

Staff Report: Sherwood Plaza Zoning Map Amendment and Minor Land Partition
Case File No: LU 2023-005 PA / MLP

TO: Planning Commission

Pre-App. Meeting: September 29, 2022
Neighborhood Meeting: January 26, 2023
App. Submitted: February 20, 2023
App. Complete: March 23, 2023
120-Day Deadline: July 21, 2023

FROM:


Joy Chang, Senior Planner

Proposal: The applicant proposes a two-parcel partition to create a ±3.3-acre parcel intended for a subsequent zone change from Retail Commercial (RC) to High Density Residential (HDR). The ±3.3-acre parcel is the vacant eastern portion of Sherwood Plaza site. The size of Tax Lot 400 before the partition is ±13.25 total acres.

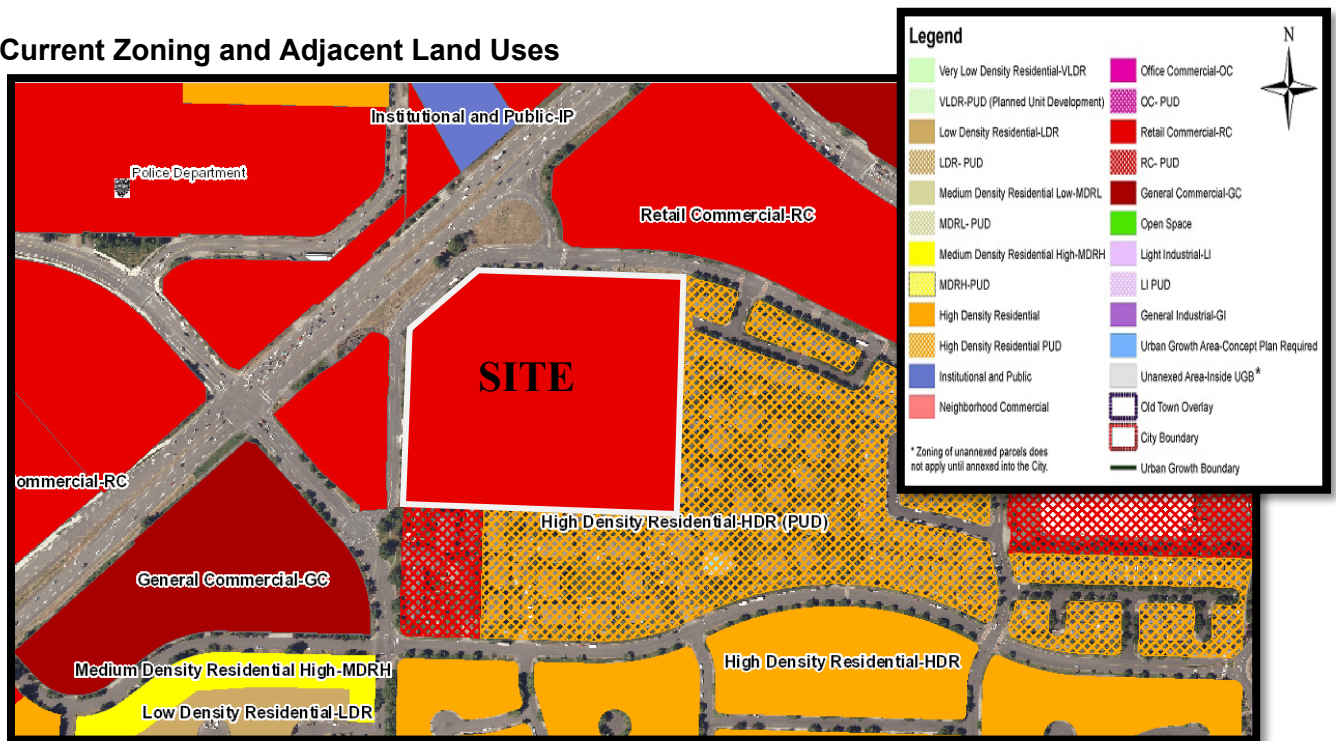
SECTION I. BACKGROUND

- A. Applicant/Owner:** Six Corners, LLC
121 SW Morrison St. Suite 600
Portland, OR 97204
- Owner's Representative:** Marie Holladay, AKS Engineering & Forestry
12965 SW Herman Rd, Suite 100
Tualatin, OR 97062
- B. Location:** Located along SW Langer Drive south of Oregon HWY 99-W and north of SW Sherwood Boulevard. Washington County Tax Lot 2S1 29CB 00400.
- C. Address:** 16112 / 16440 SW Langer Drive
- D. Parcel Size:** The site is approximately 13.25 acres.
- E. Zoning:** The parcel has a zoning designation of Retail Commercial (RC). The applicant is requesting a zone change for the vacant eastern portion of the site, ±3.3-acre, from RC to High Density Residential (HDR).
- F. Existing Development and Site Characteristics:** The site is improved with the Sherwood Plaza shopping mall and associated commercial entities. The ±3.3-acre eastern portion of the property is vacant, currently a grassy field. This portion of the site is envisioned for a zone change to HDR.

G. Site History: The site received land use approval for development of the Plaza in 1977 (SR 77-04). Several other site plan approvals have been granted since that time and includes the Taco Bell Site Plan approval in 2008 (SP 07-10) and Dutch Bros. in 2012 (SP 12-02) and Wells Fargo ATM (MMSP 19-01). Most recently, a Site Plan Review, Case File SP 16-04, was approved for the Sherwood Plaza Apartments in July 2016. At that time, the proposal included an ±82-unit apartment complex located east of the Sherwood Plaza building and commercial entities. Although SP 16-04 was approved with conditions, the site plan approval expired in 2018, and the ±3.3-acre property remains vacant.

H. Adjacent Zoning and Land Use: The properties north and west of the subject site are also zoned Retail Commercial (RC) with land uses consisting of retail shops, restaurants, fast food, service stations, salon, etc. The properties to the east are zoned High Density Residential Planned Unit Development (HDR-PUD) with land uses of attached townhomes and apartment complex. The properties to the south are zoned HDR-PUD and RC-PUD, with land uses consisting of a residential care facility and an apartment complex.

Current Zoning and Adjacent Land Uses



I. Review Type:

Applicant's Request	Review Type
Comprehensive Plan Zone Map Amendment	Type V review
Minor Land Partition	Type II review

This request requires the Planning Commission to make a recommendation to the City Council who will make the final decision per SZCDC 16.72, Planning Procedures.

There will be a 21-day appeal period after the City Council issues their decision. Any appeal of the City Council decision would go directly to the Oregon Land Use Board of Appeals (LUBA).

After preliminary Minor Land Partition approval, the applicant will be required to submit for Final Partition approval which will be a Type I Administrative Review.

J. Public Notice and Hearing: Notice of the application was mailed to property owners within 1,000 feet, posted on the property and distributed in five locations throughout the City on April 5, 2023. The notice was published in the *Times* (a newspaper of general circulation) on April 6 and April 20, 2023 in accordance with § 16.72.020 of the SZCDC.

K. Review Criteria:

SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE (SZCDC):

Division II. - LAND USE AND DEVELOPMENT SECTIONS: 16.12 - RESIDENTIAL LAND USE DISTRICTS;

Division III. - ADMINISTRATIVE PROCEDURES SECTIONS: 16.70 - GENERAL PROVISIONS; 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS;

Division IV. - PLANNING PROCEDURES SECTIONS: 16.80 - PLAN AMENDMENTS.

Division VI. - PUBLIC INFRASTRUCTURE SECTIONS: 16.104 - GENERAL PROVISIONS; 16.106 - TRANSPORTATION FACILITIES; 16.108 - IMPROVEMENT PLAN REVIEW; 16.110 - SANITARY SEWERS; 16.112 - WATER SUPPLY; 16.114 - STORM WATER; 16.116 - FIRE PROTECTION; 16.118 - PUBLIC AND PRIVATE UTILITIES.

