject to the clear vision provisions of Section 16.58.010.

(Ord. 2006-021)

No other change this phase

Chapter 16.60 YARD REQUIREMENTS*

Sections:

16.60.010 Through Lots

16.60.020 Corner Lots

16.60.030 Yards

16.60.040 Exceptions

16.60.050 Decks

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

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. 2006-021; 86-851 § 3)

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. 2006-021; 86-851 § 3)

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 awnings, fire escapes, open stairways, ~~and chimneys~~ [and accessory structures permitted in accordance with 16.50.010](#) 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 structure is not erected directly on the property line, it shall be set back at least three (3) feet.

(Ord. 86-851 § 3)

16.60.040 Exceptions

~~Architectural features such as cornices, eaves, canopies, sunshades, gutters, signs, chimneys, and flues may project up to two and one-half (2- 1/2) feet into a required yard.~~

A. Architectural features such as cornices, eaves, canopies, sunshades, gutters, signs, chimneys, and flues may project up to two and one-half (2 1/2) feet into a required yard.

(Ord. 86-851 § 3)

B. Yard requirements of the underlying zone may be modified for infill developments, as provided in Chapter 16.68.

(Ord. 2006-021)

16.60.050 Decks

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. 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 set backs for the underlying zoning district.
~~Decks shall not be allowed in the required front or side yard setbacks.~~
(Ord. 2004-002 § 3; 97-1022)

Chapter 16.62 CHIMNEYS, SPIRES, ANTENNAS, AND SIMILAR STRUCTURES*

- No Changes for this Phase

Chapter 16.64 DUAL USE OF REQUIRED SPACE*

- No Changes for this Phase

Chapter 16.66 TRANSPORTATION FACILITIES AND IMPROVEMENTS*

Sections:

16.66.010 Generally

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

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. Construction of Transportation Facilities and Improvements 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 subdivision or partition subject to site plan shall be subject to Conditional Use review.¹

Chapter 16.68 INFILL DEVELOPMENT STANDARDS*

Only change this phase

16.68.020 Lot Sizes and Dimensions for Infill

A. 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:

B. Lot dimension(s) may be reduced below the minimum standards of the applicable zoning district through the land division or lot line adjustment process provided that the development conforms to Section 16.68.0320A, above, and all other applicable Code requirements are met.

16.68.030 Building Design on Infill Lots

Structures exceeding twenty four (24) feet in height shall conform to the following standards:

A. Floor Area: Floor area in any dwelling with a height greater than twenty four (24) feet shall not exceed the following floor area ratios, except that the first 200 square feet of floor area in a detached garage or other accessory structure shall be exempt, when the accessory structure is located behind a single family dwelling (dwelling is between accessory structure and abutting street), the lot is not a through lot, and the accessory structure does not exceed a height of eighteen (18) feet. Floor area shall not exceed:

1. Low Density Residential (LDR): 50% of lot area: 3500 square feet
2. Medium Density Residential Low (MDRL): 55% of lot area 2750 square feet
3. Medium Density Residential High (MDRH): 60% of lot area: 3000 square feet
4. High Density Residential (HDR): 65% of lot area : 3250 square feet

B. Interior Side Setback and Side Yard Plane. When a structure exceed twenty four (24) feet in height:

¹ This is not a new standard, but rather is copied from 16.82.020 so as to not be overlooked.
Ordinance 2010-015, Exhibit A1
Division II, Phase I Code Updates

1. The minimum interior side setback is five (5) feet, provided that elevations or portions of elevations exceeding twenty four (24) feet in height shall be setback from interior property line(s) an additional one-half (1/2) foot for every one (1) foot in height over twenty four (24) feet (see example below); and
2. All interior side elevations exceeding twenty four (24) feet in height shall be divided into smaller areas or planes to minimize the appearance of bulk to properties abutting the side elevation: When the side elevation of such a structure is more than 750 square feet in area, the elevation shall be divided into distinct planes of 750 square feet or less. For the purposes of this standard, a distinct plane is an elevation or a portion of an elevation that is separated from other wall planes, resulting in a recessed or projecting section of the structure that projects or recedes at least two (2) feet from the adjacent plane, for a length of at least six (6) feet. The maximum side yard plane may be increased by ten percent (10%) for every additional five (5) feet of side yard setback provided beyond the five (5) foot minimum.

GRAPHIC LINK:[Click here](#)

AC. Garage Orientation. On lots with a minimum width of sixty (60) feet or less, the garage shall meet the following orientation and design standards:

1. The garage shall not be located closer to the street than the dwelling, unless the combined width of garage opening(s) does not exceed fifty percent (50%) of the total width of the front (street-facing) elevation. For the purpose of meeting this standard, the exterior wall of at least one room of habitable space, which may include habitable space above the garage, shall be located closer to the street than the garage door. Any garage opening width beyond fifty percent (50%) standard shall be set back at least (2) feet further from the front property line than the facade of the other garage volume. Alternatively, and subject to the Approval Authority's approval, the front elevation may incorporate a decorative trellis, pergola or other architectural feature that provides a shadow line giving the perception that the garage opening is recessed;
2. The standard in subsection c.1. above, does not apply where the average slope of a parcel of a lot exceeds twenty percent (20%) where the garage is proposed to be set back at least forty (40) feet from the public right-of-way, or where the garage is to be accessed from an alley;
3. When the side or rear elevation of a front-loading garage is exposed to the street or an abutting property, such elevation(s) shall have more than one plane (offset or projection of 2 feet or more) or shall have window area equal to at least ten percent (10%) of the exposed garage wall.

16.68.050 Yard Requirements for Infill Development

The Approval Authority may approve modifications to the minimum yard 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:

B. Front yards may be reduced below the minimum standard of the applicable zoning district when the Approval Authority finds:

1. The front yard is reduced by no more than six (6) feet; and
2. All garage openings are setback twenty (20) feet or more from all street rights-of-way.
3. The reduction is to accommodate an unenclosed front porch; or
4. The reduction is necessary to protect natural features on or adjacent to the subject lot; or
5. The reduction allows for greater separation or buffering between infill development and existing residential uses(s) at lower densities (or larger lot sizes).

Division III. ADMINISTRATIVE PROCEDURES

Chapter 16.70 GENERAL PROVISIONS*

Sections:

16.70.010 PRE-APPLICATION CONFERENCE

~~16.70.020 APPLICATION MATERIALS~~ 16.70.020 NEIGHBORHOOD MEETING

17.70.030 APPLICATION REQUIREMENTS

~~16.70.0430 APPLICATION SUBMITTAL~~

~~16.70.0540 AVAILABILITY OF RECORD FOR REVIEW~~

16.70.060 APPLICATION RESUBMISSION

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

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. 91-922 § 3; 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 with adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject application, prior to submitting their application to the City. Affidavits of mailing, sign-in sheets and a summary of the meeting notes shall 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.

16.70.0320 Application Materials 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.

(Ord. 91-922 § 3)

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 ½ x 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, fifteen (15) copies of: the completed application form, with attachments or exhibits specifying and illustrating the proposed land use action; an existing conditions inventory; the proposed development plan; and any supplemental materials, as required by Section 16.78.010. Additional information may be required at the discretion of the City.

(Ord. 91-922 § 3)

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 the City limits and the Urban Growth Boundary.
- 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.

16.70.0340 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. Incomplete applications will not be accepted by the City. Incomplete applications shall be returned to the applicant along with a written notification of the application's deficiencies. The application fees submitted are non-refundable. Provided however, that incomplete applications may be resubmitted when the noted deficiencies have been corrected to the City's satisfaction.~~

(Ord. 98-1053 § 1; 91-922)

16.70.0540—Availability 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 of miscellaneous fees and charges.

(Ord. 99-1079 § 3; 98-1053; 91-922)

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 16.72.0240, 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. 99-1079 § 3; 98-1053)

16.70.0650 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. 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

1A. Classifications

Except for Administrative Variances, which are reviewed per Section 16.84.020, and 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:

A1. Type I

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

- 1a. Signs
- 2b. Property Line Adjustments
- 3c. Interpretation of Similar Uses
- 4d. Temporary Uses
- 5e. Final Subdivision Plats
- 6f. Final Site Plan Review
- 7g. Time extensions of approval, per Sections 16.90.020; 16.124.010
- h. Type II Home Occupation Permits
- i. Interpretive Decisions by the City Manager or his/her designee

B2. Type II

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

- 1a. ~~Minor~~ Land Partitions
- 2b. 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.
- 3c. "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 conditional use permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010 4D, below.
- 4d. "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 16.90.020.4.G.4.

C3. Type III

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

- 1a. Conditional Uses
- b2. Variances, including Administrative Variances if a hearing is requested per Section 16.84.020.
- c3. 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 4D, below.

d4. Subdivisions -- Less than 50 lots.

D4. Type IV

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

4a. Site Plan review and/or "Fast Track" Site Plan review of new or existing structures in the Old Town Overlay District.

b2. All quasi-judicial actions not otherwise assigned to a Hearing Authority under this section.

c3. Site Plans -- Greater than 40,000 square feet of floor area, parking or seating capacity.

d4. Subdivisions -- More than 50 lots.

E5. Type V

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

1a. Plan Map Amendments

2b. Plan Text Amendments

3c. Planned Unit Development -- Preliminary Development Plan and Overlay District.

(Ord. No. 2009-005, § 2, 6-2-2009; Ord. 2003-1148 § 3; 2001-1119; 99-1079; 98-1053)

2B. 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:

Aa. The Type I Hearing Authority is the Planning Director and the Appeal Authority is the Planning Commission.

4(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)2. The applicant may appeal the Planning Director's decision.

bB. The Type II Hearing Authority is the Planning Director and the Appeal Authority is the Planning Commission.

4(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 ~~1000~~100 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)2. Any person providing written comments may appeal the Planning Director's decision.

Cc. The Type III Hearing Authority is the Hearings Officer and the Appeal Authority is the Planning Commission.

4(1). The Hearings Officer shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.

(2)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.

Dd. 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.

~~Ee.~~ 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).
(Ord. 2003-1148 § 3; 2001-1119)

3C. Approval Criteria

A1. 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.

B2. In addition to paragraph-section A1 above, all Type IV quasi-judicial applications shall also demonstrate compliance with the Conditional use criteria of Section 16.82.020.
(Ord. 2003-1148 § 3)

16.72.020 Public Notice and Hearing

~~A. For Type II, III and IV actions on zoning map amendments, conditional uses, variances, site plans, planned unit developments, minor land partitions, subdivisions, annexations, landmarks, private access to streets and other land use action 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 hundred (100) feet from the property subject to the land use action, Oregon Department of Transportation (ODOT), Metro and the applicable transit service provider. If the subject property is located adjacent to or split by a railroad crossing ODOT Rail Division shall be sent public notice.~~

4A. Newspaper Notice

Notices of all public hearings for Type III, IV ~~and, V I and V~~ land use actions required by this Code shall be published in a newspaper of general circulation available within the City ~~in each of the 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.

(Ord. 2003-1148 § 3; 99-1079; 98-1053; 91-922; 86-851)

2B. 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. Additionally, sSignage shall be posted on the subject property ~~either~~ fourteen (14) calendar days in advance of the staff decision on Type II applications ~~or and~~ twenty (20) calendar days in advance of the 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. The location, size and content of the sign shall be subject to the approval of the City Planner.

(Ord. 2003-1148 § 3; 99-1079; 98-1053; 91-922; 86-851)

3C. Mailed Notice

~~A1.~~ For Type II, III, IV and V actions ~~on zoning map amendments, conditional uses, variances, site plans, planned unit developments, minor land partitions, subdivisions, annexations, landmarks, and other land use action~~ 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 hundred~~ (1000) 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.-~~

~~B2.~~ ~~Except as otherwise provided herein, w~~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. ~~Written notice to property owners for Type II actions shall be mailed in accordance with this Chapter at least fourteen (14) calendar days in advance of the Planning Director's Decision.-~~

~~C3.~~ 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.

~~D4.~~ 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.

~~E5.~~ 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.

~~F.~~ ~~If a project is proposed for review under the Infill Development Standards (Chapter 16.68), the developer shall send public notice to all owners of property within the same area indicated on the Sherwood Infill Notification Map in which development is to occur. Alternatively, the developer may send notice to all property owners within 250 feet of the subject site. The Planning Department shall maintain a map of the Established Neighborhoods.-~~

(Ord. 2006-021; 2003-1148 § 3; 99-1079; 98-1053; 91-922; 86-851)

D4. Failure to Receive Notice

1A. 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.

B2. 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. 91-922 § 3)

16.72.030 Content of Notice

~~1. Public Notices~~

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. 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

~~4A.~~ 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:

- ~~A1.~~ 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.
- ~~2B.~~ 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.
- ~~3C.~~ 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).
- ~~4D.~~ The rights of persons to request, as per this Code, that a hearing be continued or that the hearing record remain open.
- ~~5E.~~ 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.

(Ord. 99-1079 § 3; 91-922)

~~2B.~~ 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.

(Ord. 91-922 § 3)

3C. Hearing Record

- A1.** Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The local Hearing Authority shall grant such request by continuing the public hearing pursuant to paragraph (**B2**) of this section or leaving the record open for additional written evidence or testimony pursuant to paragraph (**E3**) of this section.
- B2.** If the hearing authority grants a continuance, the hearing shall be continued to a date, time and place certain at least seven (7) days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven (7) days to submit additional written evidence or testimony for the purpose of responding to the new written evidence.
- E3.** If the Hearing Authority leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven (7) days. Any participant may file a written request with the local government for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Hearing Authority shall reopen the record pursuant to subsection **F6** of this Section.
- D4.** A continuance or extension granted pursuant to this section shall be subject to the limitations of ORS 215.427 or 227.178, unless the continuance or extension is requested or agreed to by the applicant.
- E5.** Unless waived by the applicant, the local government shall allow the applicant at leave-least seven (7) days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.
- F6.** When a Hearing Authority reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

(Ord. 99-1079 § 3; 91-922)

4D. Ex-parte Contacts

Ex-parte contacts with a member of the Hearing Authority shall not invalidate a final decision or action of the Hearing Authority, 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.

(Ord. 99-1079 § 3; 91-922)

16.72.060 Notice of Decision

Within seven (7) calendar days of a land use action by the Hearing Authority, the City shall notify the applicant in writing of said action. This notice of decision shall list the terms and conditions of approval or denial, and explain the applicant's rights of appeal.

(Ord. 91-922 § 3)

16.72.070 Registry of Decisions

The City shall maintain a registry of all land use actions taken in the preceding twelve (12) months. This registry shall be kept on file in the City Recorder's office and shall be made available to the public for inspection at no cost. Copies of the registry shall be provided to the public, upon request, at a cost defined by the City's ~~fee schedule of miscellaneous fees and charges~~.

(Ord. 91-922 § 3)

16.72.080 Final Action on Permit or Zone Change

Except for plan and land use regulation amendments or adoption of new regulations that must be submitted to the Director of the State Department of Land Conservation and Development under ORS 197.610(1), final action on a permit, appeal, or zone change application shall be taken within one hundred and twenty (120) days of the application submittal. The one hundred and twenty (120) days may be extended for a reasonable period of time at the request of the applicant. An applicant whose application does not receive final consideration within one hundred and twenty (120) days after the application was accepted by the City may seek a writ of mandamus to compel issuance of the permit or zone change or a determination that approval would violate the City's Comprehensive Plan or land use regulations.
(Ord. 91-922 § 3)

Chapter 16.74 APPLICATION FEES*

Sections:

16.74.010 FEES

16.74.020 EXCEPTIONS

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

16.74.010 Fees

Fees for land use actions are set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.
(Ord. 91-922 § 3; 86-851)

16.74.020 Exceptions

Except when a land use action is initiated by the Planning Commission or Council, application fees shall be paid to the City upon the filing of all land use applications. Full or partial waiver of fees required by Section 16.74.010 or refund of the fees in excess of that identified in the fee schedule required by Section 16.74.010 may be granted by the Council, based on a written request by the applicant showing cause for such reduction.
(Ord. 86-851 § 3)

Chapter 16.76 APPEALS*

Sections:

16.76.010 GENERALLY

16.76.020 APPEAL DEADLINE

16.76.030 PETITION FOR REVIEW

16.76.040 APPEAL AUTHORITY ACTION

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

16.76.010 Generally

~~Issues on Appeal~~

A. Issues on Appeal -

The only issues which may be raised on appeal are those issues which were raised on the record before the Hearing Authority with sufficient specificity so as to have provided the City, the applicant, or other persons with a reasonable opportunity to respond before the Hearing Authority.
(Ord. 2003-1148 § 3; 2001-1119)

~~Persons Eligible to Appeal~~

B. Persons Eligible to Appeal -

Except as otherwise provided in this Code, only those persons who submitted written comments or appeared in person before the Hearing Authority may appeal the decision of the Hearing Authority.
(Ord. 2003-1148 § 3; 2001-1119)

~~Dismissal on Appeal~~

C. Dismissal on Appeal - If the Appeal Authority determines that the appellant was not a person to the action before the Hearing Authority, or the issue(s) that are the basis of the appeal were not properly raised per this Section, then the Appeal Authority shall dismiss the appeal of that appellant or those issues, in writing. (Ord. 2003-1148 § 3; 2001-1119)

Exception

D. Exception -

If the City either takes a land use action without providing a hearing as required by this Code, or takes a land use action which is substantially different than indicated in notice of the proposed action as per Section 16.72.030, an aggrieved person may, as provided by the laws of the State of Oregon, appeal directly to the State Land Use Board of Appeals (LUBA). (Ord. 2003-1148 § 3; 2001-1119; 99-1079; 91-922)

16.76.020 Appeal Deadline

Land use actions taken pursuant to this Code shall be final unless a petition for review is filed with the Planning Director not more than fourteen (14) calendar days after the date on which the Hearing Authority took final action on the land use application, and written notice of the action has been mailed to the address provided by the person in the record. If the person did not provide a mailing address, then the appeal must be filed within fourteen (14) calendar days after the notice has been mailed to persons who did provide a mailing address. (Ord. 2003-1148 § 3; 2001-1119; 91-922)

16.76.030 Petition For Review

Every petition for review shall include the date and a description of the land use action, including adopted findings of fact, a statement of how the petitioner is aggrieved by the action, the specific grounds relied upon in requesting a review, and a fee pursuant to Section 16.74.010. The land use decision, supporting findings and conclusions, and evidence available upon the close of the record of the land use action and any City Staff review of the issues subject to the appeal shall be made a part of the record before the Appeal Authority. (Ord. 2003-1148 § 3; 2001-1119; 91-922)

16.76.040 Appeal Authority Action

Except as otherwise provided or required by state law, ~~the~~ the review of the appealed land use action shall include a public hearing conducted by the Appeal Authority, as determined by Section 16.72.010, at which time only those persons who testified before the Hearing Authority or submitted written comments may present evidence and argument relevant to the approval criteria. The record before the Appeal Authority shall include only the evidence and argument submitted on the record before the Hearing Authority (including all testimony, all materials submitted at any previous stage of the review, staff reports and audio tape or transcript of the minutes of the public hearing. New evidence may not be entered into the record.

Except for the hearing being on the record and no new persons being allowed, the public notice and hearing procedures for appeals shall be identical to the procedures used in initially taking the land use action which is being appealed. The Appeal Authority may act to affirm, reverse, remand, or amend the action being reviewed. The action of the Appeal Authority shall be the final City of Sherwood action on the application, unless remanded to the Hearing Authority. Upon remand, the decision of the Hearing Authority shall be the final City of Sherwood action.

(Ord. 2003-1148 § 3; 2001-1119; 99-1079; 91-922)

Division IV – PLANNING PROCEDURES

~~Chapter 16.78 APPLICATION INFORMATION REQUIREMENTS*~~

~~Sections:~~

~~16.78.010 Application Content~~

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

~~16.78.010 Application Content~~

~~This Chapter sets forth the application contents generally required for the review of proposed land use activities. The City Manager or his or her designee is authorized to waive information requirements that are clearly not material or relevant to the specific proposal being made. In addition to these requirements, Divisions V, VI, and VII of this Code must be reviewed for other applicable requirements.~~

~~(Ord. 86-851 § 3)~~

~~TABLE INSET:~~

| INDEX | |
|-----------------------------|---|
| REFERENCE NUMBER | TYPE OF PROPOSED DEVELOPMENT |
| 1 | Annexation |
| 2 | Plan Map Amendment |
| 3 | Variance |
| 4 | Conditional Use |
| 5 | Minor Partition |
| 6 | Subdivision/Major Partition |
| 7 | Planned Unit Development |
| 8 | Site Plan |

~~TYPE OF APPLICATION
(See Index)~~

~~TABLE INSET:~~

| TYPE OF INFORMATION | — | INFORMATION ITEM |
|--|----------------|--|
| EXISTING CONDITIONS INVENTORY | | |
| General Information | 1-8 | A tax map showing property within 300 feet with scale (1"=100' or 1"=200') north point, date and legend. |
| — | 1-8 | A current preliminary title report or lot book search. |
| — | 1-8 | Name, address and phone numbers of all owner(s) and applicants. (Ord. 86-851 § 3) |
| — | | |
| Citizen Involvement | 1-8 | A list of tax lots, owners and their addresses within the following distances from the property subject to a land use |

| | | |
|--|----------------|---|
| | | action for which a public hearing is required: Wholly or partially within the UGB = 100 feet; Outside UGB, not in farm or forest zone = 250 feet; Outside UGB, in farm or forest zone = 500 feet. (Ord. 91-922 § 3; 86-851) — |
| <hr/> | | |
| Growth Management | 1-8 | Vicinity Map of property showing City limits and Urban Growth Boundary (Ord.86-851§ 3) |
| <hr/> | | |
| Land Use | 1-8 | Acreage of property, lot lines and dimensions. |
| — | 1-8 | City and County zoning designations. |
| — | 1-8 | Maximum allowable density. |
| — | 1-8 | Existing land use including nature, size and location of existing structures within 300 feet. |
| — | 1-8 | Map location, purpose, dimensions and ownership of easements. (Ord. 86-851 § 3) |
| <hr/> | | |
| Environmental Resources & Hazards | 4-8 | Topography map showing 5 foot contours. |
| — | 2-8 | SCS Soil Information Map the following: |
| — | — | 1) Areas with severe soil limitations for buildings, roads and streets, and the nature of the limitation including weak foundation, slopes above 10%, slide hazards, etc. |
| — | — | 2) Areas with adverse soil characteristics including rapid runoff, high erosion hazard and poor natural drainage. |
| — | — | 3) Agricultural capability classes. |
| — | 2-8 | Flood Plains – Map all 100-year flood plain and floodway lines. |
| — | 2-8 | Natural Drainage – Map streams, wetlands, ponds, springs and drainage patterns. |
| — | 2-8 | Significant vegetation – Map general location, size and species of trees. |
| — | 2-8 | Distinctive natural areas – Indicate views, historic sites, rock outcroppings, etc. |
| — | 2-8 | Sun and wind exposures – Map general orientation. (Ord. 86-851 § 3) |
| <hr/> | | |
| Environmental Quality | 3-8 | Air, Water, Land Pollution, Noise Sources – Indicate the location of existing uses producing significant levels of air, |

| | | |
|-----------------------------------|----------------|---|
| | | water, land or noise pollution. (Ord. 86-851 § 3) |
| <hr/> <hr/> | | |
| Recreational Resources | 3-8 | Existing Facilities – Map the location, size and distance to nearest park and open spaces. (Ord. 86-851 § 3) |
| <hr/> <hr/> | | |
| Transportation | 1-8 | Street Locations and Dimensions – Map centerline and pavement locations and rights-of-way within 300 feet. |
| — | 1-8 | Traffic Volumes – Indicate existing volumes for all streets on and within 300 feet. |
| — | 2-8 | Access Points – Indicate access points to property within 300 feet. |
| — | 3-8 | Street Condition – Map general condition of streets within 300 feet of property. |
| — | 3-8 | Street Improvements – Indicate any committed street improvement projects within 300 feet and projected completion date (if known). |
| — | 3-8 | Public Transit – Indicate routes and stops within 300 feet. |
| — | 3-8 | Bikeways/Pathways – Map existing routes within 300 feet. |
| — | 3-8 | Traffic Impact Analysis (for developments likely to generate more than 400 average daily trips (ADT)). (Ord. 2005-009 § 3) |
| <hr/> <hr/> | | |
| Water | 1-8 | Existing Facilities – Map locations, sizes and distances to water mains. |
| — | 3-8 | Existing Services – Describe service levels, capacity, pressure and fire flow characteristics of water mains. |
| — | 1-8 | Planned Improvements – Indicate sizes and locations of planned improvements. (Ord. 86-851 § 3) |
| <hr/> <hr/> | | |
| Sewer | 1-8 | Existing Facilities – Map locations, sizes and distances to the nearest sewers. |
| — | 1-8 | Existing Services – Describe flow characteristics, capacity and condition of sewers. |
| — | 1-8 | Planned Improvement – Indicate sizes and locations of planned capital improvements. (Ord. 86-851 § 3) |
| <hr/> <hr/> | | |
| Drainage | 3-8 | Existing Facilities – Map locations, sizes and distances to drainage facilities or natural drainage ways. |
| — | 3-8 | Existing Service – Describe capacity and condition of on-site and downstream drainage courses and facilities. |

| | | |
|-------------------------------|----------------|---|
| — | 3-8 | Runoff Analysis – Indicate SCS soil permeability ratings.— |
| — | 3-8 | Planned Improvements – Indicate sizes and locations of planned improvements. (Ord. 86-851 § 3)— |
| ===== | | |
| Private Utilities— | 3-8 | Existing Facilities and Services – Describe availability of utilities. (Ord. 86-851 § 3)— |
| ===== | | |
| Schools— | 3-8 | Existing Facilities and Services – Indicate location, type, enrollment, capacity and distance to nearest schools.— |
| — | 3-8 | Planned Improvements – Describe planned improvements. (Ord. 86-851 § 3)— |

