



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

09/09/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Sherwood Plan Amendment
DLCD File Number 004-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, September 25, 2013

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Michelle Miller, City of Sherwood
Gordon Howard, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

SEP 05 2013

LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Sherwood**

Local file number: **PA 12-04**

Date of Adoption: **9/3/2013**

Date Mailed: **9/4/13**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 12/4/2012

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The City Council approved revisions to the Sherwood Zoning and Community Development Code. The proposed changes updated § 16.12 Residential Land Uses. Council approved amending the code standard of the VLDR zoning district to include the allowable density to be increased from two dwelling units to four if within a PUD and added certain conditions if developed as a planned unit development to include areas of open space and pedestrian connections.

Does the Adoption differ from proposal? Please select one

The minimum lot size was increased to 10,000 sq. ft. which is the existing code language and additional conditions were placed on the planned unit development based on policies developed through a master plan for the particular area.

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: **SE Sherwood, east of SW Murdock Rd.**

Acres Involved: **36**

Specify Density: Previous: **2 dwelling units per acre if PUD** New: **4 d.u. if PUD**

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

DLCD File No. 004-12 (19617) [17597]

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

none

Local Contact: **Michelle Miller**

Phone: **(503) 625-4242** Extension:

Address: **22560 SW Pine Street**

Fax Number: - -

City: **Sherwood**

Zip: **97140-**

E-mail Address: **millerm@sherwoodoregon.gov**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.



ORDINANCE 2013-003

TO AMEND SECTION 16.12 OF THE ZONING AND COMMUNITY DEVELOPMENT CODE RELATING TO PROPERTY ZONED VERY LOW DENSITY RESIDENTIAL

WHEREAS, the City received an application for a text amendment to the Sherwood Zoning and Development Code amending the provisions of Chapter § 16.12 Residential Land Uses; and

WHEREAS, the applicant proposed to increase the density and minimum lot size allowed for single family homes in the very low density residential zone (VLDR) if developed under the planned unit development standards; and

WHEREAS, after testimony from the public, staff and the applicant, the Sherwood Planning Commission, recommended modifying the proposed language to increase the minimum density allowed to four units per acre, with a minimum lot size of 10,000 square feet if developed under the Planned Unit Development standards; 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 public hearings were held before the Planning Commission on January 8, 2013, February 26, 2013 and April 9, 2013; and

WHEREAS, the Planning Commission voted to forward a recommendation to the City Council for the proposed Development Code modifications to Chapter 16.12; and

WHEREAS, the analysis and findings to support the Planning Commission recommendation are identified in the attached Exhibit 1; and

WHEREAS, the City Council held a public hearing on May 21, 2013 and continued the business to September 3, 2013, and determined that the proposed changes to the Development Code met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

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

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

Section 2. Approval. The proposed amendments for Plan Text Amendment (PA) 12-04 identified in Exhibits 1-A 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 DLCDC 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.

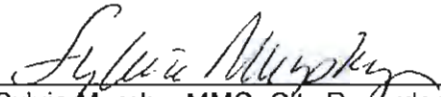
Section 5 - Effective Date. This ordinance shall become effective the 30th day after its enactment by the City Council and approval of the Mayor.

Duly passed by the City Council this 3rd day of September 2013.



Bill Middleton, Mayor

Attest:



Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Langer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Butterfield	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Folsom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Grant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Middleton	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PA 12-04 Very Low Density Residential Text Amendment

Recommendation:

The Planning Commission held hearings on January 8, 2013, and February 26, 2013 on proposed amendments to the Sherwood Zoning and Development Code pertaining to § 16.12.020 Very Low Density Residential zone. The Planning Commission heard and received written testimony from the applicant, staff and property owners within the area.

