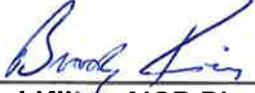


Signed:


Brad Kilby, AICP Planning Manager

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 8th, January 16th, 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 Planning Commission is inclined to reduce the setbacks as requested some consideration should also be given to the language in Section 16.50.050 which allows, "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..." The Planning Commission may want to 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 allowed only when the feature is constructed no closer than 10 feet from the front property line."

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 5 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. DLCDC 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. RECOMMENDATION

Based on the above findings of fact, and the conclusion of law based on the applicable criteria, staff recommends Planning Commission forward a recommendation of approval of PA 13-05 to the City Council.

V. EXHIBITS

1. Applicant's Materials
2. Proposed development code changes – Clean format
3. Proposed development code changes – Track changes format
4. Existing code language
5. Examples of current homes in Sherwood with traditional and nontraditional setbacks.

NARRATIVE & COMPLIANCE REPORT
TEXT AMENDMENT TO MDRL, MDRH & HDR SETBACKS
(SECTION 16.12.030 C)

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LIST OF EXHIBITS

- A COPIES OF APPLICATION FORM AND CHECK FOR FEE
- B COPY OF LETTER TO PLANNING COMMISSION

I. PROPOSAL SUMMARY

GENERAL INFORMATION

Applicant/Property Owner:

D.R. Horton, Inc.
4380 SW Macadam Avenue, Suite 100
Portland, OR 97239
Contact: Andy Tiemann / Kati Gault

Design Team:

Process Planner/Civil
Engineer/Surveyor:

Pacific Community Design, Inc.
12564 SW Main Street
Tigard, OR 97223
Tel: 503.941.9484
Fax: 503.941.9485
Contact: Stacy Connery, AICP
Amber Shasky-Bell

Proposal:

Text Amendment to Municipal Code -
Section 16.12.030(C) Development
Standards per Residential Zone to Modify
Front Yard Setbacks of MDRL, MDRH & HDR
Zones

REQUEST & PROJECT DESCRIPTION

The Applicant proposes text amendment to the City of Sherwood Zoning and Community Development Code, Section 16.12.030(C) Development Standards per Residential Zone to modify front yard setbacks of MDRL, MDRH & HDR Zones. The proposed amendment consists of replacing the front yard setback requirements of 20 feet for Medium Density Residential (MDRL), Medium Density Residential High (MDRH), and High Density Residential (HDR) Districts with the proposed setbacks shown in the table below.

Proposed Text Amendment

Development Standard by Residential Zone	MDRL	MDRH	HDR
Setbacks (in feet)			
Front yard	20	20	20
<i>Front Porch</i>	<i>10</i>	<i>10</i>	<i>10</i>
<i>Garage Entrance</i>	<i>20</i>	<i>20</i>	<i>20</i>
<i>Front Building</i>	<i>14</i>	<i>14</i>	<i>14</i>

The proposed amendment is intended to create setbacks that allow buildings and porches to project in front of garages. This will allow for greater diversity in front elevations and more appealing street frontages by lessening the predominance of garages. In some cases, the reduced front porch and front building setbacks will allow residential units to have a larger rear yard area through the adjustment of building footprint towards the lot front.

The Applicant, a property owner in Sherwood, submitted a letter to the Planning Commission on September 20, 2013 (see Exhibit B) and attended the Planning Commission Meeting held October 8, 2013 to receive initial feedback from the Planning Commission. The Applicant discussed the need for this proposed text amendment with the Planning Commission. The Planning Commission explained that the City accepts and reviews such applications to allow developers to provide a high quality product and encouraged the Applicant to submit a formal text amendment request. The Applicant is now doing so with this application.

Section II of this report addresses compliance with the City of Sherwood Comprehensive Plan. Section III of this report addresses compliance with the applicable sections of the Zoning and Community Development Code and with the Transportation Planning Rule.

