

**PLANNING COMMISSION RECOMMENDATION TO THE CITY COUNCIL****File No: PA 13-05 Front Yard Setbacks Amendment**

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On February 11, 2014, the Planning Commission considered an amendment to the City of Sherwood Zoning and Community Development Code to change the required front yard setbacks in the Medium Density Residential Low, Medium Density Residential High, and High Density Residential. After considering the applicant's materials, public testimony, and the findings in the staff report, the Planning Commission voted to recommend approval of the request to the Sherwood City Council with the following amendments:

1. Reduce the front yard setbacks in those three zones to 14 feet for the main structure, and 20-feet to the face of the garage.
2. Add an annotation to the table in 16.12.030.C for the MDRL, MDRH, and HDR zone that prohibit the encroachments allowed for in 16.50.050 which states, "Architectural Features such as cornices, eaves, canopies, sunshades, gutters, signs, chimneys, and flues may project up to five (5) feet into a front or rear required yard setback..."

The Planning Commission recommendation is based on the findings in this report.



Signed:

**Brad Kilby, AICP Planning Manager**

**Applicant's Proposal:** A proposal to amend the front yard setback requirements within the Medium Density Residential Low, Medium Density Residential High, and High Density Residential zones. Currently, all residential zones within the City of Sherwood require a minimum front yard setback of 20-feet. As proposed, the setback to the garage entrance would remain 20-feet, but the setback, to the front of the primary structure would be 14 feet, and the setback to the porch would be 10-feet.

## I. BACKGROUND

- A. Applicant: DR Horton, Inc.  
Attn: Andy Tiemann or Kati Gault  
4380 SW Macadam Avenue, Suite 100  
Portland, OR 97209
- B. Location: The proposed amendment is to the text of Chapter 16.12 Residential Zoning Districts of the Sherwood Zoning and Community Development Code (SZCDC) and would apply to all properties zoned Medium Density Residential Low, Medium Density Residential High, and High Density Residential.
- 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 is scheduled to consider the matter on February 11, 2014. At the close of their hearing, they will forward a recommendation to the City Council who will consider the proposal, and make the final decision whether to approve, modify, or deny the proposed language. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals.

- D. Public Notice and Hearing: Notice of the February 11, 2014 Planning Commission hearing on the proposed amendment was published in *The Times* on January 8<sup>th</sup>, January 16<sup>th</sup>, and published in the January and February editions of the Gazette. Notice was also posted in five public locations around town on January 21, 2014 and has been on the City's website since December 10, 2013. In addition, an article discussing the proposal was provided in the January edition of the *Sherwood Archer*.

DLCD notice was mailed on December 10, 2013.

- 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).

- F. Background: The SZCDC provides the dimensional requirements for the individual zoning districts. Among setbacks, the dimensional requirements speak to minimum lot sizes, lot dimensions, frontage requirements and building heights. All of the residential zones within the City of Sherwood require a minimum front yard setback of 20-feet. There are provisions within the development code that allow encroachments such as eaves, uncovered porches and decks, and other architectural features of a building to encroach into the front yard setback. If the Council is inclined to follow the Planning Commission recommendation and reduce the setbacks as requested then it should also consider adding a foot note within table 16.12.030 that states, "Reductions in front yard setbacks for architectural features as described in 16.50.050 is not allowed."

In November of 2013, DR Horton, a developer who had recently obtained preliminary approval of the Daybreak Subdivision, a 34-lot single-family development in northwest Sherwood, approached the City about reducing the front yard setbacks within the development. Instead of seeking numerous adjustments or variances to which there were no underlying circumstances to justify such an action, staff advised the applicant to seek a code amendment.

Within the communities of Tualatin, Tigard, Beaverton, and Newberg, the front yard setbacks vary anywhere from 10 all the way up to 35 feet. Front yard setbacks are generally determined based on aesthetic desires of a community. In many cases, the garages are required to be setback a minimum of 20-feet from the front property line to provide enough room in front of the garage to allow a car to be parked in the driveway. Front yards for all other portions of the structure vary as discussed above.