After receiving direction from the Commission at the first hearing on January 8, 2013, staff presented amendments to the initial applicant's text amendments that incorporated basic elements from the SE Sherwood Master Plan with a minimum lot size of 8,500 square feet and a maximum residential density of four units per acre if developed as a plan unit development. The applicant was in favor of these amendments and the Commission heard testimony on those amendments on February 26, 2013. At that hearing, Lisa and Roger Walker presented alternative language to staff's amendments that increased the minimum lot size to 10,000 square feet but kept the density at four units per net acre. The Commission found their amendments concerning minimum lot size persuasive. (Exhibit M) During their deliberations on the amendments, the Planning Commission weighed three alternatives for Council to consider.

Alternative 1 - The Planning Commission discussed the merits of conducting a new or revised SE Sherwood Master planning effort for the area and requested Council's guidance on this policy decision. They noted that many of the same challenges that brought the area to the forefront of a planning effort in 2006 still existed and that the area remained relatively undeveloped. The Commission continued to be concerned about how this area might develop in piecemeal fashion and recognized the SE Sherwood Master Plan attempted to ensure that this area developed in a more comprehensive manner. They recognized that the SE Sherwood Master Plan was not formerly adopted via ordinance by Council or incorporated into the Comprehensive Plan, which would generally be the conclusion of an approved master planning effort.

The Commissioners who had participated in the SE Master Plan noted that the actual plan did not reach a formal consensus from the participants. However, of the three alternatives developed through the master planning process, one alternative layout was the most agreeable to all parties and one concept layout matched most closely with the idea and vision of the participants for the area. The 2006 Planning Commission opted to agree to a resolution that recognized the planning efforts of the SE Sherwood Master Plan and encourage future development that reflected the objectives identified in the plan. In the end, the Commissioners noted that the grant funds for the master planning process in 2006 had been exhausted as well as the time allotted for the planning process for the group to continue developing a plan that they could wholeheartedly endorse.

The Commission discussed either starting the process anew with the new landowners and other property owners within the zone that would include new information on the site constraints and environmental contamination or in the alternative, to take the existing information found within the 2006 plan and revise the outcomes reached with the earlier plan. The Commission wanted Council to evaluate whether there was merit in developing an updated SE Sherwood Master Plan to reflect the changes within that zoning designation. This option would require Council to deny the requested text amendment. It would also include the recommendation that Council direct staff to budget funds and time to update the SE Sherwood Master Plan.

Alternative 2 - The Commission discussed the historical problems with the designation of the subject area to be zoned very low density residential (VLDR). The existing zoning was up to one single-family home per acre with 40,000 square foot lot minimums. If developed as a Planned Unit Development, the density could be up to

two units per acre and the minimum lot size was 10,000 square feet. The Commission considered whether VLDR continued to be an appropriate zoning designation for this costly, environmentally constrained area. Due to the constraints, the Commission concluded that it would likely continue to be difficult to develop under large lot zoning in an urbanized manner despite its location within the City limits.

The Commission noted that the surrounding property owners that resided in the area also had an expectation that the area would maintain its existing character of larger lot single-family homes. The Commission felt that these issues would continue to be unresolved under current circumstances. This option would require Council to deny the requested text amendment and wait for the contaminated soil issue to be resolved and consensus be reached.

Alternative 3: In this alternative, the Planning Commission recommended that Council consider the alternative amendment originally developed by staff and revised by Lisa and Roger Walker. (Exhibit O, Proposed Amendments) The amendments call for 10,000 square foot lot size minimum along with four units per net buildable acre if developed as a planned unit development. They noted it was the best compromise and used elements of the SE Sherwood Master Plan to achieve a greater density. It also most closely resembled the existing developments of Sherwood View Estates reflecting the same minimum lot size as well as a similar density of 3.6 units per acre within the Sherwood View Estates development. This option would require Council to adopt the proposed text amendment as revised.

Proposal: The applicant proposes to amend the § 16.12 Residential Uses section of the Sherwood Zoning and Development Code, (SZDC), specifically the § 16.12.020 Very Low Density Residential Zone. The proposed changes are attached as Exhibit M.