Division VII. - LAND DIVISIONS, SUBDIVISIONS, PARTITIONS, LOT LINE ADJUSTMENTS AND MODIFICATIONS SECTIONS: 16.122 – LAND PARTITION; 16.128 - LAND DIVISION DESIGN STANDARDS.

COMPREHENSIVE PLAN CRITERIA: Strategic and Collaborative Governance; Attractive and Attainable Housing

METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN: Title 1. Housing Capacity

STATEWIDE PLANNING GOALS: Goal 1- Citizen Involvement; Goal 2- Land Use Planning; Goal 10- Housing; and Goal 12-Transportation including Oregon Transportation Planning Rule (OAR 660-012-0060)

SECTION II. PUBLIC COMMENTS

Public notice was mailed, posted on the property, and posted in five locations throughout the City on April 5, 2023. No public comments have been received as of April 18, 2023. Public comments are welcome up to the public hearing scheduled for Tuesday, April 25, 2023, at 7PM.

SECTION III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on April 4, 2023. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department: The Sherwood Engineering Department has provided comments that are included in this report and attached as **Exhibit B**.

Clean Water Services (CWS): A CWS Pre-Screening Site Assessment dated September 8, 2022 (Case File No. 22-002509) states that the project will not significantly impact the existing or potentially sensitive area(s) found near the site, see **applicant’s Exhibit F**. Jackie Humphreys memorandum dated April 11, 2023, reviewed the proposal, and requires a CWS Storm Water Connection Permit Authorization prior to plat approval and recordation. This is further discussed in this report and conditioned. **Exhibit C**

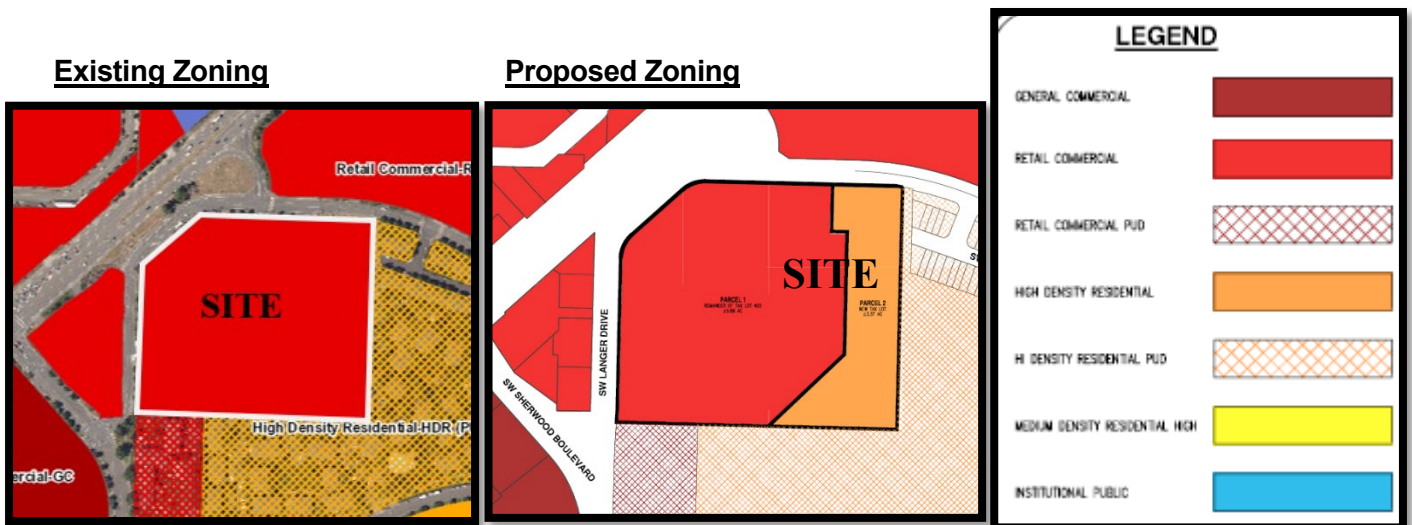
Tualatin Valley Fire and Rescue (TVF&R): TVF&R Service Provider Permit, No. 2023-0027 dated March 8, 2023, was submitted with approved fire service plans, see **applicant’s Exhibit K**.

Oregon Department of Transportation (ODOT): Marah Danielson, Sr. Planner provided email correspondence on March 13, 2023, stating ODOT has reviewed the Transportation Planning Rule analysis and concurs with the applicants’ findings that the zone change from Retail Commercial (RC) to High Density Residential (HRD) will result in a reduction of trips and therefore will not have a significant effect on State highway facilities. See **Exhibit D**.

Washington County, Pride Disposal, ODOT Rail, METRO, NW Natural Gas and Portland General Electric did not respond or provided no comments to the request for agency comments by the date of this report.

SECTION IV. MAP AMENDMENT REQUIRED FINDINGS

(SZCDC DIVISION IV. - PLANNING PROCEDURES: A) SZCDC CHAPTERS: 16.80 - PLAN AMENDMENTS; B) APPLICABLE REGIONAL (METRO) AND STATE STANDARDS



A. SZCDC 16.80.030.B – Map Amendment

An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all the applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that [Items 1-4 below].

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

ANALYSIS: The eastern portion of the site is currently designated as Retail Commercial (RC). The following responses and findings address the City of Sherwood Comprehensive Plan Policies and are intended for consideration in the Type V Plan Map Amendment to replace the RC zoning designation with High Density Residential (HDR) on the vacant eastern ±3.37-acre portion of the property. The applicable sections of the Sherwood Comprehensive Plan include Strategic and Collaborative Governance and Attractive and Attainable Housing.

Sherwood Comprehensive Plan

Governance and Growth Management

Goal 1 - Coordinate with adjacent jurisdictions, local service providers and regional and state governmental agencies to manage growth and development in Sherwood.

POLICY 1.3 Routinely verify whether the City's supply of developable land is sufficient to meet short- and long-term employment and housing needs and coordinate with Metro and Washington County to request additional lands for urbanization when Sherwood's growth areas will not accommodate the 20-year projected demand for employment and/or housing.

APPLICANT'S RESPONSE: This project involves a Type V Plan Map Amendment from RC to HDR. As demonstrated in the Economic Need Analysis prepared by Johnson Economics, Inc. (Exhibit G), the City's supply of HDR land is insufficient to meet housing needs. This application will rezone ±3.37 acres of commercial land to provide additional residential land for multi-family residential homes. Therefore, the application is consistent with Goal 1 and Policy 1.3 above.

ANALYSIS: The Housing Needs Analysis (HNA) 2019-2039 concluded Sherwood has a deficit of approximately 608 homes in its 20-year supply. Of the 608 homes, there is a deficit of 145 High Density Residential units. The proposed zone change is on a piece of land that is currently vacant and will be developed with high multi-family housing in the future.

FINDING: Based on the analysis above and the applicant's response, the criteria are met.

Goal 3 - Ensure that the rate, amount, type, location and cost of new development will preserve and enhance Sherwood's quality of life so that it is accessible to all community members.

POLICY 3.2 Designate land uses in a manner that accommodates projected population and employment growth and ensure development is consistent and compatible with the community's needs and resources.

APPLICANT'S RESPONSE: The subject site's location and geometry/configuration present challenges to retail use in terms of visibility, access, and effective site planning. As such, this application plans to redesignate ±3.37 acres of commercial land for residential use to accommodate new housing. This project will ensure that the cost of new development at this location is consistent with the surrounding area and compatible with the community's needs for additional housing, as discussed in Economic Need Analysis (Exhibit G). Therefore, this application supports Goal 3 and Policy 3.2, above.