Within the City of Sherwood, every new lot is required to provide an eight-foot public utility easement within the front yard, so it would not be prudent to reduce the front yard setback below the requested ten foot setback proposed for the porch. Also, within Sherwood, there are already homes that have setbacks that vary between 10 and 20 feet. Varied setbacks provide for a variety of benefits to the homeowner. If the setbacks are varied within the development itself, the front yard variations provide visual interest, and bring the main focus of the streetscape to the main entrance of the home. Examples of existing homes in Sherwood along with the approved setbacks are provided as Exhibit 1-D to this report.

By reducing the front yard setbacks the community will inevitably see one of two results. First, with no maximum lot coverage standard, the homes could be made larger. If a larger home is not desired, then the reduced setbacks on the front would result in larger rear yards. Setbacks are traditionally required to provide space between buildings to allow air and light into a development. Setbacks also create buffers between homes and the

adjoining streets. This is not a question of whether or not a setback is needed, but rather, what the appropriate setback is.

## II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

### Agencies:

The City sent a request for comments to potentially affected agencies on December 20, 2013. DLCD notice was also sent on December 20, 2013. The City has not received any agency comments to date on the proposed amendments.

### Public:

There has been extensive outreach to the community on behalf of this proposal, including an article in the City newsletter, announcements at public meetings, as well as being promoted several times on the City's website to a headline, but despite our efforts, announcements, or notices, there simply does not seem to be any interest in this proposal from the public.

## III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are 16.80.030.A and C

### **16.80.030.A - Text Amendment Review**

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

The City's Development Code is an integral part of the Comprehensive Plan, and while this specific proposal does not include changes to the goals and policies of the Comprehensive Plan, it is a proposal that would amend language of the Development Code. There are no specific standards other than ensuring that the language is consistent with the existing Comprehensive Plan and any applicable State or City Statutes and regulations. The proposed changes would amend the language within the development code for three residential zones. (The MDRL, the MDRH, and the HDR zone.)

Upon review of the Comprehensive Plan, the only policy that specifically relates to this proposal would be Policy 3 in Community Design. That policy states, "The natural beauty and unique visual character of Sherwood will be conserved." There is not an associated goal that would correspond to this request. Setbacks are intended to provide plenty of light, air, and fire separation. Within the residential land use policies, there is a discussion of quality, variety, and flexibility which arguably, a flexible dimensional standard can provide. There do not appear to be any comprehensive plan requirements that would conflict with the proposed code language. It is important to note that the existing rear, side, and corner side yard setbacks would not be amended as part of this proposal, and was not requested by the applicant.

### Applicable Regional (Metro) Standards

There are no known Metro standards that would conflict with the proposed language. Metro discusses densities and efficiency, but does not speak to setbacks.

### Consistency with Statewide Planning Goals

Because the comprehensive plan policies and strategies are not changing and the comprehensive plan has been acknowledged by the State, there are no known conflicts with this text change. Staff is not aware of any other state or local regulations that the proposed amendment would conflict

with. The minimum separation requirements are typically associated with the Building and Fire Codes. In both instances, the minimum separation is less than what would be required.

As discussed previously, the public has been provided with a variety of avenues to provide input, and staff has always been available to discuss the proposed changes. As a whole, the proposed amendments are consistent with Goal 1 (Citizen Participation) and Goal 2 (land use planning).

Formal notice was also published in the Tigard Times, the Sherwood Gazette, the City's website, and the Archer newsletter. Notice of the proposal has been posted around town in several conspicuous places, and is provided on the City's website.

**FINDING:** This issue is primarily a question of aesthetics since there is usually not a structure immediately adjacent to a front yard. As discussed above, there is not necessarily a need for the proposed amendments, but they would provide some additional benefit to the individual landowner. To the extent that they are applicable, the proposed amendments are consistent with the Comprehensive Plan and applicable City, regional and State regulations and policies.

#### **16.80.030.3 – Transportation Planning Rule Consistency**

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

**FINDING:** The proposed amendments are not tied to any one development application and do not affect the functional classification of any street. The proposed amendments will not result in a change of uses otherwise permitted and will have no measurable impacts on the amount of traffic on the existing transportation system; therefore this policy is not applicable to the proposed amendment.

#### **IV. EXHIBITS**

- 1-A Applicant's Materials
- 1-B Proposed development code changes – Clean format
- 1-C Proposed development code changes – Track changes format
- 1-D Examples of existing homes in Sherwood with reduced setbacks