PROPOSED DEVELOPMENT PLAN

TABLE INSET:

| | | |
|---------------------------------|----------------|---|
| ===== | | |
| General Information— | 1-8 | A plat or plan map depicting the proposed land use or change, showing properties within 300 feet, with scale appropriate to Project size, north point, date and legend.— |
| — | 1-8 | Name of Development – Indicate name of proposed development.— |
| — | 1-8 | Vicinity map showing Property within one-half mile. (Ord. 86-851 § 3)— |
| ===== | | |
| Citizen Involvement— | 1-8 | Describe contacts with citizens or agencies including the Fire District, public and private utilities, schools, etc. (Ord. 86-851 § 3)— |
| ===== | | |
| Land Use— | 5-8 | Proposed Lots – Map lot lines, dimensions, average and minimum lot sizes, block and lot numbers.— |
| — | 2-8 | Setbacks – Indicate all setbacks.— |
| — | 1-8 | Buildable Acres – Indicate net buildable acres.— |
| — | 3-8 | Proposed Land Use – Indicate the location of all proposed land uses. Show relationship to existing land use to be retained. Provide tables with total acres, densities, dwelling units, floor area, percentage distribution of total site acreage by use, and percentage dwelling unit distribution by dwelling type.— |
| — | 2-8 | Map location of proposed structures.— |
| — | 2-8 | Proposed Easements – Map location, purposes, and widths. (Ord. 86-851 § 3)— |
| ===== | | |

| | | |
|--|----------------|--|
| Environmental Resources & Hazards | 5-8 | Topography - Map topography at 2 foot contours. |
| — | 6-8 | Landscaping Plan - Provide plan in accordance with Chapter 16.92. |
| — | 4-8 | Streams, Ponds, Wetlands - Indicate location and any measures to avoid environmental degradation. |
| — | 5-8 | Natural Hazards - Provide soil analysis by a registered Soils Engineer or Geologist and any measures protecting against hazards. |
| — | 3-8 | Significant natural areas - Indicate how areas are protected and preserved. |
| — | 5-8 | Energy Conservation - Indicate relationship of site design to sun and wind exposure. (Ord. 86-851 § 3) |
| ===== | | |
| Environmental Quality | 4-8 | Provide certification by a Registered Engineer that the proposed uses meet or exceed City environmental performance standards. (Ord. 86-851 § 3) |
| ===== | | |
| Recreation Resources | 4-8 | Describe how proposal meets park and open space needs and requirements. |
| — | 5-8 | Map proposed park and open space areas and describe maintenance provisions. (Ord. 86-851 § 3) |
| ===== | | |
| Transportation | 5-8 | Proposed Facilities - Provide general circulation plan showing location, widths and direction of existing and proposed streets, bicycle and pedestrian ways and transit routes and facilities. Describe the proposed circulation plan's conformity to Chapter VI, Community Development Plan. |
| — | 5-8 | Indicate estimated curve and curb radii and typical street cross sections. |
| — | 5-8 | Emergency Access - Show emergency access. |
| — | 5-8 | Lot Access - Show the location and size of accesses, sight distances and any fixed objects on collectors or arterials. |
| — | 3-8 | Future Rights-of-Way - Indicate distances from property lines to street centerlines and pavement. |
| — | 5-8 | Traffic Volumes - Indicate existing and future traffic volumes. |
| — | 5-8 | Street Profiles - Map profiles and indicate cuts and fills for roads with grades of 15% or more. |
| — | 5-8 | Parking - Indicate the location, number and size of off-street |

| | | |
|---|----------------|--|
| | | parking spaces and loading and maneuvering areas. (Ord. 86-851 § 3) |
| ===== | | |
| Water | 5-8 | Proposed Facilities – Indicate the location and size of the proposed water distribution system and fire hydrants. (Ord. 86-851 § 3) |
| ===== | | |
| Sewer | 5-8 | Proposed Facilities – Indicate the location and size of the proposed sewage collection systems. (Ord. 86-851 § 3) |
| ===== | | |
| Drainage | 5-8 | Proposed Facilities – Indicate proposed runoff control and conveyance system. (Ord. 86-851 § 3) |
| ===== | | |
| Private Utilities | 5-8 | Lighting Plan – Indicate location, height, and sizes of street lighting structures and their connection points to power lines. (Ord. 86-851 § 3) |
| Economic Development | 4-8 | Industrial and Commercial Uses – Indicate number of new jobs to be created, the ratio of employees to site acreage, anticipated capital investment and tax impact. |
| — | 4-8 | Commercial Uses – Provide evidence of local markets for the service or product to be marketed. |
| — | 4-8 | Residential Uses – Provide evidence of local markets for type of housing proposed. (Ord. 86-851 § 3) |
| ===== | | |
| Structural Design and Construction | 8 | Proposed Structures – Provide architectural sketches and elevations of all proposed structures as they will appear upon completion. |
| — | 8 | Construction Materials – Provide a description of external structural design including materials, textures and colors. Describe compatibility with other uses and natural features. |
| — | 8 | Energy Conservation – Show the relationship of building orientation and sun and wind exposures. Describe how structures address energy conservation. |
| — | 8 | Hazard Protection/Resources Preservation – Show how proposed structures relate to natural features and hazards. |
| — | 8 | Signs – Indicate the locations, sizes and design of proposed signs. |
| — | 8 | Solid Waste Storage – Indicate the location and design of storage facilities. |
| — | 8 | Privacy – Describe how privacy is protected. |

| | | |
|---|--------------|--|
| — | 8 | Construction Measure – Describe how erosion, siltation and noise will be controlled during construction. — |
| — | 8 | Fencing and Screening – Indicate the location, size and design of screening including fencing, berms and walls. (Ord. 86-851 § 3) — |

Chapter 16.80 PLAN AMENDMENTS*

Sections:

16.80.010 INITIATION OF AMENDMENTS

16.80.020 AMENDMENT PROCEDURES

16.80.030 REVIEW CRITERIA

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

16.80.010 Initiation of Amendments

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

(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; 86-851)

16.80.030 Review Criteria

~~1A.~~ Text Amendment

An amendment to the text of the Comprehensive Plan shall be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment shall 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.

(Ord. 86-851 § 3)

~~2B.~~ 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:

- ~~A1.~~ The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.
- ~~B2.~~ 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.

~~C3~~. 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.

~~D4~~. 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.

(Ord. 86-851 § 3)

~~3C~~. Transportation Planning Rule Consistency

~~A1~~. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.

~~B2~~. "Significant" means that the transportation facility would change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification, allow types of land use, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility, or would reduce the level of service of the facility below the minimum level identified on the Transportation System Plan.

~~C3~~. Per OAR 660-12-0060, Amendments to the Comprehensive Plan or changes to land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

~~4a~~. Limiting allowed uses to be consistent with the planned function of the transportation facility.

~~2b~~. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses.

~~3c~~. Altering land use designations, densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

(Ord. 2005-006 § 8)

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

~~4A~~. 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.

(Ord. 2001-1119 § 1; 86-851)

~~B2~~. 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.

~~Conditional uses may be authorized 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.~~

(Ord. 2001-1119 § 1; 86-851)

~~3C.~~ 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. 2001-1119 § 1; 86-851)

16.82.020 Permit Approval

~~4A.~~ 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, [Transpiration Transportation](#) System Plan, or the [Zoning and Community Development](#) Code. The decision shall include appropriate findings of fact as required by this Section, and an effective date.

(Ord. 2001-1119 § 1; 86-851)

- ~~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.~~

~~B2.~~ 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.~~010~~. 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.

(Ord. 2001-1119 § 1; 86-851)

~~C3.~~ ~~Findings of Fact~~ [Use Criteria](#)

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

- ~~A1.~~ 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.
- ~~2B.~~ 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.
- ~~3C.~~ 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.
- ~~4D.~~ 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.
- ~~5E.~~ The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography and natural features.
- ~~6F.~~ The use as proposed does not pose likely significant adverse impacts to sensitive wildlife species or the natural environment.
- ~~7G.~~ For a proposed conditional use permit in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.~~087~~0 Highway 99W Capacity Allocation Program, unless excluded herein.

8. For wireless communication facilities, no conditional use permit shall be granted unless the following additional criteria is found:

- Ha. The applicant shall demonstrate 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.
- Hb. The proposed wireless communication facility is designed to accommodate co-location or it can be shown that the facility cannot feasibly accommodate co-location.
- Jc. The applicant shall demonstrate a justification for the proposed height of the tower or antenna and an evaluation of alternative designs which might result in lower heights.
- Kd. 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.
- Le. The proposed wireless communication facility is located a minimum of three-hundred (300) feet from residentially zoned properties.

(Ord. 2001-1119 § 1; 97-1019; 86-851)

9.-) The following criteria apply to transportation facilities and improvements subject to Conditional use approval (in addition to criteria A-G1-7 per 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 subdivision or partition subject to site plan review.

- Ma. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
- Nb. The project includes provisions for bicycle and pedestrian access and circulation consistent with the Comprehensive Plan, the requirements of this Code, and the TSP.
- Oc. Proposal inconsistent with TSP: If the City determines that the proposed use or activity or its design is inconsistent with the TSP, then the applicant shall apply for and obtain a plan and/or zoning amendment prior to or in conjunction with conditional use permit approval.
- Pd. State transportation system facility or improvement projects: The Oregon Department of Transportation (ODOT) shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in Section A-G1-7 and M-P9.a-9.d. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.

(Ord. 2005-006 § 4, § 6, § 7)

4.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:

- A1. 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.
- B2. 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.
- C3. Increased required lot sizes, yard dimensions, street widths, and off-street parking and loading facilities.
- D4. 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.
- E5. Submittal of final site plans, land dedications or money-in-lieu of parks or other improvements, and suitable security guaranteeing conditional use requirements.
- F6. Limiting the number, size, location, height and lighting of signs.
- G7. Requirements for the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.
- H8. Requirements for design features which minimize potentially harmful environmental impacts such as noise, vibration, air pollution, glare, odor and dust.

(Ord. 2001-1119 § 1; 86-851)

5E. Time Limits

Unless approved under Section 16.82. ~~010-020.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.

(Ord. 2003-1148 § 3; 2001-1119; 86-851)

6F. 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. 2003-1148 § 3; 91-922)

Chapter 16.84 VARIANCES*

Sections:

16.84.010 GENERALLY

16.84.020 ADMINISTRATIVE VARIANCE

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

16.84.010 Generally

4A. Authorization

The Commission may authorize variances from the standard requirements of this Code where it can be shown that, owing to special and unusual circumstances related to a specific property, strict application of this Code would cause undue or unnecessary hardship. 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, the Commission may attach conditions which it finds 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 this Code.

(Ord. 86-851 § 1)

2B. Approval Criteria

No variance request shall be granted unless each of the following is found:

- A1.** Exceptional and extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the effective date of this Code, topography, or other circumstances over which the applicant has no control.
- B2.** The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity.
- C3.** The authorization of the variance will not be materially detrimental to the purposes of this Code, or to other property in the zone or vicinity in which the property is located, or otherwise conflict with the goals, objectives and policies of the Comprehensive Plan.
- D4.** The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.
- E5.** The hardship does not arise from a violation of this Code.

(Ord. 92-943 § 3; 86-851)

3C. Application Content

An application for a variance shall be filed with the City and accompanied by a fee, as determined by Section 16.74.010. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The applicant is responsible for submitting a complete application which addresses the review criteria of this Chapter and other applicable sections of this Code. Except for ~~variances authorized under Section 16.84.020, variance requests~~ Administrative variance requests, the variance request shall be subject to public notice and hearing as per Chapter 16.72.

4D. Time Limits

Authorization of a variance 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.

(Ord. 2003-1148 § 3; 91-922; 86-851)

5E. 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 variance approval are not or cannot be satisfied, the variance or building and occupancy permits, shall be revoked.

(Ord. 2003-1148 § 3; 91-922)

16.84.020 Administrative Variance

Authorization to Grant or Deny Variances to on-site requirements

The City Manager or his or her designee may authorize a variance from the standards of this Code relating to dimensional and on-site requirements, except lot area. Provided, however, that no variance under this section shall be greater than 25% of the requirement from which the variance is sought.

(Ord. 92-943 § 3)

~~1A.~~ Criteria for Variances Granted Under Section 16.84.010

~~A1.~~ In the case of a yard or other dimensional variance, except lot area, the applicant shall address the ~~findings criteria~~ in Section 16.84.010 as well as show the approval will result in:

- ~~1a.~~ More efficient use of the site.
- ~~2b.~~ Preservation of natural features, where appropriate.
- ~~3c.~~ Adequate provisions of light, air and privacy to adjoining properties.
- ~~4d.~~ Adequate access.

~~B2.~~ In the case of a variance to the dimensional standards for off-street parking spaces or the minimum required number of off-street parking spaces, the applicant shall show that approval will provide adequate off-street parking in relation to user demand. The following factors may be considered in granting such an exception:

- ~~1a.~~ Special characteristics of users which indicate low demand for off-street parking (e.g. low income, elderly).
- ~~2b.~~ Opportunities for joint use of nearby off-street parking facilities.
- ~~3c.~~ Availability of public transit.
- ~~4d.~~ Natural features of the site (topography, vegetation and drainage) which would be adversely affected by application of required parking standards.

(Ord. 92-943 § 3)

~~2B.~~ Procedures for Variances Granted Under Section 16.84.020

~~A1.~~ An administrative variance shall be decided by the City Manager or his or her designee unless an individual entitled to notice under subsection (~~B2~~) requests a hearing. If a hearing is requested, the proposal shall be decided by the Planning Commission. ~~The application fee shall be less than for a variance requested under Section 16.84.010, and as specified in the City fee schedule.~~ If a hearing is

requested, the variance must be processed as a regular variance and requires the full fee. The administrative variance fee shall be credited against the regular variance fee in such circumstances. If the applicant then decides to withdraw the request, the original fee is non-refundable.

- B2.** The City shall notify the applicant and all property owners within one hundred (100) feet of the proposal by mailed notice. Any property owner or person present may present written comments to the City which address the relevant criteria and standards. Such comments must be received by the City within ten (10) calendar days from the date on the notice.
- C3.** If a property owner or a person residing or doing business within the one hundred (100) feet of the proposal presents written comments as described in subsection (**B2**), that individual may also request that a public hearing be held by the Planning Commission on the proposal. A request for a hearing must be submitted in writing and received within ten (10) calendar days from the date on the notice.
- D4.** If no public hearing is requested as described in subsection (**C3**), the Manager shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all the relevant variance requirements. The applicant may appeal this decision to the Planning Commission.
- E5.** If a public hearing is requested as provided in subsection (**C3**) or the Manager's decision is appealed as provided in subsection (**D4**), the hearing shall be conducted pursuant to Chapter 16.72 of the Code.
- F6.** The decision of the Planning Commission may be appealed to the City Council by a party to the hearing in accordance with Chapter 16.76 and shall be a review of the record supplemented by oral arguments relevant to the record presented by the parties.

Chapter 16.86 TEMPORARY USES*

Sections:

16.86.010 GENERALLY

16.86.020 PERMIT APPROVAL

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

16.86.010 Generally

1A. Purpose

Approval may be granted for structures or uses which are temporary or seasonal in nature, such as temporary real estate offices and construction offices, provided such uses are consistent with the intent of the underlying zoning district and comply with other provisions of this Code.

(Ord. 86-851 § 3)

2B. Application and Fee

An application for a temporary use shall be filed with the City and accompanied by the fee specified by Section 16.74.010. The applicant is responsible for submitting a complete application which addresses all review criteria. Temporary use permits shall be subject to the requirements set forth in Chapter 16.72.

(Ord. 91-922 § 3)

16.86.020 Permit Approval

4A. Findings of Fact

A temporary use permit (TUP) may be authorized by the City Manager or his/her designee pursuant to Chapter 16.72 provided that the applicant demonstrates that the proposed use:

A1. Generally conforms to the standards and limitations of the zoning district in which it is located.

B2. Meets all applicable City and County health and sanitation requirements.

C3. Meets all applicable Uniform Building Code requirements.

(Ord. 98-1053 § 1; 86-851)

B2. Time Limits

Ordinance 2010-015, Exhibit A3
Division IV, Phase I code clean-up

The temporary use or structure shall be removed upon expiration of the temporary use permit, unless renewed by the City Manager or his/her designee. In no case shall a temporary use permit be issued for a period exceeding one (1) year, unless the permit is renewed pursuant to this Chapter.
(Ord. 98-1053 § 1; 86-851)

3C. Additional Conditions

In issuing a temporary use permit, the City Manager or his/her designee may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to the following: increased yard dimensions; fencing, screening or landscaping to protect adjacent or nearby property; limiting the number, size, location or lighting of signs; restricting certain activities to specific times of day; and reducing the duration of the temporary use permit to less than one (1) year.
(Ord. 98-1053 § 1; 86-851)

4D. Revocation

Any departure from approved plans not authorized by the City Manager or his/her designee shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of TUP approval are not or cannot be satisfied, the TUP approval, or building and occupancy permits, shall be revoked.
(Ord. 98-1053 § 1; 91-922)

Chapter 16.88 INTERPRETATION OF SIMILAR USES*

- No Changes for this Phase

Division V. COMMUNITY DESIGN

Chapter 16.90 SITE PLANNING*

Sections:

16.90.010 PURPOSE

16.90.020 SITE PLAN REVIEW

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

16.90.010 Purpose

4A. Generally

This Division is intended to establish a process and define a set of development standards to guide physical development in the City consistent with the Community Development Plan and this Code. (Ord. 86-851 § 3)

2B. Objectives

Site planning review is intended to:

A1. Encourage development that is compatible with the existing natural and manmade environment, existing community activity patterns, and community identity.

B2. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:

4a. The scale, mass, height, areas, appearance and architectural design of buildings and other development structures and features.

2b. Vehicular and pedestrian ways and parking areas.

3c. Existing or proposed alteration of natural topographic features, vegetation and water-ways.

(Ord. 86-851 § 3)

16.90.020 Site Plan Review

4A. Review Required

Except for single and two family uses, and manufactured homes located on individual residential lots as per Section 16.46.010, but including manufactured home parks, no substantial changes to the site or use shall be made, and no building permit shall be issued for a new building or structure, or for the substantial alteration of an existing structure or use, and no sign permit shall be issued for the erection or construction of a sign relating to such building or structure until the proposed development has been reviewed in accordance with Chapter 16.72. For the purposes of Section 16.90.020, the term "substantial alteration" shall mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

A1. The activity alters the exterior appearance of a structure, building or property.

B2. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial.

C3. The activity involves non-conforming uses as defined in Chapter 16.48.

D4. The activity constitutes a change in a City approved plan, as per Section 16.90.020.

E5. The activity involves the cutting of more than five (5) existing mature trees per acre, per calendar year.

F6. The activity is subject to site plan review by other requirements of this Code.

G7. Review of any proposed activity indicates that the project does not meet the standards of Section 16.90.020.

(Ord. 2006-021)

2B. Exemptions

The City shall make an initial determination whether a proposed project requires a site plan review or whether the project is exempt. The City Manager or his or her designee is authorized to waive site plan review when a proposed development activity clearly does not represent a substantial alteration to the building or site involved. The findings of the City Manager or his or her designee shall be made in writing to the applicant. The

action of the City Manager or his or her designee may be appealed as per Chapter 16.76. (Ord. 98-1053 § 1; 86-851)

3C. Plan Changes and Revocation

A1. Changes

Construction, site development, landscaping, tree mitigation, habitat preservation, and other development activities shall be carried out in accordance with the site development plans per Chapter 16.72. Any proposed changes to approved plans shall be submitted for review to the City. Changes that are found to be substantial, as defined by Section 16.90.020, that conflict with original approvals, or that otherwise may conflict with the standards of Section 16.90.020, shall be submitted for supplemental review together with a fee equal to one-half (1/2) the original site plan review fee. (Ord. 2006-021; 98-1053 § 1; 86-851)

B2. Revocation

Any departure from approved plans shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of site plan approval are not or cannot be satisfied, the site plan approval, or building and occupancy permits, shall be revoked. (Ord. 98-1053 § 1; 86-851)

4D. Required Findings

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

- A1.** The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.
- B2.** 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.
- C3.** 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.
- D4.** 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. (Ord. 2006-021; 91-922 § 3; 86-851)
- E5.** For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.0870 Highway 99W Capacity Allocation Program, unless excluded herein. (Ord. 2005-009 § 8)
- F6.** For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant shall provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate for impacts attributable to the project. The determination of impact or effect and the scope of the impact study shall be coordinated with the provider of the affected transportation facility.
- G7.** The proposed ~~office, retail, commercial~~, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:
 - 4a.** Primary, front entrances shall be 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.
 - 2b.** Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
 - 3c.** The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding shall be prohibited. Street facing elevations shall have windows, transparent fenestration, and divisions to break up the mass of any

window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain shall be installed unless other architectural elements are provided for similar protection, such as an arcade.

- 4d. As an alternative to the above standards ~~G.1.---37a-7c.~~, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional and/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 standards ~~G.1.---37a-7c.~~ above. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.4BA.2.

COMMERCIAL DESIGN REVIEW MATRIX

- 1A. Building Design (21 Total Points Possible, Minimum 12 Points Required). Note: These standards may be applied to individual buildings or developments with multiple buildings.
- 4(a). Materials: Concrete, artificial materials (artificial or "spray" stucco, etc) = 0; cultured stone, brick, stone, decorative-patterned masonry, wood = 1; a mixture of at least 2 materials (i.e. to break up vertical facade) = 2; a mixture of at least 3 materials (i.e. to break up vertical facade) = 3; a mixture of at least 3 of the following materials: brick, stone, cultured stone, decorative-patterned masonry, wood = 4. Note: No aluminum or T-111 siding permitted.
- 2(b). Roof Form: Flat (no cornice) or single-pitch (no variation) = 0; distinctive from existing adjacent structures (not applicable to expansion of same building) or either variation in pitch or flat roof with cornice treatment = 1; distinctive from existing adjacent structures (not applicable to expansion of same building) and either variation in pitch or flat roof with cornice treatment = 2. Note: Pictures and/or artistic renderings must be submitted for review by the planning commission if metal roofs are proposed.
- 3(c). Glazing: 0--20% glazing on street-facing side(s) = 0; >20% glazing on at least one street-facing side (inactive, display or facade windows) = 1; >20% glazing on all street-facing sides (inactive, display or facade windows) = 2 (2 points if there is only one street-facing side and it is >20% glazing with inactive windows); >20% glazing on at least one street-facing side (active glazing - actual windows) = 3; >20% glazing on all street-facing sides (active glazing-actual windows) = 4.
- 4(d). Fenestration (on street-facing elevation(s): One distinct "bay" with no vertical building elements = 0; multiple "bays" with one or more "bay" exceeding 30 feet in width = 1; vertical building elements with no "bay" exceeding 30 feet in width = 2; vertical building elements with no "bay" exceeding 20 feet in width = 3.
- 5(e). Entrance Articulation: No weather protection provided = 0; weather protection provided via awning, porch, etc. = 1; weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance but not covered = 3; weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc provided near the entrance and covered = 4.
- 6(f). Structure Size: To discourage "big box" style development. Greater than 80,000 square feet = 0; 60,000--79,999 square feet = 1; 40,000 = 59,999 square feet = 2; 20,000--39,999 = 3; less than 20,000 square feet = 4. (Note: If multiple buildings are proposed, average the building sizes in the development)
- 2B. Building Location and Orientation (6 Total Points Possible, Minimum 3 Points Required).
- 4(a). Location: Building(s) not flush to any right-of-way (including required PUE adjacent to ROW, setbacks or visual corridor) (i.e. parking or drive aisle intervening) = 0; building(s) located flush to right-of-way on at least one side (with the exception of required setbacks, easements or visual corridors) = 1; building(s) flush to all possible rights-of-way (with the exception of required setbacks, easements or visual corridors) (i.e. "built to the corner") = 2. Note: If multiple buildings are proposed in one development, one point

is awarded if one or more buildings are located adjacent to one or more rights-of-way and two points are awarded if there is at least one building adjacent to each right-of-way.

- 2(b).** Orientation: Single-building site primary entrance oriented to parking lot = 0; single-building site primary entrance oriented to the pedestrian (i.e. entrance is adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk and does not cross a parking area) = 2; multiple-building site primary entrance to anchor tenant or primary entrance to development oriented to parking lot = 0; multiple-building site primary entrance to anchor tenant or primary entrance to development oriented to the pedestrian = 2.
- 3(c).** Secondary public entrance: Secondary public pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk = 2 (Note: if primary entrance is oriented to the pedestrian, the project is automatically given these points without need for a second entrance).
- C(3).** Parking and Loading Areas (13 Total Points Possible, Minimum 7 Points Required).