II. COMPLIANCE WITH CITY OF SHERWOOD COMPREHENSIVE PLAN

CHAPTER 4 - LAND USE

E. RESIDENTIAL LAND USE

Policy 6 (C): RESIDENTIAL ZONES OBJECTIVES

The following subsection defines the five residential land use classifications to be used in the land use element giving the purpose and standards of each. All density ranges are for minimum lot sizes and shall not restrict larger lots within that residential designation. For each residential designation on the Plan/Zone Map, maximum density has been indicated. The maximum density represents the upper limit which may be allowed - it is not a commitment that all land in that area can or should develop to that density. The implementing ordinances contained in the City Zoning Code define the circumstances under which the maximum density is permissible. Density transfers are applied in instances where appropriate to achieve the purposes of the Plan such as the encouragement of quality planned unit developments, flood plain protection, greenway and park acquisition, and the use of efficient energy systems. Unless these circumstances pertain, the maximum density allowable will be specific in the zoning standards for each designation.

3) Medium Density Residential Low (MDRL)

Minimum Site Standards:

8 DU/Acre, 5,000 sq. ft. lot minimum

This designation is intended to provide for dwellings on smaller lots, duplexes, manufactured homes on individual lots, and manufactured home parks. The designation is applicable in the following general areas:

- Where there is easy access to shopping.
- Where a full range of urban facilities and services are provided in conjunction with development.
- Where major streets are adequate or can be provided in conjunction with development.

4) **Medium Density Residential High (MDRH)**

Minimum Site Standards:

11 DU/Acre, 3,200-5,000 sf lot minimum

This designation is intended to provide for a variety of medium density housing styles, designs, and amenities in keeping with sound site planning. Included in this designation are, low density apartments and condominiums, manufactured homes on individual lots, and row housing. This designation is applicable in the following general areas:

- Where related institutional, public and commercial uses may be appropriately mixed or are in close proximity to compatible medium density residential uses.
- Where a full range of urban facilities and services are provided in conjunction with development.
- Where medium urban densities can be maintained and supported without significant adverse impacts on neighborhood character or environmental quality.

5) **High Density Residential (HDR)**

Minimum Site Standards:

16 DU/Acre, 2,000-5,000 sf lot minimum

This designation is intended to provide for high density multi-family urban housing with a diversity in style, design and amenities in keeping with sound site planning principles in the following general areas:

- Where related public, institutional and commercial uses may be mixed with or are in close proximity to compatible high density residential uses.
- Where a full range of urban facilities and services are available at adequate levels to support high density residential development.
- Where direct access to major fully improved streets is available.

- Where high density development will not exceed land, air or water carrying capacities.

Response: No amendment is proposed to the minimum lot area development standards or residential density standards of the MDRL, MDRH, and HDR zones. The proposed amendment will not result in a change in the residential density of the MDRL, MDRH, and HDR zones. The garage entrance setback will remain 20 feet. The reduced front building and front porch setbacks may allow future site development to provide larger rear yards by locating the building footprint closer towards the front lot line. Therefore, the proposed setbacks are consistent with minimum site standards for each of the subject residential zones.

The proposed setbacks are consistent with the intent of the MDRL, MDRH, and HDR zones as no changes are proposed to the Zoning Map and no changes are proposed to Section 16.12.020 Allowed Residential Land Uses. In addition, the proposed text amendment encourages a greater variety of medium and high density housing designs while keeping with sound site planning. Allowing the building and porch to extend past the garage lessens the predominance of garages along street frontage, creating a more appealing and pedestrian oriented street frontage. In addition, the front building entrance will be located closer to the street frontage, encouraging pedestrian activity. Adequate driveway parking continues to be provided by maintaining a 20 foot garage setback.

O. COMMUNITY DESIGN

3. GENERAL OBJECTIVES

Policy 4: Promote creativity, innovation and flexibility in structural and site design.

