



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: January 08, 2016
Jurisdiction: City of Sherwood
Local file no.: PA 15-04
DLCD file no.: 004-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/07/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 40 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 004-15
{ 24073 }
Received: 1/7/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Sherwood

Local file no.: **PA 15-04**

Date of adoption: 1/05/16

Date sent: 1/7/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 10/05/2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

N/A

Local contact (name and title): Connie Randall, Associate Planner

Phone: 503-625-4208

E-mail: randallc@sherwoodoregon.gov

Street address: 22560 SW Pine Street

City: Sherwood

Zip: 97140-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from **Neighborhood Commercial (NC)** to **Medium Density Residential Low (MDRL)** **3** acres. A goal exception was **NOT** required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

N/A

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from **Neighborhood Commercial (NC)** to **Medium Density Residential Low (MDRL)** Acres: **3**

Change from _____ to _____ Acres:

Change from _____ to _____ Acres:

Change from _____ to _____ Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: _____ Acres added: _____ Acres removed: _____

Location of affected property (T, R, Sec., TL and address): **2S130CB00250; 21340 SW Elwert Road, Sherwood, OR 97140**

List affected state or federal agencies, local governments and special districts: **ODOT; METRO; PGN; BPA; NW Natural; US Fish and Wildlife; CWS; TVFR; Kinder Morgan; Sherwood School District; Washington County**

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

PA 15-04 City Council Report (Exhibit 1); PA 15-04 Ordinance 2015-009 Amending Comprehensive Plan and Zoning Map (Exhibit 2)



ORDINANCE 2015-009

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND ZONING MAP TO REDESIGNATE AN APPROXIMATELY THREE-ACRE PARCEL FROM NEIGHBORHOOD COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL LOW

WHEREAS, the City received a land use application, PA 15-04, requesting a comprehensive plan and zoning map amendment on an approximately three-acre of portion of the property located at 21340 SW Elwert Road, tax lot 2S130CB00250, generally located at the southeast corner of SW Elwert and SW Edy roads; and

WHEREAS, the applicant seeks a comprehensive plan and zoning map amendment from Neighborhood Commercial to Medium Density Residential Low for the subject property as identified in Exhibit A; and

WHEREAS, after testimony from the public, staff and applicant, the Sherwood Planning Commission recommended approval of the proposed comprehensive plan and zoning map amendment; and

WHEREAS, the proposed comprehensive plan and zoning map amendment was reviewed for compliance and consistency with the Comprehensive Plan, and regional and state regulations and found to be fully compliant; and

WHEREAS, the proposed amendment was subject to full and proper notice and review and a public hearing held before the Planning Commission on November 10, 2015; and

WHEREAS, the Planning Commission voted to keep the record open and accept additional written testimony for one week and continued the public hearing to November 24, 2015; and

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

WHEREAS, the City Council held public hearings on December 1, 2015 and January 5, 2016 and determined that the proposed comprehensive plan and zoning map amendment 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 identified in Exhibit 1 of the City Council Staff Report.

Section 2. Approval. The proposed comprehensive plan and zoning map amendment as shown in Exhibit A and referenced as case number PA 15-04 in Exhibit 1 of the City Council Staff Report is hereby **APPROVED**.

Section 3 - Manager Authorized. The Planning Department is hereby directed to take such action as may be necessary to document this amendment to the Comprehensive Plan and Zoning Map, including notice of adoption to the Department of Land Conservation and Development in accordance with City ordinances and regulations.

Section 4 - 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 January, 2016.

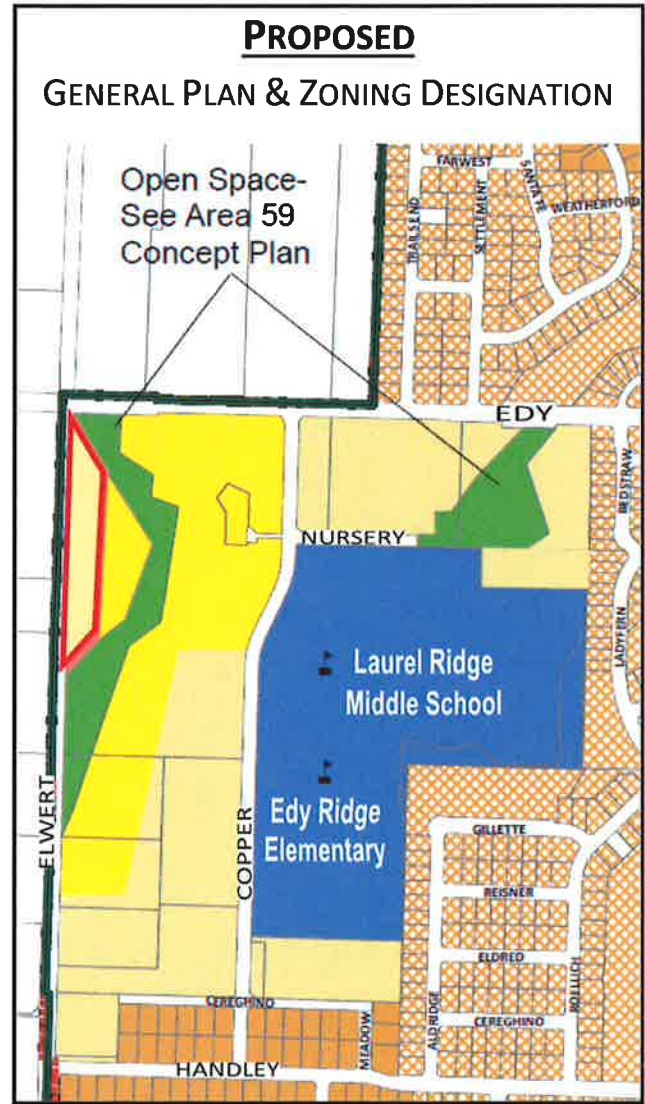
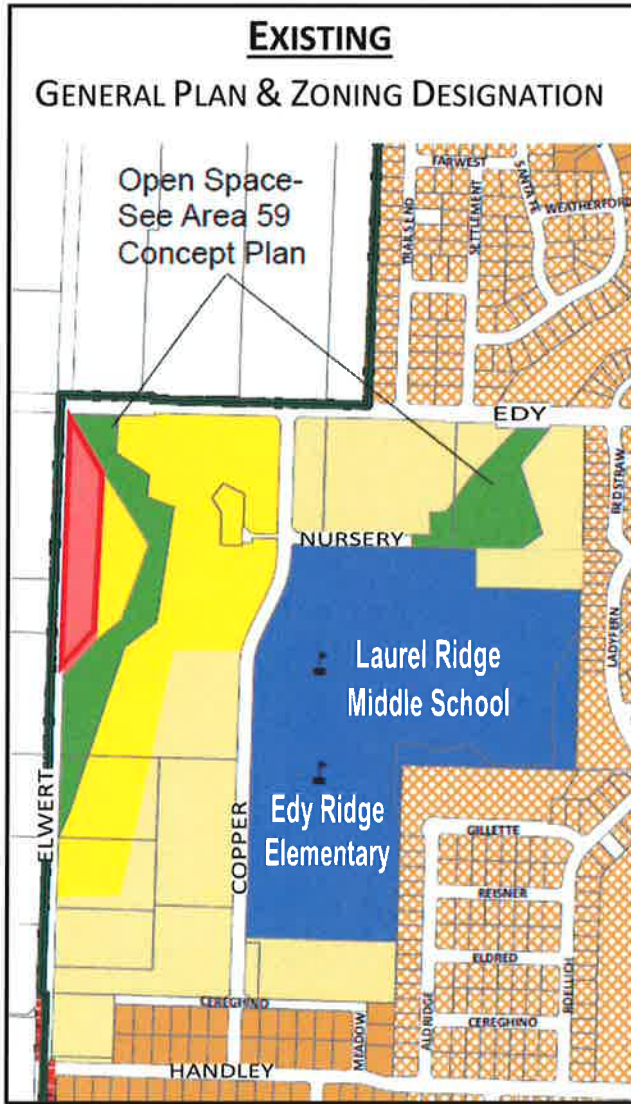

