

AGENDA
SILVERTON PLANNING COMMISSION WORK SESSION
SILVERTON COMMUNITY CENTER
421 S. WATER STREET
February 28, 2012 - 7:00 PM

I. ROLL CALL

	Victor Madge – Chairman	
Clay Flowers – Vice Chairman		Jeff DeSantis – Commissioner
Stacy Posegate – Commissioner		Kathleen Harris – Commissioner
Gus Frederick– Commissioner		Jason Freilinger - Commissioner

II. MINUTES

Approve Minutes from the November 22nd, 2011, meeting.

III. BUSINESS FROM THE FLOOR - Items not on this Agenda.

IV. AGENDA ITEMS

1. Discussion of Possible Development Code Amendments

V. REPORTS AND COMMUNICATION

VI. ADJOURN

The Silverton Community Center is handicapped-accessible. If you require any special materials, services or assistance, please call 874-2207 at least 24 hours in advance so that arrangements can be made for appropriate accommodations. Silverton Relay Service (TTD) 873-3565

**CITY OF SILVERTON
PLANNING COMMISSION MINUTES**

PLANNING COMMISSION

7:00 P.M.

November 22, 2011

The Planning Commission of the City of Silverton met at the Silverton Community Center for a work session on November 22, 2011 at 7:00 PM with Chairman Victor Madge presiding.

I. ROLL CALL:

Victor Madge – Chairman
Gus Frederick – Commissioner Jeff DeSantis – Commissioner
Christine Golden - Commissioner Kathleen Harris - Commissioner

Excused: Vice Chairman Clay Flowers, Commissioner Stacy Posegate

Staff present: Steve Kay, Community Development Director; Gerald Fisher, Public Works Director; and Jason Gottgetreu, Associate Planner.

II. CONSIDERATION AND ACTION OF THE MINUTES FROM THE PLANNING AND ZONING COMMISSION MEETINGS HELD SEPTEMBER 13, 2011 AND SEPTEMBER 27, 2011:

Chairman Madge noted line 28, of page three in the September 13 meeting minutes should read, "...open house...". He also said there should only be one, "...rather..." in line 14, page three under item 3-67 of the September 27, 2011 meeting.

THE COMMISSION UNANIMOUSLY APPROVED THE MINUTES OF THE MEETING FROM SEPTEMBER 13 AND SEPTEMBER 27 AS AMENDED.

III. BUSINESS FROM THE FLOOR:

There was no public comment.

IV. AGENDA ITEMS:

DISCUSSION OF PROPOSED TEXT AMENDMENTS TO TITLE 18, DEVELOPMENT CODE:

Community Development Director Steve Kay referenced page 2-142 within the packet, and suggested the conditional uses within the Public Overlay district be expanded to include a wildlife rehabilitation facility. He indicated the amendment could allow potential users such as a nature center to locate within a designated Public Overlay district. He said the Pettit property located south of the Oregon Garden could be used for this kind of facility because it adheres to the Parks and Recreation Master Plan. He stated it may allow the City to consider future partnerships with organizations such as the Turtle Ridge Wildlife Center, which has expressed an

interest in attaining a site within the City of Silverton for those kinds of activities. Director Kay said a wildlife rehabilitation facility is subject to state licensing and may care for small non-predatory animals. He specified this use has tourism potential, which could positively impact the community economically because of its proximity to the Oregon Garden. Director Kay said the definition for “Wildlife Rehabilitation Facility” would be listed under Section 1.5; Definitions. Commissioner Harris asked if the use of a wildlife rehabilitation facility is prohibited under the current code. Director Kay said that the use is currently not prohibited nor is it allowed. Commissioner Harris asked what the developmental procedure for a wildlife rehabilitation facility is. Director Kay said it would go through a Conditional Use process, which would include a public hearing. He stated the proposed text amendments would clarify the conditional use’s procedural process. Chairman Madge said he is glad to see staff taking a proactive approach. Commissioner Harris concurred and asked if the text amendments would be listed on a table. Director Kay said the definition for “Wildlife Rehabilitation Facility” would be listed under “Title 18, Development Code; Section 1.5, Definitions” and the conditional use would be classified under “Title 18, Development Code and Zoning Map; Section 1.6.520, Use Categories: Institutional and Civic.” The Commission agreed with the text amendments.

