

Proposal: The application proposes to amend the development code standards of the Very Low Density Residential (VLDR) zoning district to include specific elements of the SE Sherwood Master Plan so that plan can be implemented relative to new development density. The proposed code text amendment language changes the allowable density to 4 dwelling units per net buildable acre if developed through a planned unit development.

Background: In 2005 the City Council authorized the SE Sherwood Master Plan process and participation in the Oregon Transportation and Growth Management Quick Response program to fund the study and master plan process. Numerous public meetings and workshops with property owners were held, and in 2006 the Planning Commission passed a resolution to accept the SE Sherwood Master Plan and approve a process to implement the plan. The entire SESMP area is zoned Very Low Density Residential and contains approximately 55 acres. At this time, these are the only lands inside the City that are zoned VLDR.

Several design/development alternatives were presented during the master plan process, *Alternative B/C* became the 'recommended plan', with a net density of 4.43 units per buildable acre.



Affected Property: There are four parcels in the City of Sherwood with VLDR zoning that could be developed under the VLDR standards currently in place, using the PUD standards. Those four parcels are:

1. Moser – 2S1 33 BC TL 1700, 11.63 acres
2. Miller – 2S1 33 CB TL 200, 5.37 acres
3. Yuzon – 2S1 33 CB TL 100, 10.36 acres
4. First Community – 2S1 33 CB TL 1000, 3.71 acres

These four parcels total approximately 31 acres. Assuming a loss of 20% of the total acreage for streets, an estimated TOTAL development density under the current development standards would result in 45-49 units (at the currently allowable density of 2 units/net acre through the PUD approval process), or a gross density of approximately 1.6 dwellings/gross acre.



Figure 2 - Study Area and Property Ownership, September 2005

With the adoption of the recommended text amendments, as supported by the SESMP, a total of six parcels could be developed, as follows:

1. Moser – 2S1 33 BC TL 1700, 11.63 acres
2. Miller – 2S1 33 CB TL 200, 5.37 acres
3. Yuzon – 2S1 33 CB TL 100, 10.36 acres
4. First Community – 2S1 33 CB TL 1000, 3.71 acres
5. Huske – 2S1 33 CB TL 300, 4.88 acres
6. Chinn – 2S1 33 CB TL 600, 3.01 acres
7. Walker – 2S1 33 CB TL 700, 3.06 acres *(while this parcel is large enough to be redeveloped under the proposed text changes, it is doubtful that more than one additional dwelling unit could be added to the site due to the existing development)*

The Chinn property was included in the original SESMP, and is included in these calculations, however, access to that property is limited and little interest in development was expressed by that property owner @ the time of the SESMP public outreach. It is likely that the Chinn parcel will someday develop as a 3 parcel Minor Partition with 1 acre lots.

The Huske parcel adjacent to Murdock Road was included in the SESMP designs and was anticipated to be redeveloped; however, without the proposed text amendments that site does not qualify for review under the current PUD standards and currently can ONLY be redeveloped with 1 acre lots.

These six parcels total approximately 39 acres. Assuming 20% of the property is used for public streets, the resulting developable land totals approximately 31 acres. With 15% of that remaining acreage in open space (per the PUD requirements) and 10% set aside for water quality tract(s) – the resulting developable land totals 23+ net buildable acres. When additional land is subtracted for a wooded open space on the Moser property as anticipated in the SESMP (4 acres +/-) there actually only 19 net buildable acres available (at a maximum) for development of single family homes.

The Technical Memo from Julia Hajduk to Kevin Cronin included as an appendix item (#5) in the SESMP details the history of the zoning designations for the area, and clarifies the “downzoning” of the property as it was annexed into the City. The process employed throughout the SESMP evaluation provided an opportunity for citizens to “get involved” with development of a new plan for the area. This text amendment request carries the work completed for the SESMP to its culmination.

If the recommended text changes are approved by the Planning Commission and City Council there is opportunity for development of 70 + single family lots in this section of the city. The potential resulting density is similar to that anticipated by the SESMP.