I. BACKGROUND

- A. Applicant: John Satterberg/Community Financial
P.O. Box 1969
Lake Oswego, OR 97035
- B. Applicant's Representative: Kirsten Van Loo, Emerio Design
- C. Location: The proposed amendment is to the text of the development code and specifically applies to the properties zoned Very Low Density Residential (VLDR).
- C. 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 Oregon Land Use Board of Appeals.
- D. Public Notice and Hearing: Notice of the January 8, 2013 Planning Commission hearing on the proposed amendment was published in *The Gazette* on January 1, 2013 and *The Times* on December 20, 2012. Staff posted notice in five public locations around town and on the web site on December 19, 2012. Regular updates were provided in the City newsletter.
- While this does not apply citywide, it may affect the value of property located within the very low density residential zone; therefore Measure 56 notice was sent on December 19, 2012 informing property owners within that zoning designation. DLCDC notice was provided on December 4, 2012.
- E. 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). Applicable Statewide Planning Goals: Goal 1

Citizen Involvement, Goal 2 Land Use Planning, Goal 5 Natural Resources, Scenic and Historic Areas and Open Space, and Goal 12 Transportation.

F. Background:

The area east of SW Murdock Road is zoned very low density residential, (VLDR). 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.

If developed through the Planned Unit Development (PUD) process, and if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, the permitted density of 1.4 to two (2) dwelling units per acre may be allowed.

There are two existing planned unit developments within this VLDR zoning designation: Fair Oaks, and Sherwood View Estates. The remaining properties, approximately fifty-five acres, consists of 11 parcels zoned VLDR and nine single-family homes. The area includes a 2.25-acre wetland located in the southeast corner of the site with standing water most of the year. Areas are included in Metro's natural resource Goal 5 inventory including Class A wildlife habitat, with groves of woodland habitat and mature trees.

Several challenges exist for site design including the Tonquin Scablands, a rocky terrain sculpted from ancient glacial flooding. There are two high points: one point in the center of the area and one in the southern portion of the site with sloping terrain in between. This results in challenges to the street and pedestrian circulation network and added costs to develop and design.

Another challenge to the area is due to the presence of soil contamination identified by the Department of Environmental Quality (DEQ). The VLDR site area was part of the "Ken Foster Farm" site, originally about 40 acres and was used for farming. Portions of the larger Ken Foster Farm site had been used for discarding animal hides and carcasses that were remnants from the local tannery operation in the city. As part of the Department of Environmental Quality (DEQ) investigation of the Tannery site located on SW Oregon Street, it was discovered that the soil on the Ken Foster Farm site was also contaminated. The property to the northeast of the undeveloped area, Ironwood Subdivision, was in development when the issue arose which required significant soil removal and oversight from the Department of Environmental Quality (DEQ).

DEQ entered the Ken Foster Farm site into the Environmental Cleanup Site Information Database in 2000, and completed a Preliminary Assessment (PA) in 2004, funded by cooperative grant funds from the Environmental Protection Agency (EPA) Region 10. (DEQ Technical Memorandum) The results of the soil sampling completed for this site listed concentrations of antimony, chromium, lead and mercury above expected background concentrations. In addition, sediment samples from the wetland areas on the site were found to contain elevated concentrations of chromium copper, mercury and zinc.

They found that the human health risk based upon the soil results from the EPA Impervious Area results and data from property-owner site investigations on two of the properties within the former farm acreage was relatively low, according to the report. Since valid soil sample tests of the subject site indicate that hexavalent chromium was not present in soils, and that the prevalent form of chromium in soils is trivalent chromium. The other concentrations do not present an unacceptable human health risk on an individual contaminant basis. The DEQ concluded that the chance of significant exposure to residents living around these areas is low under current conditions.