- **Strategy:** Encourage visual variety in structural design.

Response: The proposed modifications to front setbacks will allow for greater diversity in front elevations and allow for more appealing street frontages by lessening the predominance of garages along street frontages. By allowing a greater diversity in elevations, the proposed text amendment encourages greater visual variety in structural design.

III. COMPLIANCE WITH CITY OF SHERWOOD MUNICIPAL CODE

CHAPTER 16.12. RESIDENTIAL LAND USE DISTRICTS

16.12.010 Purpose and Density Requirements

C. Medium Density Residential (MDRL)

The MDRL zoning district provides for single-family and two-family housing, manufactured housing and other related uses with a density of 5.6 to 8 dwelling units per acre.

D. Medium Density Residential High (MDRH)

The MDRH zoning district provides 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. Minor land partitions shall be exempt from the minimum density requirement.

E. High Density Residential (HDR)

The HDR zoning district provides for higher density multi-family housing and other related uses with density of 16.8 to 24 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirement.

Response: As described above, residential density standards are not affected by the proposed text amendment. No amendment is proposed to the minimum lot area development standards or residential density standards of the MDRL, MDRH, and HDR zones. The garage entrance setback will remain 20 feet. Adequate driveway parking continues to be provided by maintaining a 20 foot garage setback. The reduced front building and front porch setbacks may allow future site development to provide larger rear yards by locating the building footprint closer towards the lot front line. The primary result to the community is the affect on street frontage. Allowing the building and porch to extend past the garage lessens the presence of the garage, making for a more appealing and pedestrian-oriented street frontage. In addition, the front building entrance will be located closer to the street frontage, encouraging pedestrian activity. Therefore, the proposed setbacks are consistent with the purpose and density requirements of each of the residential districts.

16.12.030 Residential Land Use Development Standards

C. Development Standards per Residential Zone

Existing Text

Development Standard by Residential Zone	MDRL	MDRH	HDR
Setbacks (in feet)			
Front yard	20	20	20

Response: This application is a request for a text amendment to Section 16.12.030(C) to amend front setback standards for MDRL, MDRH, and HDR Districts. The existing front yard setback is 20 feet for each of the MDRL, MDRH, and HDR Districts. Setbacks illustrated in the table below are proposed to modify the front yard setbacks in each of these three (3) districts to allow for greater diversity of front elevations.

Proposed Text

Proposed Development Standards	MDRL	MDRH	HDR
Setbacks (in feet)			
Front Porch	10	10	10
Garage entrance	20	20	20
Front building	14	14	14

CHAPTER 16.72. PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 Generally

A. Classifications

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

5. Type V

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

b. Plan Text Amendments

B. Hearing and Appeal Authority

1. Each Type V legislative land use action shall be reviewed at a public hearing by the Planning Commission with a recommendation made to the City Council. The City Council shall conduct a public hearing and make the City's final decision.

3. The quasi-judicial Hearing and Appeal Authorities shall be as follows:

e. The Type V Hearing Authority is the City Council, upon recommendation from the Planning Commission and the Appeal Authority is the Land Use Board of Appeals (LUBA).

Response: Compliant with Section 16.72.010(A)(5)(b), the proposed application is submitted as a Type V legislative application, subject to a public hearing before the Planning Commission and before the City Council.

CHAPTER 16.80. PLAN AMENDMENTS

16.80.010 Initiation of Amendments

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

Response: The Applicant is also an owner of property within the City. Compliant with this Section, the Applicant has initiated the proposed text amendment.

16.80.020 Amendment Procedures

Zoning Map or Text Amendment

C. Application - An application for a Zoning Map or text amendment shall be on forms provided by the City and shall be accompanied by a fee pursuant to Section 16.74.010

D. Public Notice - Public notice shall be given pursuant to Chapter 16.72

- E. **Commission Review** - The Commission shall conduct a public hearing on the proposed amendment and provide a report and recommendation to the Council. The decision of the Commission shall include findings as required in Section 16.80.030
- F. **Council Review** - Upon receipt of a report and recommendation from the Commission, the Council shall conduct a public hearing. The Council's decision shall include findings as required in Section 16.80.030. Approval of the request shall be in the form of an ordinance.