Krisanna Clark, Mayor

ATTEST:


Sylvia Murphy, MMC, City Recorder

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

PA 15-04 Mandel Property Comprehensive Plan and Zoning Map Amendment



TO: Sherwood City Council

FROM: Connie Randall, Associate Planner

Through: Julia Hajduk, Community Development Director and Joseph Gall, ICMA-CM, City Manager, Tom Pessemier, Assistant City Manager

SUBJECT: Ordinance 2015-009, an ordinance amending the Comprehensive Plan and Zoning Map to redesignate an approximately three-acre parcel from Neighborhood Commercial to Medium Density Residential Low (Second Reading)

Issue:

Shall the City Council adopt an ordinance amending the Comprehensive Plan and Zoning Map to change the land use and zoning designation of approximately three (3) acres of land located at the southeast corner of SW Elwert Road and SW Edy Road from Neighborhood Commercial (NC) to Medium Density Residential Low (MDRL)?

Background:

The City received a land use application requesting to amend the Comprehensive Plan and Zoning Map designation on an approximately three-acre site located at the southeast corner of the intersection of SW Elwert Road and SW Edy Road from Neighborhood Commercial (NC) to Medium Density Residential-Low (MDRL). The subject property is an active farm and has been developed with a single-family residence and associated outbuilding.

The site is part of a larger 21.28 acre parent parcel that was brought into the Urban Growth Boundary by Metro in 2002 as part of Area 59. The Area 59 Concept Plan, adopted by the City Council in 2007, applied a mix of land use designations on the larger parent parcel, including MDRL, Medium Density Residential High (MDRH), and NC. Additionally, a perennial tributary to Chicken Creek bisects the property in an arched manner and is identified as Open Space and/or Natural Area. The implementing codes were adopted at the same time as the concept plan.

The three-acre portion of the lot located on the west side along SW Elwert Road and zoned NC is the subject of this requested Comprehensive Plan and Zoning Map Amendment. The NC zone allows for small scale, retail and service uses, located in or near residential areas and enhancing the residential character of those neighborhoods. Section 16.22.050 of the Sherwood Zoning and Community Development Code (SZCDC) provides special criteria for NC properties to ensure that the nature and character of the development is compatible with residential neighborhoods, including a provision that “no single NC zoning district shall be greater than one (1) acre in area.”

The adopted Area 59 Concept Plan calls for a street connection through the subject property between SW Elwert Road and SW Copper Terrace across the Chicken Creek tributary, connecting the planned

neighborhood commercial area with the adjacent planned residential neighborhood. This roadway is identified in the City's Transportation System Plan as an aspirational project with an estimated cost exceeding \$2,000,000, primarily paid for by the City. In 2013, during the review and approval of the Daybreak Subdivision, the City determined that due to the high financial and environmental cost of this proposed connection, a new local street would intersect with SW Elwert Road approximately 730 north of SW Handley Street, providing connectivity between SW Elwert Road and SW Copper Terrace. This new connection will be fully funded by the development of the property in which it lies (no city funding). Consequently, no street crossing of the tributary is planned or will be required of the subject property during any future land use review process. Absent the planned connectivity between the subject site and adjacent residential neighborhoods, the site is left isolated and detached from the very neighborhoods the neighborhood commercial development was intended to serve.

The Planning Commission held a Public Hearing on November 10, 2015 that was continued to November 24, 2015 at the request of Mr. Robert James Claus to allow for additional written testimony. At the November 24, 2015 Public Hearing, the Planning Commission voted to forward a recommendation of approval to the City Council.