In 2005, the City received a grant to develop the Southeast Sherwood Master Plan (Exhibit D), a master plan for the area to serve as a guide to coordinating the potential separate land use actions and infrastructure investments of property owners, developers, and the City in order to create a cohesive, livable neighborhood that could develop over time. The SE Sherwood Master Plan was prepared with the input of property owners, developers, neighbors and City representatives. Three open houses were held in order to develop a preferred alternative for development of this area. The purpose was to identify a more efficient way to develop the area and to try to get property owners in the area to work collaboratively when considering developments. The plan did not result in amendments to the Comprehensive Plan or Zoning map but was accepted by the Planning Commission via Resolution 2006-01(Exhibit E).

The recommended master plan was a hybrid of several alternatives that were developed through the open house workshops. Through the planning phase, the developers emphasized the need for providing sufficient density to pay for the necessary infrastructure while the citizens emphasized a preference for larger lots to preserve the wildlife habitat. This resulted in the development of a hybrid plan that provided for a mix of lot sizes with a range of increased density in the center of the plan area to 15,000 square foot lot sizes abutting the southern portion of the site. The gross density, under the preferred option would be 2.2 units per gross acre and a net density of 4.43 units per net acre.

The Planning Commission approved the SE Sherwood Master Plan in concept in 2006. Although not formally adopted and incorporated into the Comprehensive Plan nor adopted by the City Council, it does provide guidance for development and the intention of the community and surrounding property owners for the area. The applicant's proposal applies some of the recommendations for development as adopted by resolution to the SZDC regarding the density requirements and proposes a minimum lot size to achieve the resulting net density if developed through a planned unit development process.

The applicant, the property owner of tax lot 2S133CB01000, just north of the Sherwood View Estates had previously applied for a Planned Unit Development in 2011 for an eight-lot subdivision (Denali PUD 2011-01). The City Council approved via Ordinance 2012-004, a six-lot subdivision and Planned Unit Development known as Denali Planned Unit Development including application of a Planned Unit Development Overlay on the Comprehensive Plan and Zone Map.

The applicant has not submitted a final development plan for the planned unit development and elected to pursue a text amendment in order to achieve the greater density that would have been allowed under the SE Sherwood Master Plan.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The City sent a request for comments to the standard agency notification list on December 5, 2012. The City received one comment as discussed below. The City has received either no response or no comment on the proposal from the other agencies.

Engineering Department: After review of the proposal, the proposed amendment will not have a significant impact on the infrastructure and services are available to accommodate this increased density.

Public:

Kurt Kristensen 22520 SW Fair Oaks Ct. Sherwood, OR 97140 submitted comments via email that are attached as **Exhibit C**.

Mr. Kristensen is opposed to the text amendment as written as it does not incorporate the entire SE Sherwood Master Plan and some of the elements of the plan may not be implemented if the Planning Commission recommends adoption of the text amendment as proposed by the applicant. He requests that the Planning Commission recommend to Council the SE Sherwood Master Plan so it can be implemented in its entirety. Mr. Kristensen is also concerned about the environmental impacts that the entire site area presents.

Response: Not all of the recommendations within SE Sherwood Master Plan are incorporated with this proposed text amendment. The text amendment standards will apply only to properties developed as a planned unit development. This gives the Planning Commission and City Council another level of review where they could impose the unique conditions that would not be available to them if developed as a standard subdivision or partition such as the open space areas and pedestrian connections that are part of the SE Sherwood Master Plan. They could incorporate the elements of the SE Sherwood Master Plan within each proposed development so long as the standards are not contrary to the Code.

The density standards and minimum lot size developed under the SE Sherwood Master Plan were not compatible with existing VLDR PUD standards and therefore the applicant submitted this proposal. The particular text amendment provisions are not contrary to the SE Sherwood Master Plan as a whole. The Commission could chose to move the plan forward to Council later and this text amendment does not prohibit this.

No other comments have been received as of the date of this staff report.

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.