Response: A copy of the application form and check for fee is provided as Exhibit A. The City will provide for Public Notice for a Type V Text Amendment in accordance with Chapter 16.72. This application is subject to a public hearing before the Planning Commission and a public hearing before the City Council. The Applicant understands that the Planning Commission will make a recommendation to City Council and that City Council will make the final decision.

16.80.030 Review Criteria

A. Text Amendment

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

Response: The Applicant, a property owner in Sherwood, submitted a letter to the Planning Commission on September 20, 2013 (see Exhibit B) and attended the Planning Commission Meeting held October 8, 2013 to receive initial feedback from the Planning Commission. The Applicant discussed the need for this proposed text amendment with the Planning Commission. The Planning Commission explained that the City accepts and reviews such applications to allow developers to provide a high quality product and encouraged the Applicant to submit a formal text amendment request. The Applicant is doing so with this application.

Section II of this report demonstrates compliance with the Comprehensive Plan. Section III of this report demonstrates compliance with the Zoning and Community Development Code. Per Section 16.80.010, the Applicant has initiated the text amendment.

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:

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

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.
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.

Response: No amendment to the Zoning Map is proposed. Therefore, the standards of this Section are not applicable.

C. Transportation Planning Rule Consistency

1. 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.
2. "Significant" means that the transportation facility would change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification, allow types of land use, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility, or would reduce the level of service of the facility below the minimum level identified on the Transportation System Plan.
3. Per OAR 660-12-0060, Amendments to the Comprehensive Plan or changes to land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
 - a. Limiting allowed uses to be consistent with the planned function of the transportation facility.
 - b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses.
 - c. Altering land use designations, densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

Response: The Text Amendment is only proposed to amend front setbacks of the MDRL, MDRH, and HDR Districts to allow buildings and porches to extend in front of garages. The proposed amendment will have no affect on residential density within the MDRL, MDRH, and HDR Districts. The 20 foot setback is maintained for garage entrances, continuing to provide

for adequate driveway parking. No changes are proposed to the Zoning Map. The proposed amendment to modify front setbacks will not result in a development standard that independently results in the creation of more or less residential lots than allowed by current standards. Given that the proposed amendment does not directly impact density standards, the proposed amendment will not result in an increase of trips. The current types and levels of land use within the subject zones are maintained with the proposed text amendment. The proposed amendment will not change the functional classification of an existing or planned transportation facility. In addition, the proposed amendment does not change any standard implementing a functional classification. Therefore, the proposed amendment will not significantly affect existing or planned transportation facilities.

IV. PROPOSAL SUMMARY & CONCLUSION

This Narrative & Compliance Report describes the proposed text amendment and demonstrates compliance with the applicable standards of the City of Sherwood Comprehensive Plan and Zoning and Community Development Code. Therefore, the Applicant respectfully requests approval of the proposed text amendment to City of Sherwood Zoning and Community Development Code, Section 16.12.030(C) Development Standards per Residential Zone.



Home of the Tualatin River National Wildlife Refuge

Case No. PA 13-05
Fee 5330
Receipt # 972153
Date 11-21-13
TYPE V

City of Sherwood
Application for Land Use Action

Type of Land Use Action Requested: (check all that apply)

- Annexation
- Plan Amendment (Proposed Zone _____)
- Variance (list standard(s) to be varied in description)
- Site Plan (Sq. footage of building and parking area)
- Planned Unit Development
- Conditional Use
- Partition (# of lots _____)
- Subdivision (# of lots _____)
- Other: Text Amendment

By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at www.sherwoodoregon.gov. Click on Departments/Planning/Fee Schedule.