ANALYSIS: As stated before, the Housing Needs Analysis (HNA) 2019-2039 concluded Sherwood has a deficit of approximately 608 homes in its 20-year supply, of which the HDR zone has a deficit of 145 homes. The proposed zone change from Retail Commercial (RC) to High Density Residential (HCR) will assist in accommodating housing needs from projected population and employment growth.

FINDING: Based on the analysis above and the applicant's response, the criteria are met.

Attractive and Attainable Housing

Goal 1 - Preserve and enhance the character of existing neighborhoods.

POLICY 1.1 Plan for a 20-year supply of suitable land for Sherwood to meet housing needs.

APPLICANT'S RESPONSE: The Sherwood 2018 *Housing Needs Analysis* (HNA) identified a significant shortage of residential land capacity across all zoning categories. According to the Economic Need Analysis (Exhibit G), "the HDR zone was found to have land capacity for 253 housing units, vs. a 20-year demand for 398 units." Upon approval, this application will add ±3.37 acres of land to the HDR zoning district, accommodating a range of approximately 56 to 80 units at a density of 16 to 24 units per acre. Therefore, this application will aid Sherwood's 20-year supply of land needed for housing. Goal 1 and Policy 1.1 are satisfied.

ANALYSIS: Staff concurs with the applicant's analysis.

FINDING: Based on the analysis above and the applicant's response, the criteria are met.

POLICY 1.2 Identify opportunities to address land deficits shown in the Housing Needs Analysis within the existing city limits.

APPLICANT'S RESPONSE: The HNA asserts "Sherwood can accommodate about 65 percent of the forecast for new housing on areas within the City limits and Brookman Planning Area." The subject site is within Sherwood's existing city limits and the eastern ±3.37-acre portion of the site is starkly vacant in contrast to the surrounding area, as illustrated on the Preliminary Plans (Exhibit A). The HNA also acknowledges "if the City wants more multifamily housing growth in core areas of Sherwood, the City should evaluate whether to make policy changes that either increase the capacity of MDRH/HDR land or designate more land for these uses." Further, the Economic Need Analysis (Exhibit G) validates many factors that likely contribute to the site's vacant nature today, including poor business visibility, restricted access, irregular lot configuration, and retail market conditions. As discussed, an efficient site plan and updated zoning could bring life to this uniquely vacant property.

ANALYSIS: The HNA also states the City's supply of HDR land is very limited, with 17 vacant acres of HDR. The proposed zone change from RC to HDR will increase the supply of HDR land and will provide opportunities for housing growth in the core area of Sherwood.

FINDING: Based on the analysis above and the applicant's response, the criteria are met.

POLICY 1.10 Maintain the quality of existing neighborhoods and ensure that new neighborhoods fit with Sherwood's character, landform, and urban framework.

APPLICANT'S RESPONSE: The property is located along a bustling mixed-use corridor, south of OR 99W and north of SW Century Drive. North of the site, properties are generally zoned with commercial districts, and south of the site, residential. The surrounding area is characterized by established, high-density residential developments including Sunfield Lakes Apartments, Avamere at Sherwood, Arbor Terrace, and Sherwood Village. This application will provide needed housing that fits with Sherwood's character and urban framework. Further, this area provides many walkable amenities for residents, including restaurants, commercial services, schools, and parks. Therefore, this application supports Policy 1.10.

ANALYSIS: Staff concurs with the applicant's analysis.

FINDING: Based on the analysis above and the applicant's response, the criteria are met.

POLICY 1.12 Encourage infill residential development in areas near shopping, parks, transit and other major public facilities and services, with a focus on opportunities in the Old Town.

APPLICANT'S RESPONSE: This property is located north of the Old Town overlay boundary, but nonetheless encourages infill residential development in line with Policy 1.12, above. As shown on the Preliminary Plans (Exhibit A), the western portion of the site is improved with the existing Sherwood Plaza strip mall and associated commercial entities. The eastern ±3.37-acre portion of the site is vacant, wedged between the backside of the shopping mall (to the west) and the carports associated with Sunfield Lakes Apartments (to the south and east). Although the vacant area of the property does not have ideal visibility or lot configuration for commercial business, it could provide an optimal residential community. Further, TriMet's Bus Line 97 route runs along the site's frontage. An eastbound transit stop is present to the west of the site's driveway approach and a westbound transit stop is available across SW Langer Drive. The surrounding area is improved with major roadways (i.e., SW Langer Drive and SW Tualatin-Sherwood Road) and pedestrian facilities, sidewalks, benches, bus stops, etc. to accommodate Sherwood residents.

ANALYSIS: Staff concurs with the applicant's analysis.

FINDING: Based on the analysis above and the applicant's response, the criteria are met.

POLICY 1.13 Encourage housing that is of a design and quality compatible with the neighborhood in which it is located.

APPLICANT'S RESPONSE: This project involves a Plan Map Amendment from RC to HDR. A future site plan review application will be submitted to determine compliance with specific design standards. The Conceptual Site Plan (Exhibit A) is included to illustrate a potential multi-family residential layout and demonstrate the site is planned to serve a diverse housing market. As designed, the community is anticipated to provide a variety of housing types including upper-floor and ground-level one-, two-, and three-bedroom units to accommodate a diverse range of future residents. The lot dimensional, building height, and design standards for multi-family developments are equivalent across the RC and HDR zoning districts. As such, multi-family housing will be compatible with existing high-density neighborhoods surrounding the site, including two-story townhomes and apartments.

ANALYSIS: Staff concurs with the applicant's analysis.

FINDING: Based on the analysis above and the applicant's response, the criteria are met.

Goal 2 - Plan new residential developments to integrate with existing Sherwood as complete neighborhoods where community members can live, learn, shop and recreate.

POLICY 2.1 Foster complete neighborhoods that provide housing choice, serve daily needs, and are walkable, connected, safe and integrated with the natural landscape.

APPLICANT'S RESPONSE: The subject site is ideal for the envisioned multi-family use and is anticipated to be compatible with the surrounding pattern of development in the area. The ±3.37-acre vacant property is nearby walkable commercial amenities and adjacent to existing residential neighborhoods, including attached townhomes and apartments. Nearby restaurants, shopping opportunities, service establishments, and other activities will serve daily needs of residents and foster a complete neighborhood. As shown on the Preliminary Existing Conditions Plan (Exhibit A), a tree grove exists along the rear of the shopping center. Existing trees and vegetation are planned to be preserved to the greatest extent possible to shield the site from neighboring commercial activity and integrate the natural landscape into the future site plan. Therefore, the Plan Map Amendment is consistent with Goal 2 and Policy 2.1.

ANALYSIS: Staff concurs with the applicant's analysis.

FINDING: Based on the analysis above and the applicant's response, the criteria are met.

Goal 3 - Provide the opportunity for a variety of housing types in locations and at price points that meet the needs of current and future residents.

POLICY 3.1 Provide opportunities for the development of a range of housing types that are attainable to current and future households at all income levels, as described in the Sherwood Housing Needs Analysis, to maintain Sherwood's high quality of life.

POLICY 3.2 Identify opportunities to support the city's housing mix, to ensure the housing supply includes a variety of housing types and unit sizes that support a range of housing prices.

APPLICANT'S RESPONSE: Upon approval of this Zone Change application, the applicant plans to submit a site plan review application to accommodate multi-family housing. As shown on the Conceptual Site Plan (Exhibit A), the campus is envisioned to include a variety of housing options including upper-floor and ground-level studio, one-, two-, and three-bedroom units that will provide an array of price points for future residents. The subject site is surrounded by walkable amenities, parks, and services that will attract young couples, families, and seniors at a range of incomes. As discussed in greater detail in the Economic Need Analysis (Exhibit G), the City has a deficit of residential housing supply in every category, including HDR. An efficient site plan (subsequent to this application) will bring life to this vacant property and contribute needed housing to the City's inventory. Therefore, this application is consistent with the goals and policies above.

ANALYSIS: Staff concurs with the applicant's analysis.