This is the second of two required readings and public hearings. The first reading and public hearing was held on December 1, 2015. During the public hearing, the following points were clarified:

- The scope of the proposed action is limited to the three acres of land currently designated for Neighborhood Commercial (NC) uses along SW Elwert Road. While the applicant intends to develop the larger 21.28 acre parcel in the future, the current application and associated analysis is limited to the impacts of Neighborhood Commercial versus Medium Density Residential Low development on the three-acre site.
- A subdivision application would need to be reviewed and approved prior to any residential development on the larger 21.28-acre site. This application would be processed separate from the Comprehensive Plan and Zoning Map Amendment. Development specific items, such as lot layout, roadway improvements, public utility improvements, open space provisions, pedestrian amenities, and natural habitat protection will be reviewed and provided through the subdivision process.
- SW Elwert and SW Edy roads are both county roadways and under Washington County's jurisdiction. Required improvements would be reviewed by and coordinated with Washington County during the subdivision review.

Alternatives: Approve, modify, or deny the Planning Commission recommendation.

Financial Impacts: It is likely that there will be a minimal cost associated with staff time needed to amend the Sherwood Comprehensive Plan and Zoning Map.

Recommendation: Staff recommends that the City Council hold a public hearing and determine whether to adopt the attached Ordinance as recommended for approval by Planning Commission.

Attachments:

Ordinance 2015-009

Exhibit 1: Planning Commission Recommendation to the City Council

CITY OF SHERWOOD
Planning Commission Recommendation to the City Council
Mandel Property Comprehensive Plan and Zoning Map Amendment

Date: December 30, 2015
File No: PA 15-04

To: Planning Commission

FROM: Planning Department



Connie Randall
Associate Planner

Proposal: The Planning Commission recommends a Comprehensive Plan and Zoning Map Amendment to change the designation from Neighborhood Commercial (NC) to Medium Density Residential Low (MDRL). The subject property is in active farming and has an existing single-family residence and associated outbuilding. The applicant's application packet and Supplemental Letter are attached as Exhibits A and B, respectively.

Planning Commission Public Hearing: The Planning Commission held a public hearing on November 10, 2015 to take testimony and consider the proposed amendment. The Planning Commission voted to leave the record open and accept written testimony for an additional seven days and continued the public hearing to November 24, 2015 at 7:00 p.m. Written testimony was received from Mr. Robert James Claus on November 17, 2015 and is attached as Exhibit F. On November 24, 2015 the Planning Commission concluded the public hearing and after considering the staff report, testimony, and public comments, voted to forward a recommendation of approval to the City Council.

I. BACKGROUND

- A. Applicant Venture Properties
4230 Galewood Street, Suite 100
Lake Oswego, OR 97034
Contact: Kelly Ritz
- B. Property Owner 2007 Mandel Family Trust
David Mandel and Randy Kieling
16990 SW Richen Park Circle
Sherwood, OR 97140
- C. Location: Washington County Tax Map 2S130CB00250. The property is located at the southeast corner of the intersection of SW Elwert and SW Edy roads at 21340 SW Elwert Road.

- D. Parcel Sizes: Approximately 3 acres of a 21.28 acre parcel.
- E. Existing Development and Site Characteristics: The subject site is in active farming and has an existing single-family residence and associated outbuilding and is part of a larger undeveloped parcel that is in active farm use with nursery stock and field crops. A perennial tributary to Chicken Creek bisects the site from south to north in an arched manner, creating a pocket of developable land along SW Elwert Road physically separated from the remaining site. The subject site is located in this area along SW Elwert Road. The land has a gently sloping topography with high points in the northeast, southeast and southwest corners. The three-acre subject site is bounded by SW Elwert Road on the west, and by the perennial tributary and associated vegetated corridor on the north and south, and extends 130 feet east.
- F. Site History: The site was brought into the Urban Growth Boundary by Metro in 2002 as part of Area 59. The Area 59 Concept Plan, adopted by the City Council in 2007, applied a mix of land use designations on the larger parent parcel, including MDRL, Medium Density Residential High (MDRH), and NC. Additionally, the waterway that bisects the property is identified as Open Space and/or Natural Area. The implementing codes were adopted at the same time as the concept plan. The three-acre portion of the lot located on the west side along SW Elwert Road and zoned NC is the subject of this requested Comprehensive Plan and Zoning Map Amendment. The land east and south of the area proposed to be rezoned is part of the larger parent parcel that is zoned Medium Density Residential High (MDRH). The MDRH zone is intended to provide for a variety of medium density housing, including single-family, two-family housing, manufactured housing multi-family housing, and other related uses with a density of 5.5 to 11 dwelling units per acre. The property also includes a perennial tributary to Chicken Creek bisects the parent parcel from south to north in an arched manner.
- G. Zoning Classification and Comprehensive Plan Designation: The site is zoned NC and allows for small scale, retail and service uses, located in or near residential areas and enhancing the residential character of those neighborhoods. Section 16.22.050 of the Sherwood Zoning and Community Development Code (SZCDC) provides special criteria for NC properties to ensure that the nature and character of the development is compatible with residential neighborhoods, including a provision that “no single NC zoning district shall be greater than one (1) acre in area” (§16.22.050.C.).
- H. Adjacent Zoning and Land Use: The properties north and west of the subject site are located in Washington County, outside the City’s Urban Growth Boundary, and are zoned Exclusive Agriculture and Forest (AF-20), which is intended to provide an exclusive farm use zone within the County which recognizes that certain lands therein may be marginal, and Agriculture and Forest (AF-10), the purpose of which is to promote agricultural and forest uses on small parcels in the rural area, while recognizing the need to retain the character and economic viability of agricultural and forest lands, as well as recognizing that existing

parcelization and diverse ownerships and uses exist within the farm and forest area. The land is largely undeveloped with the exception of a few rural residences and is vacant or utilized for agricultural purposes.