Director Kay referred to page 2-51 of the packet and said the Commission had previously discussed allowing “Farm Uses” as a permitted use under General Commercial Zoning and Downtown Commercial Fringe, if greater than one acre. Commissioner Harris asked why staff is proposing Farm Uses in other zones. Director Kay said due to the economy there are several vacant commercial properties within the City limits that are not providing any benefit to the property owner or the community. He said the proposed change would allow an interim use for the property owner, unless they were to build a structure on the land in which case, a Design Review would be required. Commissioner Harris said she thinks it deviates from the overall goal of the state planning process. She said she is concerned Farm Uses would be placed in several locations in the City and could cause a problem; she used the example of the smell of cauliflower decomposing in a field and indicated it could be overwhelming to some people. Commissioner Frederick stated those uses would be subject to other City Ordinances as well. He said he thinks it supplements the state planning process by allowing the community to provide food to those in need as a productive value, thus putting some unused land to productive use. Commissioner Harris said there could be an issue if someone were to spread manure on their property that is adjacent to a café. Commissioner Frederick noted that example would only affect Mill Town Pub. Chairman Madge asked the Commissioners if there were any additional comments. Commissioner Harris declared she does not agree with the proposed text amendments.

Director Kay directed the Commission to page 2-69, “Section 2.3.160(B); Mobile Food Vendors (MFV). He said MFVs are allowed in the City with a Transient Merchant Permit but do not need a Temporary Use Permit. He said an MFV does need to renew their business license every 90 days. Director Kay noted Item 2.3.160(B)(1) and said staff is proposing to omit, “for less than 72 hours. Currently, food vendors exceeding a 72-hour occupancy must have prior approval as a temporary use under Chapter 4.9,” however this conflicts with Business License standards. Commissioner Frederick asked what the business located at C Street and Front Street is categorized as. Director Kay said it is categorized as an MFV. Chairman Madge implied it is unfair for an MFV to be permitted for an extensive amount of time in a fixed location while an

established business has to pay for utilities, rent, etc. Director Kay agreed and clarified that he learned that MFVs may have additional fees such as rent. Chairman Madge said he is familiar with MFVs that set up at construction sites and move locations regularly. The Commission discussed the purpose of an MFV and asked staff what the location requirements are for an MFV. Director Kay responded MFVs must be located on private property with the approval of the property owner, and adhere to commercial zoning requirements. Commissioner DeSantis asked if there are any requirements for someone pushing a small cart through downtown Silverton. Director Kay said there are currently no regulations addressing that kind of business. Commissioner Harris commented on stipulations regarding restroom facilities. Director Kay said the Marion County Health Department imposes that requirement.

Director Kay referenced the definition of “Manufactured home/dwelling on page 1-35. He said staff proposes the following amendment, “Includes residential trailer, mobile home, shipping container or vehicle converted to residential use, and manufactured home. See also Residential Types.” Chairman Madge asked why staff is proposing this text amendment. Director Kay said that use of shipping containers may be a future trend that may occur in the City of Silverton and staff would like to be prepared. Director Kay identified the recommended definition and read, “Shipping Container or converted vehicles. A shipping container, bus, rail car, or other vehicle originally intended for storage or moving of people or goods, that has been converted for residential use.” on page 1-43 of the packet. Commissioner Harris asked if the recommended changes to this section are to address the “tiny-house movement.” Director Kay stated that was included, however he said staff has received inquiries in regards to converting shipping containers into a house on residential property. Commissioner DeSantis asked if converting a shipping container would be subject to the Building Code standards. Director Kay stated a shipping container is built to comply with the Department of Transportation, but not with residential standards. Commissioner Harris said she has heard of other communities requiring these types of dwelling be equipped with wheels so that they could be removed and implied it could be a stipulation for the City. Commissioner DeSantis expressed he was having difficulty supporting the proposed amendments. Director Kay said by including shipping containers in the “Manufactured home/dwelling” definition, they would need to comply with the manufactured dwelling design standards. Commissioner DeSantis asked how the standards would differentiate a shipping container from a recreational vehicle. Director Kay stated a recreational vehicle is not permitted to be a permanent residence. Associate Planner Jason Gottgetreu listed three of the Manufactured Home design standards: 1. The manufactured home floor plan must be greater than 1,000 square feet; 2. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees); 3. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered “superior” to metal siding and roofing). The Commission discussed the probability of someone being able to convert and place a shipping container in accordance with the design standards. Chairman Madge said he feels this situation may not occur because of the design standards in place for a manufactured home. Director Kay indicated there are no standards for a shipping container to be placed on a lot currently and said there are some examples of converted vehicles in the community that have been grandfathered in. Commissioner DeSantis asked if procedures would be implemented to ensure the construction is completed timely. Director Kay said it would follow standard building permit procedures.

