

**CITY OF SHERWOOD**  
**August 22, 2023**  
**PLANNING COMMISSION RECOMMENDATION**



**YMCA – ZONE CHANGE**  
**PLAN AMENDMENT / CONDITIONAL USE PERMIT**  
**LU 2023-009 PA/CUP**

Pre-App Meeting: N/A  
App. Submitted: June 26, 2023  
App. Complete: June 26, 2023  
PC Hearing Date: August 22, 2023  
CC Hearing Date: September 5, 2023 and September 19, 2023  
120-Day Deadline: October 24, 2023

**PLANNING COMMISSION HEARING SUMMARY**

The City of Sherwood Planning Commission (Commission) held the initial evidentiary hearing on the application on August 22, 2023. The Commission heard presentations from City staff and the applicant, followed by an opportunity for testimony from the public. No members of the public came forward for testimony.

The Commission discussed the Transportation Planning Rule (TPR) memo and related Condition of Approval B1. The Commission revised Condition B1 to ensure that any significant expansions of the existing public recreational use that do not constitute a formal change of use or expansion of the site are required to complete a traffic study and meet TPR requirements.

**Revised Condition of Approval B1:** To comply with the Transportation Planning Rule (TPR) pursuant to OAR 660-012-0060, a trip cap of 89 weekday pm peak hour trips shall be applied to the site. Future changes of use, expansions to the existing public recreational use, or expansions to the site that exceed this trip threshold shall address TPR requirements. 75 trips shall be associated with the existing YMCA building and 14 trips shall be associated with the existing skatepark.

After considering all of the information in the record, the Commission unanimously approved the application based on the findings in the staff report.

  
\_\_\_\_\_  
Jean Simson, Planning Commission Chair

  
\_\_\_\_\_  
Date

**PROPOSAL:** This is an application for a Plan Amendment (Zone Change) and concurrent Conditional Use Permit. The subject property is within the City of Sherwood city limits and located at 23000 SW Pacific Hwy (Washington County Assessors Map and Tax Lot numbers: 2S131CB/9100). The site is currently zoned Low Density Residential (LDR) – PUD, approximately ±8.73 acres in size, and envisioned to be changed to Institutional/Public (IP) – PUD. A concurrent conditional use permit is proposed for the existing use and improvements. The scope of the application is limited to the zone change and conditional use and does not include a proposal for physical changes to the site.

**I. BACKGROUND**

A. Applicant: City of Sherwood  
22560 SW Pine St.  
Sherwood, OR 97140

Owner: City of Sherwood  
22560 SW Pine St.  
Sherwood, OR 97140

B. Location: 23000 SW Pacific Hwy (Washington County Assessors Map and Tax Lot numbers: 2S131CB/9100).

C. Review Type: Type V Plan Amendment, Type III Conditional Use Permit

D. Public Notice: Notice of the application was provided in accordance with § 16.72.020 of the Sherwood Zoning and Development Code (SZDC) as follows: notice was distributed in five locations throughout the City, posted on the property, and mailed to property owners within 1,000 feet of the site on or before July 5, 2023. Notice of the application was also published in a local newspaper (Tigard Times) on July 6, 2023, and July 20, 2023. Consistency with the Public Noticing requirements is further detailed subsequent sections, pursuant to Chapter 16.72.

E. Review Criteria: SZCDC Chapter 16.36 Institutional and Public Land Use Districts; Chapter 16.70 General Provisions; Chapter 16.72 Procedures for Processing Development Permits; Chapter 16.80 Plan Amendments; Chapter 16.82 Conditional Uses; Sherwood 2040 Comprehensive Plan themes: Strong Community, Culture, and Heritage & Attractive and Attainable Housing; Metro Code 3.07.120; Statewide Planning Goals 1, 2, 8, 10, and 12

F. History and Background:

- PUD 93-03: An application for a Planned Unit Development of 914 single-family lots, 289 multi-family units, and 65 townhouses on 290 acres between Pacific Highway and Southern Pacific Railroad.
- LU 97-06 SP: A proposal to construct a 43,000 square foot recreational facility to be operated by the YMCA. The development will consist of 150 off-street parking stalls, 67 overflow stalls, a loading area, and associated landscaping. The proposed use is permitted outright in the Low Density Residential (LDR) zone district. Funding for construction of the facility was approved by Sherwood voters in 1996 through Bond Measure 34-51.
- LU 18-02 SP: An application for a Major Modification to develop Skatepark on the northeast side of the site. The facility is approximately 13,000 square feet in size. The proposal indicated that existing utilities will be utilized on site, with an expansion to the water quality facilities required by Clean Water Services.
- 2023-013 MLP (under review): An application for a Minor Land Partition to divide an 8.73-acre property into two parcels equating to approximately 2.47-acre (Parcel #1) and 6.26-acre (Parcel #2) in size. No infrastructure improvements are proposed. Access will be granted from a shared driveway off SW Woodhaven Drive.