Excerpted purpose statement from the SESMP

The Sherwood City Council agreed with the need for a master plan study and adopted Resolution 2005-059 on September 6, 2005 (see appendix 1). Primary goals include developing solutions to the problems of piecemeal development, exploring options to provide better urban levels of service, emergency response, transportation, tree preservation, open space for fish and wildlife habitat, and recreation opportunities such as walking trails.

Excerpted Alternatives Comparison from the SESMP

Alternatives Comparison

Alternative	A	B	C	B/C
Total # of proposed lots ¹	54	83	80	82
Acres of right-of-ways & alleys	6.5	7.1	9.4	7.1
Acres of open space	14	13	9	11
Gross Density ²	1.5	2.3	2.2	2.2
Net Density ³	3.35	5.03	4.39	4.43

1. Proposed lots - does not include 11 “existing” 1-acre lots.
2. Gross Density is equal to number of new lots divided by total acres of developable land. Total acres of developed land does not include “existing” lots. Roads, alleys, and open space have not been subtracted from total developable land. Total developable land equals 36.6 acres.
3. Net Density is equal to number of new lots divided by net acres of developable land (roads, alleys, and open space have been subtracted from total developable land area).

Excerpted Density Question from SESMP

Question 4: *Why is the City considering a new zoning designation or amending the existing Very Low Density designation?*

Answer: According to the Metro Housing Rule (OAR 660-007-0035), Sherwood is required to provide a minimum 6 units per acre for new housing. For example, the Washington County zoning designation is R-6, or six to an acre, for the Yuzon property, which is far and above the existing 1 acre minimum and is consistent with the state standard. Typically, when areas are annexed to the City a property is “upzoned” to an urban density and not “downzoned” to a rural density located in a city limits. The City is simply following the pre-existing zoning that was in place before annexation. The City is honoring the property owners request to review the zoning standards because they see higher densities all around them. From a market perspective, in order to privately finance public improvements, and reduce the burden on taxpayers, the development community needs a project “to pencil out” so different land use scenarios need to be considered prior to any master plan being adopted.

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 amendment is being initiated by a property owner.

16.80.020 – Amendment Procedures

Zoning Map or Text Amendment

A. *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*

Response: The proposed text amendment application is considered a **legislative action** and is requested on the general land use application form, accompanied by the required application fee.

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

Response: As a Type V **legislative action** application - Chapter 16.72.020 requires public notice for the required hearings to be both in the newspaper and posted in several locations throughout the city. Mailed notice to property owners is not required because this application is for a text amendment that is not specific to any single parcel of land. The application fee paid to the City includes monies to cover the public notice costs for the proposed text amendment.

C. *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*

Response: The proposed text amendment application will be reviewed by the Planning Commission at a public hearing.

D. *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: The proposed text amendment application will be reviewed by the City Council at a public hearing.

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 proposed text amendment is in response to PC Resolution 2006-001. The Planning Commission accepted the SE Sherwood Master Plan Report and approved a process to implement the plan. The PC resolved to consider development proposals that are consistent with the principals and goals listed in the SE Sherwood Master Plan. The specific amendments to the text are contained in Exhibit 'A'.

Comprehensive Plan

Response: The proposed text amendment does not include changes to the text of the Comprehensive Plan, but amends language of the development code, which implements the Comprehensive Plan. The proposed amendment continues to implement the Land Use goals and policies as they apply to Very Low Density Residential zoned lands.

Applicable Statewide Planning Goals

Goal 1: Citizen Involvement

Response: The purpose of Goal 1 is *“to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process”*. The proposal is to amend the code to implement the elements of the SE Sherwood Master Plan that was accepted by the City and does not include changes to the citizen involvement program. There was extensive citizen involvement in the development of the SE Sherwood Master Plan, including several public workshops, meetings with property owners and planning commission meetings. This application process includes additional opportunities for public input as well. Citizens will be notified of the proposed text amendment changes as required by Section 16.72 and will have an opportunity to participate in the public hearings held before the Planning Commission and the City Council.