 - 4(a).** Location of Parking: Greater than 50 percent of required parking is located between any building and a public street = 0; 25 to 50 percent of required parking is located between any building and a public street = 1; less than 25 percent of required parking is located between any building and a public street = 2; no parking is located between any building and a public street = 3.
 - 2(b).** Loading Areas: Visible from public street and not screened = 0; visible from public street and screened = 1; not visible from public street = 2.
 - 3(c).** Vegetation: At least one "landscaped" island every 13--15 parking spaces in a row = 0; at least one landscaped "island" every 10--12 parking spaces in a row = 1; at least one landscaped "island" every 8--9 parking spaces in a row = 2; at least one landscaped island every 6--7 parking spaces in a row = 3.
 - 4(d).** Number of Parking Spaces (% of minimum required): >120% = 0; 101--120% = 1; 100% = 2; <100% (i.e. joint use or multiple use reduction) = 1 bonus point.
 - 5(e).** Parking surface: Impervious = 0; some pervious paving (10--25%) = 1; partially pervious (26--50%) = 2; mostly pervious(>50%) = 3.
- D(4).** Landscaping (24 Total Points Possible, Minimum 14 Points Required).

 - 4(a).** Tree Retention (based on tree inventory submitted with development application): Less than 50% of existing trees on-site retained = 0; 51--60% of existing trees on-site retained = 1; 61--70% of existing trees on-site retained = 2; 71--80% of existing trees on-site retained = 3; 81--100% of existing trees on-site retained = 4.
 - 2(b).** Mitigation trees: Trees mitigated off-site or fee-in-lieu = 0; 25--50% of trees mitigated on-site = 1; 51--75% of trees mitigated on-site = 2; 76--100% of trees mitigated on-site = 3. Note: When no mitigation is required, the project receives zero points.
 - 3(c).** Landscaping trees (in addition to mitigated trees on-site, does not include Water Quality Facility Plantings): Less than one tree for every 500 square feet of landscaping = 0; 1 tree for every 500 square feet of landscaping = 1; 2 trees for every 500 square feet of landscaping = 2; 3 trees for every 500 square feet of landscaping = 3; 4 trees for every 500 square feet of landscaping = 4.
 - 4(d).** Landscaped areas: Greater than 25% of landscaped areas are less than 100 square feet in size = 0; less than 25% of landscaped areas are less than 100 square feet in size = 1; no landscaped areas are less than 100 square feet in size = 2.
 - 5(e).** Landscaping trees greater than 3" caliper: <25% = 0; 25--50% = 1; >50% = 2.
 - 6(f).** Amount of Grass (shrubs and drought resistant ground cover are better): >75% of landscaped areas = 0; 50--75% of landscaped areas = 1; 25--49% of landscaped areas = 2; <25% of landscaped areas = 3. Note: Schools automatically receive the full 3 points and are not penalized for amount of grass.
 - 7(g).** Total amount of site landscaping (including visual corridor): <10% of gross site = 0; 10--15% of gross site = 1; 16--20% of gross site = 2; 21--25% of gross site = 3; >25% of gross site = 4.
 - 8(h).** Automatic Irrigation: No = 0; partial = 1; yes = 2.

E(5). Miscellaneous (10 Total Points Possible, Minimum 5 Points Required).

4(a). Equipment Screening (roof): Equipment not screened = 0; equipment partially screened = 1; equipment fully screened = 2; equipment fully screened by materials matching building architecture/finishing = 3.

2(b). Fences and Walls (including retaining walls): Standard fencing and wall materials (i.e. wood fences, CMU walls, etc) = 0; fencing and wall materials match building materials = 2.

3(c). On-site pedestrian amenities not adjacent to building entrances (benches, tables, plazas, water fountains, etc): No = 0; yes (1 per building) = 1; yes (more than 1 per building-) = 2.

4(d). Open Space provided for Public Use: No = 0; yes (<500 square feet) = 1; yes (500--1,000 square feet)=2; yes (>1,000 ~~square-square~~ feet) = 3.

5(e). Green building certification (LEED, Earth Advantage, etc.) = 3 bonus points.

5e. As an alternative to the above standards ~~G.1--37a-7c.~~, the Old Town Design Standards (Chapter 16.162) may be applied to achieve this performance measure.

6f. As an alternative to the above standards ~~G.1--5.,7a-7e~~ an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the objectives in Section 16.90.010. ~~020-B~~ of this Code. This design review hearing will be processed as a Type IV review with public notice and a public hearing.

(Ord. No. 2009-005, § 2, 6-2-2009)

5D. Approvals

The application shall be reviewed pursuant to Chapter 16.72 and action taken to approve, approve with conditions, or deny the application for site plan review. Conditions may be imposed by the Review Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action shall 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. (Ord. 98-1053 § 1)

6E. Time Limits

Site plan approvals shall be void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010. (Ord. 2003-1148 § 3; 98-1053; 86-851)

Chapter 16.92 LANDSCAPING*

Sections:

16.92.010 LANDSCAPING PLAN

16.92.020 LANDSCAPING MATERIALS

16.92.030 LANDSCAPING STANDARDS

16.92.040 INSTALLATION AND MAINTENANCE

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

16.92.010 Landscaping Plan

All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan which 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. Maintenance of existing non-invasive native vegetation is encouraged within a development and required for portions of the property not being developed. (Ord. 2006-021; 86-851 § 3)

16.92.020 Landscaping Materials

4A. Varieties

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. (Ord. 2006-021; 86-851 § 3)

2B. Establishment of Healthy Growth and Size

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. (Ord. 86-851 § 3)

3C. Non-Vegetative Features

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. Impervious paving shall not be counted as landscaping. Artificial plants are prohibited in any required landscaped area. (Ord. 2006-021; 86-851 § 3)

4D. Existing Vegetation

All developments subject to site plan review ~~as~~ per Section 16.90.020 and required to submit landscaping plans ~~as~~ per Section 16.92.020 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 16.142.060, and Chapter 16.144. (Ord. 2006-021; 94-991 § 1; 86-851)

16.92.030 Landscaping Standards

4A. Perimeter Screening and Buffering

A minimum six (6) 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 or industrial uses. For new uses adjacent to inventoried environmentally sensitive areas, screening requirements shall be limited to vegetation only so as to preserve wildlife mobility. In addition, plants and other landscaping features may be required by the Review Authority in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of adjoining uses. (Ord. 2006-021; 86-851 § 3)

2B. Parking and Loading Areas

A1. Total Landscaped Area

A minimum of ten percent (10%) of the lot area used for the display or parking of vehicles shall be landscaped in accordance with this Chapter. In addition, all areas not covered by buildings, required parking, and/or circulation drives shall be landscaped with plants native to the Pacific Northwest in accordance with this Chapter. (Ord. 2006-021; 86-851 § 3)

B2. Adjacent to Public Rights-of-Way

A landscaped strip at least ten (10) feet in width shall be provided between rights-of-way and any abutting off-street parking, loading, or vehicle use areas. Landscaping shall include any combination of evergreen hedges, dense vegetation, earth berm, grade, change in grade, wall or fence, forming a permanent year-round screen, except in clear vision areas as per Section 16.58.030. (Ord. 86-851 § 3)

C3. Perimeter Landscaping

A ten (10) foot wide landscaped strip shall be provided between off-street parking, loading, or vehicular use areas on separate abutting properties or developments. A minimum six (6) foot high sight-obscuring fence or plantings shall also be provided, except where equivalent screening is provided by intervening buildings or structures. (Ord. 86-851 § 3)

D4. Interior Landscaping

A minimum of fifty percent (50%) of required parking area landscaping shall be placed in the interior of the parking area. Landscaped areas shall be distributed so as to divide large expanses of pavement, improve site appearance, improve safety, and delineate pedestrian walkways and traffic lanes. Individual landscaped areas shall be no less than sixty-four (64) square feet in area and shall be

provided after every fifteen (15) parking stalls in a row. Storm water bio-swales may be used in lieu of the interior landscaping standard. (Ord. 2006-021; 86-851 § 3)

E5. Landscaping at Points of Access

When a private access-way intersects a public right-of-way or when a property abuts the intersection of two (2) or more public rights-of-way, landscaping shall be planted and maintained so that minimum sight distances shall be preserved pursuant to Section 16.58.010. (Ord. 86-851 § 3)

F6. Exceptions

For properties with an environmentally sensitive area and/or trees or woodlands that merit protection per Chapters 16.142 and 16.144, the landscaping standards may be reduced, modified or "shifted" on-site where necessary in order to retain existing vegetation that would otherwise be removed to meet the above referenced landscaping requirements. The maximum reduction in required landscaping permitted through this exception process shall be no more than 50%. The resulting landscaping after reduction may not be less than five feet in width unless otherwise permitted by the underlying zone. Exceptions to required landscaping may only be permitted when reviewed as part of a land use action application and do not require a separate variance permit. (Ord. 2006-021)

3C. Visual Corridors

Except as allowed by subsection F6 above, new developments shall be required to establish landscaped visual corridors along Highway 99W and other arterial and collector streets, consistent with the Natural Resources and Recreation Plan Map, Appendix C of the Community Development Plan, Part II, and the provisions of Chapter 16.142. Properties within the Old Town Overlay are exempt from this standard. (Ord. 91-922 § 3; 86-851)

16.92.040 Installation And Maintenance

4A. Deferral of Improvements

Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to 125% of the cost of the landscaping is filed with the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the landscaping is not completed within six (6) months, the security may be used by the City to complete the installation. (Ord. 2006-021; 86-851 § 3)

2B. Maintenance of Landscaped Areas

All landscaping shall be maintained in a manner consistent with the intent of the approved landscaping plan. Failure to maintain landscaped areas shall result in the revocation of applicable occupancy permits and business licenses. (Ord. 86-851 § 3)

Chapter 16.94 OFF-STREET PARKING AND LOADING*

Sections:

16.94.010 Generally

16.94.020 OFF-STREET PARKING STANDARDS

16.94.030 OFF-STREET LOADING STANDARDS

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

16.94.010 Generally

4A. Off-Street Parking Required

No ~~site shall be used for the parking of vehicles building permit shall be issued~~ until plans are approved providing for off-street parking and loading space as required by this Code. Any change in uses or structures that reduces the current off-street parking and loading spaces provided on site, or that increases the need for off-street parking or loading requirements shall be unlawful and a violation of this Code, unless additional off-street parking or loading areas are provided in accordance with Section 16.94.020, or unless a variance from the minimum or maximum parking standards is approved in accordance with Chapter 16.84 Variances. (Ord. 2000-2001 § 3; 86-851)

2B. Deferral of Improvements

Off-street parking and loading spaces shall be completed prior to the issuance of occupancy permits, unless the City determines that weather conditions, lack of available surfacing materials, or other circumstances beyond the control of the applicant make completion impossible. In such circumstances, security equal to one hundred and twenty five percent (125%) of the cost of the parking and loading area is provided the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the parking or loading area is not completed within six (6) months, the security may be used by the City to complete the installation. (Ord. 86-851 § 3)

3C. Joint Use

Two (2) or more uses or, structures on multiple parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap, provided that satisfactory evidence is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use. (Ord. 2006-021; 2000-2001 § 3; 86-851)

4D. Multiple/Mixed Uses

When several uses occupy a single structure or parcel of land, the total requirements for off-street parking and loading shall be the sum of the requirements of the several uses computed separately, with a reduction of up to 25% to account for cross-patronage of adjacent businesses or services. If the applicant can demonstrate that the peak parking demands for the combined uses are less than 25% (i.e., the uses operate on different days or at different times of the day), the total requirements may be reduced accordingly. (Ord. 2006-021; 2000-2001 § 3; 86-851)

5E. Prohibited Uses

Required parking, loading and maneuvering areas shall not be used for long-term storage or sale of vehicles or other materials, and shall not be rented, leased or assigned to any person or organization not using or occupying the building or use served. (Ord. 86-851 § 3)

6F. Location

a1. Residential off-street parking spaces shall be located on the same lot as the residential use.

b2. For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within 500 feet of the use. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use ~~the private~~ off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.

e3. Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to ~~the~~ side or rear of buildings where feasible. All new development shall include preferential spaces for car pool and van pools, if business employs 20 employees or more. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards. (Ord. 2006-021; 2000-2001 § 3; 86-851)

7G. Marking

All parking, loading or maneuvering areas shall be clearly marked and painted. All interior drives and access aisles shall be clearly marked and signed to show the direction of flow and maintain vehicular and pedestrian safety. (Ord. 86-851 § 3)

8H. Surface and Drainage

a1. All parking and loading areas shall be improved with a permanent hard surface such as asphalt, concrete or a durable pervious surface. Use of pervious paving material is encouraged and preferred where appropriate considering soils, location, anticipated vehicle usage and other pertinent factors.

~~B2.~~ Parking and loading areas shall include storm water drainage facilities approved by the City Engineer or Building Official. (Ord. 2006-021; 86-851 § 3)

~~9J.~~ Repairs

Parking and loading areas shall be kept clean and in good repair. Breaks in paved surfaces shall be repaired; ~~B~~broken or splintered wheel stops shall be replaced. ~~P and~~ painted parking space boundaries and directional symbols shall be maintained in a readable condition. (Ord. 86-851 § 3)

~~4J0.~~ Parking and Loading Plan

An off-street parking and loading plan, drawn to scale, shall accompany requests for building permits or site plan approvals, except for single and two-family dwellings, and manufactured homes on residential lots. The plan shall show but not be limited to:

- ~~A1.~~ Delineation of individual parking and loading spaces and dimensions.
- ~~B2.~~ Circulation areas necessary to serve parking and loading spaces.
- ~~C3.~~ Location of accesses to streets, alleys and properties to be served, and any curb cuts.
- ~~D4.~~ Landscaping as required by Chapter 16.92.
- ~~E5.~~ Grading and drainage facilities.
- ~~F6.~~ Signing and bumper guard specifications.
- ~~G7.~~ Bicycle parking facilities as specified in Section 16.94.020. ~~EC.~~
- ~~H8.~~ Parking lots more than three (3) acres in size shall provide street-like features along major driveways including curbs, sidewalks, and street trees or planting strips.

(Ord. 2000-2001 § 3; 86-851)

~~44K.~~ Parking Districts

The City may establish a parking district (i.e., permits or signage) in residential areas in order to protect residential areas from spillover parking generated by adjacent commercial, employment or mixed-use areas, or other uses that generate a high demand for parking. The district request shall be made to the City Manager, who will forward a recommendation to the City Council for a decision. (Ord. 2000-2001 § 3)

16.94.020 Off-Street Parking Standards

A. Generally

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. Off-street parking and loading requirements for a use not specifically listed in this Section shall be determined by the review authority based upon the requirements of comparable uses. (Ord. 2006-021; 86-851 § 3)

**Minimum and Maximum Parking Standards
(Metro spaces are based on 1 per 1,000 sq ft of gross leasable area)**

TABLE INSET:

| | Minimum | Maximum A | Maximum B |
|--|--|------------------|------------------|
| Single, two-family & Manufactured Home on lot* | 1 per du | None | None |
| Multi-Family | 1 under 500 sf 1.25 per 1 bdr 1.5 per 2 bdr 1.75 per 3 bdr | None | None |
| Hotel or Motel | 1 per room | None | None |
| Boarding House | None | None | None |
| General Retail or Personal | 4.1 (244 sf) | 5.1 | 6.2 |

| | | | |
|----------------------------------|---------------------------|------|------|
| Service | | | |
| Vehicle Sales, Nursery | 4.1 | 5.1 | 6.2 |
| Furniture/Appliance Store | 4.1 | 5.1 | 6.2 |
| Tennis Racquetball Court | 1.0 | 1.3 | 1.5 |
| Golf Course | None | None | None |
| Sports Club/Recreation Facility | 4.3 (233 sf) | 5.4 | 6.5 |
| General Office | 2.7 (370 sf) | 3.4 | 4.1 |
| Bank with Drive-thru | 4.3 (233 sf) | 5.4 | 6.5 |
| Medical or Dental Office | 3.9 (256 sf) | 4.9 | 5.9 |
| Eating or Drinking Establishment | 15.3 (65 sf) | 19.1 | 23.0 |
| Fast Food Drive-thru | 9.9 (101 sf) | 12.4 | 14.9 |
| Movie Theater | 0.3 per seat | 0.4 | 0.5 |
| Day Care | None | None | None |
| Elementary & Jr High | None | None | None |
| High School & College | 0.2 per student + teacher | 0.3 | 0.3 |
| Church | 0.4 per seat | 0.6 | 0.8 |
| Nursing Home | None | None | None |
| Library | None | None | None |
| Industrial | 1.6 | None | None |

* An enclosed building or garage associated with any residential dwelling type cannot be counted towards the parking space requirement for that unit. Further, if the street on which the house has access is less than 28 feet wide, 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 28-feet or wider, one standard (9 ft x 18 ft) parking space is required.

(Ord. 2000-2001 § 3)

4B. Miscellaneous Standards

A1. Dimensions

For the purpose of this Chapter, a "parking space" ~~generally~~ means a ~~minimum~~ stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five percent (25%) 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. (Ord. 86-851 § 3)

B2. 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 ~~that nears to minimize~~ backing movements or other maneuvering within a street, other than an alley, ~~will be required~~. All parking areas shall meet the minimum standards shown in Appendix G. (Ord. 86-851 § 3)

C3. Wheel Stops

Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high, located three (3) feet back from the front of the parking stall as shown in Appendix G. Wheel stops adjacent to landscaping, bio-swales or water quality facilities shall be designed to allow storm water run-off. (Ord. 2006-021; 86-851 § 3)

D4. Service Drives

Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers, and shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points fifteen (15) feet from their intersection. (Ord. 86-851 § 3)

E5. Credit for On-Street Parking

4a. On-Street Parking Credit. The amount of off-street parking required shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards. The following constitutes an on-street parking space:

a(1). Parallel parking, each 24 feet of uninterrupted curb;

b(2). 45/60 degree diagonal, each with 10 feet of curb;

c(3). 90 degree (perpendicular) parking, each with 8 feet of curb;

d(4). Curb space must be connected to the lot which contains the use;

e(5). Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and;

f(6). On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted. (Ord. 2006-021)

F6. Reduction in Required Parking Spaces

Developments utilizing engineered storm water bio-swales or those adjacent to environmentally constrained or environmentally sensitive areas may reduce the amount of required parking by 10% when 25-49 parking spaces are required, 15% when 50-74 parking spaces are required and 20% when more than 75 parking spaces are required, provided the area that would have been used for parking is maintained as a habitat area or is generally adjacent to an environmentally sensitive or constrained area.

4a. Parking Location and Shared Parking

Availability of facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable.

(Ord. 2006-021; 2005-009 § 8)

2C. Bicycle Parking Facilities

1. Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). Bike parking may be located inside the main building or protected or otherwise covered near the main entrance. If the first two options are unavailable, a separate shelter provided on-site is appropriate as long as it is coordinated with other street furniture ~~such as - Street furniture includes~~ benches, street lights, planters and other pedestrian amenities. Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" design is appropriate. Alternative, creative designs are strongly encouraged.
2. Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
3. Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.
4. Lighting. Bicycle parking shall be least as well lit as vehicle parking for security.
5. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

6. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

MINIMUM RECOMMENDED REQUIRED BICYCLE PARKING SPACES

TABLE INSET:

| USE CATEGORIES | MINIMUM <u>RECOMMENDED</u> <u>REQUIRED</u> SPACES |
|---|---|
| Residential Categories | |
| Household Living | Multi-dwelling -- 2 or 1 per 10 auto spaces. All other residential structure type -- 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/Service Categories | |
| Basic Utilities | 2 or 1 per 40 spaces, whichever is greater. |
| 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 |
| | 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. |
| Other Categories | |
| Agriculture | None |
| Aviation Facilities Detention Facilities | Per CU review |
| Mining, Radio and TV Towers | None |
| Utility Corridors | None |

(Ord. 2005-009 § 6; 92-943 § 3)

16.94.030 Off-Street Loading Standards

4A. Minimum Standards

A1. 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. (Ord. 86-851 § 3)

B2. 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. 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. The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:

1a. 20,000 to 50,000 sq. ft. - 500 sq. ft.

2b. 50,000 sq. ft. or more - 750 sq. ft. (Ord. No. 2009-005, § 2, 6-2-2009; Ord. 86-851 §3)

2B. 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. (Ord. 86-851 § 3)

Chapter 16.96 ON-SITE CIRCULATION*

Sections:

16.96.010 ON-SITE PEDESTRIAN AND BICYCLE CIRCULATION

16.96.020 MINIMUM RESIDENTIAL STANDARDS

16.96.030 MINIMUM NON-RESIDENTIAL STANDARDS

16.96.040 ON-SITE VEHICLE CIRCULATION

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

16.96.010 On-Site Pedestrian and Bicycle Circulation On-site facilities shall be provided that accommodate safe and convenient pedestrian access within new subdivisions, multi-family developments, planned unit developments, shopping centers and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers. All new development, (except single family detached housing), shall provide a continuous system of private pathways/sidewalks. (Ord. 2006-021)

Figure 5.401. On-Site Circulation System (Multi-Family Example)

GRAPHIC LINK: [Click here](#)

4A. Maintenance

No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter. (Ord. 2006-009 § 6; 86-851)

2B. Joint Access

Two (2) or more uses, structures, or parcels of land may utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfy the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use. (2005-009 § 6; 86-851 § 3)

3C. Connection to Streets

A1. Except for joint access as per this Section, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.

B2. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress. (Ord. 2005-009 § 6; 86-851)

4D. Maintenance of Required Improvements

Required ingress, egress and circulation improvements shall be kept clean and in good repair. (Ord. 2005-009 § 6; 86-851)

5E. Access to Major Roadways

Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Appendix C of the Community Development Plan, Part II, shall be limited as follows:

A1. 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 and arterial roadways. 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.

B2. 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.

C3. 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 or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan. (Ord. 2005-009 § 6; 86-851)

6F. Service Drives

Service drives shall be provided pursuant to Section 16.94.030. (Ord. 2005-009 § 6; 86-851)

16.96.020 Minimum Residential Standards

Minimum standards for private, on-site circulation improvements in residential developments:

4A. Driveways

A1. Single-Family: One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.

B2. Two-Family: One (1) shared driveway improved with hard surface pavement with a minimum width of twenty (20) feet; or two (2) driveways improved with hard surface pavement with a minimum width of ten (10) feet each. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.

(Ord. 2006-021)

C3. Multi-Family: Improved hard surface driveways are required as follows:

TABLE INSET:

| | | Minimum Width | |
|------------|-------------|---------------|---------|
| | | One-Way | Two-Way |
| Units | # Driveways | Pair | |
| 3 - 49 | 1 | 15 feet | 24 feet |
| 50 & above | 2 | 15 feet | 24 feet |

(Ord. 2005-009 § 8; 91-922)

2B. Sidewalks and Curbs

A1. Single, Two-Family, and Manufactured Home on Individual Residential Lot: No on-site sidewalks and curbs are required [when not part of a proposed partition or subdivision](#).

B2. Multi-family:

- 4a. A system of private pedestrian sidewalks/pathways extending throughout the development site, shall connect each dwelling unit to vehicular parking areas, common open space, storage areas, recreation facilities, ~~to~~ adjacent developments, ~~to~~ transit facilities within 500 feet of the site, and future phases of development. Main building entrances shall also be connected to one another.
- 2b. Required private pathways/sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators, on one side of approved driveways connecting to the public sidewalk or curb of the public street which provides required ingress and egress. Curbs shall also be required at a standard approved by the Commission.
- 3c. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, brick/masonry pavers, or other pervious durable surface, at least 5 feet wide and conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump). (Ord. 2006-021)
- 4d. Exceptions. Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

(Ord. 2005-009 § 5; 91-922)

16.96.030 Minimum Non-Residential Standards

Minimum standards for private, on-site circulation improvements in non-residential developments:

4A. Driveways

A1. Commercial: Improved hard surface driveways are required as follows:

TABLE INSET:

| Required | | Minimum Width | |
|----------------|-------------|---------------|---------|
| Parking Spaces | # Driveways | One-Way Pair | Two-Way |
| _____ | | | |
| 1 - 49 | 1 | 15 feet | 24 feet |
| 50 & above | 2 | 15 feet | 24 feet |

B2. Industrial: Improved hard surfaced driveways are required as follows:

TABLE INSET:

| Required | | Minimum Width | |
|----------------|-------------|---------------|---------|
| Parking Spaces | # Driveways | One-Way Pair | Two-Way |
| _____ | | | |
| 1 - 249 | 1 | 15 feet | 24 feet |
| 250 & above | 2 | 15 feet | 24 feet |

3. Surface materials are encouraged to be pervious when appropriate considering soils, anticipated vehicle usage and other pertinent factors. (Ord. 2006-021; 2005-009 § 8; 86-851)

2B. Sidewalks and Curbs

A1. Industrial and Commercial: A private pathway/sidewalk system extending throughout the development site shall be required to connect to existing development, to public rights-of-way with or without improvements, to parking and storage areas, and to connect all building entrances to one another. The

system shall also connect to transit facilities within 500 feet of the site, future phases of development, and whenever possible to parks and open spaces.

