



## MEMORANDUM

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2009 Top Ten Selection



2007 18th Best Place to Live

**Sherwood**  
**2006**  
All-America City Finalist

**DATE:** August 23, 2013  
**TO:** Mayor and City Council  
**FROM:** Michelle Miller, AICP, Senior Planner  
Very Low Density Residential Text Amendment (PA 13-01)  
**SUBJECT:** Update

The City Council held a hearing on the text amendment on May 21, 2013. At the hearing, the applicant, property owners and other interested citizens testified concerning the text amendment. Due to the amount and complexity of testimony received, the Council decided to continue the hearing to consider and review the information in detail.

To review, the Planning Commission recommendation for the text amendment maintains the current minimum lot size at ten thousand square feet and allows four lots per net acre, if developed as a planned unit development in the very low-density residential (VLDR) zone. If a developer elects to apply these new standards, there would be additional criteria to reflect elements from the Southeast Sherwood Master Plan in the design, location, and areas of open space within the proposed planned unit development (PUD). The Planning Commission noted it was the best overall compromise of the differing viewpoints and used elements of the SE Sherwood Master Plan to achieve a greater housing density than the current PUD standards. It also compared favorably to the existing development of Sherwood View Estates PUD, located south of the developable properties, with the same minimum lot size as well as a similar density of 3.6 units per acre.

At the hearing on May 21, 2013, the testimony focused on four main issues that will be addressed in this memo:

- Minimum lot size
- Maximum density per acre
- SE Sherwood Master Plan
- Ken Foster Farm DEQ contaminated site area and environmental considerations

### **Minimum Lot Size**

The City has five residential zoning districts that support ranges of densities varying from high-density (*16.8-24 dwelling units per acre*) to very low-density (*0.7 – 1 dwelling unit per acre*). The minimum lot size for a single family home is 5,000 square feet in all zones except two. The minimum lot size within the VLDR zone is 40,000 sq. ft. The minimum lot size for a single family residence in the Low Density Residential (LDR) zone is 7,000 sq.ft. There is a special exception for PUDs in the VLDR that allows for lots that are 10,000 sq.ft. in size if developed as a PUD. The Council approves each PUD subdivision after a recommendation by the Planning Commission. The Commission recommended keeping the lot size at 10,000 square feet.

At the May 21, Council hearing, the applicant proposed that Council consider 8,500 square foot minimum lot size instead of 10,000 sq. ft. because the larger lots would not achieve the maximum density due to environmental constraints, constructing the roads, and the adding 15 % of the site for open space that is required for PUDs. According to the applicant and other interested property owners, the expense of constructing the required infrastructure for 10,000 sq. ft. lots would make residential development financially infeasible, unless the lot size could be reduced to a minimum size 8,500 square feet.

### **Maximum Density per acre**

Each zoning designation has a range of density that the proposed subdivision must fall in between in order to be compliant with the current development code. The area east of SW Murdock Road is zoned VLDR. The VLDR zoning district provides for low density, larger lot single-family housing with a density of 0.7 to 1 dwelling unit per acre.

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

The Commission recommendation allows an additional density allowance of up to four dwelling units per net buildable acre, if the PUD proposal meets some additional criteria that supports the SE Sherwood Master Plan.

### **SE Sherwood Master Plan**

The SE Sherwood Master Plan was a grant-funded planning effort that brought together developers, property owners and residents within the area west of SW Murdock Road to develop a master plan for the eastern area of Sherwood. The recommended master plan was a hybrid of several alternatives that were developed through well-attended open house workshops. Through the planning phase, the developers emphasized the need for providing sufficient density to pay for the necessary infrastructure while the citizens emphasized a preference for larger lots to preserve the wildlife habitat. This resulted in the development of a hybrid plan that provided for a mix of lot sizes that would allow smaller lots in portions of the plan area while ensuring lots were 15,000 square feet in size abutting

the southern portion of the site. The gross density, under the preferred option would be 2.2 units per gross acre or a net density of 4.43 units per net acre. Our Code defines a net buildable acre as, “Means an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses. When environmentally sensitive areas also exist on a property and said property is within the Metro urban growth boundary on or before January 1, 2002, these areas may also be removed from the net buildable area provided the sensitive areas are clearly delineated in accordance with this Code and the environmentally sensitive areas are protected via tract or restricted easement.”

Council never adopted the SE Sherwood Master Plan but the Commission recognized the effort and indicated that developers should be encouraged to use the plan as a guide for future development.

The Commission recognized that the area and residents have changed over time, but the land remained undeveloped. Since Council did not formally recognize the Master Plan, there was no clear direction as to what or how the community wanted to plan for that area in the future. The Commission noted that many of the same challenges that brought the area to the forefront of a planning effort in 2006 still remain today, and that the area is still undeveloped.

### **Ken Foster Farm DEQ contaminated site area**

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

The area is part of the former Ken Foster Farm (KFF) site, a forty-acre tract used as pastureland found to contain contaminated soil in 2006. It includes the area between the Moser property to the north (22900 SW Murdock) and Sherwood View Estates to the south. The Department of Environmental Quality (DEQ) information indicates that from 1962-1971, tannery wastes from Frontier Leather Tannery were applied as a soil amendment. The waste contained chromium concentrations most of which are present in trivalent form. However, “the more toxic and mobile hexavalent form chromium is also present at the KFF site, likely resulting from trivalent chromium’s oxidation over time.”<sup>1</sup> “Hexavalent chromium could represent a potential health threat for on-site residents through direct contact, incidental ingestion, vapor or dust inhalation, or ingestion or contact with potentially contaminated groundwater, surface water, or freshwater sediments. Tri-

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<sup>1</sup> Remedial Investigation Work Plan, Former Ken Foster Farms, Prepared for Oregon DEQ by Kennedy/Jenks Consultants on July 23, 2013.

valent chromium is the primary form of chromium present and it is non-toxic to humans.”<sup>2</sup> In 2011, DEQ updated its risk-based concentrations for hexavalent chromium based on new EPA toxicity data causing DEQ to reevaluate the earlier findings.

Oregon DEQ conducted an additional investigation this past summer and developed a work plan to address the contamination at these revised concentration levels.<sup>3</sup> They plan further field investigations to acquire data for assessing potential health risks to current and future residents, and assessing surface runoff to the wetland areas in the southeast portion of the KFF site.

Phase I of this plan will focus on 23120 SW Murdock Road (Yuzons) which is the largest and generally most impacted residential property at the KFF site. For the Phase II investigation, DEQ will develop a remediation plan based on the results compiled during the initial phase, but has not determined how long the field investigation will take.

### **Conclusion**

As the Planning Commission discussed during their hearings, this area is not without challenges for developers, property owners and residents. During deliberations, the Commission discussed these same issues concerning the challenges of developing the property within the VLDR zone and at the same time preserving the character of the existing and abutting neighborhoods. In the end the Commission, found the 10,000 minimum lot size and four units per acre persuasive and recommended approval of the text amendment reflecting these changes.

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<sup>2</sup> <http://www.deq.state.or.us/lq/ecsi/ecsidetail.asp?seqnbr=2516>

<sup>3</sup> Id.