



NOTICE OF DECISION

TAX LOT and Map No. 2S132BA04400
CASE NO: ADM 13-03
DATE OF DECISION: July 19, 2013

Applicant

The Springs Living, LLC
Attn: Chuck Archer
640 NE 3rd Street
McMinnville, OR 97128

REQUEST: The applicant requests a Director's Interpretation of the definition of a "Dwelling Unit" as used in the Sherwood Zoning and Development Code (SZDC) as the definition applies to determining whether density limitations apply to senior housing where the individual living spaces primarily function as a sleeping area and the residents depend upon shared kitchen and communal spaces for all other basic amenities. This is in contrast to typical multi-family units where the amenities are located in each unit. The existing Springs Living facility provides assisted living, respite care, and memory care units for a senior population. This interpretation addresses two questions in order to arrive at the below conclusion:

- 1) Would a proposed expansion consistent with the services being provided at the existing facility be considered a type of "Assisted Living Facility?"
- 2) Would density limitations in the SZDC apply to a proposal to expand the facility?

HISTORY

The original NW Senior Housing development constructed at the subject site was referred to as a 38-unit development in PA99-4/SP99-9. The Notice of Decision required that future development on the lot be limited to an "assisted living facility," which in the CC&R's meant, "a program approach, within a physical structure, which provides and coordinates a range of services, available on a 24-hour basis, for support of resident independence in a residential setting." This definition is the same definition for "assisted living facilities" within the current Sherwood Zoning and Community Development Code. At the time the 1999 decision was issued, it was determined that the density limitations would apply to the proposal as presented.

Within the original application, the applicant indicated that the units would be apartment-type units with kitchenettes for residents that required limited care and would operate more like an apartment complex for seniors that could come and go as they please. They also indicated that the residents would have the option of common dining and recreating facilities.

In reviewing the 1999 application, Staff considered whether density limitations applied to the proposal. They contacted the City's attorney for an interpretation of the Code at that time. He interpreted the housing type as an assisted living facility due to the way the site was to be used as individual units with kitchens as well as limited common space. He also thought that density limitations would apply to these types of facilities because "the units in an assisted living facility are designed to be used as a dwelling unit."

A proposal as discussed by the applicant with staff and within the submitted materials would be permitted outright in the HDR zone subject to Site Plan Review, and through a Conditional Use Permit in the MDRH, and would not be subject to the minimum density standards of the underlying residential zones.

However, it should be noted that any proposal for such a use would be subject to the dimensional requirements of the underlying zones, the conditional use criteria, as well as the site plan review requirements of the Sherwood Zoning and Community Development Code.

NOTICE: Notice is hereby given that on July 19, 2013 the Sherwood Planning Manager provided an interpretation of a use for a future expansion of the Springs Living facility in Sherwood.

INFORMATION: For information on the decision or to obtain copies of file materials, please contact Brad Kilby, AICP Planning Manager, at 503-625-4206 or kilbyb@sherwoodoregon.gov

APPEAL: Pursuant to SZCDC Section 16.72.010.B.3, any person with standing may file an appeal to the Planning Commission not later than 14 days after the date of mailing of this notice of decision.

AFFIDAVIT OF MAILING

STATE OF OREGON)
)
Washington County)

I, Brad Kilby, AICP for the Planning Department, City of Sherwood, State of Oregon, in Washington County, do hereby certify that the Notice of Decision on Case File No. ADM 13-03 was placed in a U.S. Postal receptacle on July 19, 2013.



City of Sherwood Planning Manager