Need Identified:

The applicant identified the need for the proposed text amendment in response to the Planning Commission Resolution 2006-01. The Planning Commission resolution accepted the SE Sherwood Master Plan report and approved the process to implement the plan. The Resolution advised that the Planning Commission would consider development proposals from an applicant that is consistent with the principals and goals listed in the master plan. Alternative B/C from the master plan became the recommended layout with a net density of 4.43 units per buildable acre. Although not formally adopted and incorporated into the Comprehensive Plan nor adopted by the City Council, the plan provides guidance for development and the intention of the community and surrounding property owners for the area. Had it been formally adopted by the Council, it would have then required amendments to the SZDC regarding the density requirements in this particular zone as the density shown in the plan is much higher than the existing special density allowance currently allowed in the VLDR.

The Planning Commission did not forward a recommendation to the Council to adopt the specific changes to the density, minimum lot size and changes to the minimum parcel size to develop a planned unit development that the applicant is now proposing. Nor were any of the Code amendments outlined in the plan adopted by the Council. The Commission resolved that they would review applications applying the standards developed through the master planning process.

One could advance the idea that because the Planning Commission adopted via resolution the master plan that the Commission would subsequently find the need to adopt text amendments that would

support the outcomes and the density achieved in the plan that was approved through the master planning process.

FINDING: The Planning Commission must review the proposed changes to the Code that the applicant has brought forward to determine if it does indeed achieve the result of the master plan and whether they satisfy the need within the zoning designation for these amendments.

Comprehensive Plan:

Chapter 3. Growth Management

Policy 1: To adopt and implement a growth management policy, which will accommodate growth consistent with growth limits, desired population densities, land carrying capacity, environmental quality and livability.

The property is located within the City limits and within the urban growth boundary. Most of the area has not been partitioned and the density is well below the 1 dwelling unit per acre minimum. Several of the properties do not currently have urban facilities such as adequate roadways, water, sanitary sewer and pedestrian connections. Development could improve the level of services occurring in this area and would provide improved connection and infrastructure within our City boundaries. Additionally, the properties will have direct access to SW Murdock Road, an arterial.

The applicant proposes a maximum density of four units per acre and a minimum lot size of 8,000 square feet if developed as a planned unit development. Planned unit developments are only allowed in this zone, if it can be demonstrated that the natural areas can be preserved. Each applicant within this zone will have to comply with this standard when applying for a PUD. This is consistent with the policy.

FINDING: Based on the above discussion, the proposed text amendment is consistent with the growth management policy objective.

Chapter 4. Land Use

Policy 6 The City will create, designate and administer five residential zones specifying the purpose and standards of each consistent with the need for a balance in housing densities, styles, prices and tenures.

Very Low Density Residential Minimum Site Standards:

1 DU/Acre, 1 acre minimum lot size

This designation is intended to provide for single-family homes on larger lots and in PUD's in the following general areas:

Where natural features such as topography, soil conditions or natural hazards make development to higher densities undesirable. This zone is appropriate for the Tonquin Scabland Natural Area.

Along the fringe of expanding urban development where the transition from rural to urban densities is occurring.

Where a full range of urban services may not be available but where a minimum of urban sewer and water service is available or can be provided in conjunction with urban development.

The applicant identified several changes to the Planned Unit Development (PUD) standards within the VLDR zone. The minimum lot size is still considered a large lot for an urbanized area as it will remain the largest minimum lot size in the City if developed as a PUD. The zone is located on the fringe of the urbanized area and compatible with the surrounding properties already developed as planned unit developments under the VLDR standards to the north and south of the subject area as the larger lots will still contain single family dwelling units.

FINDING: Based on the above discussion, the proposed amendments are consistent with the land use policy objective.

Consistency with Statewide Planning Goals

Goal 1- "Citizen Involvement"

The purpose statement of Goal 1 is "to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

The proposed code changes do not include changes to the City's citizen involvement program, which complies with Goal 1; however, the process to develop the proposed changes was fully compliant with this Goal. The City provided notice to property owners zoned VLDR, published notice in the paper and posted notice around the City.