- I. Review Process: The proposed Comprehensive Plan and Zoning Map Amendment requires a Type V review which includes 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 on the request. There will be a twenty-one (21) day appeal period after the decision is issued. Any appeal of the City Council decision would go directly to the Oregon Land Use Board of Appeals (LUBA).
- J. Public Notice and Hearing: Oregon Department of Land Conservation and Development (DLCD) notice was submitted on October 5, 2015. Notice of the application was mailed to property owners within 1,000 feet, posted on the property in three, and distributed in five locations throughout the City on October 19, 2015 in accordance with §16.72.020 of the SZCDC. Notice was published in the Times on October 22, 2015 and the Sherwood Gazette on November 1, 2015 in accordance with §16.72.020 of the SZCDC.
- K. Review Criteria: The required findings for the Comprehensive Plan and Zoning Map Amendment are identified in the SZCDC §16.72 (Procedures for Processing Development Permits), and §16.80 (Plan Amendments); Comprehensive Plan Criteria: Chapter 2-Planning Process, Chapter 3-Growth Management, Chapter 4-Land Use, Chapter 6-Transportation; and Chapter 8-Urban Growth Boundary; Metro Urban Growth Management Functional Plan: Title 1. Housing Capacity; Metro 2035 Regional Transportation Plan, Oregon Transportation Planning Rule: (OAR 660-012-0060); Statewide Planning Goals: Goal 1-Citizen Involvement, Goal 2- Land Use Planning, Goal 9-Economic Development, Goal10-Housing, and Goal 12-Transportation.

II. PUBLIC COMMENTS

Steve Reynolds (no address provided) submitted an email to staff on October 14, 2015 indicating his concern with the proposed access from the site to SW Elwert Road. He raised concerns about the lack of pedestrian improvements, amount of bicycle traffic, high speeds, and generally unsafe road conditions related to SW Elwert Road. He does not believe that there is a safe way to access SW Elwert Road from this property. His comments are attached as Exhibit C.

Staff Response: The current request is a policy decision regarding the Comprehensive Plan and Zoning Map designation for the subject site. A conceptual lot layout was shared with the public at a neighborhood meeting. A summary of the neighborhood meeting discussion and exhibits can be found in Exhibit E of the application (Exhibit A). Proposed access to SW Elwert Road would be reviewed and addressed with a future land use application for the subdivision and development of the parent parcel. Any proposed access would need to conform to the

standards set forth in the SZCDC as well as the City's Engineering Design and Standard Details Manual. Further, prior to any development of the site, construction of all public improvements, including any transportation improvements, would be required.

With respect to traffic, the proposed residential uses will generate less traffic than commercial uses, as discussed below and in the transportation analysis found in Exhibit F of the application (Exhibit A).

III. AGENCY COMMENTS

Staff e-mailed notice to affected agencies on October 12, 2015. The following is a summary of comments received as of this date.

DLCD Comments, dated October 21, 2015 and attached as Exhibit D.

DLCD staff reviewed the application materials and raised concerns about the Statewide Planning Goal 9 findings. Specifically, the applicant must show compliance with Oregon Administrative Rule 660-009-0010(4) by demonstrating the change is consistent with the city's acknowledged Economic Opportunities Analysis (EOA). Stating that the proposal addresses the need for additional residential zoning in the city does not address the rule requirement.

Engineering Department Comments dated October 28, 2015 indicate that the proposed Comprehensive Plan and Zoning Map amendment would not negatively impact the transportation system or other public infrastructure. The comments are attached as Exhibit E and discussed below.

Transportation Review

The subject property is adjacent to SW Elwert Road and would likely get sole access from SW Elwert Road due to a tributary around the other 3 sides of the property. A Trip Analysis by Lancaster Engineering has concluded that the proposed zone change from Neighborhood Commercial to Medium Density Residential High¹ would result in less traffic than the current zone designation. Therefore the new zoning will reduce the future traffic impacts to SW Elwert Road from development of the subject property.

Since the proposed zone change reduces the number of trips to and from the subject zone change property, the change in zoning does not significantly affect an existing or planned transportation facility therefore not requiring any additional measures per OAR 660-012-0060.

The City of Sherwood Transportation System Plan (TSP) shows a future neighborhood route connecting SW Elwert Road and SW Copper Terrace through the subject zone change property. This future street is identified in the TSP under Section E (Aspirational Project List) as project D35. Even though the TSP shows the neighborhood route through the subject zone change

¹ Although the applicant is requesting a change in designation from NC to MDRL, the Transportation Analysis analyzed a change in designation to MDRH. As the requested change is a lower designation than what was analyzed, staff does not believe this error significantly impacts the results of the analysis.

property, exact locations of future streets within the TSP are graphical in nature and are not intended to designate exact locations. In the case of this connector street between SW Elwert Road and SW Copper Terrace locating it within the subject zone change property would be very expensive on both monetary and environmental levels since it would require crossing a tributary that is significantly lower than the surrounding property. The cost of bridging the tributary in this area would likely exceed \$2,000,000 for a 700-foot section of roadway. During the design of the subdivision south of the subject zone change property (Daybreak Subdivision) a future street plan was submitted identifying an interconnect between SW Copper Terrace and SW Elwert Road where a new local street would intersect with SW Elwert Road approximately 730 north of SW Handley Street. This new interconnect will be fully funded by the development of the property in which it lies (no city funding).

Due to the above data, no street crossing of the tributary will be required of the subject property during the land use review process. This should be taken into account when considering the acceptability of a zone change.

Storm System Review

Currently there is no storm sewer available for servicing of the subject zone change property along SW Elwert Road. It is anticipated that the subject zone change property will discharge storm runoff into the existing tributary. The new zoning will likely have less impervious area than the existing. Therefore, the proposed zone change will slightly reduce the future flows at the culvert crossing beneath the SW Elwert Road/SW Edy Road intersection.

Sanitary Sewer System Review

Currently there is no sanitary sewer available for servicing of the subject zone change property along SW Elwert Road. It is anticipated that future sanitary service will come from a 15-inch diameter sanitary sewer within SW Copper Terrace. Since the amount of area of the zone change is relatively small in respect to the overall basin that will be served by the 15-inch diameter sanitary sewer, any changes in zoning will not have a significant effect on the sanitary sewer system.