G. Existing Conditions: The subject property is located at 23000 SW Pacific Hwy in the City's Woodhaven neighborhood. The site is currently developed and operates under the YMCA, a nonprofit organization operating on the subject parcel since 1998; a Skatepark is located on the eastern portion of the property. No flood plains are recorded on or adjacent to the property. A recorded wetland is located east of the property, and directly abuts the parcels eastern property line.

H. Surrounding Land Uses:

- West: Across from SW Sunset Boulevard, Low Density Residential (LDR) – PUD
- South: Low Density Residential (LDR) – PUD
- East: Office Commercial (OC) – PUD
- North: Across Pacific Highway W., Intuitional and Public (IP) & Low Density Residential (LDR)

- I. Current Zoning: Low Density Residential (LDR) – PUD

## II. AFFECTED AGENCY AND PUBLIC COMMENTS

A. Notice of the application was sent to affected agencies via email on June 30, 2023. A full list of the agencies / staff receiving the routing email is included as Exhibit B. The following responses were received:

1. The City of Sherwood Engineering Department provided comments included as Exhibit C. The comments address traffic and transportation, public utilities, and other engineering requirements.
2. Oregon Department of Transportation (ODOT) provided comments included as Exhibit D. The comments concur with a trip-cap approach to address Transportation Planning Rule (TPR) requirements.

B. Public Comments

1. None

## III. APPLICABLE CODE PROVISIONS

*Note – three asterisks (\*\*\*) Indicates code has been omitted because it is not applicable.*

### **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.

**FINDINGS:** A Pre-Application Conference was not conducted prior to submittal. All application materials and information were routed to internal departments for review prior to submittal; therefore, this standard is satisfied.

#### *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 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. Notification of the neighborhood meeting shall be mailed 14 calendar days prior to the meeting date. Affidavits of mailing, sign-in sheets and a summary of the meeting notes must be included with the application when submitted. Applicants for Type II land use action are encouraged, but not required to hold a neighborhood meeting.

- A. Projects requiring a neighborhood meeting in which the City or Urban Renewal District is the property owner or applicant shall also provide published and posted notice of the neighborhood meeting consistent with the notice requirements in 16.72.020.

**FINDINGS:** The proposal includes a Plan Amendment and Conditional Use Permit to an existing site, processed under a Type V and Type III application. In compliance with 16.70.020.B., the City of Sherwood planning staff conducted a Neighborhood meeting on June 3<sup>rd</sup>, 2023, for property owners within 1,000 feet of the subject parcel. Mailed notice of this meeting was sent on May 26, 2023, and the meeting was conducted at the Sherwood YMCA – Teen Center. A copy of the meeting notes is included in Exhibit A, Appendix E; therefore, this standard is met.

## **Chapter 16.72 - PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS**

### **16.72.010 - Generally**

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

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- 4. The following quasi-judicial actions shall be subject to a Type III review process:
  - a. Conditional Uses.
  - b. Site Plan Review — between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010.A.
  - c. Subdivisions between 11—50 lots.
- 5. Except The following quasi-judicial actions shall be subject to a Type V review process:

- a. **Plan Map Amendments.**
- b. **Plan Text Amendments.**
- c. **Planned Unit Development — Preliminary Development Plan and Overlay District.**

**FINDINGS:** The proposal is for a Plan Amendment (Zone Change), which is reviewed under a Type V process, while the associated CUP is categorized and reviewed as Type III application. Both application types were consolidated, and all applicable criteria were reviewed and applied, as further outlined in subsequent sections of this staff report; therefore, this standard is met.

**16.72.020 - Public Notice and Hearing**

**A. Newspaper Notice.** Notices of all public hearings for Type III, IV and V land use actions required by this Code shall be published in a newspaper of general circulation available within the City two (2) calendar weeks prior to the initial scheduled hearing before the Hearing Authority and shall be published one additional time in the *Sherwood Archer*, *Sherwood Gazette* or similarly local publication, no less than 5 days prior to the initial scheduled hearing before the hearing authority.