- B2.** Curbs shall also be required at a standard approved by the Hearing Authority. Private pathways/sidewalks shall be connected to public rights-of-way along driveways but may be allowed other than along driveways if approved by the Hearing Authority.
- C3.** Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other pervious durable surface. Primary pathways connecting front entrances to the right of way shall be at least 6 feet wide and conform to ADA standards. Secondary pathways between buildings and within parking areas shall be a minimum of four (4) feet wide and/or conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump). At a minimum all crosswalks shall include painted striping. (Ord. 2006-021)
- D4.** Exceptions. Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements. (Ord. 2005-009 § 8; 86-851)

16.96.040 On-Site Vehicle Circulation

4A. Maintenance

No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter.

2B. Joint Access [See also Chapter 16.108]

Two (2) or more uses, structures, or parcels of land are strongly encouraged to utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land ~~satisfied~~ satisfy the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use. In some cases, the City may require a joint access to improve safety, vision clearance, site distance, and comply with access spacing standards for the applicable street classification.

3C. Connection to Streets

- A1.** Except for joint access ~~as~~ per this Section, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.
- B2.** Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress. ~~[moved above]~~

D. Maintenance of Required Improvements

Required ingress, egress and circulation improvements shall be kept clean and in good repair.

4E. Service Drives

Service drives shall be provided pursuant to Section 16.94.030. (Ord. 2005-009 § 8)

Chapter 16.98 ON-SITE STORAGE*

Sections:

16.98.010 RECREATIONAL VEHICLES AND EQUIPMENT

16.98.020 SOLID WASTE AND RECYCLING STORAGE

16.98.030 MATERIAL STORAGE

16.98.040 OUTDOOR SALES AND MERCHANDISE DISPLAY

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

16.98.010 Recreational Vehicles and Equipment

Recreational vehicles and equipment may be stored only within designated and improved off-street parking areas. Such areas shall meet the screening and landscaping requirements of Section 16.92.030.

16.98.020 Solid Waste and Recycling Storage

All uses shall provide solid waste and recycling storage receptacles which are adequately sized to accommodate all solid waste generated on site. All solid waste and recycling storage areas and receptacles shall be located out of public view. Solid waste and recycling receptacles for multi-family, commercial, ~~and~~ industrial ~~and institutional~~ uses shall be screened by six (6) foot high sight-obscuring fence or masonry wall and shall be easily accessible to collection vehicles.

(Ord. 2006-021; 86-851 § 3)

16.98.030 Material Storage

4A. Generally

Except as otherwise provided herein, external material storage is prohibited, except in commercial and industrial zones where storage areas are approved by the Commission as part of a site plan or ~~as~~ per Section 16.98.040.

(Ord. 89-901 § 1; 86-851)

2B. Standards

Except as per Section 16.98.040, all service, repair, storage, and merchandise display activities carried on in connection with any commercial or industrial activity, and not conducted within an enclosed building, shall be screened from the view of all adjacent properties and adjacent streets by a six (6) foot high, sight obscuring fence. In addition, unless adjacent parcels to the side and rear of the storage area have existing solid evergreen screening or sight-obscuring fencing in place, new evergreen screening no less than three (3) feet in height shall be planted along side and rear property lines. Where other provisions of this Code require evergreen screening, fencing, or a landscaped berm along side and rear property lines, the additional screening stipulated by this Section shall not be required.

(Ord. 89-901 § 1)

3C. Hazardous Materials

Storage of hazardous, corrosive, flammable, or explosive materials, if such storage is otherwise permitted by this Code, shall comply with all local fire codes, and Federal and State regulations. (Ord. 89-901 § 1)

16.98.040 Outdoor Sales and Merchandise Display

4A. Sales Permitted

Outdoor sales and merchandise display activities shall be permitted when such activities are deemed by the Commission to be a customary and integral part of a permitted commercial or industrial use. Outdoor sales and merchandise display will be reviewed as conditional uses in accordance with Chapter 16.82.

(Ord. 89-901 § 1)

2B. Standards

- A1.** Outdoor sales and merchandise display areas shall be kept free of debris. Merchandise shall be stacked or arranged, or within a display structure. Display structures shall be secured and stable.
- B2.** Outdoor sales and merchandise display shall not be located within required yard, building, or landscape setbacks, except where there is intervening right-of-way of a width equal to or greater than the required setback; and shall not interfere with on-site or off-site pedestrian or vehicular circulation.
- C3.** Outdoor retail sales and merchandise display areas for vehicles, boats, manufactured homes, farm equipment, and other similar uses shall be paved with asphalt surfacing, crushed rock, or other dust-free materials.
- D4.** Additional standards may apply to outdoor sales and merchandise display in NC zones, ~~as~~ per Section 16.24.050A. (Ord. 89-901 § 1)

Chapter 16.102 SIGNS*

- No Changes for this Phase

Division VI.

PUBLIC IMPROVEMENTS

Chapter 16.104 GENERAL PROVISIONS*

- No Changes for this Phase

Chapter 16.106 IMPROVEMENT PLAN REVIEW*

Sections:

16.106.010 PREPARATION AND SUBMISSION

16.106.020 CONSTRUCTION PERMIT

16.106.030 CONSTRUCTION

16.106.040 ACCEPTANCE OF IMPROVEMENTS

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

16.106.010 Preparation and Submission

Required improvement plans shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of said plans shall be submitted to the City for review. Improvements plans shall be accompanied by a review fee as per this Section. (Ord. 91-922 § 3; 86-851)

4A. Review Fee

Plan review fees are calculated as a percentage of the estimated total cost of improvements and are set by the "Schedule of Development and Business Fees" adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code. (Ord. 91-922 § 3)

2B. Engineering Agreement

A copy of an agreement or contract between the applicant and Registered Civil Engineer for:

A1. Surveying sufficient to prepare construction plans.

B2. Preparation of construction plans and specifications.

C3. Construction staking, and adequate inspection.

D4. Construction notes sufficient to develop accurate as-built plans.

E5. Drawing of accurate as-built plans and submission of reproducible mylars to the City.

F6. Certificate stating that construction was completed in accordance with required plans and specifications. (Ord. 86-851 § 3)

16.106.020 Construction Permit

4A. Approval

The City will return one (1) set of plans to the applicant marked "approved" or "modify and resubmit." Plans marked for re-submittal must be corrected in accordance with notations or instructions. After correction and approval, additional plans shall be provided the City for office use, field inspection and submittal to affected agencies. (Ord. 86-851 § 3)

2B. Permit and Fee

Upon approval the applicant shall obtain a construction permit. The construction permit fee is set by the "Schedule of Development Fees", adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code. (Ord. 91-922 § 3; 86-851)

3C. Easement Documents

Necessary construction and/or permanent easements shall be provided in a form acceptable to the City prior to issuance of a construction permit. (Ord. 86-851 § 3)

4D. Improvement Guarantees

Prior to issuance of a construction permit the applicant shall file the following documents with the City:

A1. Liability Insurance

Evidence of public liability and property damage insurance adequate to protect the applicant and the City from all claims for damage or personal injury.

B2. Performance Bond

To assure full and faithful performance in the construction of required improvements in accordance with approved construction plans, the applicant shall provide security in an amount equal to one hundred percent (100%) of the estimated cost of the improvements. In the event the applicant fails to carry out all provisions of the approved improvements plans and the City has non-reimbursed costs or expenses resulting from such failure, the City shall call on the security for reimbursement. Security may be provided in the form of a surety bond executed by a surety company authorized to transact business in the State of Oregon, a cash deposit, or other form of security acceptable to the City. (Ord. 91-922 § 3; 86-851)

16.106.030 Construction

4A. Initiation of Construction

Actual improvements shall not begin, or after a discontinuance, be restarted until the City is notified in writing. (Ord. 86-851 § 3)

2B. Inspection

All construction shall be done to the City's specifications. The City shall perform inspections to verify compliance with approved plans and shall make a final inspection of the construction at such time as the improvements are complete. The City may require changes in typical sections and details, if unusual conditions warrant the change. (Ord. 86-851 § 3)

3C. As-Built Plans

A complete set of reproducible plans showing the public improvements as built shall be filed with the City upon completion of the improvements. (Ord. 86-851 § 3)

4D. Suspension of Improvements Activity

The City shall have the authority to cause a suspension of improvement construction or engineering when, in the opinion of the City, work is not being done to the City's satisfaction. (Ord. 86-851 § 3)

16.106.040 Acceptance of Improvements

4A. Final Inspection

At such time as all public improvements, except those specifically approved for later installation, have been completed, the applicant shall notify the City of the readiness for final inspection. (Ord. 86-851 § 3)

2B. Notification of Acceptance

The City shall give written notification of the acceptance of the improvements upon finding that the applicant has met the requirements of this Chapter and the specifications of all approved plans. (Ord. 86-851 § 3)

3C. Maintenance Bond

At the time of City acceptance of public improvements, the applicant shall file with the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, to provide for correction of any defective work or maintenance becoming apparent or arising within one (1) year after final acceptance of the public improvements. (Ord. 86-851 § 3)

Sections:

16.108.010 GENERALLY

16.108.030 REQUIRED IMPROVEMENTS

16.108.040 LOCATION AND DESIGN

16.108.050 STREET DESIGN

16.108.060 SIDEWALKS

16.108.070 HWY. 99W CAPACITY ALLOCATION PROGRAM (CAP)

16.108.080 BIKE PATHS

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

16.108.010 Generally

4A. Creation

Public streets shall be created in accordance with provisions of this Chapter. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional classification of said streets, as shown on the Transportation Plan Map, ~~attached as Appendix B~~ shown in Figure 1, in Chapter 6 of the Community Development Plan, and in other applicable City standards. (2005-006 § 5; 91-922)

2B. Street Naming

A1. All streets created by the subdivision process will be named prior to submission of the final plat.

B2. Any street created by a public dedication shall be named prior to or upon acceptance of the deed of dedication.

C3. An action to name an unnamed street in the City may be initiated by the Council or by a person filing a petition as described in this Section.

D4. All streets named shall conform to the general requirements as outlined in this Section.

E5. Private streets, at the request of the owner(s), may be named and addresses issued with the approval of the City. Private streets are subject to the same street name standards as are public streets. All private street signs will be provided at the owner(s) expense. (Ord. 92-947 § 1)

3C. Street Renaming

A1. An action to rename a street in the City may be initiated by the Council:

4a. On its own action; or

2b. If a person files a petition as described in this section accompanied by a fee reasonably related to the costs of the process.

B2. A petition for naming or renaming a street shall include the following:

4a. A statement of the reasons for the proposed name change.

2b. The names and addresses of all persons owning any real property abutting the road proposed to be renamed.

3c. Signatures of either owners of sixty percent (60%) of the land abutting the subject road or sixty percent (60%) of the owners of land abutting the subject road.

C3. Notice and Hearing

4a. When a proceeding has been initiated under this section, the Council shall establish a time and place for a hearing to consider whether the proposed name change is in the public interest.

2b. At least ten (10) days prior to the date of hearing, notice of the proposed name change shall be provided as follows:

a(1). Notice by posting in no less than two (2) conspicuous places abutting the subject road; and

(2)b. Notice by publication in a newspaper of general circulation in the area of the subject road.

3c. During or before a hearing under this section, any person may file information with the Council that alleges any new matter relevant to the proceedings or controverts any matter presented to the Council.

4d. After considering the matters presented under this section, the Council shall determine whether the name change is in the public interest and shall adopt findings and an ordinance granting or denying the request.

~~5e.~~ When the ordinance becomes final, the Council shall cause the ordinance to be recorded with the County Clerk who shall cause copies of the ordinance to be filed with the Department of Public Works, the Department of Assessment and Taxation and with the County Surveyor.

~~6f.~~ For the purposes of this section, "owner" means the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract, the purchaser is the owner. (Ord. 92-947 § 1)

~~4D.~~ Street Name Standards

~~A1.~~ All streets named or renamed shall comply with the following criteria:

~~1a.~~ Major streets and highways shall maintain a common name or number for the entire alignment.

~~2b.~~ Whenever practicable, names as specified in this Section shall be utilized or retained.

~~3c.~~ Hyphenated or exceptionally long names shall be avoided.

~~4d.~~ Similar names such as Farview and Fairview or Salzman and Saltzman shall be avoided.

~~5e.~~ Consideration shall be given to the continuation of the name of a street in another jurisdiction when it is extended into the City.

~~B2.~~ The following classifications (suffixes) shall be utilized in the assignment of all street names:

~~1a.~~ Boulevards: North/south arterials providing through traffic movement across the community.

~~2b.~~ Roads: East/west arterials providing through traffic movement across the community.

~~3c.~~ Avenues: Continuous, north/south collectors or extensions thereof.

~~4d.~~ Streets: Continuous, east-west collectors or extensions thereof.

~~5e.~~ Drives: Curvilinear collectors (less than 180 degrees) at least 1,000 feet in length or more.

~~6f.~~ Lanes: Short east/west local streets under 1,000 feet in length.

~~7g.~~ Terraces: short north/south local streets under 1,000 feet in length.

~~8h.~~ Court: All east/west cul-de-sacs.

~~9j.~~ Place: All north/south cul-de-sacs.

~~10j.~~ Ways: All looped local streets (exceeding 180 degrees).

~~11k.~~ Parkway: A broad landscaped collector or arterial.

~~C3.~~ Except as provided for by this section, no street shall be given a name that is the same as, similar to, or pronounced the same as any other street in the City unless that street is an extension of an already-named street.

~~D4.~~ All proposed street names shall be approved, prior to use, by the City. (Ord. 92-947 § 1)

~~5E.~~ Street Names

Whenever practicable, historical names will be considered in the naming or renaming of public roads. Historical factors to be considered shall include, but not be limited to the following:

~~A1.~~ Original holders of Donation Land Claims in Sherwood.

~~B2.~~ Early homesteaders or settlers of Sherwood.

~~C3.~~ Heirs of original settlers or long-time (50-~~100~~ or more years) residents of Sherwood.

~~D4.~~ Explorers of or having to do with Sherwood.

~~E5.~~ Indian tribes of Washington County.

~~F6.~~ Early leaders and pioneers of eminence.

~~G7.~~ Names related to Sherwood's flora and fauna.

~~H8.~~ Names associated with the Robin Hood legend. (Ord. 92-947 § 1)

(Note: Section 16.108.020, Street Systems Improvement Fees (SIF) was repealed by Ordinance 91-922 § 19) & permanently relocated in the Municipal Code).

16.108.030 Required Improvements

~~1A.~~ Generally

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits. (Ord. 86-851 § 3)

~~2B.~~ Existing Streets

Except as otherwise provided, when a development abuts an existing street, the improvements requirement shall apply to that portion of the street right-of-way located between the centerline of the right-of-way and the property line of the lot proposed for development. In no event shall a required street improvement for an existing street exceed a pavement width of thirty (30) feet. (Ord. 86-851 § 3)

3C. Proposed Streets

- A1.** Except as otherwise provided, when a development includes or abuts a proposed street, in no event shall the required street improvement exceed a pavement width of forty (40) feet.
- B2.** Half Streets: When a half street is created, a minimum of 22 feet of driving surface shall be provided by the developer. (Ord. 2005-009 § 5; 86-851)

4D. Extent of Improvements

Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the Transportation System Plan and applicable City standards and specifications included in the City of Sherwood Construction Standards, and shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map.

Catch basins shall be installed and connected to storm sewers and drainage ways. Upon completion of the improvements, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines. Street signs shall be installed at all street intersections and street lights shall be installed and served from an underground source of supply unless other electrical lines in the development are not underground. (Ord. 2005-009 § 5; 91-922)

5E. Street Modifications

- A1.** Modifications to standards contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted Sherwood Transportation System Plan (TSP), may be granted in accordance with the procedures and criteria set out in this section.
- B2.** Types of Modifications. Requests fall within the following two categories:
 - 4a.** Administrative Modifications. Administrative modification requests concern the construction of facilities, rather than their general design, and are limited to the following when deviating from standards in this Chapter, Section 16.58.010, City of Sherwood Construction Standards or Chapter 8 contained in the adopted Transportation System Plan:
 - a(1).** Surfacing materials for roads or pedestrian facilities.
 - b(2).** Asphalt and/or base rock thickness less than required.
 - c(3).** Pavement marking layout.
 - d(4).** Exceeding the maximum street grade.
 - e(5).** Type and/or location of signage.
 - f(6).** Channelization.
 - g(7).** Intersection interior angles and curb radii less than required.
 - h(8).** Utilizing the current set of standards in lieu of the standards that were in place when the applicant's proposed project was vested.
 - i(9).** Access-related modifications onto collectors, arterials, and state routes provided other substantive criteria such as sight distance and limited access points are met; and provided further that access to a lesser classification of road is not available.
 - j(10).** Needed changes as a result of a field investigation during construction.
 - k(11).** Similar revisions to the standards. (Ord. 2006-021)
 - 2b.** Design Modifications. Design modifications deal with the vertical and horizontal geometrics and safety related issues and include the following when deviating from this Chapter, Section 16.58.010 or Chapter 8 cross sections in the adopted Transportation System Plan:
 - a(1).** Reduced sight distances.
 - b(2).** Vertical alignment.
 - c(3).** Horizontal alignment.
 - d(4).** Geometric design (length, width, bulb radius, etc.).
 - e(5).** Design speed.

- ~~f~~(6). Crossroads.
- ~~g~~(7). Access policy.
- ~~h~~(8). A proposed alternative design which provides a plan superior to these standards.
- ~~i~~(9). All other standards.

~~C~~3. Procedure. A modification request shall be classified as an administrative decision by the City Engineer. When a modification is requested to provide a green street element that is not included in the Construction Standards, the below process shall be followed, however no fee shall be required. (Ord. 2006-021)

~~1~~a. Administrative Modification. Administrative modifications may be requested at any time and are processed as Type II applications, unless defined under (C)(2) below. The application shall include sufficient technical analysis to enable a reasoned decision and shall include a letter of concurrency from the City Engineer.

~~2~~b. Design Modification. Design modifications shall be proposed in conjunction with the application for the underlying development proposal and processed as a Type III application. Design modification requests shall be processed in conjunction with the underlying development proposal unless it is submitted subsequent to the decision for the underlying development proposal. The design modification application shall:

~~a~~(1). Include a written request stating the reasons for the request and the factors which would make approval of the request reasonable.

~~b~~(2). Include a letter of Concurrency from the City Engineer.

~~(3)~~e. Be accompanied by a map showing the applicable existing conditions and proposed construction such as contours, wetlands, significant trees, lakes, streams and rivers, utilities, property lines, existing and proposed roads and driveways, existing and projected traffic patterns, and any unusual or unique conditions not generally found in other developments.

~~d~~(4). In the case of modification requests based upon alleged disproportionality, include an engineering analysis of the standard sought to be modified which contrasts relevant traffic impacts from the development with the cost of complying with the standard.

~~e~~(5). For crossroad and frontage construction and right-of-way dedication, the application shall include information indicating whether there are geographic or other factors which render connection/completion of the road unfeasible.

~~D~~4. Street modifications may be granted when criterion D.1 and any one of criteria D.2 through D.6 are met:

~~a~~4. A letter of concurrency is obtained from the City Engineer or designee.

~~b~~2. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.

~~3~~c. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request.

~~4~~d. An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.

~~5~~e. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.

~~6~~f. In reviewing a modification request, consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors, such as to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact. (Ord. 2005-009 § 5)

16.108.040 Location and Design

~~4~~A. Generally

The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide adequate,

convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall be consistent with solar access requirements as per Chapter 16.156, and topographical considerations. (2005-009 § 5; 91-922)

2B. Street Connectivity and Future Street Systems

A1. Future Street Systems. The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 8-8).

B2. Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street Connectivity map contained in the TSP. A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical constraints, it shall provide an alternate connection approved by the [Planning Commission Review Authority](#). Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future. Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property line (i.e., by building more than $\frac{3}{4}$ width street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer. (Ord. 2006-021)

C3. Block Length. For new streets except arterials ~~and principal arterials~~, block length shall not exceed 530 feet. The length of blocks adjacent to ~~principal~~ arterials shall not exceed 1,800 feet.

D4. Where streets must cross water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP), provide crossings at an average spacing of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.

E5. Where full street connections over water features identified in Title 3 of the UGMFP cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless exceptional habitat quality or length of crossing prevents a connection.

F6. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways at least 8 feet wide, or consistent with cross section standards in Figure 8-6 of the TSP, shall be provided on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted Transportation System Plan.

G7. Exceptions. Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:

4a. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.

2b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or

3c. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection. (Ord. 2005-009 § 5)

3C. Underground Utilities

All public and private underground utilities, including sanitary sewers and storm water drains, shall be constructed prior to the surfacing of streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made. (Ord. 2005-017 § 5; 86-851)

16.108.050 Street Design

Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood Transportation System Plan, and City of Sherwood [Design and Construction Standards Manual](#). (Ord. 2006-021; 2005-006 § 5)

4A. Reserve Strips

Reserve strips or street plugs controlling access or extensions to streets shall not be allowed unless necessary for the protection of the public welfare or of substantial property rights. All reserve strips shall be dedicated to the City. (Ord. 2005-009 § 5; 86-851)

2B. 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 will not be allowed. (Ord. 2005-009 § 5; 86-851)

3C. Future Extension

Where necessary to access or permit future subdivision [or development](#) of adjoining land, streets shall extend to the boundary of the development. Dead-end streets less than 100' in length shall either comply with City cul-de-sac standards of Section 16.108.060, or shall provide an interim hammerhead turnaround at a location that is aligned with the future street system as shown on the local street connectivity map.

A durable sign shall be installed at the applicant's expense. These signs shall notify the public of the intent to construct future streets. The sign shall read as follows: "This road will be extended with future development. For more information contact the City of Sherwood at 503-625-4202." (Ord. 2005-009 § 5; 86-851)

4D. Intersection Angles

A1. Streets shall intersect as near to ninety (90) degree angles as practical, except where topography requires a lesser angle. In no case shall the permitted angle be less than eighty (80) degrees without an approved special intersection design. Streets which contain an acute angle of less than eighty (80) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway edge radius of twenty (20) feet and maintain a uniform width between the roadway and the right-of-way line.

B2. ~~A Principal arterial, a~~ arterial, collector streets, or neighborhood routes intersecting with another street shall have at least one hundred (100) feet on tangent adjacent to intersections unless topography requires a lesser distance. Local streets, except alleys, shall have at least fifty (50) feet on tangent adjacent to intersections. (Ord. 2005-009 § 5; 86-851)

5E. Cul-de-sacs

1. All cul-de-sacs shall be no more than one hundred (100) feet in length, shall not provide access to more than 15 dwelling units and 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.
2. All cul-de-sacs shall terminate with a circular turnaround no more than 40 feet in radius (i.e. from center to edge of pavement) or hammerhead turnaround in accordance with the specifications in the [Public Works Standards Design and Construction 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. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.
4. Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle accessways at least 6 feet wide where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, connect to other streets, and/or connect to other existing or planned developments in accordance with the standards of this Chapter and other City standards. (Ord. 2005-009 § 5)

6F. Grades and Curves

Grades shall not exceed six percent (6%) for ~~principal arterials or~~ arterials, ten percent (10%) for collector streets or neighborhood routes, and twelve percent (12%) for other streets. Center line radii of curves shall not

be less than ~~three hundred (300) feet for principal arterials,~~ two hundred (200) feet for arterials or one hundred (100) feet for other streets. Where existing conditions, such as topography, make buildable sites impractical, steeper grades and sharper curves may be approved. Finished street grades shall have a minimum slope of one-half percent (-1/2%). (Ord. 2005-009 § 5; 86-851)

~~7G.~~ 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.

(Ord. 86-851 § 3)

~~8H.~~ Buffering of Major Streets

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties shall be provided and through and local traffic shall be separated and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.030, and all applicable access provisions of Chapter 16.96, shall 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.

(Ord. 2005-009 § 5; 91-922)

~~9I.~~ Median Islands

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

(Ord. 2005-009 § 5; 86-851)

~~10J.~~ Curbs

Except in the Old Town Overlay District where curbless (woonerf) streets are permitted, or as otherwise approved by the City Engineer, curbs shall be installed on both sides of public streets and shall be at least six (6) inches in height. (Ord. 2006-021; 2005-009 § 5; 86-851)

~~11K.~~ Transit Facilities

Developments along existing or proposed transit routes, as illustrated in Figure 7-2 in the TSP, shall be 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). (Ord. 2005-009 § 5; 86-851)

~~12L.~~ Traffic Controls

For developments of five (5) acres or more, the City may require a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow. Such analysis will be completed according to specifications established by the City. Review and approval of the analysis by the City, and any improvements indicated, shall be required prior to issuance of a construction permit. (Ord. 2005-009 § 5; 86-851)

~~13M.~~ Traffic Calming

~~A1.~~ 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:

- ~~1a.~~ Curb extensions (bulb-outs).