FINDING: Based on the analysis above and the applicant's response, the criteria are met.

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.

APPLICANT'S RESPONSE: As discussed in this written document, the property is currently zoned RC, which permits multi-family housing at an equivalent density to the HDR district if all buildings' ground floors are put to commercial uses. However, as discussed in the Economic Need Analysis (Exhibit G), the site's location and configuration present challenges to retail use in terms of access, visibility, and cost of development. Further, according to the Sherwood's HNA, the City has a deficit of HDR designated land necessary for multifamily units. As such, although the site is unsuitable for commercial development, the Conceptual Site Plan (Exhibit A), illustrates a residential multi-family campus that has potential to thrive at this location. Therefore, this application will benefit the City by providing needed housing for current and future residents. The criterion is met.

FINDING: The applicant proposes to amend the Comprehensive Plan and Zoning Map designation for ±3.37 acres in the Retail Commercial (RC) to High Density Residential (HDR).

Demonstrable Need for Zoning Proposed

The Economic Needs Analysis by Johnson Economics, LLC, March 14, 2023, **applicant's Exhibit G**, identified the following:

- The subject site's location and configuration present challenges to retail use in terms of visibility and access, as well as effective site planning. Retail uses at this ±3.3 site would be unlikely to form a cohesive retail environment with the existing nearby shopping centers which are oriented away from the subject site.
- Residential uses at the site do not face similar challenges and are likely feasible as evidenced by the existing multi-family development in the adjoining HDR zones to the east and south. Multi-family development is a common transitional use found at the border of residential and commercial areas with proper buffering.
- Vertical mixed-use residential/commercial development is currently allowed in the RC zone at the density of the HDR zone, but this mixed-use building type is highly infeasible in this location due to increased cost of development, and low chances of success for the ground floor uses.
- Recent studies of 20-year land need adopted by the City forecasted a likely shortage of residential land in all zoning categories, including HDR, and recommended a range of strategies to address this shortage, including possible rezoning.
- The study of employment land needs forecasted slow growth in retail space demand in coming years, and a likely surplus of retail commercial zoned land to accommodate it. Recent retail market trends support a finding of relatively steady retail need in Sherwood in recent decades and slow growth in total retail space use. There is currently vacant retail space available in Sherwood's major shopping centers that would likely outcompete retail offered at the subject site with much better visibility and access.

FINDING: Based on the Economic Needs Analysis and applicant's response, staff finds that there is a demonstrated need for High Density Residential zoned property in City limits. The High Density Residential zoning designation allows for multi-family development with current standards and HDR housing is also identified as a community need. This criterion is satisfied.

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.

APPLICANT'S RESPONSE: As discussed in this written document, this application involves a Zone Change from RC to HDR. This project will provide land for needed housing to the City of Sherwood where there is currently a demonstrable deficit of housing units. The Economic Need Analysis (Exhibit G) further details the City's housing and economic need in relation to the planned multi-family project. Additionally, the ±3.37-acre vacant property is near walkable commercial amenities and adjacent to existing residential neighborhoods, including attached townhomes and apartments. As such, this location is ideal for the envisioned use and is anticipated to be compatible with the surrounding pattern of development in the area. As discussed at the pre-application conference, public utilities and infrastructure are currently, or will be, made available to serve the use. The criterion is satisfied.

ANALYSIS: As previously discussed, there is a need for additional higher density residential development. Public infrastructure is available and utilities can be constructed to serve the site when development is proposed.

The applicant has addressed the transportation system to ensure consistency with the Transportation Planning Rule. Based on that analysis and confirmed by the City's Engineering Department, the existing system can serve the site should the rezone and partition be approved.

FINDING: Based on the above discussion, the applicant meets this criterion.

4. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to the location, size, or other factors.

APPLICANT'S RESPONSE: According to the Sherwood HNA (2018) a significant shortage of residential land across all zoning categories was identified. More specifically, the city has 17 acres of HDR land and the HNA supports the on-going need for residential land at all densities, including HDR zoning. As such, alternative sites are limited due to availability. This project will provide needed housing to Sherwood where there is currently a demonstrable deficit of housing units. For further information, the Economic Need Analysis (Exhibit G) details the City's housing and economic need in relation to the planned Zone Change and subsequent multi-family project.

Although not relevant to the approval criteria, the property is currently zoned RC, which permits multi-family housing only if the ground floors of all buildings are restricted to commercial use only. However, as discussed in the Economic Need Analysis (Exhibit G), the site's location and configuration present challenges to retail use in terms of access, visibility, and cost of development. Further, according to the Sherwood's HNA, the city has a deficit of 145 HDR units. Therefore, although the site is unsuitable for immediate commercial development, the Conceptual Site Plan (Exhibit A) illustrates a residential multi-family campus has potential to thrive at this location.

ANALYSIS: Per the HNA (Planning Case File, LU 2020-018), the City's supply of HDR land is very limited, with 17 vacant acres of HDR (14 acres of land within city limits and 3 acres of land within Brookman and other unincorporated areas). Since the adoption of the HNA, two parcels of HDR zoned have received land use approval, that total 1.66 acres that reduce the inventory of HDR land.

Table 5. Inventory of suitable buildable residential land, net acres, Sherwood city limits and areas within the UGB, 2014

Zone	Gross Acres	Percent of Total
Land within City Limits		
Very Low Density Residential (VLDR)	24	14%
Very Low Density Residential Planned Unit Development (VLDR-PUD)	1	1%
Low Density Residential (LDR)	22	13%
Medium Density Residential-Low (MDRL)	14	8%
Medium Density Residential-High (MDRH)	21	12%
High Density Residential (HDR)	14	8%
Subtotal	96	55%
Brookman and Other Unincorporated Areas		
Very Low Density Residential (VLDR)	1	1%
Medium Density Residential-Low (MDRL)	52	30%
Medium Density Residential-High (MDRH)	8	4%
Medium Density Residential- Low/High* (MDRL/H)	15	8%
High Density Residential (HDR)	3	2%
Subtotal	79	45%
Total	175	100%

Source: City of Sherwood
 *Note: There is one lot split between MDRL and MDRH.

Planning staff is not aware of any immediate plans to develop other vacant developable High Density Residential zoned land.

FINDING: Based on the above discussion and applicant's narrative, staff finds that this criterion is satisfied.

Consistency with the City's Transportation Systems Plan

1. The applicant shall demonstrate consistency with the Transportation Planning Rule, specifically by addressing whether the proposed amendment creates a significant effect on the transportation system pursuant to OAR 660-012-0060. If required, a Traffic Impact Analysis (TIA) shall be prepared pursuant to Section 16.106.080.

ANALYSIS: The applicant submitted a technical memorandum from Kittelson & Associates dated January 24, 2023, see Exhibit E of Application Materials. This memo evaluates the transportation impacts resulting from a zone change of approximately 3.3 acres from Retail Commercial (RC) to High Density Residential (HDR).

As summarized within the technical memorandum, the proposed change in zoning from RC to HDR would not result in a significant effect on the transportation system, as defined by the TPR because fewer vehicle trips could be realized assuming site development under the proposed zoning compared to the existing zoning. Zone change from Retail Commercial to High Density

Residential will result in traffic volumes consistent with the City's adopted plans and the Transportation Planning Rule is satisfied.

Furthermore, ODOT has reviewed the Transportation Planning Rule analysis and concurs with the applicants' findings that the zone change from Retail Commercial (RC) to High Density Residential (HRD) will result in a reduction of trips and therefore will not have a significant effect on State highway facilities (Exhibit D).

FINDING: Based on Kittelson's evaluation and ODOT's review, the proposed zone change from Retail Commercial to High Density Residential is consistent with the City of Sherwood's Comprehensive Plan and Transportation Plan.