Water System Review

Currently there is no public water service available for servicing of the subject zone change property along SW Elwert Road. It is anticipated that future water service will be looped through the subject zone change property providing adequate service for the new zoning classification.

Conclusion

From a public improvement standpoint, the proposed zone change for the western portion of the subject property will not have a significant effect on public facilities. Engineering conditions for the subject property will be made at the time of development of the subject property.

IV. PLAN AMENDMENT REQUIRED FINDINGS

16.80.030.B - Map Amendment

An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that [Items 1-4 below].

ANALYSIS: The applicable Comprehensive Plan policies are discussed under Section V below. Section 16.02.080 requires that all development adhere to all applicable regional, State and Federal regulations. Applicable regional regulations are discussed under Section VI and applicable State regulations are discussed under Section V.

FINDING: This criteria is discussed in detail below.

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

FINDING: This criteria is discussed in detail below under Section V.

- 2. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.**

ANALYSIS: The applicant proposes to amend the Comprehensive Plan and Zoning Map designation from NC to MDRL. The proposed designation allows for the development of single-family and two-family housing, manufactured housing and other related uses with a density of 5.6 to 8 dwelling units per acre. The MDRL zone is a common residential zoning classification in Sherwood. The subject property is a linear site that is wide and shallow with approximately 860 feet of frontage along SW Elwert Road and a depth of approximately 130 feet, after a 15-foot right-of-way dedication for improvements to SW Elwert Road. The location and shape of the property is characteristic of strip retail commercial that typically develops with multiple access points to the adjacent street. Immediately east of the site is a triangularly shaped site zoned for MDRH development with a width of approximately 600 feet on the west, and a depth ranging from approximately 65 to 310 feet from the south to the north.

EcoNorthwest completed a Housing Needs Analysis (HNA) in conjunction with the Sherwood West Preliminary Concept Plan in June 2015 which showed that there are 96 developable acres of residentially zoned land within the current city limits, 14 acres, or 8%, are zoned MDRL. There are an additional 52 acres of developable MDRL land outside the current city limits, but within the City's Urban Growth Boundary (UGB), in the Brookman Road Concept Plan area. The applicant's Economic Analysis (EA) summarizes the HNA and points out that while Sherwood appears to have an adequate

20-year supply of residential land in the City and its UGB, annexation and development of land within the UGB is not guaranteed. Sherwood is a voter-approved annexation city, meaning that all annexation requests must be approved by a majority of the voters via ballot. Two proposed annexation requests of area within the Brookman Road Concept Plan area failed to win a majority of votes in 2011 and 2013. A third request, consisting of approximately 101 acres, is on the November 3, 2015 ballot. In looking at the “guaranteed land supply”, those acres currently within the City limits, the applicant concludes that the City has a deficit of 46 acres of buildable MDRL-zoned land. Further, the current amount of “guaranteed land supply” is expected to be depleted within the next five (5) years, suggesting that Sherwood is in need of “guaranteed land supply” for MDRL development.

Specific site conclusions of the applicant’s EA indicate that the site is both appropriate and amenable to residential development:

- At 3.0 acres, undeveloped, and flat, the site provides appropriate flexibility with regard to residential development feasibility, unit mix, and site plan to provide a variety of residential options.
- Locationally, offering bi-direction access to Highway 99W, but without direct visibility or access, the site affords adequate access by residences on the site to various public and commercial amenities in the Sherwood and greater regional area.
- Adjacent to open space, farm land, and future MDRH residential development, the site is well-suited as a residential location consistent with other surrounding residential development.

The applicant’s EA and Supplemental Letter (Exhibits A and B, respectively) contend that the site has the following disadvantages for development of neighborhood commercial uses:

- There are not a sufficient number of households near the site to support neighborhood commercial development. There are currently only 1,522 households within the trade area, 1,278 fewer than the 2,800 households needed to support neighborhood commercial development in this location.
- While easily accessible from Highway 99W, the site is separated from the existing commercial development by $\frac{3}{4}$ mile to the south and one mile to the east, completely limiting its visibility and access, generally the two most important features of a commercial development site.
- Surrounded by future residential development and open space, traffic, noise and other issues from the standpoint of existing, nearby residents, the site would further realize lower economic and community value as commercial versus residential development.
- Commercial development on-site would not realize economic or community value from the surrounding farm land and open space that residential development would; rather those adjacent uses are seen as development site constraints for commercial development rather than amenities.

- The physical depth of the site, roughly 130 feet, is a challenge for developing adequate parking, freight truck access and vehicular turnarounds, further decreasing the suitability of the site for neighborhood commercial development.

FINDING: There is a demonstrated lack of MDRL zoned property within the City of Sherwood. While the City has planned MDRL capacity within the UGB, annexing this area into the City for development has proven difficult over the past five years. Further, the proposed Comprehensive Plan and Zoning Map Amendment would create a cohesive residentially zoned site bound by SW Elwert Road and the perennial tributary to Chicken Creek, which bisects the parent parcel, allowing for better site planning and neighborhood design, a benefit to the public in general. Staff finds that this criteria is satisfied.

3. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.

ANALYSIS: As discussed above, the proposed amendment is timely given the potential shortage of available land for residential development.

Additionally, the two most recently developed residential communities within in the City are located in the immediate vicinity: Daybreak Estates, a 34-unit single-family development located south of the site, and Renaissance at Rychlick Farm, a 26-unit single-family development located east of the site. Development of the site with MDRL residences would be consistent with the recent development pattern of the area.