Commissioner DeSantis asked if staff has been approached in regards to placing a shipping container home within the community. Director Kay said yes and stated they did not specify the size of the home. Commissioner Harris said she would like to discuss these changes further with additional research and images of existing shipping container houses. Chairman Madge and Commissioner Frederick agreed with Commissioner Harris. Commissioner Frederick said considering shipping container houses offers more creative housing options. Commissioner DeSantis said he supports creative housing designs, but indicated he is struggling with a shipping container being used as a residence. He used an example regarding a shipping container on his property for storage, and asked would the City consider it a temporary structure because it can be removed from the property. Director Kay said he is reviewing the City's Nuisance Code with the City Attorney to include policies regarding pods and other similar structures on residential lots. Chairman Madge said he supports creative housing, however, he noted requiring shipping containers to comply with pitched roofs or siding and material stipulations is counterintuitive to the creative housing trend. Mr. Gottgetreu said there is option of a Design Review Performance process, which goes before the Commission for consideration and approval. He said it allows adjacent property owners to provide comment to the Commission. Chairman Madge said he would support that option because it would offer an alternative process to a home owner. Commissioner DeSantis asked if foundations would be required. Mr. Gottgetreu said yes. Director Kay asked the Commission for direction regarding information they requested to review. Commissioner Harris stated she would like to review a comparison of municipal ordinances and pictures regarding shipping container housing. Commissioner DeSantis questioned if the Commission require shipping container houses to meet standard residential building codes instead of meeting manufactured home design standards. Chairman Madge said the Building Code has specific requirements for this type of structure. Commissioner DeSantis asked if staff could perform an inspection on manufactured homes. Director Kay said yes. The Commission decided to revisit the discussion at a later date once additional research has been presented by staff.

Director Kay noted the proposed Section 1.6.300; Heavy Industrial on page 1-65 is a result from the Economic Opportunity Analysis Project earlier this year. He said the recommendation was to relocate uses from manufacturing and production and the waste related categories and include them as a Heavy Industrial use. Commissioner DeSantis asked would the proposed amendment limit the kinds of uses allowed within the Industrial Park. Director Kay said it would address uses that may be incompatible with the adjacent residential properties. Commissioner Harris asked if the map contains any Heavy Industrial Zoning. Director Kay said there is not an Industrial Heavy District. He said the proposed amendments would allow Heavy Industrial uses conditionally in the Light Industrial Zoning District; prohibit heavy industrial use in the Industrial Park District; and said that although there is not an Industrial District Zoning, heavy industrial uses would be permitted in that zone. Director Kay noted some Heavy Industrial uses would include manufacturing, wholesale sales, service and assembly. He listed uses such as pulp and paper mills, slaughterhouses and production of chemicals which could be prohibited in the Industrial Park District, but would be a Conditional Use in the Light Industrial areas. Mr. Gottgetreu said there are Light Industrial parcels on the west side of Town, and noted there are not many vacant light industrial parcels in the City limits. Commissioner Harris read Section 1.06.300(A), "...If sales occur, they are subordinate part of the operation. Few customers come to an industrial site." She asked why the proposed amendment addresses the subject directly.

Director Kay said it is to allow business to be conducted. The Commission discussed examples of permissible industrial uses. Commissioner DeSantis indicated he is concerned that limiting industrial uses could discourage new business establishment in the City. Chairman Madge noted the City of Silverton is known for resisting industrial industries and questioned whether the amendments are industrial uses that are conducive to the community. He said evaluating and amending the Code to be industrial friendly should be part of the process. Chairman Madge said implementing very clear, concise performance standards may be enough to allow almost any type of industrial business as long as it does not impact the adjacent residential properties. Chairman Madge asked if heavy industrial uses would be allowed in light industrial zoning currently. Director Kay said they would be permitted as proposed by conditional use. He said another option may be to create a heavy industrial category and permit it as a conditional use in the Industrial Park. Commissioner DeSantis remarked the Industrial Park is there for a reason, and that the City needs to encourage industrial businesses to diversify its tax base. He voiced his reluctance in creating a separate use category rather than using the policies and procedures that are already in place. Chairman Madge asked for any additional comments. Commissioner Frederick concurred with Commissioner DeSantis. Chairman Madge suggested the City use the Occupational Safety and Health Administration standards as a reference for industrial uses. Mr. Gottgetreu said one option that has not been considered is permitting industrial uses by conditional use subject to special standards, for example, requiring quantifiable measures on how they would control air quality. Chairman Madge suggested the Commission revisit two options: 1. Consider keeping the Code as it stands and 2. Evaluate the conditional use subject to performance standards. The Commission decided to revisit the discussion once staff presents additional information regarding performance standards.