Applicable Regional (Metro) Standards

ANALYSIS: The only applicable Urban Growth Management Functional Plan criteria are found in Title 1 – Housing Capacity. The City of Sherwood is currently in compliance with the Functional Plan and any amendment to the Comprehensive Plan and Zoning Map must show that the community continues to comply.

The proposed zoning map amendment has the potential to increase Sherwood's overall housing capacity by providing the opportunity for multi-family development.

FINDING: Based on the analysis above, the Zoning Map amendment is consistent with the Metro Functional Plan criteria and the City would continue to comply if the request were approved.

Applicable State Standards

The applicable Statewide Planning Goals include Goals 1, 2, 10, and 12. Statewide Planning Goals 3, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 18, and 19 do not specifically apply to this proposed plan amendment.

Goal 1: Citizen Involvement

ANALYSIS: Staff utilized the public notice requirements of the Code to notify the public of this proposed plan amendment. The City's public notice requirements have been found to comply with Goal 1 and therefore, this meets Goal 1. A neighborhood meeting was held on January 26, 2023, prior to the applicant's submittal to the City.

The application is being discussed and decided by the City Council after a public hearing and recommendation from Planning Commission, made after holding a public hearing.

Finding: The proposal is consistent with Goal 1.

Goal 2: Land Use

ANALYSIS: The Sherwood Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals and provides, goals, policies and strategies, and procedures for reviewing and evaluating land use request. The proposed map amendment, as demonstrated in this staff report, is processed in compliance with local, regional and state requirements.

FINDING: Based on the above discussion, staff finds that Goal 2 is satisfied.

GOAL 10: Housing

ANALYSIS: Goal 10 requires cities to complete an inventory of buildable residential lands and to encourage the availability of adequate numbers of housing units in price and rent ranges commensurate with the financial capabilities of its households. Sherwood has recently adopted a HNA for the 20-year planning period of 2019-2039 (Planning Case File LU 2020-018). Sherwood’s primary obligations under Goal 10 are to: Designate land in a way that 50% of new housing could be either multi-family or single-family attached (e.g. townhomes); Provide opportunities to achieve an average density of six dwelling units per net acre; and provide opportunities for development of needed housing types: single-family detached, single-family attached, and multi-family housing. Sherwood has designated land through its existing zoning map that allows for 50% of new housing to be either multi-family or single-family attached. Sherwood has a deficit of land for housing (HNA Table 9, below). Sherwood has a deficit of land for 608 dwelling units. The largest deficits are in Medium Density Residential-Low (154 dwelling units), Medium Density Residential-High (252 dwelling units), and High Density Residential (145 dwelling units). The conclusion from Table 9 is that the current inventory of buildable residential land is not sufficient to accommodate Sherwood’s expected growth. To comply with Goal 10, the City will need to either change its policies to allow for more development on the inventory of vacant land, request a UGB expansion from Metro, or both.

The zone change proposal will allow for more inventory of HDR zoned land to meet housing demands for HDR housing types. In addition, the zone change supports the ongoing need to provide housing for all income levels within the Sherwood community.

Table 9. Comparison of capacity of existing residential land with demand for new dwelling units, dwelling units, Sherwood planning area, 2019-2039

Zone	Capacity (Needed Densities)	Housing Demand	Comparison Capacity <i>minus</i> Demand (dwelling units)
Very Low Density Residential	76	95	-19
Low Density Residential	144	182	-38
Medium Density Residential-Low	382	536	-154
Medium Density Residential-High	266	518	-252
High Density Residential	253	398	-145
Total	1,121	1,729	-608

Source: ECONorthwest
Note: DU is dwelling unit.

FINDING: The City of Sherwood meets Goal 10 requirements, and the proposal supports housing needs of the community.

Goal 12: Transportation

FINDING: As discussed earlier in this report, the proposed amendment is consistent with the “Transportation Planning Rule” which implements Goal 12. The proposed amendment does not affect the functional classification of any streets within the City’s TSP.

Staff Assessment and Recommendation on Proposed Zoning Map Amendment

Based on the analysis above, the applicant's submittal information to make findings in support of the proposed amendment. Staff recommends that the Planning Commission forward a recommendation of **APPROVAL** of the proposed Zoning Map Amendment to the City Council as proposed, in Section IV, of this staff report.

V. PARTITION REVIEW REQUIRED FINDINGS (16.122 Land Partitions and 16.128 Land Division Design Standards)

Chapter 16.122- Land Partitions

Partitions shall not be approved unless:

- A. The partition complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX, and complies with Chapter 16.128 (Land Division Design Standards).**

FINDING: The applicable zoning district are Retail Commercial (RC) and High Density Residential (HDR). The applicable zoning districts and design standards are discussed in this staff report. This standard is met.

- B. The partition dedicates to the public all required common improvements and areas including but not limited to streets, parks, floodplains, and sanitary sewer, storm water, and water supply systems.**

ANALYSIS: As discussed in detail below, the applicant is required to dedicate right-of-way frontage along SW Langer Drive. Furthermore, an 8-foot Public Utilities Easement (PUE) is required along SW Langer Drive frontage. No other park, floodplain, sanitary sewer, storm water or water supply system dedication is necessary with this project.

FINDING: This criterion is satisfied as conditioned below in Section 16.106.

- C. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land, as determined by the City and are in compliance with City standards. For the purposes of this section:**

- 1. Connection to the City water supply system shall be deemed to be adequate water service.**

ANALYSIS: As discussed in detail below, the existing shopping center on Parcel 1 is served by public water. The proposed eastern parcel, Parcel 2, has access to a nearby public water line within SW Langer Drive.

FINDING: This criterion is satisfied as condition below in Section 16.112.

- 2. Connection to the City sewer system shall be deemed to be adequate sanitary sewer service if sewer lines are within three-hundred (300) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within three-hundred (300) feet.**

ANALYSIS: As discussed in detail below, the existing shopping center on Parcel 1 is served by public sanitary sewer. The proposed eastern parcel, Parcel 2, has access to a nearby public sanitary sewer within SW Langer Drive.

FINDING: This criterion is satisfied as condition below in Section 16.110.

- 3. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.**

ANALYSIS: As discussed in detail below, the existing shopping center on Parcel 1 is served by public storm sewer. The proposed eastern parcel, Parcel 2, has access to a nearby public storm sewer within SW Langer Drive. Both parcels have access to a public street, SW Langer Drive.

FINDING: This criterion is satisfied as condition below in Sections 16.106 and 16.114.

- D. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.**

FINDING: Neighboring lots to Parcels 1 and 2 are fully developed with existing access from SW Langer Drive. This criterion is met.

E. Future Development Ability

In addition to the findings required by Section 16.122.010, the City Manager or his/her designee must find, for any partition creating lots averaging one (1) acre or more, that the lots may be re-partitioned or resubdivided in the future in full compliance with the standards of this Code. The City Manager or his/her designee may require the applicant to submit partition drawings or other data confirming that the property can be resubdivided. If re-partitioning or resubdividing in full compliance with this Code is determined not to be feasible, the City Manager or his/her designee shall either deny the proposed partition, require its redesign, or make a finding and condition of approval that no further partitioning or subdivision may occur, said condition to be recorded against the property.

FINDING: Both parcels are more than one acre in size. Parcel 1 is fully developed with a retail mall and Parcel 2 will be fully developed once the future multi-family development is built. Future development ability is met.

F. 16.122.030 - Final Partition Plat....

FINDING: The final plat will be submitted and reviewed in accordance with all standards and procedures upon approval of the preliminary plat.

16.122.040 - Future Subdivision Compliance... FINDING:

Not applicable.

G. 16.122.050 - Filing and Recording Requirements

A. Generally

Within twelve (12) months after City approval of a land partition, a partition plat shall be submitted to the County in accordance with its final partition plat and recording requirements.

B. Time Limit

The applicant shall submit the copy of the recorded partition to the City within 30 days of recording, and shall be completed prior to the issuance of any building permits on the re-configured lots.