Changes to planned transportation system in the neighborhood and community have been made which should be taken into account when considering the proposed plan amendment and zone change. When the subject site was planned and assigned NC zoning, the idea was for the area to develop with a mix of uses, with neighborhood commercial uses on the ground floor and residential uses above. As identified in the Area 59 Concept Plan, the site was to be served with two access points to SW Elwert Road, one crossing the perennial tributary to Chicken Creek and providing access to SW Copper Terrace and the surrounding planned residential development. However, as the area has developed, a crossing of the tributary has been found to be expensive both financially and environmentally. As discussed above and below, the City determined during the design of the Daybreak subdivision that a new local street would intersect with SW Elwert Road approximately 730 north of SW Handley Street, providing connectivity between SW Elwert Road and SW Copper Terrace. This new connection will be fully funded by the development of the property in which it lies (no city funding). Consequently, no street crossing of the tributary is planned or will be required of the subject property during any future land use review process. Absent the planned connectivity between the subject site and adjacent residential neighborhoods, the site is

left isolated and detached from the very neighborhoods the neighborhood commercial development was intended to serve.

As discussed above in the Engineering Department comments, the proposed residential development of the site can be served by anticipated connections to existing water and sanitary sewer systems. It is anticipated that the subject site will discharge storm runoff into the existing tributary. The proposed MDRL zoning will likely have less impervious area than the current NC zoning. Therefore, the proposed zone change will slightly reduce the future flows at the culvert crossing beneath the SW Elwert Road/SW Edy Road intersection.

FINDING: As discussed above, staff finds that this criteria is satisfied.

4. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.

There are currently 14 acres of developable land in the City zoned for MDRL development. The majority of the land is located in the Area 59 Concept Plan area. About 1/3 of the land is owned by the 2007 Mandel Family Trust, the same owner of the subject site, and is the subject of a subdivision application submitted to the Planning Department on October 20, 2015. Planning staff is not aware of any immediate plans to develop the other developable lands, which are spread over at least 9 parcels, the largest being approximately 5 acres in size. There are approximately 52 acres of developable MDRL-zoned land available in the UGB in the Brookman Road Concept Plan area. However, annexation of this area has proven difficult and significantly limits the ability of the area to be developed in the near future.

FINDING: Based on the applicant's analysis and above discussion, staff finds that this criteria is satisfied.

16.80.030.C. - Transportation Planning Rule Consistency

- 1. The applicant shall demonstrate consistency with the Transportation Planning Rule, specifically by addressing whether the proposed amendment creates a significant effect on the transportation system pursuant to OAR 660-012-0060. If required, a Traffic Impact Analysis (TIA) shall be prepared pursuant to Section 16.106.080.**

ANALYSIS: A Transportation Analysis (TA) addressing the Transportation Planning Rule (TPR) consistency, by Lancaster Engineering, was submitted as part of the application (Exhibit A). The analysis indicates that the proposed plan amendment and zoning change will result in significantly fewer A.M. and P.M. peak hour trips. If the subject site were developed with neighborhood commercial uses, the trip generation analysis shows that the development would generate 2,018 new weekday trips compared to the 248

new weekday trips generated by development of single-family homes allowed by the proposed MDRL zoning. The report concludes that the proposed Comprehensive Plan and Zoning Map Amendment would result in fewer vehicle trips on SW Elwert Road and decrease the impact of future development on the surrounding transportation network.

The City's Engineering Department has reviewed the materials and determined that the proposed rezone would reduce the number of trips to and from the subject property and that the change in zoning does not significantly affect an existing or planned transportation facility. Therefore no additional measures per OAR 660-012-0060 are required.

FINDING: Based on the above analysis, staff finds that this criteria is satisfied.

V. APPLICABLE COMPREHENSIVE PLAN POLICIES

The applicable portions of the Comprehensive Plan include: Chapter 2 – Planning Process; Chapter 3 – Growth Management; Chapter 4 – Land Use; Chapter 6 – Transportation; and Chapter 8 – Urban Growth Boundary Additions.

Chapter 2: Planning Process

F. Plan Amendments

This Plan, and each of its parts shall be opened for amendments that consider compliance with the goals and objectives and plans of the Metropolitan Service District (MSD) or its successor, on an annual basis and may be so amended or revised more often than annually if deemed necessary by the City Council as provided in this Section. Annual amendment and revision for compliance with the above regional goals, objectives and plans shall be consistent with any schedule for reopening of local plans approved by the Land Conservation and Development Commission (LCDC).

Amendments to the maps and text of this Part shall comply with the provisions of Part 3 Chapter 4 Section 4.200.

ANALYSIS: Amendments to the maps and text of Part II of the Comprehensive Plan must comply with Part 3, the Zoning and Community Development Code, Chapter 4, which has been renamed "Division VI. Planning Procedures," and Section 4.200, which has been renamed "Chapter 16.80 Plan Amendments." Compliance with Chapter 16.80 is discussed above in Section IV.

FINDING: As discussed in Section IV of this report above, staff finds that this criteria is satisfied.

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.

ANALYSIS: The property is located within the City limits and within the UGB. Adjacent developed properties, the Daybreak Subdivision and the Edy Ridge Elementary/Laurel Ridge Middle school campus, have urban facilities such as adequate roadways, water, sanitary sewer, storm water sewer, and pedestrian connections.

The intent of the NC zone is to provide opportunities for small scale, retail and service uses, located in or near residential areas and enhancing the residential character of those neighborhoods. The limited NC zoned property in this location was designed to accomplish this enhancement of the residential neighborhood. However, in light of the financial and environmental cost of the vehicular crossing of the tributary to the Chicken Creek, the planned crossing was abandoned in favor of a more environmentally friendly and cost effective connection further south and west of the parent parcel. This decision left a neighborhood commercial area with no surrounding neighborhood to serve. Amending the comprehensive plan and zoning designation to MDRL would allow for the development of a cohesive residential neighborhood adjacent to the Chicken Creek tributary, which has a better chance of creating a livable community that respects and protects the natural environment than trying to create an isolated pocket of neighborhood commercial or pursue the original crossing of the tributary at a high financial cost the community and natural environment.

Additionally, the proposed Comprehensive Plan and Zoning Map Amendment would increase the available “guaranteed” land supply for residential development, which, as discussed above, is in short supply.