Owner/Applicant Information:

Applicant: D.R. Horton - Portland Division Phone: 503-222-4151 ext. 1104
 Applicant Address: 4380 SW Macadam Ave #100 Email: AETiemann@drhorton.com
 Owner: D.R. Horton - Portland Division Phone: 503-222-4151 ext. 1104
 Owner Address: 4380 SW Macadam Ave #100 Email: AETiemann@drhorton.com
 Contact for Additional Information: Andy Tiemann, Project Manager

Property Information:

Street Location: n/a
 Tax Lot and Map No: n/a
 Existing Structures/Use: n/a
 Existing Plan/Zone Designation: n/a
 Size of Property(ies) n/a

Proposed Action:

Purpose and Description of Proposed Action: Text amendment to Zoning and Community Development Code
Division II, Section 16.12.30 Residential Land Use Development Standards to amend front yard setbacks with MDRL, MDRH and HDR
zones.

Proposed Use: n/a

Proposed No. of Phases (one year each): n/a

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.


Applicant's Signature

11-21-13
Date


Owner's Signature

11-21-13
Date

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

- 3 * copies of Application Form** completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- Copy of Deed** to verify ownership, easements, etc. - *Not Applicable*
- At least 3 * folded** sets of plans - *Not Applicable*
- At least 3 * sets** of narrative addressing application criteria
- Fee** (along with calculations utilized to determine fee if applicable)
- Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects) - *Not Applicable*
- Signed checklist** verifying submittal includes specific materials necessary for the application process - *Not applicable*

* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.



DATE: 9-20-13

TO: City of Sherwood Planning Commission

FROM: Ryan O'Brien, DR Horton Entitlement Manager
office: 503-222-4151, ex. 1115 cell: 503-502-7546
fax: 1-866-640-0447
RMObrien@drhorton.com

SUBJECT: Requested Comments on Proposed Changes to the Development Code

We are requesting comments from the Sherwood Planning Commission regarding changes to the front yard setbacks in the MDRL, MDRH and HDR zones. The current code requirement is 20 feet. We would like the following changes:

- 10 feet - Porch
- 14 feet - Dwelling Unit
- 20 feet - Garage

We would appreciate Planning Commission comments before we and the city staff spend the time and money to process a code amendment. Attached are 19 photos that represent proposed changes. Many of the city and counties have changed their ordinances to allow these setbacks. Variable setbacks create interesting front elevations for houses. It also eliminates the straight 20 foot line of houses along the street scape. This variety also increases the size of the rear yards. Most of the DR Horton houses have front porches that extend 5 to 8 feet past the garage door which required a 25 to 28 foot setback for the house. This additional 5 to 6 feet is directly removed from the rear yard. In some cases, the living area extends over the garage to create additional living area and house elevation variety. The DR Horton house plans were prepared to comply with the newer codes of other cities and counties that encourage this type of housing. We are currently constructing a 34 lot subdivision called Daybreak with 5,000 square foot lots in the city of Sherwood. The subdivision is located between Cooper Terrace and Elwert Road, and south of Edy Road. We would like to utilize variable setbacks in this subdivision. Thank you in advance for your consideration of this matter.