C. Extension

After expiration of the twelve (12) months period following partition approval, the partition must be resubmitted for new approval. The City Manager or his/her designee may, upon written request by the applicant, grant an extension up to twelve (12) months upon a written finding that the facts have not changed to an extent sufficient to warrant re-filing of the partition and that no other development approval would be affected. For *partitions* granted between January 1, 2007 and December 31, 2009, the approval shall be extended until December 31, 2013.

CONDITION: A5 Within 12 months of approval of this land partition, the final plat shall be submitted to the County in accordance with final plat standards and/or conditions and all required recording requirements.

Chapter 16.128 - LAND DIVISION DESIGN STANDARDS

16.128.10 - Blocks

A. Connectivity

1. Block Size

The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.

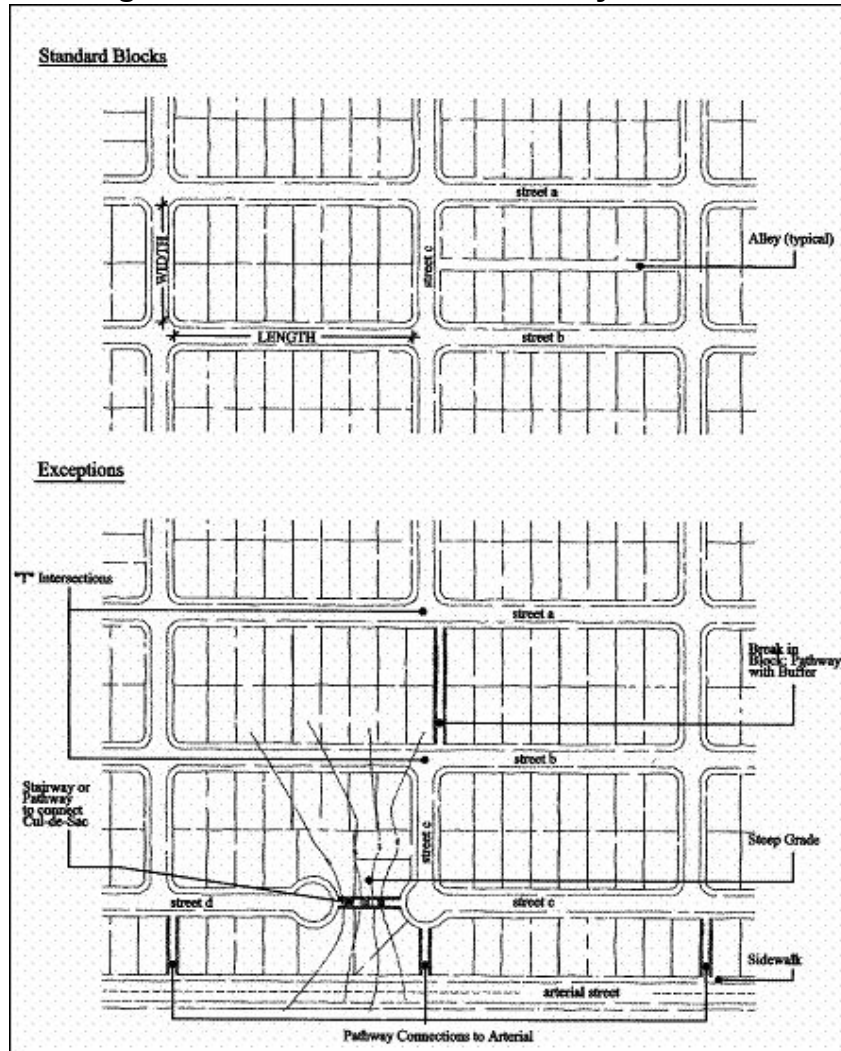
2. Block Length

Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.

3. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian

accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.

Figure 7.401 — Block Connectivity



ANALYSIS: ANALYSIS: The proposal is for a two-lot partition and no new streets or blocks will be created. Access for both parcels are obtained from SW Langer Drive. Parcel 1 is fully developed with a shopping mall and internal sidewalks connects to the public street system. To fully develop Parcel 2 in the future, a site plan land use review will be required, and site access and pedestrian connections will be reviewed then.

FINDING: Based on the analysis above, this standard is met.

- B. Utilities Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.**

ANALYSIS: As discussed in detail below, Division VI-Public Improvement, utility easements

for sewer, drainage, and water will be dedicated and reflected on the plat. An 8-foot wide Public Utility Easement is also required along SW Langer Drive frontage.

FINDING: This standard is met as conditioned under Division IV-Public Improvements.

C. Drainages

Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage.

FINDING: Watercourse, drainage ways, or channels are not present on the property. The criteria does not apply.

16.128.020 - Pedestrian and Bicycle Ways

Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.

ANALYSIS: Parcel 1 is fully developed with a shopping mall with internal pedestrian circulation. Parcel 2 development will be required to go through a Site Plan land use review and pedestrian and bicycle circulation will be addressed then.

FINDING: Based on the analysis above, this standard is met.

16.128.30 - Lots

A. Size and Shape

Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision or partition, and shall comply with applicable zoning district requirements, with the following exception:

- 1. Lots in areas not served by public sewer or water supply shall conform to any special County Health Department standards.**

ANALYSIS: The parcels proposed within the two-lot partition are designed to conform to the applicable zoning district requirement. As described in this report, both parcels meet the lot size and shape requirements. Both parcels do will be served by public sewer and water.

FINDING: Based on the analysis above, this standard is met.

B. Access

All lots in a subdivision shall abut a public street, except as allowed for infill development under Chapter 16.68.

ANALYSIS: As shown in the Preliminary Plat both parcels abut a public street (SW Langer Drive).

FINDING: Based on the analysis above, this standard is met.

C. Double Frontage

Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.

FINDING: Based on the Preliminary Plat, Parcel 2 does not have double or reverse frontage. The criterion is not applicable.

D. Side Lot Lines Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.

ANALYSIS: All side lot lines run at right angles, as far as practicable, to SW Langer Drive.

FINDING: Based on the analysis above, the standard is met.

E. Grading

Grading of building sites shall conform to the following standards, except when topography of physical conditions warrants special exceptions:

1. Cut slopes shall not exceed one (1) and one-half (1 1/2) feet horizontally to one (1) foot vertically.
2. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.

ANALYSIS: The application involves dividing the property into two separate parcel and does not currently include physical site alterations. Parcel 1 has an existing retail mall and Parcel 2 is vacant however, the applicant has stated a land use proposal for site development will be forthcoming. Preliminary site grading design and private and public infrastructure improvements will be reviewed at time of future site plan review for Parcel 2.

FINDING: Based on the analysis above, this standard is met.

VI. APPLICABLE CODE PROVISIONS

A. Division II– Land Use and Development

Chapter 16.12 - RESIDENTIAL LAND USE DISTRICTS

16.12.010 Purpose and Density Requirements

16.12.010.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 (except middle housing types pursuant to 16.12.010.F). Minor land partitions shall be exempt from the minimum density requirement.

16.12.020 Allowed Residential Land Uses

A. Residential Land Uses

The table below identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and defined in Chapter 16.10.

USES	HDR
• Multi-Family Dwellings	P

ANALYSIS: This proposal is for a zone change, from RC to HDR) and a two-lot partition. The applicant’s narrative states that Parcel 2 will ultimately be developed with multi-family housing, a permitted use within the HDR zone. This proposal does not include development on Parcel 2. A Site Plan Land Use Review will be required for the future multi-family and density compliance will be determined then.

FINDING: Based on the analysis above, the criteria are met.