- 2b. Traffic diverters/circles.
 - 3c. Alternative paving and painting patterns.
 - 4d. Raised crosswalks, speed humps, and pedestrian refuges.
 - 5e. Other methods demonstrated as effective through peer reviewed engineering studies.
- B2. 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. (Ord. 2005-009 § 5)

44N. 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 City of Sherwood Transportation Technical Standards and the standards of this Division.

- A1. 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.
 - 1a. Minimum right-of-way radius at intersections shall conform to city standards. ~~Where city standards do not exist, the County Road Standards shall apply.~~
 - 2b. All minimum distances stated in the following sections shall be governed by sight distance requirements according to City Design and Construction County Road Standards Manual.
 - 3c. 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.
 - 4d. All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.
 - 5e. Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:

GRAPHIC LINK: [Click here](#)

B2. 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.

- 1a. 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.
- 2b. 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 ~~an~~ access spacing greater than fifty (50) feet.
- 3c. 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.

4d. ~~Principal Arterials~~, Arterials, and Highway 99W - Points of ingress or egress to and from Highway 99W, ~~principal arterials~~, 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)a. 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, ~~principal arterials~~, and ~~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)b. Other private ingress or egress from Highway 99W, ~~principal arterials~~, and arterial roadways shall be minimized. Where alternatives to Highway 99W, ~~principal arterials~~, 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:

(4)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').

(2)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)e. 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.

3c. Exceptions to Access Criteria for City-Owned Streets

4a. Alternate points of access may be allowed if an access management plan which maintains the classified function and integrity of the applicable facility is reviewed and approved by the City Engineer after considering the applicant's compliance with this Chapter.

2b. An application for an Access Management Plan shall explain the need for the modification and demonstrate that the modification maintains the classified function and integrity of the facility. References to standards or publications used to prepare the Access Management Application shall be included with the application, including citations and numbers of engineering publications used to demonstrate compliance.

3c. An access management plan shall address the safety and operational problems which would be encountered should a modification to the access spacing standards be granted. An access management plan shall be prepared and certified by a traffic or civil engineer registered in the State of Oregon. An access management plan shall at minimum contain the following:

(1)a. The minimum study area shall include the length of the site's frontage plus the distance of the applicable access spacing standard on each side of the subject property, as set forth in Section 16.108. ~~070050, N.214-B.~~, measured from the property lines or access point(s), whichever is greater. For example, a property with 500 feet of frontage on an arterial (required 600 foot access spacing standard) shall have a minimum study area which is 1,700 (1,200 + 500) feet in length.

(2)b. The access management plan shall address the potential safety and operational problems associated with the proposed access point. The access management plan shall review both existing and future access for all properties within the study area as defined above.

(3)e. The access management plan shall include a comparison of all alternatives examined. At a minimum, the access management plan shall evaluate the proposed modification to the access spacing standard and the impacts of a plan utilizing the County standard for

access spacing. Specifically, the access management plan shall identify any impacts on the operations and/or safety of the various alternatives.

~~(4)~~d. The access management plan shall include a list of improvements and recommendations necessary to implement the proposed access modification, specifically addressing all safety and operational concerns identified.

~~(5)~~e. Notice for a proposed access management plan shall include all property owners within the study area defined above.

~~D~~4. Access in the Old Town (OT) Overlay Zone

~~4~~a. 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.

~~2~~b. Partial Access Management Plan.

~~(1)~~a. A partial access management plan shall include:

~~(4)~~a. Drawings identifying proposed or modified access points.

~~(b)~~2. A list of improvements and recommendations necessary to implement the proposed or modified access.

~~(c)~~3. A written statement identifying impacts to and mitigation strategies for facilities related to the proposed access points, especially considering safety impacts to all travel modes, operations, and the streetscape including on-street parking, tree spacing and pedestrian and bike facilities. The lowest functional classification street available to the lot, including alleys within a public easement, shall take precedence for new access points.

~~b~~(2). Access permits shall be required even if no other land use approval is requested. (Ord. 2005-009 § 5)

16.108.060 Sidewalks

~~4~~A. Required Improvements

~~A~~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.

~~B~~2. For Highway 99W, major or minor arterials, or in special industrial districts, the Commission may approve a development without sidewalks if alternative pedestrian routes are available.

~~C~~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 [Commission Review Authority](#). (Ord. 2005-009 § 5; 86-851)

~~2~~B. Sidewalk Design Standards

~~A~~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.

~~B~~2. Local Streets

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

~~C~~3. Handicapped Ramps

Sidewalk handicapped ramps shall be provided at all intersections. (Ord. 2005-009 § 5; 99-1077)

~~3~~C. Pedestrian and Bicycle Paths

~~A~~1. 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. 2005-009 § 5; 2000-1103)

16.108.070 HWY. 99W Capacity Allocation Program (CAP)

A. Purpose - The purpose of the Highway 99W Capacity Allocation Program is to:

1. Prevent failure of Highway 99W through Sherwood.
2. Preserve capacity on Highway 99W over the next 20 years for new development within Sherwood.
3. Preserve land values in Sherwood by preventing failure of one of the City's key transportation links.
4. Insure improvements to Highway 99W and adjacent primary roadways are constructed at the time development occurs.

5. Minimize the regulatory burden on developments that have minimal impact on Highway 99W.

B. Exclusions

The following types of projects and activities are specifically excluded from the provisions of this program:

1. Churches.
2. Elementary, middle, and high schools.
3. Changes in use that do not increase the number of trips generated by the current use.

C. Definitions

1. "Base Application" means the site plan or conditional use application which invokes the provisions of this chapter.
2. "Capacity" means the maximum number of peak hour vehicle trips that Highway 99W through Sherwood may accommodate at the Level of Service Standard assuming full build-out of all land zoned for residential and industrial development in Sherwood.
3. "Full Access Intersections" means the following intersections on Highway 99W in Sherwood: Sunset, Meinecke, Edy/N. Sherwood, Tualatin-Sherwood/Scholls-Sherwood (Roy Rogers Road, and Home Depot (Adams Street).
4. "ITE Manual" means the latest edition of the public titled "Trip Generation" by the Institute of Transportation Engineers.
5. "Level of Service (LOS) Standard" means the lowest acceptable level of service on a transportation corridor within Sherwood as stated in the Standard Requirements Section.
6. "Mitigation" means improvements to the transportation system that increase or enhance capacity.
7. "Net Trips" means the number of trips generated by a regulated activity during the PM Peak Hours. Net trips equal new trips, diverted trips, and trips from existing activities on a site that will remain. Net trips do not include: Pass-by trips, Internal trips, trips from existing facilities that will be removed, and Trips Reduced due to implementation of transportation demand strategies.
8. "Peak Hour" means a consecutive sixty (60) minute period during the twelve (12) PM hours of an average day, which experience the highest sum of traffic volumes on a roadway.
9. "Regulated Activity" means project(s) or activities proposed in the base application.
10. "Site Trip Limit" means the trip limit multiplied by the acreage of the site containing the regulated activity.
11. "Trip Allocation Certificate" means a certificate or letter from the City Engineer specifying that a regulated activity meets the trip limit and specifying any required mitigation.
12. "Trip Analysis" means a study or report that specifies the net trips from a regulated activity and analyzes the trip distribution and assignment from the activity.
13. "Trip Limit" means the maximum number of trips per acre from regulated activities that can be accommodated without violating the LOS Standard.

D. Standard Requirements

1. All regulated activities shall acquire a Trip Allocation Certificate prior to approval of their base application. Lack of a Trip Allocation Certificate shall be the basis for denial of a base application.
2. A Trip Analysis is required for all regulated activities prior to being considered for a Trip Allocation Certificate.
3. The Level of Service Standard for Highway 99W through Sherwood through the year 2020 is "E".
4. The trip limit for a regulated activity shall be forty-three (43) net trips per acre.
5. Mitigation to comply with the CAP shall not be required for regulated activities occurring on land zoned General Industrial (GI) or Light Industrial (LI) when the activity produces less than eight (8) net trips per acre.

E. Trip Analysis

1. Purpose

The first step in the process of seeking a Trip Allocation Certificate is preparation of a Trip Analysis by the applicant for the regulated activity. The purpose of the Trip Analysis is to evaluate whether the net trips from a regulated activity exceed the site trip limit.

2. Timing

The Trip Analysis shall be submitted with the relevant base application. Base applications without a Trip Analysis shall be deemed incomplete.

3. Format

At a minimum, the Trip Analysis shall contain all the following information:

- a. The type and location of the regulated activity.
- b. A tax map clearly identifying the parcel(s) involved in the Trip Analysis.
- c. Square footage used to estimate trips, in accordance with methods outlined in the ITE Manual.
- d. Description of the type of activity, especially as it corresponds to activities described in the ITE Manual.
- e. Copy of the ITE Manual page used to estimate trips.
- f. Acreage of the site containing the regulated activity calculated to two (2) decimal points.
- g. Trip distributions and assignments from the regulated activity to all full access intersections impacted by ten (10) or more trips from the regulated activity with identification of the method used to distribute trips from the site.
- h. Copies of any other studies utilized in the Trip Analysis.
- i. Summary of the net trips generated by the regulated activity in comparison to the site trip limit.
- j. Signature and stamp of a professional engineer, registered in the State of Oregon, with expertise in traffic or transportation engineering, who prepared the analysis.

4. Methods

- a. The Trip Analysis and trip generation for an activity shall be based on the ITE Manual.
- b. If a trip generation for the proposed use is not available in the ITE Manual or the applicant wishes to dispute the findings in the ITE Manual, the trip generation calculation may be based on an analysis of trips from five (5) sites with the same type of activity as that proposed.

5. Modification of Trip Analysis Requirements

The City Engineer may waive, in writing, some of the requirements of the Trip Analysis if:

- a. The proposed regulated activity is part of a previously approved Trip Allocation Certificate that meets the requirements of this chapter and the applicant demonstrates, to the satisfaction of the City Engineer, that the applicable provisions of the previously approved Trip Allocation Certificate shall be met; or
- b. The City Engineer determines, upon receipt of a letter of request from the applicant, that less information is required to accomplish the purposes of this chapter.

F. Trip Allocation Certificate

1. General

- a. Trip Allocation Certificates shall be issued by the City Engineer.
- b. Trip Allocation Certificates shall be valid for the same period as the land use or other city approval for the regulated activity.
- c. The City Engineer may invalidate a Trip Allocation Certificate when, in the City Engineer's judgment, the Trip Analysis that formed the basis for award of the Trip Allocation Certificate no longer accurately reflects the activity proposed under the base application.

2. Approval Criteria

- a. Upon receipt of a Trip Analysis, the City Engineer shall review the analysis. The Trip Analysis shall meet both of the following criteria to justify issuance of a Trip Allocation Certificate for the regulated activity:

- (1). Adequacy of analysis; and
- (2). Projected net trips less than the site trip limit.

- b. Adequacy of Analysis

The City Engineer shall judge this criterion based on the following factors:

- (1). Adherence to the Trip Analysis format and methods described in this chapter.
- (2). Appropriate use of data and assumptions; and
- (3). Completeness of the Trip Analysis.

3. Mitigation

- a. The Trip Allocation Certificate shall specify required mitigation measures for the regulated activity.

- b. Mitigation measures shall include improvements to Highway 99W and nearby transportation corridors that, in the judgment of the City Engineer, are needed to meet the LOS Standard and provide capacity for the regulated activity.
- c. Engineering construction plans for required mitigation measures shall be submitted and approved in conjunction with other required construction plans for the regulated activity.
- d. Mitigation measures shall be implemented in tandem with work associated with the regulated activity.
- e. Failure to implement required mitigation measures shall be grounds for revoking the regulated activity's base application approval.

G. Other Provisions

1. Acreage Calculation for a Regulated Activity

- a. Acreage calculations used to calculate net trips per acre in the Trip Analysis must use the entire area of the tax lot(s) containing the regulated activity, less 100-year flood plain area, in accordance with FIRM map for Sherwood.
- b. If the site contains existing uses, the net trips generated by these uses shall be included in the calculation of net trips generated from the site.

2. Partial Development of a Site

- a. If a regulated activity utilizes a portion of a vacant tax lot, such that the site could be further developed in the future, the applicant shall identify the potential uses for the vacant portion and reserve trips for that portion of the site in accordance with the uses identified. These reserve trips shall be included in the calculation of the net trips generated from the site.
- b. The Trip Allocation Certificate shall not be issued if the proposed future uses of the vacant area and the reserve trips are unrealistic in the opinion of the City Engineer.

Ord. 2005-009 § 5; 2000-1104)

16.108.080 Bike Paths

If shown on the [Figure 6-1 of the Transportation System Plan](#) ~~Plan Map, attached as Appendix B, or in Chapter 5 of the Community Development Plan~~, bicycle paths shall be installed in public rights-of-way, in accordance with City specifications. Bike lanes shall be installed on both sides of designated roads, should be separated from the road by a twelve (12) inch stripe, not a curb, and should be a minimum of five (5) feet wide. Bike paths should not be combined with a sidewalk. (Ord. 2005-009 § 5; 91-922)

Chapter 16.110 SANITARY SEWERS*

Sections:

[16.110.010 REQUIRED IMPROVEMENTS](#)

[16.110.020 DESIGN STANDARDS](#)

[16.110.030 SERVICE AVAILABILITY](#)

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

16.110.010 Required Improvements

Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Provided, however, that when impractical to immediately connect to a trunk sewer system, the use of septic tanks may be approved, if sealed sewer laterals are installed for future connection and the temporary system meets all other applicable City, [Unified Sewerage Agency Clean Water Services](#), [Washington County](#) and State sewage disposal standards. (Ord. 86-851 § 3)

16.110.020 Design Standards

4A. Capacity

Sanitary sewers shall be constructed, located, sized, and installed at standards consistent with this Code, the Sanitary Sewer Service Plan Map ~~in the Sanitary Sewer Master Plan attached as Appendix F, Chapter 7 of the Community Development Plan~~, and other applicable [Unified Sewerage Agency Clean Water Services](#) and City standards, in order to adequately serve the proposed development and allow for future extensions. (Ord. 91-922 § 3; 86-851)

2B. Over-Sizing

A1. When sewer facilities will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.

B2. Reimbursement shall be in an amount estimated by the City to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the development, for a period of ten (10) years from the time of installation of the sewers. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges. (Ord. 91-922 § 3; 86-851)

16.110.030 Service Availability

Approval of construction plans for new facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing sewer systems shall include certification by the City that existing or proposed sewer facilities are adequate to serve the development. (Ord. 86-851 § 3)

Chapter 16.112 WATER SUPPLY*

Sections:

16.112.010 REQUIRED IMPROVEMENTS

16.112.020 DESIGN STANDARDS

16.112.030 SERVICE AVAILABILITY

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

16.112.010 Required Improvements

Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains or shall construct new mains appropriately sized and located in accordance with the Water System Master Plan. (Ord. 2009-008, § 3, 7-21-2009; Ord. 86-851 § 3)

16.112.020 Design Standards

4A. Capacity

Water lines providing potable water supply shall be sized, constructed, located and installed at standards consistent with this Code, the Water System Master Plan, the City's **Engineering Design and Construction Standard Details** Manual, and with other applicable City standards and specifications, in order to adequately serve the proposed development and allow for future extensions. (Ord. 2009-008, § 3, 7-21-2009; 91-922 § 3; 86-851)

2B. Fire Protection

All new development shall comply with the fire protection requirements of Chapter 16.116, the applicable portions of Chapter 7 of the Community Development Plan, and the Fire District. (Ord. 91-922 § 3; 86-851)

3C. Over-Sizing

A1. When water mains will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.

B2. Reimbursement shall be in an amount estimated by the City to be the proportionate share of the cost of each connection made to the water mains by property owners outside the development, for a period of ten (10) years from the time of installation of the mains. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.

63. When over-sizing is required in accordance with the Water System Master Plan, it shall be installed per the Water System Master Plan. Compensation for over-sizing may be provided through direct reimbursement, from the City, after mainlines have been accepted. Reimbursement of this nature would be utilized when the cost of over-sizing is for system wide improvements. (Ord. No. 2009-008, § 3, 7-21-2009; Ord. 91-922 § 3; 86-851)

16.112.030 Service Availability

Approval of construction plans for new water facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing water systems shall include certification by the City that existing or proposed water systems are adequate to serve the development. (Ord. 86-851 § 3)

Chapter 16.114 STORM WATER*

Sections:

16.114.010 REQUIRED IMPROVEMENTS

16.114.020 DESIGN STANDARDS

16.114.030 SERVICE AVAILABILITY

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

16.114.010 Required Improvements

Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage systems consistent with the Comprehensive Plan and the requirements of the Clean Water Services water quality regulations contained in their Design and Construction Standards R&O 04-9, or its replacement. (Ord. 2006-021; 2000-1092 § 3; 93-972)

(Note: Section 16.114.015, Street Systems Improvement Fees (SIF) was repealed by Ordinance 91-922 § 19) to be removed from the SZCDC and permanently located in the Municipal Code).

16.114.020 Design Standards

4A. Capacity

Storm water drainage systems shall be sized, constructed, located, and installed at standards consistent with this Code, the Storm Drainage Master Plan Map, attached as Exhibit E, Chapter 7 of the Community Development Plan, other applicable City standards, the Clean Water Services Design and Construction standards R&O 04-9 or its replacement, and hydrologic data and improvement plans submitted by the developer. (Ord. 2006-021; 2000-1092 § 3; 91-922)

2B. On-Site Source Control

Storm water detention and groundwater recharge improvements, including but not limited to such facilities as dry wells, detention ponds, and roof top ponds shall be constructed according to Clean Water Services Design and Construction Standards.(Ord. 2006-021; 86-851 § 3)

3C. Conveyance System

The size, capacity and location of storm water sewers and other storm water conveyance improvements shall be adequate to serve the development and accommodate upstream and downstream flow. If an upstream area discharges through the property proposed for development, the drainage system shall provide capacity to the receive storm water discharge from the upstream area. If downstream drainage systems are not sufficient to receive an increase in storm water caused by new development, provisions shall be made by the developer to increase the downstream capacity or to provide detention such that the new development will not increase the storm water caused by the new development. (Ord. 2006-021; 86-851 § 3)

16.114.030 Service Availability

Approval of construction plans for new storm water drainage facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing storm water drainage systems

shall include certification by the City that existing or proposed drainage facilities are adequate to serve the development. (Ord. 86-851 § 3)

Chapter 16.116 FIRE PROTECTION*

Sections:

16.116.010 REQUIRED IMPROVEMENTS

16.116.020 STANDARDS

16.116.030 MISCELLANEOUS REQUIREMENTS

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

16.116.010 Required Improvements

When land is developed so that any commercial or industrial structure is further than two hundred and fifty (250) feet or any residential structure is further than five hundred (500) feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety. (Ord. 86-851 § 3)

16.116.020 Standards

4A. Capacity

All fire protection facilities shall be approved by and meet the specifications of the Fire District, and shall be sized, constructed, located, and installed consistent with this Code, Chapter 7 of the Community Development Plan, and other applicable City standards, in order to adequately protect life and property in the proposed development. (Ord. 91-922 § 3; 86-851)

2B. Fire Flow

Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the capacity of facilities required to furnish an adequate fire flow. Fire protection facilities shall be adequate to convey quantities of water, as determined by ISO standards, to any outlet in the system, at no less than twenty (20) pounds per square inch residual pressure. Water supply for fire protection purposes shall be restricted to that available from the City water system. The location of hydrants shall be taken into account in determining whether an adequate water supply exists. (Ord. 86-851 § 3)

C3. Access to Facilities

Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted. (Ord. 86-851 § 3)

4D. Hydrants

Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction. (Ord. 86-851 § 3)

16.116.030 Miscellaneous Requirements

4A. Timing of Installation

When fire protection facilities are required, such facilities shall be installed and made serviceable prior to or at the time any combustible construction begins on the land unless, in the opinion of the Fire District, the nature or circumstances of said construction makes immediate installation impractical. (Ord. 85-851 § 3)

2B. Maintenance of Facilities

All on-site fire protection facilities, shall be maintained in good working order. The Fire District may conduct periodic tests and inspection of fire protection and may order the necessary repairs or changes be made within ten (10) days. (Ord. 86-851 § 3)

3C. Modification of Facilities

On-site fire protection facilities, may be altered or repaired with the consent of the Fire District; provided that such alteration or repairs shall be carried out in conformity with the provisions of this Chapter. (Ord. 86-851 § 3)

Chapter 16.118 PUBLIC AND PRIVATE UTILITIES*

- No Changes for this Phase

Division VII. SUBDIVISIONS AND PARTITIONS

Chapter 16.120 GENERAL PROVISIONS*

Sections:

16.120.010 PURPOSE

16.120.020 PLATTING AUTHORITY

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

16.120.010 Purpose

Subdivision and land partitioning regulations are intended to promote the public health, safety and general welfare; lessen traffic congestion; provide adequate light and air; prevent overcrowding of land; and facilitate adequate water supply, sewage and drainage.

(Ord. 86-851 § 3)

16.120.020 Platting Authority

4A. Approval Authority

A1. The approving authority for preliminary and final plats of subdivisions and partitions shall be in accordance with Section 16.72.010 of this Code.

B2. Approval of subdivisions and partitions is required in accordance with this Code before a plat for any such subdivision or partition may be filed or recorded with Washington County. Appeals to a decision may be filed pursuant to Chapter 16.76.

(Ord. 98-1053 § 1; 86-851)

2B. Future Partitioning

When subdividing tracts into large lots which may be resubdivided, the City shall require that the lots be of a size and shape, and apply additional building site restrictions, to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets.

(Ord. 98-1053 § 1; 86-851)

3C. Required Setbacks

All required building setback lines as established by this Code, shall be shown in the subdivision plat or included in the deed restrictions.

(Ord. 86-851 § 3)

4D. Property Sales

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

(Ord. 86-851 § 3)

Chapter 16.122 PRELIMINARY PLATS*

Sections:

16.122.010 GENERALLY

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

16.122.010 Generally

4A. Approval Required

All subdivisions and ~~major~~ partitions are subject to preliminary plat approval through the Type II ~~or~~ Type III or Type IV review processes. Approval of the preliminary plat shall not constitute final acceptance of the plat for recording. Approval shall however, be binding upon the City for the purpose of preparation of the final plat or map, and the City may only require such changes in the plat or map as are necessary for compliance with the terms of preliminary plat approval.

2B. Action

The City shall review preliminary plat applications submitted in accordance with Section 16.78.04070 and approve, approve with conditions, or deny the application. Conditions may be imposed by the Hearing Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action of the City shall be noted on two (2) copies of the preliminary plat, including references to any attached documents describing any conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City along with other applicable records.
(Ord. 98-1053 § 1; 86-851)

3C. Required Findings

No preliminary plat shall be approved unless:

- A1.** 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.
- B2.** 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.
- C3.** The plat complies with Comprehensive Plan and applicable zoning district regulations.
- D4.** Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.
- E5.** Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.
- F6.** Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.

(Ord. 91-922 § 3; 86-851)

- G7.** Tree and woodland inventories have been submitted and approved as per Section 16.142.060.

(Ord. 94-991 § 1)

Chapter 16.124 FINAL PLATS*

Sections:

16.124.010 GENERALLY

16.124.020 FINAL PLAT REVIEW

16.124.030 CREATION OF STREETS

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

16.124.010 Generally

1A. Time Limits

Within two (2) years after approval of the preliminary plat, a final plat shall be submitted. The subdivider shall submit to the City six (6) copies of the final plat~~the original drawings, the cloth, and fifteen (15) prints of the final plat,~~ and all supplementary information required by or pursuant to this Code. Upon approval of the final plat drawing, the applicant may submit the mylar for final signature.

(Ord. 2003-1148 § 3; 98-1053)

2B. Extensions

After the expiration of the two (2) year period following preliminary plat approval, the plat must be resubmitted for new approval. 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 refileing of the preliminary plat and that no other development approval would be affected.

(Ord. 98-1053 § 1; 86-851)

3C. Staging

The City may authorize platting and development to proceed in stages that exceed two (2) years, but in no case shall the total time period for all stages be greater than five (5) years. Each stage shall conform to the applicable requirements of this Code. Portions platted or developed after the passage of two (2) years may be required to be modified in accordance with any change to the Comprehensive Plan or this Code.