#1



#2



#3



#10



#9

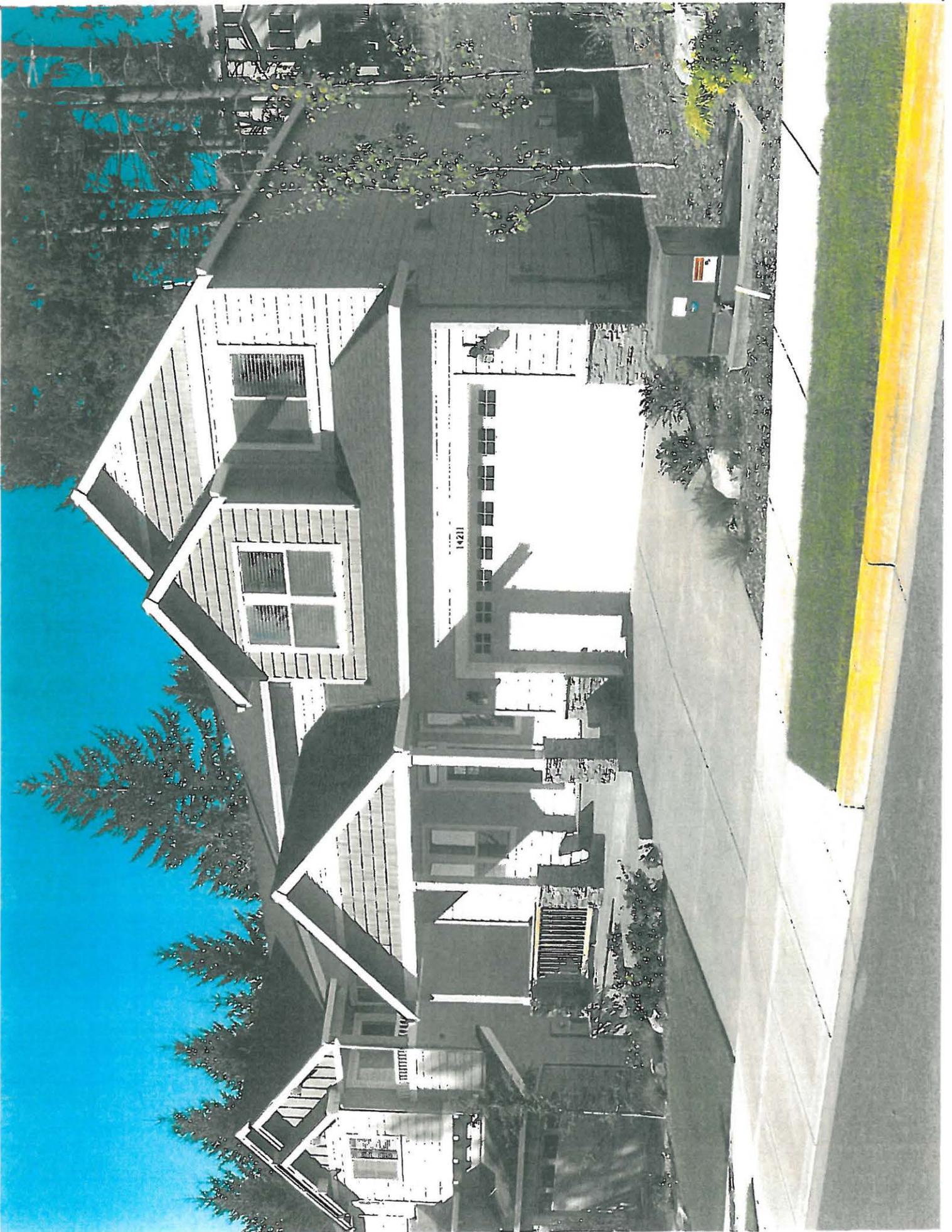




Exhibit 2 Clean version of the dimensional table of Chapter 16.12 (Residential Land Use Districts)

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
Minimum Lot areas:(in square ft.)						
• Single-Family Detached	40,000	10,000	7,000	5,000	5,000	5,000
• Single Family Attached	40,000	10,000	7,000	5,000	4,000	4,000
• Two or Multi-Family: for the first 2 units	X	X	X	10,000	8,000	8,000
• Multi-Family: each additional unit after first 2	X	X	X	X	3,200	1,500
Minimum Lot width at front property line: (in feet)	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
Minimum Lot width at building line ^[6] : (in feet)						
• Single-Family	None	None	60	50	50	50
• Two-Family	X	X	X	60	60	60
• Multi-family	X	X	X	X	60	60
Lot Depth	None	None	80	80	80	80
Maximum Height ^[7] (in feet)	<u>30</u> or 2 stories	<u>35</u> or 2.5 stories	40 or 3 stories			
• Amateur Radio Tower	70	70	70	70	70	70
• Chimneys, Solar or Wind Devices, Radio and TV aerials ^[8]	50	50	50	50	55	60