Mr. Gottgetreu said the Accessory Dwelling Unit, (ADU) standards have been brought back to the Commission because of a recent matter. He stated there have been two accessory buildings constructed after the standards were adopted and he indicated staff received a call regarding a detached ADU. He said the ADU standards were adopted earlier last year and indicated an ADU may be attached or detached from the house, and has its own sleeping, cooking, and restroom facilities. He said the ADU floor plan shall not exceed 800 square feet or 40 percent of the primary dwelling unit. He noted the ADU lot is exempt from density, must conform to the building code, be owner-occupied, have a 20-foot rear yard setback and have two off street parking spaces for the overall site. He stated a building permit could be issued if each stipulation had been met. He spoke to the neighbor who called about the detached ADU and said he would bring back the ADU standards to the Commission for the consideration of a public notice requirement in the procedures. Director Kay said currently an ADU is allowed outright without any notice requirements. The Commission determined the ADU standards are acceptable as adopted. Commissioner Frederick suggested staff ask a requesting property owner to talk to their neighbors about an ADU in the future.

Mr. Gottgetreu directed the Commission to Section 2.2.200(B); Accessory Structure. He said staff is recommending this section because it would require accessory structures greater than 200 square feet to comply with design standards. Chairman Madge said he would rather not include item 2.2.200(B)(2), because he indicated Spanish style homes do not have sloped roofs and suggested the required materials be similar to the existing dwelling. Director Kay suggested item (B)(3)(b) to read as, "Accessory structures with building footprints that exceeds 200 square

feet shall have exterior siding and roofing which in color, materials and appearance are similar or superior to the exterior siding and roof material used on the primary residence.” The Commission agreed and reviewed the rest of the accessory structure standards.

Mr. Gottgetreu noted page 2-45 item (L) Renewable Energy Facilities and said it is state mandated. He said this amendment would provide an exemption from the Conditional Use process for those who use solar photovoltaic energy systems or solar thermal energy systems. The Commission did not have any comments.

Mr. Gottgetreu said Table 2.3.110 on page 2-48, Section 2.3.110; Commercial Districts-Allowed Land Uses illustrates uses permitted in commercial districts. He said hotels and motels are permitted outright in a Commercial Zoning District and he felt that a Bed and Breakfast (BB) should not go through a more strict application to establish its use. He stated allowing the permitted use will require a BB to meet the same standards without going through a more expensive Conditional Use process. Commissioner Harris asked why the conditional use process was required. Mr. Gottgetreu indicated parking was an issue and it also ensures the BB serves food only to patrons. Chairman Madge asked why the “S” would remain in the table. Mr. Gottgetreu said classifying a BB with that requires “special” standards. Chairman Madge suggested keeping the BB as a permitted use only. Commissioner Harris concurred.

Mr. Gottgetreu referred to page 2-71 and said Section 2.3.160(6) Commercial (C) Land Use Districts-Special Use Standards adds Home Occupations as a commercial use under Commercial Zoning Districts. He read item (F), “People residing in a dwelling unit in a commercial district intending to start a commercial use may request the commercial use be classified as a Home Occupation Use provided the commercial use is accessory to the residential use and the Home Occupation standards of 2.2.200.G are met.” He said this amendment addresses residents living in Commercial Districts such as the apartments above downtown businesses or houses in the downtown Commercial Fringe District, to allow someone who lives in a Commercial District to start a home business. The Commission supported the proposed amendment.

V. REPORTS AND COMMUNICATION:

Director Kay said the Citizen Involvement Committee meetings have been going well. Director Kay noted more meetings are planned but he anticipates the Committee will bring Planning recommendations to the Commission soon. He suggested the Commission hold its next meeting on February 28, 2012. The Commission agreed. Director Kay said another Citizen Involvement Committee meeting will be held on Thursday, December 15, 2011 and Tuesday, January 24, 2012. He stated there is an Open House for the East Bank Trail Project on November 30, 2011. He indicated Gerald Fisher, the Public Works Director, will make a presentation along with the consultant.