4D. Shown on Plat

The following information shall be shown on the final plat:

- 1A.** Date of approval, scale, north arrow, legend, and controlling topography such as creeks, highways, and railroads.
 - B2.** Legal description of the plat boundaries.
 - C3.** Existing surveys related to the plat by distances and bearings, and referenced as follows:
 - 4a.** The location and description of all stakes, monuments, and other evidence used to determine the boundaries of the subdivision.
 - 2b.** Adjoining corners of all contiguous subdivisions.
 - 3c.** Section, township, range, donation land claim lines and boundaries of any lots within previously recorded subdivision plats within or adjacent to the plat.
 - 4d.** Location and description of all monuments found or established in making the survey of the subdivision or required to be installed by the provisions of this Code.
 - D4.** Tract, block and lot boundary lines, and street rights-of-way and centerlines, with dimensions, bearings, radii, arcs, delta angles, points of curvature and tangent bearings. Normal highwater lines for any creek or other body of water shall be shown. Error of closure shall be within the limits of one (1) foot in four thousand (4,000) feet. No ditto marks shall be used. Lots containing one (1) acre or more shall be shown to the nearest 0.01 feet. Bearings shall be shown to the nearest thirty (30) seconds with basis of bearings.
 - E5.** The width of streets being dedicated, the width of any existing rights-of-way, and the widths on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline, and in addition to centerline dimensions shall indicate the radius and central angle. This data may be shown in a table.
 - F6.** Easements within or adjacent to the plat denoted by fine dotted lines, clearly identified, and, if already of record, a recorded reference. If any easement is not of record, a statement of the easement showing the widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, shall be properly referenced in the certificate of dedication.
 - G7.** Lot numbers beginning with the number "1" and numbered consecutively in each block. Block numbers, if used, should begin with the number "1" and continue consecutively without omission or duplication. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Block numbers in addition to a subdivision of the same name shall be a continuation of the numbering in the plat last filed.
 - H8.** Land parcels to be dedicated for any purpose are to be distinguished from lots intended for sale, and titled to identify their intended use.
 - I9.** The following certificates, which may be combined where appropriate:
 - 4a.** A certificate signed and acknowledged by all parties having any record title interest in and to the land subdivided, consenting to the preparation and recording of the map and dedicating all parcels of land shown on the final map and intended for public use.
 - 2b.** An affidavit signed by the engineer or the surveyor responsible for the survey and final map, the signature of such engineer or surveyor to be accompanied by a professional seal.
 - 3c.** Provisions for all other certifications required.
- (Ord. 86-851 § 3)

5E. Submitted With Plat

The following information shall be submitted with the final plat:

- A1.** A preliminary title report issued by a title insurance company in the name of the owner of the land, showing the interest of all parties.
- B2.** Sheets and drawings showing the following:
 - 4a.** Traverse data showing the error of closure, including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners.
 - 2b.** Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.

~~C3~~. Copies of any deed restrictions and dedications, including building setbacks.

~~D4~~. Proof that all taxes and assessments on the tract are paid for the current year.

(Ord. 86-851 § 3)

16.124.020 Final Plat Review

~~4A~~. 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.

(Ord. 86-851 § 3)

~~2B~~. Performance Security

The subdivider shall 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 percent (100%) of the estimated cost of the improvements.

(Ord. 86-851 § 3)

~~C3~~. Staff Review

If City review determines that the final plat is in full conformance with the preliminary plat and this Code, the final plat shall be referred to the City Manager or his/her designee for final approval. If the final plat is not in full conformance, the subdivider shall be advised of necessary changes or additions.

(Ord. 98-1053 § 1; 86-851)

~~4D~~. Plat Approval

When the City Manager or his/her designee determines that the plat conforms to all requirements, the plat shall be approved. Approval of the plat does not constitute an acceptance by the City of the responsibility for maintenance or development of any street or other easement shown on the plat.

(Ord. 98-1053 § 1; 86-851)

~~5E~~. County Approval

After approval, the City shall authorize the transmittal of the final map, tracing, and other data to Washington County, to determine that there has been compliance with all provisions of State and local statutes. The County may make such checks in the field as necessary to verify that the map is sufficiently correct on the ground. When the County finds the documents in full conformance and has been paid the statutory fee for such service, approval of the plat shall be given by applicable County officers. 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.

(Ord. 98-1053 § 1; 86-851)

~~6F~~. 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. 86-851 § 3)

~~G7~~. Required Findings

No final subdivision plat shall be approved unless:

~~A1~~. All required public streets and floodplain areas are dedicated without any reservation or restriction other than easements for public utilities and facilities.

~~2B~~. Streets and roads held for private use have been approved by the City.

3C. The plat complies with the standards of the underlying zoning district and other applicable standards of this Code and is in conformity with the approved preliminary plat.

4D. The plat dedicates to the public all required common improvements and areas, including but not limited to streets, floodplains, parks, sanitary sewer, storm water, and water supply systems.

5E. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the subdivided land, as determined by the City and are in compliance with City standards. For the purposes of this section:

1a. Adequate water service shall be deemed to be connection to the City water supply system.

2b. Adequate sanitary sewer service shall be deemed to be connection to the City sewer system.

3c. The adequacy of other public facilities such as storm water and streets shall be determined by the City based on applicable City policies, plans, and standards for said facilities.

F6. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.

(Ord. 98-1053 § 1; 94-991)

16.124.030 Creation of Streets

4A. Approval

The final plat shall provide for the dedication of all streets for which approval has been given by the City. Approval of the final plat shall constitute acceptance of street dedications.

(Ord. 86-851 § 3)

2B. Exceptions

The Council, upon recommendation by the City Manager, may approve the creation and dedication of a street without full compliance with this Code. The applicant may be required to submit additional information and justification necessary to determine the proposal's acceptability. The City may attach such conditions as necessary to provide conformance to the standards of this Code. One or more of the following conditions must apply:

A1. The street creation is required by the City and is essential to general traffic circulation.

B2. The tract in which the road or street is to be dedicated is an isolated ownership of one (1) acre or less.

(Ord. 86-851 § 3)

3C. Easements

Any access which is created to allow partitioning for the purpose of development, or transfer of ownership shall be in the form of a dedicated street, provided however that easements may be allowed when:

A1. The access is to a parcel exceeding five (5) acres in size, and used for agriculture, horticulture, grazing, or timber growing, or

B2. The easement is the only reasonable method by which the rear portion of an unusually deep lot, large enough to warrant partitioning into two (2) or more parcels, may obtain access. Such easement shall conform to all other access provisions of this Code.

(Ord. 86-851 § 3)

Chapter 16.126 DESIGN STANDARDS*

Sections:

[16.126.010 BLOCKS](#)

[16.126.020 EASEMENTS](#)

[16.126.030 PEDESTRIAN AND BICYCLE WAYS](#)

[16.126.040 LOTS](#)

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

16.126.010 Blocks

4A. Connectivity

A1. Block Size. The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.

(Ord. 86-851 § 3)

B2. Block Length. Block length standards shall be in accordance with Section 16.108.0540. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.

(Ord. 2006-021; 2005-009 § 5; 2000-1103 § 3)

E3. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.

(Ord. 2005-009 § 5)

Figure 7.401 -- Block Connectivity

GRAPHIC LINK: [Click here](#)

(Ord. 2005-006 § 5)

16.126.020 Easements

4A. Utilities

Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.

(Ord. 86-851 § 3)

2B. Drainages

Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage.

(Ord. 86-851 § 3)

16.126.030 Pedestrian and Bicycle Ways

Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.

(Ord. 86-851 § 3)

16.126.040 Lots

A1. Size and Shape

Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision, and shall comply with applicable zoning district requirements, with the following exceptions:

A1.a. Lots in areas not served by public sewer or water supply, shall conform to any special Washington County Health Department standards.

(Ord. 86-851 § 3)

2B. Access

All lots in a subdivision shall abut a public street, except as allowed for infill development under Chapter 16.68.

(Ord. 2006-021; 86-851 § 3)

3C. Double Frontage

Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.

(Ord. 86-851 § 3)

4D. Side Lot Lines

Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.

(Ord. 86-851 § 3)

5E. Grading

Grading of building sites shall conform to the following standards, except when topography of physical conditions warrant special exceptions:

- A1.** Cut slopes shall not exceed one and one-half (1 1/2) feet horizontally to one (1) foot vertically.
- B2.** Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.

(Ord. 86-851 § 3)

Chapter 16.128 LAND PARTITIONS*

Sections:

16.128.010 GENERALLY

16.128.020 SUBDIVISION COMPLIANCE

16.128.030 DEDICATIONS

16.128.040 FILING REQUIREMENTS

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

16.128.010 Generally

4A. Approval Required

A tract of land or contiguous tracts under a single ownership shall not be partitioned into two (2) or more parcels until a ~~minor~~ partition application has been approved by the City Manager or his/her designee.

(Ord. 98-1053 § 1; 86-851)

2B. City Action

The City Manager or his/her designee shall review the ~~minor~~ partition applications submitted in accordance with Section 16.78.04070 and shall approve, approve with conditions or deny the application. The action of the City Manager or his/her designee shall be noted on two (2) copies of the partition, including references to any attached documents describing any conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City with other applicable records.

(Ord. 98-1053 § 1; 86-851)

3C. Required Findings

~~Minor p~~Partitions shall not be approved unless:

- A1.** The partition complies with the standards of the underlying zoning district and other applicable standards of this Code.
- B2.** The partition dedicates to the public all required common improvements and areas including but not limited to streets, parks, floodplains, and sanitary sewer, storm water, and water supply systems.
- C3.** Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land, as determined by the City and are in compliance with City standards. For the purposes of this section:
 - 4a.** Adequate water service shall be deemed to be connection to the City water supply system.
 - 2b.** Adequate sanitary sewer service shall be deemed to be connection to the City sewer system if sewer lines are within one-hundred fifty (150) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within one hundred fifty (150) feet.
- 3c.** The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.
- D4.** Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.

(Ord. 2006-021; 91-922 § 3)

4D. Future Development Ability

In addition to the findings required by Section 16.128.010, the City Manager or his/her designee must find, for any partition creating lots averaging one (1) acre or more, that the lots may be re-partitioned or resubdivided in the future in full compliance with the standards of this Code. The City Manager or his/her designee may require the applicant to submit partition drawings or other data confirming that the property can be resubdivided. If re-partitioning or resubdividing in full compliance with this Code is determined not to be feasible, the City Manager or his/her designee shall either deny the proposed partition, require its redesign, or make a finding and condition of approval that no further partitioning or subdivision may occur, said condition to be recorded against the property.

(Ord. 91-922 § 3)

16.128.020 Subdivision Compliance

4A. Generally

If a partition exceeds two (2) acres and within one (1) year is re-partitioned into more than two (2) parcels, and any single parcel is less than one (1) acre in size, full compliance with the subdivision regulations of this Code may be required.

(Ord. 86-851 § 3)

16.128.030 Dedications

4A. Generally

The City's requirements for dedication of public lands as per this Code, including road rights-of-way and greenways, shall apply to partitions. Actual public improvements may not be required at the time of partition, at the discretion of the City Manager or his/her designee.

(Ord. 98-1053 § 1; 86-851)

2B. Dedications Acceptance

The City Manager shall accept all public dedications by his or her signature on the partition plat prior to filing with the County.

(Ord. 98-1053 § 1; 86-851)

3C. Owner Declaration

If a property is being dedicated or donated for public use, the mortgage of trust deed holder of the property shall sign a declaration to that effect on the partition plat, or file an affidavit consenting to the plat.

(Ord. 86-851 § 3)

16.128.040 Filing Requirements

4A. Generally

Within twelve (12) months after City approval of a ~~minor~~ land partition, a partition plat shall be submitted to Washington County in accordance with its final partition plat and recording requirements.

(Ord. 86-851 § 3)

2B. Extension

After expiration of the twelve (12) months period following partition approval, the partition must be resubmitted for new approval. The City Manager or his/her designee may, upon written request by the applicant, grant an extension up to twelve (12) months upon a written finding that the facts have not changed to an extent sufficient to warrant refiling of the partition and that no other development approval would be affected.

(Ord. 86-851 § 3)

Chapter 16.130 PROPERTY LINE ADJUSTMENTS*

Sections:

16.130.010 GENERALLY

16.130.020 FILING REQUIREMENTS

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

16.130.010 Generally

A. The City Manager or his or her designee may approve a property line adjustment without public notice or a public hearing provided that:

1. no new lots are created ~~and that~~

2. the adjusted lots comply with the applicable zone requirements

3. The adjusted lots continue to comply with other regulatory agency or department requirements.

A.B. If the property line adjustment is processed with another development application, all applicable standards of the Code shall apply.

(Ord. 86-851 § 3)

16.130.020 Filing Requirements

If a property line adjustment is approved by the City, it does not become final until reviewed and approved by Washington County in accordance with its property line adjustment recording requirements.

(Ord. 86-851 § 3)

Division VIII.

16.132 ENVIRONMENTAL RESOURCES

- No Changes for this Phase,

Chapter 16.134 ~~SPECIAL RESOURCE ZONES~~ FLOODPLAIN (FP) OVERLAY*

Sections:

16.134.010 GENERALLY

16.134.020 FLOOD PLAIN (FP) OVERLAY

16.134.030 GREENWAYS

16.134.040 DEVELOPMENT APPLICATION

16.134.050 PERMITTED USES

16.134.060 CONDITIONAL USES

16.134.070 PROHIBITED USES

16.134.080 FLOODPLAIN DEVELOPMENT

16.134.090 FLOODPLAIN STRUCTURES

16.134.100 ADDITIONAL REQUIREMENTS

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

16.134.010 Generally

Special resource zones are established to provide for preservation, protection, and management of unique natural and environmental resources in the City that are deemed to require additional standards beyond those contained elsewhere in this Code. Special resource zones may be implemented as underlying or overlay zones depending on patterns of property ownership and the nature of the resource. A property or properties may be within more than one (1) resource zone. In addition, the City may identify special resource areas and apply a PUD overlay zone in advance of any development in order to further protect said resources. (Ord. 91-922 § 3)

16.134.020 ~~Flood Plain (Fp) Overlay Purpose~~

~~1. Purpose~~

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

B. FP zoning districts are defined as areas within the base flood as identified by the Federal Emergency Management Agency (FEMA) in a Flood Insurance Study (FIS) and in Flood Insurance Rate Maps (FIRM) published for the City and surrounding areas, or as otherwise identified in accordance with Section 16.134.020C. These FEMA documents are adopted by reference as part of this Code, and are on file at the in ~~the office of the City Public Works Director.~~

C. When base flood elevation data is not available from the FIS or FIRM, the City shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, and standards developed by the FEMA, in order to administer the provisions of this Code. (Ord. 2000-1092 § 3; 88-870)

16.134.0302. Greenways

The FP zoning districts overlaying the Rock Creek and Cedar Creek flood plains are designated greenways in accordance with Chapter 5 of the Community Development Plan. All development in these two flood plains 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 Unified Sewerage Agency's Clean Water Services Design and Construction Standards R&O 00-7, or its replacement. (Ord. 2000-1092 § 3; 88-879)

16.134.0403- Development Application

A. Provided land is not required to be dedicated as per this Section, Greenways, a conditional use permit (CUP) shall be approved before any use, construction, fill, or alteration of a flood plain, floodway, or watercourse, or any other development begins within any FP zone, except as provided in this Section, Permitted Uses.

B. Application for a CUP for development in a flood plain 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 flood plain 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, Flood Plain 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 ~~16.40.010C~~16.134.020.C, a flood plain 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. 91-922 § 3; 88-879)

16.134.0504- Permitted Uses

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

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 this Section, Flood Plain Development and Flood Plain Structures.

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 flood plain. (Ord. 2000-1092 § 3; 91-922)

16.134.0605- 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. 91-922 § 3; 88-879)

16.134.0706- 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 flood plain.

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 flood plain.

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 this Section, Permitted Uses, and unless certification by a Registered Engineer or Architect is provided demonstrating that the use, activity, or encroachment shall not result in any increase to flood levels during the occurrence of the base flood discharge. (Ord. 88-879 § 3)

16.134.0807- Flood Plain Development

A. Flood Plain Alterations

1. Flood Plain Survey

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

2. Grading Plan

Alteration of the existing topography of flood plain areas may be made upon approval of a grading plan by the City. The plan shall include both existing and proposed topography and a plan for alternate drainage. Contour intervals for existing and proposed topography shall be included and shall be not more than one (1) foot for ground slopes up to five percent (5%) and for areas immediately adjacent to a stream or 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 flood plain fill or diked lands may be developed if a site plan for the area to be altered within the flood plain is prepared and certified by a Registered Civil Engineer and approved by the Commission pursuant to the applicable provisions of this Code.

b. Vehicular access shall be provided from a street above the elevation of the base flood to any proposed fill or dike area if the area supports structures for human occupancy. Unoccupied fill or dike areas shall be provided with emergency vehicle access.

4. Alteration Site Plan

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

a. Proposed improvements will not alter the flow of surface water during flooding such as to cause a compounding of flood hazards or changes in the direction or velocity of 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 flood plain or increase in flood heights.

- c. Proposed flood plain fill or diked areas will benefit the public health, safety and welfare and incorporate adequate erosion and storm drainage controls, such as pumps, dams and gates.
 - d. No serious environmental degradation shall occur to the natural features and existing ecological balance of upstream and downstream areas.
 - e. 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 shall establish the boundaries of the base flood by survey and shall dedicate said land as per this Section, Greenways. The balance of the land and development shall:
- a. Be designed to include adequate drainage to reduce exposure to flood damage, and have public sewer, gas, electrical and other utility systems so located and constructed to minimize potential flood damage, 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. 88-879 § 3)

16.134.0908- Flood Plain 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 shall be at least one and one-half (1- 1/2) feet above the base flood elevation and the building site shall comply with the provisions of subsection A of Flood Plain Development.
- 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 (1- 1/2) 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 (1- 1/2) 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 prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Registered 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. Non-residential structures that are elevated and, not flood proofed, must meet the same standards for space below the lowest floor as per subsection C2 of Flood Plain Structures. (Ord. 88-879 § 3)

916.134.100. Additional Requirements

A. Dimensional standards or developments in the FP zone shall be the same as in the underlying zoning district, except as provided in this Section, Additional Requirements.

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. 88-879 § 3)

Chapter 16.136 PROCEDURES*

- No Changes for this Phase

Chapter 16.138 MINERAL RESOURCES*

- No Changes for this Phase

Chapter 16.140 SOLID WASTE*

Sections:

16.140.010 Solid Waste Facilities

16.140.020 Solid Waste Incinerators

16.140.030 Accessory Use Solid Waste Facilities

16.140.040 Multiple Purpose Solid Waste Facility

16.140.050 Temporary Solid Waste Facility

16.140.060 Application Contents

16.140.070 Review Procedures and Burden of Proof

16.140.080 Conditions of Approval and Enforcement

16.140.090 Site Improvement

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

16.140.010 Solid Waste Facilities

Solid waste facilities are defined in 16.10.020 of this Code and are permitted in the General Industrial (GI) and Light Industrial (LI) zones as described in those sections of the Code. Permitted solid waste facilities are subject to the review procedures, site improvements and other standards of this Chapter. (Ord. 93-966 § 3)

16.140.020 Solid Waste Incinerators

The operation of solid waste incinerators for any commercial, industrial, or institutional purpose is prohibited in the City. For the purposes of this section, solid waste is defined as per ORS 459.005(24), and includes infectious wastes as per ORS 459.386(42). Provided said incineration or burning is otherwise properly permitted, this prohibition shall not apply to furnaces, incinerators, or stoves burning wood or wood-based products, petroleum products, natural gas, or to other fuels or materials not defined as solid waste, to yard debris burning, or to small-scale specialized incinerators utilizing solid waste produced as a by-product on-site and used only for energy recovery purposes. Said small-scale specialized incinerators must be integral to and part of, but clearly ancillary secondary and incidental to, a permitted or conditionally permitted use in the City, and cannot utilize infectious wastes or any fuels derived from infectious wastes. This prohibition shall not apply to solid waste incinerators lawfully permitted to operate prior to September 5, 1990, but shall apply to any expansion, alteration, or modification of such a use or any applicable permits. (Ord. 91-922 § 3)

16.140.030 Accessory Use Solid Waste Facilities

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

1. Household hazardous waste depot, provided the facility is accessory to a public facility or to a use in an industrial zone.
2. Small scale specialized incinerator, provided the facility complies with Section 16.140.020 and does not accept more than two-hundred twenty (220) pounds per day of waste from off-site.
3. Recycling drop boxes, provided they also comply with Section 16.140.090E.5. (Ord. 93-966 § 3; 91-922)

16.140.040 Multiple Purpose Solid Waste Facility

A solid waste facility may include more than one kind of facility as defined in Section 16.10.0240, Definitions. Any application that includes more than one kind of facility is permitted in a given zone only if all of the uses proposed in the facility are permitted in that zone. If any of the uses proposed are allowed only as a conditional use in the zone, then all of the uses proposed shall be considered conditional uses. (Ord. 933-966 § 3; 91-922)

16.140.050 Temporary Solid Waste Facility

A. The following solid waste facilities may be approved as a temporary use in any zone without being subject to conditional use review if the use operates not more than three (3) days per calendar month, subject only to the dimensional requirements of the underlying zone (e.g., setbacks and height), and the applicable provisions of Section 16.140.090, Site Improvements and the appropriate requirements of Sections 16.140.060 through 16.140.080:

1. Household hazardous waste.
2. Resource Recovery Facility.
3. Yard debris depot. (Ord. 93-966 § 3; 91-922)

16.140.060 Application Contents

A. In addition to submitting land use application forms provided by the City of Sherwood, and in accordance with other sections of this Code, the applicant shall describe at least the following features of the proposed facility:

1. Capacity and project life.

2. The population or industries to be served.
 3. The amount of solid waste that is expected to be accommodated at the facility from the population or industries to be served, including maximum daily and monthly amounts and average annual volume and weight of waste to be received.
 4. For a landfill, planned future uses of the site after closure.
 5. The quantity of each type of waste stream projected to be accommodated at the facility. Examples of waste streams include domestic waste, commercial and institutional waste, industrial waste, construction and demolition waste, agricultural waste, sewage sludge, and contaminated clean-up materials.
 6. The operating characteristics of the facility, including equipment used, hours of operation, and volume, distribution, and type of traffic associated with the use and a traffic study, if required by Section 16.140.090 of this Code.
 7. The kind or kinds of facility or facilities proposed based on the solid waste facility definitions in Section 16.10.0420, Definitions.
- B. The applicant shall submit the following information as part of the application, unless the Planning Director finds that, given the scale and nature of the facility, a requested item will not materially aid the approval authority in reviewing the proposal, and the item is not otherwise required to be submitted under this Code.
1. A written description of the location of the site with respect to known or easily identifiable landmarks and access routes to and from the area the facility will serve.
 2. A legal description of the tract or tracts to be used for the facility.
 3. Except for an accessory facility, a map or maps showing the location of the site, existing and approved land uses within a minimum two-hundred fifty (250) foot radius of the boundary of the site inside the regional urban growth boundary or within a minimum five-hundred (500) foot radius of the site outside the regional urban growth boundary; public water supply wells, surface waters, access roads within that radius; historic sites, areas of significant environmental concern or resources, or significant environmental features identified in the Community Development Plan, Part 2, within the applicable radius; other existing or approved manmade or natural features relating to the facility; and a north arrow, bar scale, and drawing table.
 4. Except for an accessory use or temporary facility, an aerial photograph of the site and the area within the relevant radius with the boundary of the site outlined.
 5. Except for an accessory or temporary facility, a map or maps showing the existing topography of the site with contour intervals not to exceed two (2) feet if slopes are less than five percent (5%), not to exceed five (5) feet if slopes are more than five percent (5%), and not to exceed ten (10) feet if slopes are more than twenty percent (20%); natural features of the site including water bodies wetlands; the boundary of the one-hundred (100) year flood plain based on Federal Emergency Management Agency data; public easements of record; manmade features including buildings, utilities, fences, roads, parking areas, and drainage features; boundaries of existing waste disposal areas and soil borrow areas, if any; locations of borings, piezometers, monitoring wells, test pits, water supply wells, and facility monitoring or sampling points and devices; a benchmark; and a north arrow, bar scale, and drawing date.
 6. For a landfill, data regarding average and monthly precipitation and evaporation and prevailing wind direction and velocity, based on data from the National Oceanic and Atmospheric Administration or other federal or state agency, or from on-site measurements.
 7. For a landfill, information regarding minimum, maximum, and average annual flow rates and monthly variations of streams on the site, based on stream gauging data collected by the U.S. Geological Service or other federal or state agency supplemented with reliable site specific data as available.
 8. A map or maps showing and describing the type and size of existing vegetation on the site, and identifying vegetation to be removed and retained.
 9. A grading plan showing site elevations when grading is completed, including any modifications to drainage channels and any required retaining walls or other means of retaining cuts or fills.
 10. A site plan showing proposed structures, signs, parking, outdoor storage, landscaping, berms, fencing, and other features of the facility.
 11. Responses to the applicable standards of Section 16.140.090 of this Code.
 12. If other local, state or federal permits are required for construction and operation of the proposed facility:

- a. The applicant shall submit a copy of such permit(s); or
- b. The applicant shall submit:
 - (1). A schedule for submitting the required permits; a description of the requirements of the laws and regulations applicable to such other local, state or federal permits; a summary of how the applicant proposes to comply with the requirements; a list of which regulations require local land use approval; and a list of potentially conflicting local, state or federal standards; and
 - (2). A copy of any application filed for another local, state or federal permit for the proposed facility within ten (10) working days after it is filed with the local, state or federal agency; and
- c. A copy of any written correspondence or published notice from the local, state or federal agency regarding that application within ten (10) working days after the applicant receives that correspondence or notice from the local, state or federal agency. (Ord. 93-966 § 3; 91-922)

16.140.070 Review Procedures and Burden of Proof

A. Before accepting an application as complete, the Planning Director may decide additional expertise is warranted to evaluate it due to exceptional circumstances, the complexity of the proposed facility, or its potential impacts. The Planning Director may hire a professional engineer with the necessary expertise to make a written evaluation of the specific application elements required pursuant to this Code.