FINDING: Based on the above discussion, staff finds that the proposal satisfies this policy.

Chapter 4. Land Use

Section E - Residential Land Use

Policy 1. Residential areas will be developed in a manner which will insure that the integrity of the community is preserved and strengthened.

Policy 2. The City will insure that an adequate distribution of housing styles and tenures are available.

Policy 3. The City will insure the availability of affordable housing and locational choice for all income groups.

Policy 4. The City shall provide housing and special care opportunities for the elderly, disadvantaged and children.

Policy 5. The City shall encourage government assisted housing for low to moderate income families.

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.

ANALYSIS: The subject site is a three-acre portion of a larger 21.28-acre site. The remaining site is zoned for a mix of MDRL and MDRH residential uses. The proposed Comprehensive Plan and Zoning Map Amendment would enable the entire site to be developed with residential uses to accommodate the need in Sherwood for residential housing. The combined MDRL and MDRH zoning would allow for the development of a variety of housing types to meet the need of current and future residents.

FINDING: Based on the analysis above, staff finds that the proposed Comprehensive Plan and Zoning Map Amendment could help meet some of the stated residential land use policies.

Chapter 6. Transportation

The applicable Transportation Goals are Goals 1 and 2. Goals 3-8 are not specifically applicable to this proposal.

Goal 1: Provide a supportive transportation network to the land use plan that provides opportunities for transportation choices and the use of alternative modes serving all neighborhoods and businesses.

Goal 2: Develop a transportation system that is consistent with the City's adopted comprehensive land use plan and with the adopted plans of state, local, and regional jurisdictions.

ANALYSIS: The lack of vehicular connectivity between the subject site and the existing and planned residential neighborhoods to the east suggests that the planned transportation network is more supportive of residential than commercial development at this location. As discussed above, the applicant's TA and the City Engineering analysis conclude that the proposed MDRL designation would not negatively impact the planned transportation system.

FINDING: Based on this discussion, staff finds that the proposed Comprehensive Plan and Zoning Map Amendment is consistent with these goals.

Chapter 8. Urban Growth Boundary Additions

D. Mapping of Urban Growth Boundary Additions

D.4. Area 59 – A New Neighborhood in Sherwood

ANALYSIS: As the applicant discusses in the Supplemental Letter (Exhibit B), the primary purpose for expanding the UGB in this area was to provide for a new elementary and middle school. Other land uses were flexible and determined based on community feedback rather than a demonstrated need. It appears that neighborhood commercial was chosen to create a walkable complete community. While this is a generally desirable outcome, retail simply cannot succeed unless the site meets specific characteristics. The site needs to have

enough households or drive-by traffic to provide a customer base. The site needs good access and dimensions to allow proper circulation and parking. The site must be generally flat. This site has a fair amount of drive-by traffic, but that is more appropriate for general commercial uses. Neighborhood commercial is localized and needs households within a small market area, generally within a five minute drive. As described above, the market area contains only about 54% of the households needed to support neighborhood retail. The property is generally flat, but the configuration does not work for loading and internal circulation, with a depth of only 130 feet.

Further, when the subject site was planned and assigned NC zoning, the idea was for the area to develop with a mix of uses, with neighborhood commercial uses on the ground floor and residential uses above. As identified in the Area 59 Concept Plan, the site was to be served with two access points. One of the connections was to SW Elwert Road, and the other was intended to cross the perennial tributary to Chicken Creek and provide access to SW Copper Terrace and the surrounding residential developments. However, as the area has developed, a crossing of the tributary has been found to be expensive both financially and environmentally. As discussed previously, the City Engineer determined during the design of the Daybreak subdivision that a new local street would be needed approximately 730 north of SW Handley Street, providing connectivity between SW Elwert Road and SW Copper Terrace. This new connection would be fully funded by the development of the property in which it lies (no city funding). Consequently, no street crossing of the tributary is planned or will be required of the subject property during any future land use review process. A pedestrian crossing and utility extensions would, however, be necessary for meeting minimum block length standards and utility service needs.

FINDING: Based on the above discussion, staff finds that absent the planned connectivity between the subject site and adjacent residential neighborhoods, the site is left isolated and detached from the very neighborhoods the neighborhood commercial development was intended to serve. The proposed Comprehensive Plan and Zoning Map Amendment is an appropriate response to the changed condition and respects the original desire for a neighborhood anchored by a school site and surrounded with single-family development.

VI. APPLICABLE REGIONAL (METRO) STANDARDS

The only applicable Urban Growth Management Functional Plan criteria are found in Title 1 – Housing Capacity.

Staff Analysis: The City of Sherwood is currently in compliance with the Functional Plan and any amendment to the Comprehensive Plan and Zoning Map must show that the community continues to comply. The proposed amendment would increase Sherwood's housing capacity and meet the Title 1 purpose by providing the opportunity for development of residentially zoned property with a compact form.

FINDING: Based on staff's analysis, the proposed Comprehensive Plan and Zoning Map Amendment is consistent with the Metro Functional Plan criteria and the City would continue to be in compliance if the request were approved.

VII. APPLICABLE STATE STANDARDS

The applicable Statewide Planning Goals include: Goal 1, 2, 9, 10, and 12.

Goal 1 (Citizen Involvement)

ANAYLIS: Staff utilized the public notice requirements of the Code to notify the public of this proposed plan amendment. The City's public notice requirements have been found to comply with Goal 1 and, therefore, this proposal meets Goal 1. A neighborhood meeting was held on July 21, 2015 prior to the applicant's submittal to the City. The application is being discussed and decided by the City Council after a public hearing and a recommendation from the Planning Commission, made after holding a public hearing.

FINDING: Based on the above discussion, staff finds that Goal 1 will be satisfied at the conclusion of the hearings by the Planning Commission and City Council.

Goal 2 (Land Use Planning)

ANALYSIS: The Sherwood Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals and provides goals, policies, and procedures for reviewing and evaluating land use requests. The proposed amendment, as demonstrated in this report, is processed in compliance with the local, regional and state requirements.