Exhibit 3 Proposed Amendments to the dimensional table of Chapter 16.12 (Residential Land Use Districts)

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
Minimum Lot areas:(in square ft.)						
• Single-Family Detached	40,000	10,000	7,000	5,000	5,000	5,000
• Single Family Attached	40,000	10,000	7,000	5,000	4,000	4,000
• Two or Multi-Family: for the first 2 units	X	X	X	10,000	8,000	8,000
• Multi-Family: each additional unit after first 2	X	X	X	X	3,200	1,500
Minimum Lot width at front property line: (in feet)	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
Minimum Lot width at building line ^[6] : (in feet)						
• Single-Family	None	None	60	50	50	50
• Two-Family	X	X	X	60	60	60
• Multi-family	X	X	X	X	60	60
Lot Depth	None	None	80	80	80	80
Maximum Height ^[7] (in feet)	<u>30</u> or 2 stories	<u>35</u> or 2.5 stories	40 or 3 stories			
• Amateur Radio Tower	70	70	70	70	70	70
• Chimneys, Solar or Wind Devices, Radio and TV aerials ^[8]	50	50	50	50	55	60

Setbacks (in feet)						
• Front yard	20	20	20	20	20	20
• <u>Front Porch</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>10</u>	<u>10</u>	<u>10</u>
• <u>Garage Entrance</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
• <u>Front Building</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>14</u>	<u>14</u>	<u>14</u>
• Interior side yard						
• Single-Family Detached	5	5	5	5	5	5
• Single-Family Attached	<u>20</u>	<u>20</u>	<u>20</u>	10	5	5
• Two Family	X	X	X	5	5	5
• Multi-Family						
• 18 ft. or less in height	X	X	X	X	5	5
• Between 18-24 ft. in height	X	X	X	X	7	7
• If over 24 ft. in height	X	X	X	X	<u>§ 16.68</u> Infill	<u>§ 16.68</u> Infill
• Corner lot street side						
• Single Family or Two Family	<u>20</u>	<u>20</u>	<u>20</u>	15	15	15
• Multi-Family	X	X	X	X	<u>20</u>	<u>30</u>
• Rear yard	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>

~~Deleted Language~~

Added Language

USES	VLDR	LDR	MDRL	MDRH	HDR
• Golf Courses	C	C	C	C	C
• Basic Utilities (such as electric substations, public works yard)	C	C	C	C	C
• Radio and communications stations, on lots with a minimum width and depth equal to the height of any tower in conformance	C	C	C	C	C

Whereas P=Permitted, C=Conditional, N=Not Allowed

B. Any use not otherwise listed that can be shown to be consistent or associated with the permitted uses or conditionally permitted uses identified in the residential zones or contribute to the achievement of the objectives of the residential zones will be allowed or conditionally permitted using the procedure under Chapter 16.88 (Interpretation of Similar Uses).

C. Any use that is not permitted or conditionally permitted under this zone that cannot be found to be consistent with the allowed or conditional uses identified as in B. is prohibited in the residential zone using the procedure under Chapter 16.88 (Interpretation of Similar Uses).

(Ord. No. 2012-006, § 2, 3-6-2012; Ord. No. 2011-003, § 2, 4-5-2011)

16.12.030 Residential Land Use Development Standards

A. Generally

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

B. Development Standards

Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 (Wetland, Habitat and Natural Areas) Chapter 16.44 (Townhomes), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.