- 1. The written evaluations shall be available no later than thirty (30) days after the applicant submits a deposit to pay for the work. Within ten (10) days after the written evaluation is available, the Planning Director shall determine whether the application is complete and advise the applicant in writing accordingly, listing any additional information required to make the application complete.
- 2. The Planning Director shall draft a work program and estimate the cost of hiring a professional engineer with the necessary expertise for the written evaluation and shall advise the applicant of that cost, which shall not exceed ten (10) times the application fee (or other reasonable limit) unless approved by the applicant. The applicant shall deposit a sum equal to the estimated cost of such services before the application is deemed complete. If the cost of such services is less than estimated, the City shall refund any excess to the applicant. If the cost of such services is more than estimated, the City shall bill the applicant for such additional cost; provided the cost of such services shall not exceed one-hundred ten percent (110%) of the estimated cost unless the applicant or the City agrees in writing to assume such additional cost.
- 3. The provision does not authorize the City to collect money from an applicant for independent evaluation of on-going operations or performance review of a facility. A fee may be required pursuant to Section 16.140.080F before renewal, but not at the time of application or approval.

B. An application for a solid waste facility under this Code is complete if any written evaluation required under this Section has been completed, and if:

- 1. The application includes substantial evidence that the proposed facility will comply with the applicable development standards in Section 16.140.090 or conditions that may be necessary to ensure compliance; or
- 2. The application includes substantial evidence that the proposed facility is likely to comply with the applicable development standards in Section 16.140.090, identifies any necessary evidence not yet submitted, and provides a reasonable schedule for its submission.
- 3. The application includes information required to be submitted under Section 16.140.060 of this Code, except to the extent waived by the Planning Director.

C. The City shall provide public notice and an opportunity for submission of written information and/or for a public hearing to consider compliance within the terms of this Code.

D. An applicant for a solid waste facility bears the burden of proving that a facility complies with this Code. The following presumptions and procedures apply when evaluating compliance with the burden of proof:

- 1. An applicant is rebuttably presumed to have met the burden of proof if the application includes substantial evidence that the facility will comply with the standards for establishment of the facility in Section 16.140.090 and conditions proposed by the Planning Director to ensure such compliance.
- 2. Substantial evidence can be rebutted only by evidence of equal or greater probative value. For instance, testimony from a professional engineer about a given subject in which an engineer has expertise may

be rebutted only by testimony or evidence from another professional engineer or a person similarly qualified about that subject. Testimony from an expert witness regarding matters relevant to the expertise of the witness cannot be rebutted by testimony from a non-expert witness. This subsection does not limit what may be introduced as testimony; it affects the weight to be accorded that testimony.

3. If evidence of equal probative value is offered that a given facility does and does not comply with a given standard or that a proposed condition is or is not adequate to ensure compliance, the approval authority shall weight the evidence, identify which evidence it accepts as the basis for its decision, and explain why that evidence is accepted and why contrary evidence is rejected.
4. The approval authority shall issue all necessary land use compatibility statements to the applicant or to applicable local, state, or federal agencies, and a final decision with appropriate findings, conclusions and conditions of approval if, after the appropriate review process, it finds there is substantial evidence that the facility complies with all applicable provisions of this Code and City laws incorporated by reference, subject to appropriate conditions, and that such evidence was not effectively rebutted and does not need to be supplemented.
5. If, after a public hearing (or another initial level of review; for instance, the close of the public record following public notice and an opportunity to file written comments), the approval authority finds that:
 - a. There is substantial evidence that the facility complies with some applicable provisions of this Code and such evidence was not rebutted and does not need to be supplemented to resolve disputes.
 - b. There is not substantial evidence that the facility complies with one or more applicable provisions of this Code, or evidence necessary for approval was rebutted or requires augmenting to resolve disputes; and
 - c. It is likely that the applicant will provide the remaining necessary substantial evidence within six (6) months, the approval authority shall:
 - (1) Issue a written final decision approving the proposed facility in concept that, among other things:
 - (a) Identifies standards with which the application complies and provide findings and conclusions showing why it complies, based on substantial evidence in the record, and subject to appropriate conditions of approval;
 - (b) Identifies evidence the applicant must submit to show the proposed facility complies with other applicable provisions of this Code, imposes a schedule for its submission, and includes any requirements pursuant to subsection A above; and
 - (c) Describes how that substantial evidence will be reviewed, including any public notice and hearing requirements.
 - (2) Issues all necessary land use compatibility statements to the applicant or to applicable local, state or federal agencies.
6. The approval authority shall issue a final decision that denies the application if, after the appropriate review process, it finds that:
 - a. The record does not contain substantial evidence that the facility complies with all applicable provisions of this Code or could comply given the imposition of conditions, in which case the decision shall identify the section(s) about which the record does not contain substantial evidence; or
 - b. There is more persuasive and at least equally substantial evidence contrary to evidence that the proposed use complies with applicable standards of this Code or could comply given the imposition of conditions, in which case the decision shall identify the provisions for which evidence against the facility overwhelmed the evidence in favor, and
 - c. The applicant declines to supplement the record regarding standards identified pursuant to subsections D and 6a and 6b above, or it is not likely that substantial evidence necessary to address standards identified pursuant to subsections D and 6a and 6b above will be available within six (6) months after the date of the decision. (Ord. 93-966 § 3; 91-922)

16.140.080 Conditions of Approval and Enforcement

A. The approval authority may approve an application for a facility subject to conditions of approval. Conditions of approval shall be reasonably related to impacts of the facility, the requirements of this Code and provisions incorporated herein. In no instance may an approval authority impose as a condition of approval a

requirement that a facility be publicly or privately owned. All facilities approved pursuant to this Code shall be subject to a condition requiring that landscaping, air and water quality structures and devices, signs, structures, paved areas, and other features of the facility be maintained in good condition, and that such features be replaced if they fail to survive or are rendered ineffective over time.

B. Conditions of approval may require an applicant to submit a written statement or permit from state or federal agencies responsible for administering a regulation to which the proposed facility is subject, if the record does not contain such a statement or permit.

1. Such a condition may fulfill provisions of Code Sections relating to Noise, Odors, Ground and Surface Water, Air Quality and Treatment and Storage that the facility comply with state or federal regulations, subject to a further condition that the applicant submit a written statement or permit showing the proposed facility complies with the applicable state or federal regulation before a building permit is issued for the facility; and
2. Such a condition shall require appropriate review and allow modification of the decision and conditions of approval regarding the application if a state or federal permit substantially changes a proposed facility from what was approved by the City in ways relevant to applicable provisions of Section 16.140.090.

C. All facilities approved pursuant to this Code shall comply with applicable state and federal regulations as a condition of approval. Approval of a facility pursuant to this Code does not preclude imposition of more stringent state or federal regulations adopted after the effective date of this Code.

D. Any facility that is required to obtain a franchise or license from the Metropolitan Service District (Metro) shall obtain the franchise or license and provide a copy of it to the City before a building permit is issued for the facility.

E. The City shall enforce the conditions of approval pursuant to Section 16.02.040, Violations. If Metro issues a franchise or license for the facility, the City shall send to Metro a copy of any written correspondence or notices City sends to the applicant regarding enforcement of conditions of approval. Metro may remedy violations of conditions of approval regarding the facility and charge the franchisee or licensee for the cost of such remedial action unless provided otherwise in the franchise or license.

F. The City may periodically conduct a performance review of an approved facility to determine whether it continues to comply with the criteria and standards then applicable and to modify conditions of approval that apply to the facility so that it continues to comply. The approval authority shall specify the time for any performance review. The City may impose a fee for performance review. (Ord. 93-966 § 3; 91-922)

16.140.090 Site Improvement

A. Setbacks, Landscaping and Site Design Impacts:

1. The facility shall comply with the setback requirements and height limits of the underlying zone. However, if the facility adjoins a commercial zone, the minimum setback shall be one-hundred (100) feet, and if the facility adjoins a residential or open space zone, the minimum setback shall be two-hundred (200) feet.
2. Structures, exterior storage and processing areas, and vehicle maneuvering and parking are prohibited in setbacks required pursuant to subsection A1 above, except that:
 - a. The approval authority may reduce the required setback if it finds that a lesser setback will not adversely affect the privacy, use, or visual character of existing uses on adjoining land, based on the scale and design of the use or structure(s), landscaping and buffers, or on the topography, vegetation, or other natural features of the site.
 - b. Minor building features such as eaves, chimneys, fire escapes, bay windows, uncovered stairs, wheelchair ramps, and uncovered decks no more than three (3) feet above grade may extend up to twenty percent (20%) into a required setback.
 - c. Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps may extend into a required setback, except adjoining or across a street from an abutting residential zone.

- d. Fences, walls, berms, landscaping, access drives, and an entry sign(s) are permitted in the setback; and
 - e. Notwithstanding the preceding, structures shall be situated so they comply with the Uniform Building Code, State of Oregon Structural Specialty Code, as adopted in Oregon.
3. Exterior building surfaces shall be finished. Metal used on the exterior of the building shall be anodized or painted; galvanized or coated steel shall not be left unpainted.
 4. Buildings with walls containing more than twenty-five hundred (2,500) square feet above grade shall incorporate fascias, canopies, arcades, or multiple colors or building materials to break up large wall surfaces visually into areas of one-thousand (1,000) square feet or less, unless it would be contrary to the purpose of the wall, such as for retaining earth or for structural support.
 5. Attached mechanical structures and roof-mounted equipment shall be screened from ground-level view at adjoining public streets and property zoned residential or open space. Screening may include landscaping, sight obscuring fencing or other features.
 6. The facility shall not cause glare or lights to shine off-site in excess of one-half (0.5) footcandle onto non-industrial zoned land, based on a written statement certified by a professional engineer.
 7. Structures shall not obstruct scenic views or vistas identified in the Community Development Plan, Part 2, although structures may be visible from off-site.
 8. Major activity areas of the site, such as loading and delivery areas, shall be oriented away from adjoining land zoned for residential or open space uses.
 9. At least twenty percent (20%) of the facility site shall be landscaped with living vegetation in an appropriate medium, such as yard debris compost. Landscaped areas shall have a permanent irrigation system equipped with automatic controls. Where landscaping is situated in required setbacks or adjoins buildings and other structures, it shall include evergreen species at least six (6) feet above grade at planting and situated not farther apart than the radius of the crown of a mature specimen. The approval authority may waive or reduce the level of landscaping where necessary to allow sight distance for vehicular traffic, to enable views of signs or other features of the facility that should be visible to enhance the function of the facility, or to protect solar access to adjoining property. The approval authority may require larger or more numerous trees where necessary to reduce the potential adverse visual effects of a facility. Existing significant vegetation shall be retained, where feasible, and may substitute for other required vegetation. Landscaping in setbacks and parking lots counts toward the twenty percent (20%).

B. Historic Resource Impacts

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

C. Operating Impacts

1. Exterior activities are prohibited between 10:00 PM and 7:00 AM daily, except that vehicles may continue to enter and exit the site and maintenance may be conducted at all hours if they do not violate applicable provisions of Chapters 16.142, Noise, 16.144, Vibration, and subsections A6, A8 and I2 of this Section during any hours.
2. For a solid waste transfer station, most solid waste may be stored in an open pit or floor inside a building for up to twenty-four (24) hours or in a sealed container on the site for up to seventy-two (72) hours. Separated recycled materials may be stored on the site for up to thirty (30) days in unsealed containers.

D. Signage Impacts

1. Signs shall comply with sign regulations of Chapter 16.102, except as provided herein.
2. If the facility is open to the public, the applicant shall provide a sign(s) at each public entrance to the facility that is clearly legible and visible from the adjoining public road. The sign shall identify the name of the facility, the name and telephone number of the operator, and hours of operation of the facility. The entry sign(s) may be up to thirty-two (32) square feet per side and up to ten (10) feet above grade,

unless the zone allows larger signs. Directional information to orient drivers shall be included on the entry sign(s) or on interior signs.

3. A sign(s) describing recommended access routes to the facility, materials accepted, instructions for correct preparation of accepted materials, recycling services, and fees for disposing materials shall be posted at the facility. Signs interior to the site shall be coordinated and consistent in appearance.
4. Signs that use recycled materials, including recycled plastic, are encouraged. Sign quality and appearance shall be appropriate to the character of the area, as determined by the approval authority.

E. Outdoor Storage Impacts

1. No mixed solid waste or recovered material shall be stored outside in unsealed containers, except;
 - a. In a landfill or composting facility approved for that purpose.
 - b. Solid waste or recovered material that is inert; or
 - c. As otherwise allowed in subsection E of this Section. In all circumstances, outdoor storage of hazardous waste is prohibited.
2. Source-separated materials other than yard debris and wood waste shall be stored in containers in an area enclosed on at least three (3) sides and roofed except that in a rural zone, such material shall be enclosed on any side visible from adjoining public or private property and roofed.
3. Wood waste, yard debris, and solid waste in sealed containers may be stored outdoors if it complies with the applicable dimensional and design standards. Yard debris shall be removed from the site on at least a weekly basis.
4. Storage areas larger than two (2) cubic yards for recovered materials shall be enclosed.
5. Drop boxes for recyclable materials on the site of a solid waste facility shall be painted and maintained in good repair, situated on a paved surface and emptied before collected items exceed the height of the box or within five (5) days of becoming full. The applicant shall post a notice on any recycling drop box, stating that only domestic recyclable or reusable materials, such as paper, cardboard, glass, tin, aluminum, plastic and clothing are permitted. The notice shall also state that yard debris, appliances, or other large items that may be repairable, recyclable or reusable are prohibited, unless the box is designed for that purpose. The name and telephone number of the operator shall also be posted on the box.
6. Outdoor storage areas shall not be visible when viewed from a height of five (5) feet at the edge of the property, except as provided above. A facility complies with this standard when outdoor storage is enclosed within a sight obscuring fence, wall, berm, or landscaping at least six (6) feet high, but not more than ten (10) feet high. A wood fence is sight obscuring when attached vertical or horizontal fence boards are separated by not more than one-fourth (1/4) inch. A metal fence consisting of chain link or woven fabric is sight obscuring when water and insect resistant wood or plastic slats are inserted in the fence material so they are separated by not more than three-eighths (3/8) inch. Landscaping is sight obscuring when it includes evergreen material at least six (6) feet high and not more than two (2) feet on center at planting.

F. Litter Impacts

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

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

G. Vector Control Impacts

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

H. Traffic Circulation and Access

1. Access requirements for a facility shall be based on the number and type of vehicle trips generated by the facility. The number of trips generated per day shall be based on the most recent version of the Trip Generation Manual of the Institute of Traffic Engineers, except that the applicant may submit a trip generation study certified by a professional traffic engineer of other similar facilities as the basis for trip generation by the proposed facility. If a proposed facility is not listed in the Trip Generation Manual and a trip generation study of other similar facilities is not available, then the number and type of vehicle trips generated by the proposed facility shall be based on the figures for the use most similar to the proposed facility for which the Trip Generation Manual contains data.
2. The applicant shall identify designated routes for vehicular traffic generated by the proposed facility and shall provide written information to facility users describing and promoting use of those routes. Designated routes shall be selected to minimize traffic on non-arterial streets and shall not include streets in residential zones if nonresidential streets provide access.
3. For a facility that generates more than two-hundred (200) vehicle trips per day, the applicant shall submit a traffic study by a professional engineer that shows the facility will not cause traffic volumes that exceed the capacity of the street based on the capacity assumptions of the Transportation Master Plan of the City, or that cause any intersection affected by that traffic to have a Level of Service E. If the proposed facility will cause street capacity to be exceeded or create a Level of Service E at any intersection, the applicant shall propose street modifications acceptable to the City to meet the requirements of this subsection. Unless otherwise provided by agreement with the City, all expenses related to street improvements necessitated by the proposed facility shall be borne by the applicant.
4. A facility in an urban zone shall provide for a deceleration/turn lane at proposed access points to separate facility-bound traffic from other traffic if deemed warranted by the traffic study required in subsection ~~13-H.3~~ H.3 of this Section. The lane shall accommodate at least two (2) stacked vehicles and shall taper at a ratio of not less than twenty-five in one (25:1) to match the standard roadway width.

I. Odor Impacts

1. The applicant shall demonstrate that the facility meets the requirements of Chapter 16.152, and:
 - a. Will incorporate the best practicable design and operating measures to reduce the potentials or odors detectable off-site from such things as waste stored or being processed on site, spillage of waste, venting of dust, residual amounts of waste in operating areas of the site, and vehicle odors in stacking, maneuvering and staging areas; and

- b. Will not cause unusual or annoying odors, considering the density of the surrounding population, the duration of the emissions, and other factors relevant to the impact of such emissions.
- 2. Open burning of solid waste will not be allowed unless:
 - a. Open burning is consistent with standards of the DEQ; or
 - b. The facility is outside the area where open burning is banned, and a permit is not required by DEQ.

J. Ground and Surface Water Impacts

- 1. The applicant shall demonstrate that the facility will:
 - a. Collect all waste water from production, washing down of equipment and vehicles, and similar activities and discharge the water to a public sanitary sewer if:
 - (1) The sewer adjoins or can be extended to the site based on applicable rules of the sewer service provider, and
 - (2) The sewer has the capacity to accommodate waste water from the facility as determined by the sewer service provider or by a professional civil engineer; or
 - b. Incorporate an alternative sanitary waste disposal method that is or will be approved by DEQ; or
 - c. Incorporate an alternative waste disposal method that is consistent with applicable water quality standards and will not cause drinking water supplies to violate applicable water quality standards; or
 - d. Not generate waste water, and will divert and/or contain storm water so that it does not enter solid waste on the site.
- 2. Prior to construction of the facility, the applicant shall obtain all required permits relating to discharges of waste water and storm water from the facility. The operator of the facility shall comply with all directives of state and federal agencies related to protection of ground and surface water resources potentially affected by the facility.
- 3. At the request of the approval authority, the applicant shall submit to the approval authority copies of any groundwater self-monitoring programs and analyses of potential surface and groundwater impacts related to the facility that are required to be submitted to the DEQ.
- 4. At the request of the approval authority, an applicant for a landfill, mixed waste compost facility, wood waste recycling facility, yard debris depot or processing facility shall submit copies of its leachate collection and treatment plan and program prepared by a professional civil engineer for submittal to the DEQ, if one has been required by the DEQ.
- 5. An applicant for a household hazardous waste depot, hazardous waste treatment and storage facility, material recovery facility, solid waste depot or transfer station shall submit and implement a plan and program prepared by a professional civil engineer to collect, pre-treat and dispose waste water from the floor or operating area of such facility and to prevent surface water from mixing with solid waste spills.
- 6. The applicant shall submit and implement a plan prepared by a professional civil engineer to reduce the amount of waste water caused by hosing down equipment, tipping areas, platforms and other facility features, such as by using high pressure/low flow washing systems, compressed air or vacuum equipment for cleaning.
- 7. The applicant shall submit and implement a plan prepared by a professional civil engineer or landscape architect to collect storm water from all impervious areas of the site and to properly manage storm water. The applicant shall comply with state and federal regulations governing storm water discharges, and obtain required storm water discharge permits in a timely fashion. To the extent consistent with a storm water discharge permit issued for the facility, storm water shall be managed in the following manner:
 - a. Storm water disposal shall comply with the Storm Drainage Master Plan of the City.
 - b. If a storm sewer with adequate capacity is not available, the applicant shall:
 - (1). Retain storm water on site; and/or
 - (2). Detail storm water on-site and discharge it from the site at no greater rate than before development of the facility; or
 - (3). Discharge storm water at full rate to public drainage features, such as a roadside ditch or regional drainage facility, if there is adequate capacity to accommodate it as determined by a professional civil engineer or landscape architect. If discharging water at full rate would exceed the capacity of downstream drainage features, the applicant shall:
 - (a) Provide a detention pond or ponds to contain water in excess of the system's capacity; and/or

- (b) Identify improvements to downstream drainage features necessary to accommodate the increased volume or rate of flow without adversely affecting adjoining property and either:
 - (i) Provide such improvements before operation of the facility, or
 - (ii) Contribute necessary funds to the City and USA so that the City and USA can undertake such improvements.
 - (c) If off-site improvements are required to accommodate storm water from the site, prior to issuance of a building permit for the facility, the applicant, the City and USA shall execute an agreement to pay back the applicant for the cost of improvements to the extent those improvements exceed the storm drainage needs generated by the facility.
8. Except as otherwise provided by the storm drainage master plan of the City and USA, the collection and disposal system shall be sized to accommodate peak flows from a twenty-five (25) year storm event, based on the flow from the area that includes the site and the basin that drains onto it, assuming permitted development of that area, as determined by a professional civil engineer or landscape architect.
 9. Before storm water is discharged from the site or into the ground, the applicant will direct it through features to remove sediment, grease and oils, and water soluble materials in the water. Such features shall comply with the storm drainage standards of the City and USA.
 10. The applicant shall submit and implement a plan prepared by a professional civil engineer or landscape architect to reduce the potential for erosion along natural and constructed drainageways and across slopes during and after construction.
 11. For a landfill, the approval authority may require that the applicant submit a copy of its closure plan as prepared for submittal to the DEQ.
- K. Methane Gas Impacts
1. The applicant shall submit a statement from a professional engineer that the facility will not generate significant quantities of methane gas emissions; or
 2. The applicant shall submit and implement a methane gas control program prepared by a professional engineer that describes how:
 - a. The facility will not generate methane gas in excess of twenty-five percent (25%) of the lower explosive limit for methane in facility structures or in excess of the lower explosive limit at the facility boundary;
 - b. The gas shall be collected and vented, incinerated, or put to or prepared for a productive use; and
 - c. Methane will be measured in structures and at the facility boundary, consistent with applicable DEQ standards.

L. Air Quality Impacts

A facility shall not cause detrimental air quality impacts. A facility complies with this standard if the applicant obtains all required Air Contaminant Discharge Permits and the facility is operated in conformance with Chapter 16.146-150 and all applicable DEQ air quality standards and requirements.

M. Treatment and Storage Facilities (Hazardous Waste)

The applicant for a proposed treatment and storage facility shall comply with Oregon Administrative Rules Chapter 340, Division 340, Division 120, and any other applicable state or federal law, by obtaining all state and federal permits necessary for operation of the facility. (Ord. 93-966 § 3)

Chapter 16.142 PARKS, ~~AND OPEN SPACES~~ AND TREES*

Sections:

16.142.010 Purpose

16.142.020 Multi-Family Developments

16.142.030 Visual Corridors

16.142.040 Park Reservation

16.142.050 Trees Along Public Streets or on Other Public Property

16.142.060 Trees on Property Subject to Certain Land Use Applications

16.142.070 Trees on Private Property -- not subject to a land use action

16.142.080 Recommended Street Trees

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

16.142.010 Purpose

This Chapter is intended to assure the provision of a system of public and private recreation and open space areas and facilities consistent with this Code and applicable portions of Chapter 5 of the Community Development Plan Part 2. (Ord. 2006-021; 91-922 § 3)

16.142.020 Multi-Family Developments

A. Standards

Except as otherwise provided, recreation and open space areas shall be provided in new multi-family residential developments to the following standards:

1. Open Space

A minimum of twenty percent (20%) of the site area shall be retained in common open space. Required yard parking or maneuvering areas may not be substituted for open space.

2. Recreation Facilities

A minimum of fifty percent (50%) of the required common open space shall be suitable for active recreational use. Recreational spaces shall be planted in grass or otherwise suitably improved. A minimum area of eight-hundred (800) square feet and a minimum width of fifteen (15) feet shall be provided.

3. Minimum Standards

Common open space and recreation areas and facilities shall be clearly shown on site development plans and shall be physically situated so as to be readily accessible ye to and usable by all residents of the development.

4. Terms of Conveyance

Rights and responsibilities attached to common open space and recreation areas and facilities shall be clearly specified in a legally binding document which leases or conveys title, including beneficial ownership to a home association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions suitable to the City for guaranteeing the continued use of such land and facilities for its intended purpose; continuity of property maintenance; and, when appropriate, the availability of funds required for such maintenance and adequate insurance protection. (Ord. 91-922 § 3)

16.142.030 Visual Corridors

A. Corridors Required

New developments located outside of the Old Town Overlay with frontage on Highway 99W, or arterial or collector streets designated on Figure 8-1 of the Transportation System Plan Map, attached as Appendix C, or in Section 5 of the Community Development Plan Part 2, shall be required to establish a landscaped visual corridor according to the following standards:

TABLE INSET:

| | Category | Width |
|----|-----------------|--------------|
| 1. | Highway 99W | 25 feet |
| 2. | Arterial | 15 feet |
| 3. | Collector | 10 feet |

In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk. In all other developments, the visual corridor shall be on private property adjacent to the right-of-way. (Ord. 2009-005, § 2, 6-2-2009; Ord. 2006-021)

B. Landscape Materials

The required visual corridor areas shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section 16.142.050, shall be planted in the corridor by the developer. The improvements shall be included in the ~~subdivision~~-compliance agreement. In no case shall trees be removed from the required visual corridor. (Ord. 2006-021)

C. Establishment and Maintenance

Designated visual corridors shall be established as a portion of landscaping requirements pursuant to Chapter 16.92. To assure continuous maintenance of the visual corridors, the review authority may require that the development rights to the corridor areas be dedicated to the City or that restrictive covenants be recorded prior to the issuance of a building permit. (Ord. 2006-021)

D. Required Yard

Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited ~~or trees be removed from~~ within the required visual corridor, with the exception of front porches on townhomes, as permitted in Section 16.44.010(E)(4)(c). (Ord. 2006-021)

E. Pacific Highway 99W Visual Corridor

1. Provide a landscape plan for the highway median paralleling the subject frontage. In order to assure continuity, appropriate plant materials and spacing, the plan shall be coordinated with the City Planning Department and ODOT.
2. Provide a visual corridor landscape plan with a variety of trees and shrubs. Fifty percent (50%) of the visual corridor plant materials shall consist of groupings of at least five (5) native evergreen trees a minimum of ten (10) feet in height each, spaced no less than fifty (50) feet apart, if feasible. Deciduous trees shall be a minimum of four (4) inches DBH and twelve (12) feet high, spaced no less than twenty-five (25) feet apart, if feasible.