In 2005, over 120 people participated and provided input through the various open houses in the SE Sherwood Master Plan process to develop the recommended plan. There were multiple work sessions with the Planning Commission and two public hearings were held on March 28 and April 4, 2006 to provide the public an opportunity to be heard.

Goal 2- "Land Use Planning"

The purpose statement of Goal 2 is "to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to ensure an adequate factual base for such decisions and actions".

The proposed code changes affect the land use process when utilizing the planned unit development standards. The City's land use planning process and policy framework, which are in compliance with Goal 2, will not change as result of this action.

FINDING: As discussed above in the analysis, the applicant identified a need for the proposed amendments to reflect the Planning Commission approval of the SE Sherwood Master Plan and the density, lot size and amendments when a planned unit development was sought. 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.

The transportation analysis conducted during the SE Sherwood Master Plan process concluded that the street system could accommodate an increased density to the level proposed by the applicant. The analysis considered the trip generation increases for net densities ranging from 3.35 to 5.03 units per acre.

FINDING: The amendments will not result in a change of uses otherwise permitted and will not have a significant 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 has provided three viable alternatives for the City Council to consider.

The Commission, recommends Alternative 3, however respects that ultimately this is a legislative decision to be made by Council.

V. EXHIBITS

- A. Proposed development code changes--with "track changes" submitted by the applicant
- B. Applicant's materials submitted on October 16, 2012
- C. Comments from Kurt Kristensen, submitted via email on December 26, 2012
- D. SE Sherwood Master Plan dated February 26, 2006
- E. Planning Commission Resolution 2006-01 dated, May 9, 2006
- F. Patrick Huske Comments
- G. Lisa and Roger Walker Comments
- H. Jean Simson Comments
- I. Mary and Richard Reid Comments
- J. Mr. and Mrs. Joseph Barclay Comments
- K. John and Judith Carter Comments
- L. Proposed VLDR Text Amendment-SE Sherwood Master Planned Unit Development
- M. Walker additional proposed language with written comments
- N. Kurt Kristensen additional testimony
- O. Final Proposed Amendments—with "track changes" after hearings

**Recommended Development Code Language
April 2, 2013**

Please Note: Proposed Additions are underlined in blue

Proposed Deletions are crossed out in red

Chapter 16.12 Residential Land Uses

16.12.010. - Purpose and Density Requirements

A. Very Low Density Residential (VLDR)

1. Standard Density

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

2. VLDR Planned Unit Development Density Standards

~~If~~Property in the VLDR zone that is developed through the Planned Unit Development (PUD) process, ~~as under~~^{per} Chapter 16.40, ~~and~~ if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, ~~the permitted~~^{may} develop to a density of 1.4 to ~~2.0~~^{two (2)} dwelling units per net buildable acre ~~may be allowed under the following conditions:~~

~~Minor land partitions shall be exempt from the minimum density requirement.~~

a. ~~The~~ Housing densities up to two (2) units per net buildable acre, and minimum lot sizes ~~of~~ is not less than 10,000 square feet; ~~may be allowed in the VLDR zone.~~

b. The following areas are dedicated to the public or preserved as common open space: floodplains, ~~as per~~^{under} Section 16.134.020 (Special Resource Zones); natural resources areas as shown on, ~~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~~^{under} current ~~—~~Federal regulation and Division VIII of this Code; and

c. The ~~Review Authority determines that the~~ higher density development ~~would~~^{will} better preserve natural resources as compared to one (1) unit per acre ~~design.~~

3. Southeast Sherwood Master Planned Unit Development

a. Property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan may develop to a maximum density of 4.0 dwelling units per net buildable acre.

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



City of
Sherwood
Oregon

Home of the Tualatin River National Wildlife Refuge

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