Goal 2: Land Use Planning

Response: The purpose of Goal 2 is *“to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions”*. The proposal is to amend the code to incorporate criteria developed through the master plan process into the development code so that the SE Sherwood Master Plan can be implemented as accepted by the Planning Commission. The proposal does not include changes to the planning process.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

Response: The purpose of Goal 5 is *“to protect natural resources and conserve scenic and historic areas and open spaces”*. The area within the boundaries of the SE Sherwood Master Plan includes steep slopes, wetlands and woodlands. The proposed plan amendment is to incorporate elements of the SE Sherwood Master Plan into the development code so that the plan can be implemented as accepted by the Planning Commission. The PC resolution includes specific performance targets for open space to conserve natural resources within the plan area. The proposed text amendment allows for increased net density in the VLDR zone and retains the 15% open space requirement if developed through a Planned Unit Development. Existing resource protections remain intact.

Goal 12: Transportation

Response: The purpose of Goal 12 is *“to provide and encourage a safe, convenient and economic transportation system”*. The proposal is to amend the development code to increase density on Very Low Density Residential lands to 4 units per net buildable acre, if processed

through a PUD. Allowing opportunities for increased density in the area of the SE Sherwood Master Plan will help make it economically feasible for development to pay for infrastructure. The proposed text amendment will not promote any changes to the adopted Transportation Systems Master Plan for the City of Sherwood.

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.....

Response: A map amendment is not proposed.

C. Transportation Planning Rule Consistency

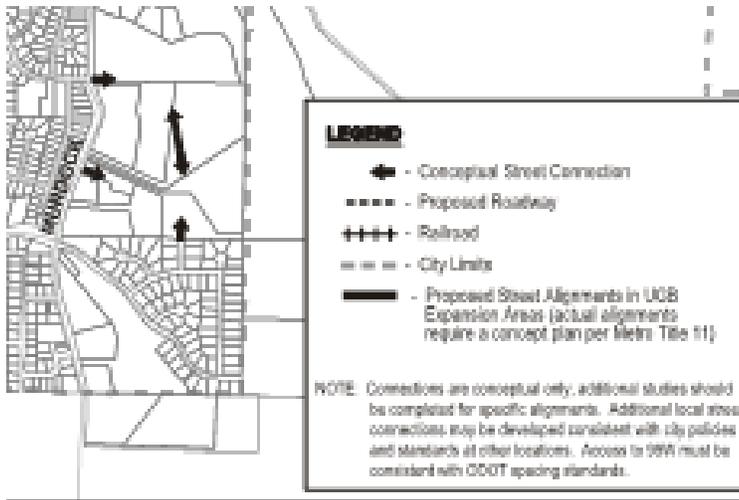
1. *Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed 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 proposal is to incorporate elements of the SE Sherwood Master Plan into the development code so that the plan can be implemented. Transportation analysis conducted during the SE Sherwood Master Plan process concluded that the street system serving the area is planned to have adequate capacity to accommodate the alternatives presented. The analysis considered trip generation increases for net densities ranging from 3.35 to 5.03 units per acre. The proposed text amendment is for a change in net density on VLDR lands to 4 units per net buildable acre if developed through the PUD process. This change reflects the net density of the 'recommended plan' in the SE Sherwood Master Plan that was accepted by the Planning Commission. Topography and geology of the area present infrastructure challenges and approval of the amendments will make it feasible for transportation facilities planned for by the City to be completed.

The functional classification of all public streets within and adjacent to the VLDR-zoned parcels has been evaluated with the conclusions of the SESMP in mind. Development of the few

remaining vacant parcels of land within the VLDR district under the proposed densities envisioned with this text amendment will not result in levels of travel or access that is inconsistent with the existing functional classification of the identified streets.

While not an approval criteria, it is critical to understand that the City of Sherwood Transportation Systems Plan – adopted in 2005 – requires connectivity as illustrated in the excerpt below.



**Figure 8-8
LOCAL STREET CONNECTIVITY**

This connectivity was considered in the SESMP, and was reflected in each of the design scenarios. Furthermore – commentary in the SESMP reflected the need for development at densities that could support the construction of the desired infrastructure. The proposed text amendment facilitates development at a density that can provide the necessary transportation system elements.