16.12.030 Residential Land Use Development Standards

C. Development Standards per Residential Zone

Development Standard by Residential Zone-	HDR
Minimum Lot areas: (in square ft.)	
• Multi-Family Dwelling: for the first 2 units	8,000
• Multi-Family Dwelling: each additional unit after first 2	1,500
Minimum Lot width at front property line: (in feet)	25
Minimum Lot width at building line²: (in feet)	
• Multi-Family dwelling	60
Minimum Lot Depth	80

ANALYSIS: If the zone change from RC to High Density Residential (HDR) is approved, development standards of the HDR would apply. Proposed Parcel 2 is ±3.37 acres in size and has a lot width at least 25 feet and a lot depth of at least 80 feet, meeting the minimum lot dimensions required above. A Site Plan Review will be required for future development of Parcel 2 and specific development standards related to building siting will be reviewed then.

FINDING: Based on the discussion above, the criteria are met.

16.12.050 - Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply.

FINDING: The site is not within a flood plain; neither this section nor Section 16.134.020 apply to this development. This criterion is not applicable.

Chapter 16.22 - COMMERCIAL LAND USE DISTRICTS

ANALYSIS: Since the retail mall was approved in 1977 and changes to the retail mall are not proposed, the applicable Retail Commercial development standards addresses the proposed partition, creating Parcel 1.

16.22.030 - 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 otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.

	Retail Commercial Standards	Proposed Parcel 1
Lot area	5,000 sq. ft	±9.88 acres
Lot width at front property line	40 ft	±200 ft.
Lot width at building line	40 ft	±200 ft.
Rear yard setback ⁹	0	±10 ft

Chapter 16.70 General Provisions

16.70.010 Pre-Application Conference

Pre-application conferences are encouraged and shall be scheduled to provide applicants with the informational and procedural requirements of this Code; to exchange information regarding applicable policies, goals and standards of the Comprehensive Plan; to provide technical and design assistance; and to identify opportunities and constraints for a proposed land use action. An applicant may apply at one time for all permits or zone changes needed for a development project as determined in the pre-application conference.

ANALYSIS: Although not a requirement, the applicant requested and attended a pre-application conference (PAC 2022-007) with City staff on September 29, 2022 to discuss a zone change, partition and developing the property with multi-family dwellings.

16.70.020 Neighborhood Meeting

- A. The purpose of the neighborhood meeting is to solicit input and exchange information about the proposed development.**
- B. Applicants of Type III, IV and V applications are required to hold a meeting, at a public location for with adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject application, prior to submitting their application to the City. Affidavits of mailing, sign-in sheets and a summary of the meeting notes shall be included with the application when submitted. Applicants for Type II land use action are encouraged, but not required to hold a neighborhood meeting.**

ANALYSIS: The applicant held a neighborhood meeting on January 26, 2023 at the Marjorie Stewart Community Center (21907 SW Sherwood Blvd). One individual signed the Sign-In sheet. As stated in the applicant's narrative, questions were related to proposed development, site access, and limitations of the existing RC zone for multi-family housing.

FINDING: The applicant held a neighborhood meeting on January 26, 2023 and provided the materials along with this application that demonstrate that they complied with the requirements for neighborhood meetings.

B. Division VI – PUBLIC IMPROVEMENTS

STAFF RESPONSE: Engineering staff has reviewed the information provided by the applicant. Final construction plans will need to meet the standards established by the City of Sherwood and Clean Water Services (CWS), in addition to requirements established by other jurisdictional agencies providing land use comments.

Chapter 16.106 – Transportation Facilities

16.106.020 - Required Improvements

A. Generally

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits. Right-of-way requirements are based on functional classification of the street network as established in the Transportation System Plan, Figure 15.

ANALYSIS: Craig Christensen, City of Sherwood Engineering Department provided the following Transportation comments as reflected in Exhibit B.

As part of the land use zone change submission for the subject property, a memorandum showing that the proposed use for the site will generate less traffic than a commercial development was included. Since no traffic is generated by a partition nor by a zone change, there are no traffic impacts to the public street system that require construction of public improvements at this time.

The subject property has street frontage along SW Langer Drive (Collector Street). The majority of the site has 50 feet of half street right-of-way except the eastern portion which has 33 feet of half street right-of-way. The city standard for a 3-lane collector status street is 38 feet in a residential area. Therefore, the subject development will need to dedicate right-of-way as necessary to meet a minimum 38-foot half street right-of-way width.

The proposed new eastern parcel, Parcel 2, due to existing driveway layouts along SW Langer Drive, can't have direct access onto SW Langer Drive. Therefore, the subject development will need to provide an access easement(s) as necessary to allow for future vehicular access to the eastern parcel.

FINDINGS: The criteria are not met as discussed above but can be satisfied as conditioned below.

CONDITION OF APPROVAL: B1 Prior to Final Plat, the developer shall dedicate right-of-way along the subject property frontage of SW Langer Drive as necessary for a 38-foot half street right-of-way section meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL: B2 Prior to Final Plat, the developer shall dedicate an 8-foot wide PUE along the subject property frontage of SW Langer Drive meeting the approval of the Sherwood Engineering Department unless otherwise approved by the City Engineer.

CONDITION OF APPROVAL: B3 Prior to Final Plat, the developer shall dedicate/obtain a private access easement(s) to the benefit of the proposed Parcel 2 for vehicular access to SW Langer Drive meeting the approval of the Sherwood Engineering Department.

B. Existing Streets

Except as otherwise provided, when a development abuts an existing street, the improvements requirement shall apply to that portion of the street right-of-way located between the centerline of the right-of-way and the property line of the lot proposed for development. In no event shall a required street improvement for an existing street exceed a pavement width of thirty (30) feet.

ANALYSIS: No development is proposed with this application. This criterion is satisfied as discussed and conditioned above.

C. Proposed Streets

1. Except as otherwise provided, when a development includes or abuts a proposed street, in no event shall the required street improvement exceed a pavement width of forty (40) feet.
2. Half Streets: When a half street is created, a minimum of 22 feet of driving surface shall be provided by the developer.

ANALYSIS: No development is proposed with this application. This criterion is satisfied as discussed and conditioned above.

D. Extent of Improvements

1. Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications included in the City of Sherwood Construction Standards. Streets shall

include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Applicant may be required to dedicate land for required public improvements only when the exaction is directly related to and roughly proportional to the impact of the development, pursuant to Section 16.106.090.

ANALYSIS: No development is proposed with this application. This criterion is satisfied as discussed and conditioned above.

2. If the applicant is required to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist, as determined by the City:
 - a. A partial improvement is not feasible due to the inability to achieve proper design standards;
 - b. A partial improvement may create a potential safety hazard to motorists or pedestrians.
 - c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;
 - d. The improvement would be in conflict with an adopted capital improvement plan;
 - e. The improvement is associated with an approved land partition on property zoned residential use and the proposed land partition does not create any new streets; or
 - f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project that would contribute only a minor portion of the anticipated future traffic on the street.

ANALYSIS: The applicant is not required to provide street improvements at this time. Therefore, these criteria are not applicable.

16.110 – SANITARY SEWERS

Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Sanitary Sewers shall be constructed, located, sized and installed at standards consistent 16.110.

ANALYSIS: The following items have been identified from the application submittal:

Currently, the existing shopping center on Parcel 1 is served by public sanitary sewer. The proposed eastern parcel, Parcel 2, has access to a nearby public sanitary sewer within SW Langer Drive.

Since both new parcels have public sanitary sewer service or access to public sanitary sewer service, there are no public sanitary sewer extensions necessary as a result of this land use unless otherwise required by Clean Water Services (CWS).

Currently, there is an 8-inch diameter public sanitary sewer within the southwest corner of the subject property. This public sanitary sewer will need a public sanitary sewer easement dedicated to the city of Sherwood.

FINDING: The applicant does not meet this standard but can as conditioned below.

CONDITION OF APPROVAL: B4 Prior to Final Plat, any public sanitary sewer located within the subject property that is not within a public sanitary sewer easement shall have a public sanitary sewer easement dedicated to the city of Sherwood meeting the approval of the Sherwood Engineering Department.