Director Kay said he would be presenting an update on the dog park committee’s work to the City Council on January 9, 2012. He noted he would be discussing other potential uses for the park. He said a community meeting for the West Side Land Use and Transportation Plan will be held on January 12, 2012 at 7:00 P.M. in the Community Center Gym. He said the Project

Advisory Committee for that project will be meeting in the City Council Chambers January 26, 2012.

He updated the Commission on the City Council's decision to recruit Robert "Bob" Willoughby as the City Manager. He said Mr. Willoughby is from Florence with approximately 15 years of City Management experience. Commissioner Harris asked when the City Manager would start with the City. Director Kay replied Mr. Willoughby would start during the first or second week of January.

Commissioner Harris asked about the status of the houses ranked as Historic Landmarks. Director Kay said the Historical Landmarks Commission held an Open House in October for homeowners whose homes were surveyed as eligible for listing on the National Register. He said 12 homeowners expressed interest and the Landmarks Commission ranked those homes by priority of being listed on the National Register. He indicated a Request for Proposal has been advertised and a consultant is being considered. Commissioner Harris read the list of homes to the Commission.

Gerald Fisher, Public Works Director, noted the potential Failure Modes Analysis Capital Maintenance Plan will go before the City Council on January 9, 2012. He said bid openings will be December 15, 2011 for the Wastewater Treatment Plant Project, and he said he will present a contract award to the City Council on January 9, 2012. He said this is Phase I of the upgrade to the Plant. He indicated all the feedback from the East Bank Trail meeting will be presented to the City Council on January 23, 2012.

VI. ADJOURN:

The Commission adjourned at 9:30 p.m.

Dated this 20th day of December, 2011.

City of Silverton Planning Commission

Lisa Figueroa,
Planning Administrative Assistant

**City of Silverton
Community Development
Department**

306 South Water Street
Silverton, OR 97381
(503) 874-2207
Jgottgetreu@silverton.or.us



MEMO

DATE: February 21, 2012
FROM: Jason Gottgetreu, Associate Planner
To: Planning Commission
RE: February 28th Work Session

The following is a brief summary of the contents of the November 22, 2011 Planning Commission Work Session. A more detailed account can be found in the minutes.

- The Planning Commission agreed that a Wildlife and Rehabilitation use category should be added and that it should be allowed subject to Conditional Use approval in the Public Zoning District.
- The Planning Commission agreed to allow Farm Uses in the GC and DCF zone provided the parcel is greater than 1 acre.
- The Commission agreed to clarify that Mobile Food Vendors only need Transient Merchant approval for operations.
- The Commission decided to keep the Accessory Dwelling Units standards as is.
- The Commission altered the proposed accessory structure design standards to allow the accessory structures design to match the primary structures design, rather than requiring a pitched roof as a standard.
- A Bed and Breakfast was changed to an allowed use in the Commercial zones, rather than a Conditional Use.
- The Commission agreed to allow people residing within a Commercial district an option to start a business following either the Home Occupation standards or Business License standards.
- Shipping Container Home Discussion:
The Commission requested additional information regarding converting shipping containers and similar converted homes. This packet contains the requested additional information. It is recommended that container homes be a permitted use if they meet the special use standards governing manufacture homes, which are as follows.

H. Manufactured Homes on Individual Lots. Manufactured homes are permitted on individual lots, subject to all of the following design standards. Exception: The following standards do not apply to units that were lawfully placed within the city prior to the effective date of the ordinance codified in this code.

1. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet;
2. Roof. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees);
3. Residential Building Materials. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered “superior” to metal siding and roofing);
4. Garages and Carports. A garage or carport shall be provided and be constructed of materials like those used on the house;
5. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets current energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer certification shall not be required;
6. Placement. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, unless greater height is required as a result of the floodplain overlay provisions (Chapter 2.5 SDC) and complies with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, OAR chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home;
7. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted with a decay-resistant material;
8. Prohibited. The manufactured home shall not be located in a designated historic district.

The reasoning behind these standards is to allow containers or vehicles to be converted to a house provided the end product looks like a house. If a shipping container is dressed up enough that it no longer looks like a shipping container and resembles a house then it should be a permitted use.