16.142.040 Park Reservation

Areas designated on the Natural Resources and Recreation Plan Map, ~~attached as Appendix C, or~~ in Chapter 5 of the Community Development Plan, which have not been dedicated pursuant to Section 16.142.030 or 16.134.020, may be required to be reserved upon the recommendation of the City Parks Board, for purchase by the City within a period of time not to exceed three (3) years. (Ord. 2006-021; 91-922 § 3)

16.142.050 Trees Along Public Streets or on Other Public Property

A. Trees Along Public Streets

Trees are required to be planted ~~by the land use applicant~~ to the following specifications along public streets abutting or within any new development. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets.

1. Tree location: Trees shall be planted within the planter strip along newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines. (Ord. 2006-021)
2. Tree size: A minimum trunk diameter of two (2) inches DBH and minimum height of six (6) feet.
3. Tree spacing: A minimum of one (1) tree for every twenty-five (25) feet of public street frontage, or two (2) trees for every buildable lot, whichever yields the greater number of trees. Double fronting lots shall have a minimum of one (1) street tree for every twenty-five (25) feet of frontage. Corner lots shall have a minimum of three (3) street trees.
4. For ~~minor~~-arterial and ~~major~~-collector streets, the City may require planted medians in lieu of paved twelve (12) foot wide center turning lanes, planted with trees to the specifications of this subsection.
5. Tree types: Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in ~~Appendix J~~16.142.080 of this Code. (Ord. 2006-021)

B. Prohibited Trees and Shrubs

1. Poplar, conifer, cottonwood, willow, ailanthus, any other native tree species, and fruit and nut trees, are prohibited along public streets as such trees tend to grow in such manner as to interfere with or damage public streets and utilities, or cause an unwarranted increase in the maintenance costs of same.
2. Poplar, cottonwood, and willow trees are prohibited on other public or private property not along public streets, when, in the City's determination, such trees may tend to interfere with or damage public streets and utilities, or cause an unwarranted increase in the maintenance costs of same. English ivy, holly and Himalayan blackberries are also prohibited on public property.

C. Removal and Cutting of Trees

1. For the purposes of this Section, "removal and cutting" shall be defined as the falling or removal of a tree, or any other deliberate action by any person, the natural result of which is to cause the death or substantial destruction of the tree. Prohibited removal and cutting activities do not include normal trimming or pruning when done in accordance with generally accepted arboricultural practices. The authorizations required by this subsection shall not apply to any removal or cutting associated with development activities authorized by the land use approvals contemplated by ~~this~~ Section 16.142.060. Subsection C of this Section shall only govern the removal or cutting of trees along public streets or of trees and woodlands on public property not part of a land use application.
2. Any tree located on public property or along public streets, as per this Section, shall not be subsequently removed or cut without the authorization of the Parks Advisory Board, unless removal or cutting is necessitated by the tree:
 - a. Dying, becoming severely diseased, or infested or diseased so as to threaten the health of other trees, or
 - b. Obstructing public ways or sight distance so as to cause a safety hazard, or
 - c. Interfering with or damaging public or private utilities, or
 - d. Being defined as a nuisance as per City nuisance abatement ordinances, or
 - e. Otherwise becoming a hazard to life or property, in the City's determination.
3. All requests for authorization to remove or cut trees or woodland shall be made in writing stating reasons and circumstances necessitating removal or cutting. The Parks Advisory Board shall consider the request in open session at any duly convened Board meeting. Any Board authorization for the removal and cutting of such trees or woodlands shall be made in writing, setting out the reasons for the removal or cutting, and any limitations or conditions attached thereto. Such written authorization shall be issued to the party requesting the removal or cutting, and maintained in City records, as per other Notices of Decision required by this Code. Any tree or woodland removed per this Section shall be replaced with a new tree or trees selected from [Appendix J16.142.080](#) of this Code. The party initiating the request for tree or woodland removal is responsible for all costs of replacement, including installation. This Section shall apply to any party requesting tree or woodland removal or cutting, including the City.
4. In the specific circumstances listed in subsection C2 of this Section only, the City Manager or his or her designee may administratively authorize the immediate removal of such trees or woodlands without Parks Advisory Board review. Any administrative authorization for the removal or cutting of such trees or woodlands shall be made in writing setting out the reasons for the removal or cutting, and any limitations or conditions attached thereto. Such written authorization shall be issued to the party requesting the removal or cutting, and maintained in City records as per other Notices of Decision required by this Code. Any tree or woodland removed as per this Section shall be replaced with a new tree or trees selected from [Appendix J16.142.080](#) of this Code. The party initiating the request for tree or woodland removal shall be responsible for all costs of said replacement, including installation. This Section shall apply to any party requesting tree or woodland removal or cutting, including the City.

D. Trees on Private Property [causing damage](#)

Any tree, woodland or any other vegetation located on private property, regardless of species or size, that interferes with or damages public streets or utilities, or causes an unwarranted increase in the maintenance costs of same, may be ordered removed or cut by the City Manager or his or her designee without Parks Advisory Board review. Any order for the removal or cutting of such trees, woodlands or other vegetation, shall be made and processed as per applicable City nuisance abatement ordinances.

E. Penalties

The abuse, destruction, defacing, cutting, removal, mutilation or other misuse of any tree planted on public property or along a public street as per this Section, shall be subject to the penalties defined by Section 16.02.040, and other penalties defined by applicable ordinances and statutes, provided that each tree so abused shall be deemed a separate offense. (Ord. 91-922 § 3)

16.142.060 Trees on Property Subject to Certain Land Use Applications

A. Generally

The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of trees and woodlands within the City. This Section is intended to help protect the scenic beauty of the City; to retain a livable environment through the beneficial effect of trees on air pollution, heat and glare, sound, water quality, and surface water and erosion control; to encourage the retention and planting of tree species native to the Willamette Valley and Western Oregon; to provide an attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time. (Ord. 2006-021)

1. All Planned Unit Developments subject to Chapter 16.40, site developments subject to Section 16.92.020, and subdivisions subject to Chapter 16.122, shall be required to preserve trees or woodlands, as defined by this Section to the maximum extent feasible within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, as determined by the City. This Section shall not apply to any PUD, site development or subdivision, or any subdivision phase of any PUD, having received an approval by the Commission prior to the effective date of Ordinance No. 94-991, except for Subsection C5 of this Section, which shall apply to all building permits issued after the effective date to that Ordinance.
2. For the inventory purposes of this Section, a tree is a living woody plant having a trunk diameter as specified below at four and one-half (4- 1/2) feet above mean ground level at the base of the trunk, also known as Diameter Breast Height (DBH). Trees planted for commercial agricultural purposes, and/or those subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition and from regulation under this Section, as are any living woody plants under five (5) inches DBH. (Ord. 2006-021)
 - a. Douglas fir, ponderosa pine, western red cedar, white oak, big leaf maple, American chestnut, ten (10) inches or greater.
 - b. All other tree species, five (5) inches or greater.
In addition, any trees of any species of five (5) inches or greater DBH that are proposed for removal as per the minimally necessary development activities defined in subsection C3 of this Section shall be inventoried.
3. For the inventory purposes of this Section, a woodland is a biological community dominated by trees covering a land area of 20,000 square feet or greater at a density of at least fifty (50) trees per every 20,000 square feet with at least fifty percent (50%) of those trees of any species having a five (5) inches or greater DBH. Woodlands planted for commercial agricultural purposes and/or subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition, and from regulation under this Section. (Ord. 2006-021)

B. Tree and Woodland Inventory

1. To assist the City in making its determinations on the retention of trees and woodlands, the land use applications referenced in subsection A of this Section shall include a tree and woodland inventory and report, in both map and narrative form, addressing the standards in subsection C of this Section, and a written report by an arborist, forester, landscape architect, botanist, or other qualified professional, as determined by the City, that generally evaluates the nature and quality of the existing trees and woodlands on the site and also provides information as to the extent and methods by which trees and woodlands will be retained. The inventory shall include a resume detailing the qualified professional's applicable background and experience. The City may also require the submission of additional information as per Section 16.136.030.

Trees removed on the property within one year prior to the submittal of the development application shall also be included in the inventory. In the event that adequate data is not available to address the specific inventory requirements below, an aerial photo may be utilized to determine the approximate number, size and type of trees on the property. (Ord. 2006-021)

2. In addition to the general requirements of this Section, the tree and woodland inventory's mapping and reports shall include, but are not limited to, the following specific information. Mapping shall include a composite map, illustrating as much required information as possible while retaining map readability.
 - a. The location of the property subject to the land use application and tree and woodland inventory, including street addresses, assessors' map and tax lot numbers, and a vicinity map.
 - b. Mapping indicating the location of trees and woodlands, as defined by subsections A2 through 3. Mapping shall include typical tree root zones, given tree species, size, condition and location. For any woodland, inventory data and mapping is required only for the group, rather than on a tree by tree basis.
 - c. Mapping and other inventory data shall include, but is not limited to, the boundaries and/or types of soils, wetlands, and floodplains underlying the tree or woodland; site hydrology, drainage, and slope characteristics; the condition, density, form, root zone and aspect of the tree or woodland, including in the case of a woodland, associated understory.
 - d. Mapping and other inventory data shall be of sufficient detail and specificity to allow for field location of trees and woodlands by the City, and shall include but is not limited to, existing and proposed property lines, topography at the intervals otherwise specified for the type of land use application being considered, and any significant man-made or natural features that would tend to aid in such field location.
 - e. The number, size, species, condition, and location of trees and woodlands proposed for removal, the timing and method of such removal, and the reason(s) for removal.
 - f. The number, size, species, condition, and location of trees and woodlands proposed for retention, and the methods by which such trees and woodlands shall be maintained in a healthy condition both during and subsequent to development activity.
 - g. Proposed mitigation and replacement efforts as per subsection D of this Section, including a description of how proposed replacement trees will be successfully replanted and maintained on the site.

C. Tree and Woodland Retention

1. The review authority shall make findings identifying all trees and woodlands, or additional trees not inventoried, that merit retention. Alternatively, the City may require planting of new trees in lieu of retention as per subsection D1 through D3 of this Section, or acquire said trees and woodlands as per subsection D4 of this Section. Prior to making any such determinations or recommendations, the review authority may seek the recommendations of the City Parks Advisory Board. Special consideration shall be given in making these determinations to the retention or replanting of trees native to the Willamette Valley and Western Oregon, except in areas where such trees are prohibited as per Section 16.142.050B. (Ord. 2006-021)
2. To require retention of trees or woodlands as per subsection B of this Section, the Commission or Council must make specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:
 - a. Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or
 - b. A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or
 - c. Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Unified Sewerage Agency stormwater management plans and standards or the City Comprehensive Plan, or
 - d. Necessary as buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or
 - e. Otherwise merit retention because of unusual size, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.
3. In general, the City shall permit only the removal of trees, woodlands, and associated vegetation, regardless of size and/or density, minimally necessary to undertake the development activities contemplated by the land use application under consideration. For the development of PUDs and

subdivisions, minimally necessary activities will typically entail tree removal for the purposes of constructing City and private utilities, streets, and other infrastructure, and minimally required site grading necessary to construct the development as approved. For site developments, minimally necessary activities will typically entail tree removal for the purposes of constructing City and private utilities, streets and other infrastructure, minimally required site grading necessary to construct the development as approved, construction of permitted buildings, and City required site improvements such as driveways and parking lots.

4. The Notice of Decision issued for the land use applications subject to this Section shall indicate which trees and woodlands will be retained as per subsection C2 of this Section, which may be removed or shall be retained as per subsection B of this Section, and which shall be mitigated as per subsection D of this Section, and any limitations or conditions attached thereto. The applicant shall prepare and submit a Final Tree and Woodland Plan prior to issuance of any construction permits, illustrating how identified trees and woodlands will be retained, removed or mitigated as per the Notice of Decision. Such Plan shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. At a minimum, trees to be protected shall have the area within the drip line of the tree protected from grading, stockpiling, and all other construction related activity unless specifically reviewed and recommended by a certified arborist. (Ord. 2006-021)
5. At the time of building permit issuance for any development of a site containing trees or woodlands identified as per subsection C of this Section, the Building Official shall permit only the removal of trees, woodlands and associated vegetation, regardless of size and/or density, minimally necessary to undertake the development activities contemplated by the building permit application under consideration. The permit shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. Minimally necessary activities will typically entail tree removal for the purposes of construction of City and private utilities, streets and other infrastructure, minimally required site grading necessary to construct the development as approved, construction of permitted buildings, and City required site improvements such as driveways and parking lots. A fee for this inspection shall be established as per Section 16.74.010, provided however that said inspection is not deemed to be a land use action.
6. When a tree or woodland within an approved site plan, subdivision or Planned Unit Development subsequently proves to be so located as to prohibit the otherwise lawful siting of a building or use, retention of said trees or woodlands may be deemed sufficient cause for the granting of a variance as per Chapter 16.84, subject to the satisfaction of all other applicable criteria in Chapter 16.84.
7. All trees, woodlands, and vegetation located on any private property accepted for dedication to the City for public parks and open space, greenways, Significant Natural Areas, wetlands, floodplains, or for storm water management or for other purposes, as a condition of a land use approval, shall be retained outright, irrespective of size, species, condition or other factors. Removal of any such trees, woodlands, and vegetation prior to actual dedication of the property to the City shall be cause for reconsideration of the land use plan approval.

D. Mitigation

1. The City may require mitigation for the removal of any trees and woodlands identified as per subsection C of this Section if, in the City's determination, retention is not feasible or practical within the context of the proposed land use plan or relative to other policies and standards of the City Comprehensive Plan. Such mitigation shall not be required of the applicant when removal is necessitated by the installation of City utilities, streets and other infrastructure in accordance with adopted City standards and plans. Provided, however, that the City may grant exceptions to established City street utility and other infrastructure standards in order to retain trees or woodlands, if, in the City's determination, such exceptions will not significantly compromise the functioning of the street, utility or other infrastructure being considered. Mitigation shall be in the form of replacement by the planting of new trees.
2. Replacement trees required as part of mitigation as per this Section shall, as determined by the City, be generally of a substantially similar species, size and quantity to those trees proposed for removal, taking into account soils, slopes, hydrology, site area, and other relevant characteristics of the site on which the mitigation is proposed. In consideration of the foregoing factors the City may require

replacement trees to be replanted at greater than a 1:1 caliper inch ratio. Exotic or non-native trees shall generally be replaced with species native to the Willamette Valley or Western Oregon, except where such native trees are prohibited by Section 16.142.050B2. Said replacement trees shall be in addition to trees along public streets required by Section 16.142.050A. Standards for trees along public streets may be different than those for trees required for retention or replacement under this Section. (Ord. 2006-021)

3. If replacement trees of the species, size or quantity being removed are not available, or cannot be successfully replanted due to soils, slopes, hydrology, site area, or other relevant characteristics of the site, the City may require:
 - a. Different species of trees to be submitted, or
 - b. Replacement trees to be planted on another, more suitable site within the City, or
 - c. Cash payments equivalent to the fair market value of the otherwise required replacement trees, including estimated installation costs, said payments to be set aside by the City in a dedicated fund for eventual purchase and planting of trees when suitable sites become available.
4. The Commission may also make recommendation to the Council, based on the recommendation of the Parks Advisory Board, that trees or woodlands identified as per this Section be purchased by the City, if such trees cannot otherwise be retained as part of the proposed land use plan, obtained as a parks and open space or other dedication to the City, or otherwise be mitigated as per subsection D of this Section.

E. Penalties

Violations of this Section shall be subject to the penalties defined by Section 16.02.040, provided that each designated tree or woodland unlawfully removed or cut shall be deemed a separate offense. (Ord. 91-922 § 3)

16.142.070 Trees on Private Property -- not subject to a land use action

A. Generally

In general, existing mature trees on private property shall be retained unless determined to be a hazard to life or property. For the purposes of this section only, existing mature trees shall be considered any deciduous tree greater than ten (10) inches diameter at the breast height (dbh) or any coniferous tree greater than twenty (20) inches dbh.

B. Standards

In the event a property owner determines it necessary to remove existing mature trees on their property that are not a hazard, they may remove up to 5 trees per acre per calendar year by right, not to exceed 100 inches total dbh. The property owner shall document the number of trees and the date removed for their records and shall notify the City Planning Department 48 hours prior to tree removal. Failure to notify the Planning Department shall not result in a violation of this code unless it is determined that the tree removal is in excess of that permitted outright.

If the property owner determines that it is necessary to remove more trees than is permitted by right, the act is considered to be an alteration of the exterior appearance of the property and site plan review is required. In that instance, the requirements of Section 16.142.060 shall apply. The review authority shall be determined by the square footage of the area to be disturbed. (Ord. 2006-021)

~~APPENDIX J -- CITY OF SHERWOOD~~

16.142.080

A. Recommended Street Trees

TABLE INSET:

| | |
|---|---------------------------|
| Acer - Maple | |
| Acer platanoides cavalier - Cavalier Norway Maple | |
| p. cleveland | Cleveland Norway Maple |
| p. cleveland | Cleveland II Norway Maple |

| | |
|--|-----------------------------|
| p. columnare | Columnar Norway Maple |
| p. fairway | Fairway Sugar Maple |
| p. olmsted | Olmsted Norway Maple |
| p. summershade | Summershade Maple |
| | |
| Acer rubrum red sunset - Red Sunset Maple (Old Town) | |
| r. royal red | Royal Red Maple |
| r. gerling | Gerling Red Maple |
| r. tilford | Tilford Red Maple |
| | |
| Carpinus - Hornbeam | |
| Carpinus betulus pyramidals | Pyramidal European Hornbeam |
| b. columnaris | Pyramidal European Hornbeam |
| b. fastigiata | Pyramidal European Hornbeam |
| | |
| Cercidiphyllum - Katsura Tree | |
| c. japonicum | Katsura Tree |
| | |
| Cercix, canadenis - Canadian Red Bud | |
| | |
| Fraxinus - Ash | |
| americana | White Ash |
| americana | Autumn Purple Ash |
| angustifolia dr. pirone | Dr. Pirone Ash |
| oxycarpa flame | Flame Ash |
| raywoodi | Raywood Ash |
| latifolia | Oregon Ash |
| | |
| Ginkgo | |
| bilboa | Maidenhair Tree |
| bilboa | Autumn Gold |
| bilboa | Fairmount |

| | |
|---|-------------------------|
| | |
| Gleditsia | |
| triacanthos sunburst | Honey Locust |
| Liquidamber | |
| styraciflua | American Sweetgum |
| | |
| Liriodenrod | |
| tulipifera | Tulip Tree |
| | |
| Magnolia | |
| grandiflora vars | Evergreen Magnolia |
| grandiflora | Southern Magnolia |
| kobus dr. merrill | Dr. Merrill Magnolia |
| | |
| Platanus | |
| aceriflora | London Plane Tree |
| | |
| Purnus - Cherry - Plum | |
| avium plena | Double Flowering Cherry |
| avium scanlon | Scanlon Globe Cherry |
| serrulata vars (nonweeping) | Japanese Cherry |
| okame | Okame Cherry |
| blireana | Blireana Plum |
| cerasifera newport | Newport Plum |
| pissardi | Pissardi Plum |
| thundercloud | Thundercloud Plum |
| vesuvius | Krauter's Vesuvius Plum |
| maacki | Amur Chokecherry |
| serrula | Redbark Cherry |
| padus alverti | Alberti Cherry |
| spaethi | Spaethi Cherry |
| virginiana var. mellanocarpa canada red | Chokecherry |
| padus | European Birdcherry |
| grandiflora | Bigflowered Birdcherry |
| berg | Rancho Birdcherry |

| | |
|----------------|-----------------------|
| purpurea | Purpleleaf Birdcherry |
| | |
| Quercus | |
| palustris | Pin Oak |
| rubra | Red Oak |
| | |
| Tilia - Linden | |
| americana | American Linden |
| cordata | Little Leaf Linden |
| glenleven | Glenleven Linden |
| redmond | Redmond Linden |
| euchlora | Crimean Linden |
| tomentosa | Silver Linden |
| bicentennial | Bicentennial Linden |
| greenspire | Greenspire Linden |
| salem | Salem Linden |

B. Recommended Trees Under Power Lines

Acer ginnala -- Amur Maple
 Acer campestre -- Hedge Maple
 Acer palmatum -- Japanese Maple
 Acer griseum -- Paperbark Maple
 Acer circinatum -- Vine Maple
 Amelanchier x grandiflora -- Apple Serviceberry
 Amelanchier Canadensis -- Shadblow Serviceberry
 Cercis Canadensis -- Eastern Redbud
 Clerodendrum trichotomum -- Glorybower Tree
 Cornus florida -- Flowering Dogwood
 Cornus kousa -- Japanese Dogwood
 Crataegus phaenopyrum -- Washington Hawthorn
 Crataegus x lavellei -- Lavelle Hawthorn
 Fraxinus excelsior globosum -- Globe-Headed European Ash
 Fraxinus ornus -- Flowering Ash
 Fraxinus oxycarpa aureopolia -- Golden Desert Ash
 Koelreuteria paniculata -- Goldenrain Tree
 Laburnum x waterii -- Golden Chain Tree
 Malus -- Flowering Crabapple
 Prunus -- Flowering Cherry
 Pyrus calleryana -- Flowering Pear "Cleveland Select"
 Styrax japonica -- Japanese Snowbell
 Syringa reticulata -- Japanese Tree Lilac

C. Prohibited Street Trees

Acer, Silver Maple
 Acer, Boxelder

Ailanthus, gladiosa - Tree-of-heaven
Betula; common varieties of Birch
Ulmus; common varieties of Elm
Morus; common varieties of Mulberry
Salix; common varieties of willow
Coniferous Evergreen (Fir, Pine, Cedar, etc.)

Chapter 16.144 WETLAND, HABITAT AND NATURAL AREAS*

Only change this phase:

16.144.030 Exceptions to Standards

In order to protect environmentally sensitive areas that are not also governed by floodplain, wetland and Clean Water Services vegetated corridor regulations, the City allows flexibility of the specific standards in exchange for the specified amount of protection inventoried environmentally sensitive areas as defined in this code.

A. Process

The flexibility of standards is only applicable when reviewed and approved as part of a land use application and shall require no additional fee or permit provided criteria is addressed. In the absence of a land use application, review may be processed as a Type 1 administrative interpretation.

B. Standards modified

1. Lot size -- Notwithstanding density transfers permitted through Chapter 16.40, when a development contains inventoried regionally significant fish and wildlife habitats as defined in Section 16.144.020 above, lot sizes may be reduced up to ten percent (10%) below the minimum lot size of the zone when an equal amount of inventoried resource above and beyond that already required to be protected is held in a public or private open space tract or otherwise protected from further development.
2. Setbacks -- For residential zones, the setback may be reduced up to thirty percent (30%) for all setbacks except the garage setback provided the following criteria are satisfied:
 - a. The setback reduction must result in an equal or greater amount of significant fish and/or wildlife habitat protection. Protection shall be guaranteed with deed restrictions or public or private tracts.
 - b. In no case shall the setback reduction supersede building code and/or Tualatin Valley Fire and Rescue separation requirements.
 - c. In no case shall the setback be reduced to less than five feet unless otherwise provided for by the underlying zone.
3. Density -- per Section 16.10.020 (Net Buildable Acre definition), properties with environmentally sensitive areas on site may opt to exclude the environmentally sensitive areas from the minimum density requirements provided the sensitive areas are protected via tract or restrictive easement. A proposal to remove said area from the density calculation must include: a delineation of the resource in accordance with Section 16.144.020C, the acreage being protected, and the net reduction below the normally required minimum for accurate reporting to Metro.
4. Parking -- Per Section 16.94.020.FB.6, 10-25% of the required parking spaces may be reduced in order to protect inventoried regionally significant fish and wildlife habitat areas, provided these resources are protected via deed restrictions or held in public or private tracts.
5. Landscaping -- Per Section 16.92.030.FB.6, exceptions may be granted to the landscaping standards in certain circumstances as outlined in that section. (Ord. 2006-021)

Chapter 16.146 NOISE*

- No Changes for this Phase

Chapter 16.148 VIBRATIONS*

- No Changes for this Phase

Chapter 16.150 AIR QUALITY*

- No Changes for this Phase

Chapter 16.152 ODORS*

- No Changes for this Phase

Chapter 16.154 HEAT AND GLARE*

- No Changes for this Phase

Chapter 16.156 ENERGY CONSERVATION*

- No Changes for this Phase