16.112– WATER SUPPLY

16.112.010 Required Improvements

Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains or shall construct new mains appropriately sized and located in accordance with the Water System Master Plan.

Currently, the existing shopping center on Parcel 1 is served by public water. The proposed eastern parcel, Parcel 2, has access to a nearby public water line within SW Langer Drive. Since both new parcels have public water service or access to public water service, there are no public water line extensions necessary as a result of this land use.

Currently, there is an 8-inch diameter public water main west of the commercial building within private property. This public water line will need a public water line easement dedicated to the City of Sherwood.

Currently, there is a 6-inch diameter fire line east of the commercial building within private property. A backflow device within a vault shall be installed on this water line as near as possible to the public right-of-way. Fire line beyond this new backflow will be privately owned. This water line will need a public water line easement dedicated to the city of Sherwood.

FINDING: The applicant does not meet this standard but can as conditioned below.

CONDITION OF APPROVAL: C1 Prior to Approval of the Engineering Public Improvement Plans, a backflow device within a vault shall be installed on the existing water line east of the existing commercial building meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL: B5 Prior to Final Plat, any public water line located within the subject property that is not within a public water line easement shall have a public water line easement dedicated to the city of Sherwood meeting the approval of the Sherwood Engineering Department.

16.114 – STORM WATER

Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage systems consistent with the Comprehensive Plan and the requirements of the Clean Water Services water quality regulations contained in their Design and Construction Standards R&O 04-9, or its replacement.

ANALYSIS: The following items have been identified from the applicant’s submittal:

Currently, the existing shopping center on Parcel 1 is served by public storm sewer. The proposed eastern parcel, Parcel 2, has access to a nearby public storm sewer within SW Langer Drive. Since both new parcels have public storm sewer service or access to public storm sewer service, there are no public storm sewer extensions necessary as a result of this land use unless otherwise required by Clean Water Services (CWS).

Currently, there is an 18-inch diameter public storm sewer within the southwest corner of the subject property. This public storm sewer will need a public storm sewer easement dedicated to the City of Sherwood.

Currently, there are two catch basins within SW Langer Drive that have storm sewer piping that connects to on-site private storm sewer piping. This public storm sewer will need a public storm sewer easement dedicated to the City of Sherwood. Also, the private storm sewer on-site receiving storm runoff from these catch basins will need a public drainage easement dedicated to the City of Sherwood to allow for this storm runoff conveyance.

No new/modified impervious area is part of this land use application, therefore no conditions for water quality/hydro-modification facilities is required at this time unless otherwise conditioned by CWS.

The applicant included a CWS Pre-Screening Site Assessment dated September 8, 2022 (Case File No. 22-002509) stating that the project will not significantly impact the existing or potentially sensitive area(s) found near the site, see **applicant's Exhibit F**. Furthermore, Jackie Humphreys memorandum dated April 11, 2023, reviewed the proposal, and requires a CWS Storm Water Connection Permit Authorization prior to plat approval and recordation. **Exhibit C**

FINDING: The applicant does not meet this standard but can as conditioned below.

CONDITION OF APPROVAL: B6 Prior to Final Plat, any private storm sewer lines within the subject property receiving water from a public catch basin shall have a public storm drainage easement dedicated to the city of Sherwood meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL: B7 Prior to Final Plat, any public storm sewer located within the subject property that is not within a public storm sewer easement shall have a public storm sewer easement dedicated to the city of Sherwood meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL: B8 Prior to Final Plat, a CWS Storm Water Connection Permit Authorization shall be obtained.

16.116 FIRE PROTECTION

16.116.010 Required Improvements

When land is developed so that any commercial or industrial structure is further than two hundred and fifty (250) feet or any residential structure is further than five hundred (500) feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety.

ANALYSIS: The applicant provided a Service Provider Permit from TVF&R, No. 2023-0027 dated March 8, 2023, **applicant's Exhibit K**. The proposed partition was approved by Jason Arn, Deputy Fire Marshall.

FINDING: Based on the analysis above, this standard is met.

16.118 PUBLIC AND PRIVATE UTILITIES

16.118.010 Purpose

Public telecommunication conduits as well as conduits for franchise utilities including, but not limited to, electric power, telephone, natural gas, lighting, and cable television shall be installed to serve all newly created lots and developments in Sherwood.

16.118.020 Standard

- A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.
- B. Public utility easements shall be a minimum of eight (8) feet in width unless a reduced width is specifically exempted by the City Engineer. An eight-foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.

ANALYSIS: There are currently overhead utility lines along the subject property frontage, however, since no site development is occurring at this time, undergrounding of the overhead utilities is not required.

Since the subject development does not include land use for a site plan, no Sherwood Broadband improvements will be required at this time.

FINDING: Based on the analysis above, these standards will be met when a land use application is submitted and is reviewed for compliance with this standard.

Based upon review of the applicant’s submittal information, review of the code, agency comments, and consideration of the applicant’s submittal, staff finds that the proposed Zone Change and Partition does not fully comply with the standards but can be conditioned to comply.

Therefore, staff recommends **APPROVAL** of Sherwood Plaza Zone Change and Minor Land Division Land Use Application (Case File No: LU 2023-005 PA/MLP) with the following conditions of approval:

VII. CONDITIONS OF APPROVAL

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. This land use approval shall substantially comply with the submitted preliminary site plans and narrative dated March 23, 2023 and prepared by AKS Engineering & Forestry, except as indicated in the following conditions of the Notice of Decision.
3. The developer/owner/applicant is responsible for all costs associated with private/public facility improvements.
4. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies even if not specifically required by this decision.

5. Within 12 months of approval of this land partition, the final plat shall be submitted to the County in accordance with final plat standards and/or conditions and all required recording requirements.

B. Prior to Recording of Final Plat

1. Prior to Final Plat, the developer shall dedicate right-of-way along the subject property frontage of SW Langer Drive as necessary for a 38-foot half street right-of-way section meeting the approval of the Sherwood Engineering Department.
2. Prior to Final Plat, the developer shall dedicate an 8-foot wide PUE along the subject property frontage of SW Langer Drive meeting the approval of the Sherwood Engineering Department unless otherwise approved by the City Engineer.
3. Prior to Final Plat, the developer shall dedicate/obtain a private access easement(s) to the benefit of the proposed Parcel 2 for vehicular access to SW Langer Drive meeting the approval of the Sherwood Engineering Department.
4. Prior to Final Plat, any public sanitary sewer located within the subject property that is not within a public sanitary sewer easement shall have a public sanitary sewer easement dedicated to the city of Sherwood meeting the approval of the Sherwood Engineering Department.
5. Prior to Final Plat, any public water line located within the subject property that is not within a public water line easement shall have a public water line easement dedicated to the city of Sherwood meeting the approval of the Sherwood Engineering Department.
6. Prior to Final Plat, any private storm sewer lines within the subject property receiving water from a public catch basin shall have a public storm drainage easement dedicated to the city of Sherwood meeting the approval of the Sherwood Engineering Department.
7. Prior to Final Plat, any public storm sewer located within the subject property that is not within a public storm sewer easement shall have a public storm sewer easement dedicated to the city of Sherwood meeting the approval of the Sherwood Engineering Department.
8. Prior to Final Plat, a CWS Storm Water Connection Permit Authorization shall be obtained.
9. Prior to Final Plat, an Engineering Compliance Agreement shall be executed between the developer and the City of Sherwood.

C. Prior to Engineering Plan Approval of the Public Improvement Plans:

1. Prior to Approval of the Engineering Public Improvement Plans, a backflow device within a vault shall be installed on the existing water line east of the existing commercial building meeting the approval of the Sherwood Engineering Department.

VIII. Exhibits

- A. Applicant's submittal with narrative and supporting documents dated March 23, 2023
- B. Engineering comments dated April 23, 2019

- C. Clean Water Services comments dated April 11, 2023
- D. ODOT comments dated April 12, 2019