The attached material illustrates that some shipping containers converted for residential use still mostly resemble shipping containers. Some of these have an aesthetically pleasing design, while others do not. Staff recommends an additional provision be added to the previously listed standards that allow manufactured homes not meeting the standards to request approval through the Design Review Performance Option process. There is a \$1,100 fee associated with this review. This type review is done by the Planning Commission in a Public Hearing, allowing for public comment. The Planning Commission must find that:

1. Adjusting the subject code standard(s), i.e., decreasing, increasing, waiving, or making a material substitution, will result in a design that is as good or better than what would likely result under the base standard;

2. The adjustment is consistent with the code's stated intent and is in the public interest; and
3. In interpreting the public interest, consideration shall be given to intended public benefits or protections such as compatibility with surrounding uses; pedestrian safety and comfort; complementary development scale, materials, and detailing; street visibility; and/or aesthetic concerns

If these criteria can be met, and it is decided in a Public Hearing, then the proposal may be approved constructed.

- Industrial Discussion:

The Commission also requested additional information regarding the proposed Heavy Industrial use category. The initial proposal was to create a Heavy Industrial use category that separates out some industrial uses that are generally not compatible with residential uses, and prohibit the new Heavy Industrial use category in the Industrial Park district (Option 1). Several Planning Commissioners were concerned with limiting potential industrial users in the Industrial Park and there was a request to review additional options. Option 2 could be to leave to Code as is and let the existing Industrial Performance Standards regulate industrial uses. The existing Standards are as follows:

C. Industrial Park (IP) District. In this industrial district no land or structure shall be used or occupied unless there is continued compliance with the following standards:

1. Air Pollution Control. The discharge into the air of solids, liquids or gases which are detrimental to the public health, safety, or welfare by causing injury to human, plant or animal life or to property is prohibited in this industrial district.
2. Air Quality Standards.
 - a. The emission of odors in such quantities as to be readily perceptible at any point beyond the property line or district boundary if closer to the source is prohibited.
 - b. Toxic gases in a measurable quantity shall not be discharged into the air.
3. Heat, Glare and Light.
 - a. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building and shall not be discernible at or beyond the property line.
 - b. Exterior lighting shall be directed away from and not reflect on adjacent properties.
4. Noise.
 - a. Noise shall be muffled and shall not be objectionable due to intermittence, beat frequency, or shrillness and shall not exceed the following intensity in relation to sound frequency, as adjusted in subsection (C)(4)(b) of this section when applicable:

*It should be noted the Noise section is proposed to be revised to current DEQ standards.

Given the delicate balance of maintaining livability for residential uses surrounding industrial uses and the desire to attract industrial uses to the park, Staff feels that the current performance standards do not offer enough specificity to be effective. Therefore, Staff recommends Option 3, making the standards more specific, not necessarily more stringent. A survey of surrounding jurisdiction's Industrial Performance Standards found that Wilsonville had more specific standards that would benefit Silverton. A copy of Industrial Performance Standards for Wilsonville, Tualatin and Beaverton are attached for the Commissions review.

Option 4 could be to separate out the Heavy Industrial uses and allow them subject to Conditional Use

approval. The Conditional Use process is designed to review projects that may have impacts on surrounding land uses and allows conditions be placed on projects to mitigate potential negative impacts. The review body may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

1. Limiting the hours, days, place and/or manner of operation;
2. Requiring site or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
4. Limiting the building or structure height, size or lot coverage, and/or location on the site;
5. Designating the size, number, location and/or design of vehicle access points or parking areas;
6. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height and/or lighting of buildings, signs, or other physical improvements;
9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, wetlands, watercourses, habitat areas, drainage areas, historic resources, and/or cultural resources;
13. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans, or requiring the recording of a local improvement district nonremonstrance agreement for the same. Dedication of land and construction shall conform to the provisions of Chapter 3.1 SDC, and SDC 3.1.300 in particular;
14. Requiring financial security (bonds, petitions, etc.) to ensure completion of the proposed development and/or removal of the improvements at the cessation of the development; and/or
15. Establishing a timetable for periodic review and renewal, or expiration, of the conditional use subject to approval by the community development director through a Type II administrative review.

Staff recommends the Commission discuss Options 1-4.

- Staff has received an inquiry from a member of the public wanting to install residential scale wind turbines on his residence. Renewable Energy Facilities are permitted following Conditional Use approval with the associated \$1,100 fee. The citizen felt the Conditional Use requirements were too cumbersome given the residential nature of the proposed turbines. I informed the citizen I would bring his concerns before the Planning Commission for consideration. Staff will be presenting addition information on residential wind turbines and their impacts at the meeting. The discussion should focus on whether to keep the code as is or to provide an exception to the Conditional Use requirements if the scale of proposal meets a certain threshold.