FINDING: Based on the above discussion, staff finds that Goal 2 is satisfied.

Goal 3 (Agricultural Lands)

Goal 4 (Forest Lands)

Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces)

Goal 6 (Air, Water and Land Resources Quality)

Goal 7 (Areas Subject to Natural Hazards)

Goal 8 (Recreational Needs)

FINDING: The Statewide Planning Goals 3-8 do not apply to this proposed plan amendment.

Goal 9 (Economic Development)

ANALYSIS: The proposal will change the Comprehensive Plan and Zoning Map designation from NC to MDRL. The applicant provides additional analysis of Goal 9 and the City's 2007 Economic Development Strategy (EDS) in the Supplemental Letter (Exhibit B). The applicant notes that throughout the EDS document, there is no mention of specific requirements to

preserve NC zoning nor encourage its development. The focus of the report is to increase the inventory of employment lands, emphasize industrial lands (Tonkin Industrial Area), and encourage other, larger economic development initiatives, particularly tourism. The analysis does not find that the Goal 9/EOA document or policies that address commercial land specifically provide any protections or strategies for the maintenance and growth of lands zoned NC as key employment lands. Further, the applicant concludes that the isolation and bifurcation of what would normally be a more round trade area in all directions, encompassing significantly more households, has prevented the site from being developed with NC uses in the past.

The lack of development interest is as strong of an indicator of the feasibility of the site under current zoning as any and the applicant argues that underutilization of the site would be contrary to various economic development policies and strategies adopted by the City that seek effective growth management via attraction of investment within the existing City limits at acceptable densities and within architectural/design review criteria. The site should, therefore, be considered for rezoning to a use of greater benefit to the City that would yield higher investment value while being more consistent with surrounding uses and adjacent natural resource areas.

Staff notes that historically, the NC designation has not been widely used throughout the City. There are currently 1.03 acres of NC zoned property developed in the City. The only undeveloped NC zoned property is the subject site. The Brookman Road Concept Plan calls for a small amount of retail commercial, 2.07 acres, designated on the map as NC. While there appears to be a need for neighborhood commercial uses in the northwest section of the City, the isolated nature of the site, surrounded by rural residential and agricultural lands in the County and very limited residential development in the City without the originally planned roadway connection across the Chicken Creek tributary discussed earlier, render the site ineffective in meeting the need for neighborhood scale retail commercial uses.

Further, the NC zone significantly limits the number, type, size, and operational characteristics of potential businesses so as to ensure small scale retail and services compatible with residential development and sets a maximum development site size of one acre. As such, NC zoned land is not intended to meet the employment and economic development needs of the City, but rather to enhance the quality of life of the residential neighborhoods by conveniently locating business to meet the daily need for small-scale goods and services.

Finally, the EDS shows that the City has a surplus of 1-4 acre commercial sites. The documented inventory of such sites is 11 while the need in the medium growth forecast is 1, leaving a surplus of 10 sites in this category. Changing the Comprehensive Plan and Zoning Map designation from NC to MDRL will not negatively impact the City's ability to attract new industries and grow its employment base.

FINDING: Based on the above discussion, staff finds that Goal 9 is satisfied.

Goal 10 (Housing)

ANALYSIS: This goal specifies that each city must plan for and accommodate needed housing types for its citizens. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

As discussed above, EcoNorthwest completed a Housing Needs Analysis (HNA) for Sherwood in conjunction with the Sherwood West Preliminary Concept Plan in June 2015. The HNA showed that there are 96 developable acres of residentially zoned land within the current city limits, 14 acres, or 8%, are zoned MDRL. There are an additional 52 acres of developable MDRL land outside the current city limits, but within the City's Urban Growth Boundary (UGB), in the Brookman Road Concept Plan area. Due to the previously described challenges in annexing land for residential development, the City is facing a potential deficit of 46 acres of buildable MDRL-zoned land in a "guaranteed land supply". Further, the current amount of "guaranteed land supply" is expected to be depleted within the next five (5) years, suggesting that Sherwood is in need of "guaranteed land supply" for housing.

Statewide Planning Goal 10 is implemented by the comprehensive plan and in the Metro region by OAR 660-007 (Metropolitan Housing). OAR 660-007 provides density standards and methodology for land need and supply comparisons. Metro Title 1 responds to the requirements of the Metropolitan Housing Rule. By complying with Metro Title 1, as discussed above, Sherwood complies with OAR 660-007 as well as Statewide Planning Goal 10.

FINDING: Based on the analysis as discussed above, staff finds that Goal 10 is satisfied.

Goal 11 (Public Facilities and Services)

FINDING: The Statewide Planning Goal 11 does not specifically apply to this proposed plan amendment.

Goal 12 (Transportation)

FINDING: As discussed earlier in this report, the proposed amendment is consistent with the Transportation Planning Rule (TPR) which implements Goal 12. Staff finds that Goal 12 is satisfied.

Goal 13 (Energy Conservation)

Goal 14 (Urbanization)

Goal 15 (Willamette River Greenway)

Goal 16 (Estuarine Resources)

Goal 17 (Coastal Shorelands)

Goal 18 (Beaches and Dunes)

Goal 19 (Ocean Resources)

Ordinance 2015-009, Attachment to Staff Report

January 5, 2016

Page 16 of 17

FINDING: The Statewide Planning Goals 13-19 do not specifically apply to this proposed plan amendment.

VIII. RECOMMENDATION

Based on the above findings of fact and the conclusion of law based on the applicable criteria, the Planning Commission **RECOMMENDS APPROVAL** of PA 15-04.

IX. ATTACHMENTS

- A. Applicant's submittal packet
- B. Applicant's Supplemental Letter, dated October 30, 2015
- C. Steve Reynolds Email dated October 14, 2015
- D. DLCDC comments submitted October 21, 2015
- E. City of Sherwood Engineering comments submitted October 28, 2015
- F. Robert James Claus Letter dated November 17, 2015