C. Development Standards per Residential Zone

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
Minimum Lot areas:(in square ft.)						
• Single-Family Detached	40,000	10,000	7,000	5,000	5,000	5,000
• Single Family Attached	40,000	10,000	7,000	5,000	4,000	4,000

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
• Two or Multi-Family: for the first 2 units	X	X	X	10,000	8,000	8,000
• Multi-Family: each additional unit after first 2	X	X	X	X	3,200	1,500
Minimum Lot width at front property line: (in feet)	25	25	25	25	25	25
Minimum Lot width at building line ⁶ : (in feet)						
• Single-Family	None	None	60	50	50	50
• Two-Family	X	X	X	60	60	60
• Multi-family	X	X	X	X	60	60
Lot Depth	None	None	80	80	80	80
Maximum Height ⁷ (in feet)	30 or 2 stories	35 or 2.5 stories	40 or 3 stories			
• Amateur Radio Tower	70	70	70	70	70	70
• Chimneys, Solar or Wind Devices, Radio and TV aerials ⁸	50	50	50	50	55	60
Setbacks (in feet)						
• Front yard	20	20	20	20	20	20
• Interior side yard						
• Single-Family Detached	5	5	5	5	5	5
• Single-Family Attached	20	20	20	10	5	5
• Two Family	X	X	X	5	5	5
• Multi-Family						
• 18 ft. or less in height	X	X	X	X	5	5
• Between 18-24 ft. in height	X	X	X	X	7	7
• If over 24 ft. in height	X	X	X	X	§ 16.68 Infill	§ 16.68 Infill

⁶ Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard.

⁷ Maximum height is the lesser of feet or stories

⁸ Some accessory structures, such as chimneys, stacks, water towers, radio or television antennas, etc. may exceed these height limits with a conditional use permit, per Chapter 16.62 (Chimneys, Spires, Antennas and Similar Structures).

Development Standard by Residential Zone-	VLDR-					
	VLDR	PUD	LDR	MDRL	MDRH	HDR
• Corner lot street side						
• Single Family or Two Family	20	20	20	15	15	15
• Multi-Family	X	X	X	X	20	30
• Rear yard	20	20	20	20	20	20

(Ord. No. 2012-006, § 2, 3-6-2012; Ord. No. 2011-003, § 2, 4-5-2011)

16.12.040 Community Design

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

(Ord. No. 2011-003, § 2, 4-5-2011)

16.12.050 Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply.

(Ord. No. 2011-003, § 2, 4-5-2011)

16.12.060 Amateur Radio Towers/Facilities

A. All of the following are exempt from the regulations contained in this section of the Code:

1. Amateur radio facility antennas, or a combination of antennas and support structures seventy (70) feet or less in height as measured from the base of the support structure consistent with ORS § 221.295.
2. This includes antennas attached to towers capable of telescoping or otherwise being extended by mechanical device to a height greater than 70 feet so long as the amateur radio facility is capable of being lowered to 70 feet or less. This exemption applies only to the Sherwood Development Code and does not apply to the City of Sherwood Building Code or other applicable city, state, and federal regulations. Amateur radio facilities not meeting the requirements of this section must comply with Chapter 16.12.030.C.

B. Definitions

1. Amateur Radio Services: Radio communication services, including amateur-satellite service, which are for the purpose of self-training, intercommunication, and technical investigations carried out by duly licensed amateur radio operators solely for personal aims and without pecuniary interest, as defined in Title 47, Code of Federal Regulations, Part 97 and regulated there under.
2. Amateur Radio Facilities: The external, outdoor structures associated with an operator's amateur radio service. This includes antennae, masts, towers, and other antenna support structures.

(Ord. No. 2012-006, § 2, 3-6-2012)

Exhibit 5 – Examples of existing homes in Sherwood that have smaller front-yard setbacks.

10 Foot Front Yard Setback



15 Foot Front Yard Setback



20 Foot Front Yard Setback