**B. Posted Notice.**

1. Notices of all Type II, III, IV and V land use actions required by this Code shall be posted by the City in no fewer than five (5) conspicuous locations within the City, not less than fourteen (14) calendar days in advance of the staff decision on Type II applications or twenty (20) calendar days in advance of the initial hearing before the Hearing Authority for Type III, IV and V applications.
2. Signage must be posted on the subject property fourteen (14) calendar days in advance of the staff decision on Type II applications and twenty (20) calendar days in advance of the initial hearing before the Hearing Authority for Type III, IV and V applications.
  - a. on-site posted notice shall provide a general description of the land use action proposed, the project number and where additional information can be obtained.
  - b. On-site posted notice shall be designed to be read by motorists passing by; the exact size and font style to be determined by the City.
  - c. On-site posted notice shall be located on the property in a manner to be visible from the public street. For large sites or sites with multiple street frontages, more than one sign may be required.

### **C. Mailed Notice.**

- 1. For Type II, III, IV and V actions specific to a property or group of properties, the City shall send written notice by regular mail to owners of record of all real property within one thousand (1,000) feet from the property subject to the land use action. Written notice shall also be sent to Oregon Department of Transportation (ODOT), Metro, the applicable transit service provider and other affected or potentially affected agencies. If the subject property is located adjacent to or split by a railroad crossing ODOT Rail Division shall also be sent public notice.**
- 2. Written notice to property owners shall be mailed at least fourteen (14) calendar days prior to a decision being made on a Type II land use action and at least twenty (20) calendar days in advance of the initial public hearing before the Hearing Authority. If two (2) or more hearings are required on a land use action, notices shall be mailed at least ten (10) calendar days in advance of the initial hearing before the Commission or Council.**
- 3. For the purposes of mailing the written notice, the names and addresses of the property owners of record, as shown on the most recent County Assessor's records in the possession of the City, shall be used. Written notice shall also be mailed to homeowners associations when the homeowners association owns common property within the notification area and is listed in the County Assessor's records.**
- 4. For written notices required by this Code, other than written notices to property owners of record, the City shall rely on the address provided by the persons so notified. The City shall not be responsible for verifying addresses so provided.**
- 5. If a zone change application proposes to change the zone of property which includes all or part of a manufactured home park, the City shall give written notice by first class mail to each existing mailing address for tenants of the manufactured home park at least twenty (20) days but not more than forty (40) days before the date of the first hearing on the application. Such notice costs are the responsibility of the applicant.**

**FINDING:** The application is reviewed under a consolidated process, and subject to all Type V Plan Amendment and Type III Conditional Use criteria and procedures. Mailed notice of this application, with information in compliance with 16.72.030, was sent to property owners within 1,000 feet of the subject property on July 5<sup>th</sup>, 2023. Posted notice was placed in five (5) conspicuous locations within the City and posted on the

subject property in a manner consistent with the above criteria on July 5<sup>th</sup>, 2023. Notice of the public hearing was published in the Tigard Times, general circulation, on July 6, 2023, and July 20, 2023, at least two weeks prior to the scheduled hearing. A complete description of the proposal, including accompanying application materials, were provided on the City of Sherwood website; therefore, these standards are met.

#### ***16.72.030 - Content of Notice***

**Public notices shall include the following information:**

- A. The nature of the application and proposed use(s).**
- B. A list of the applicable Code or Comprehensive Plan criteria to be applied to the review of the proposed land use action.**
- C. The location and street address of the property subject to the land use action (if any).**
- D. The date, time, place, location of the public hearing.**
- E. The name and telephone number of a local government representative to contact for additional information.**
- F. The availability of all application materials for inspection at no cost, or copies at reasonable cost.**
- G. The availability of the City planning staff report for inspection at no cost, or copies at a reasonable cost, at least seven (7) calendar days in advance of the hearing.**
- H. The requirements for the submission of testimony and the procedures for conducting hearings, including notice that failure to raise an issue accompanied by statements or evidence sufficient to offer the City, applicant or other parties to the application the opportunity to respond, will preclude appeal on said issue to the Council or to the State Land Use Board of Appeals (LUBA).**

**FINDING:** Mailed notice of this application, with information in compliance with 16.72.030, was sent to property owners within 1,000 feet of the subject property on July 5<sup>th</sup>, 2023. Copies of the staff report and associated application materials were made available to the public for inspection at least seven days prior to the initial hearing scheduled for August 22, 2023, at no cost to the public; therefore, this standard is met.

#### ***16.72.040 - Planning Staff Reports***

**Recommended findings of fact and conditions of approval for each land use action shall be made in writing in a City planning staff report. Said staff report shall be published seven (7) calendar days in advance of the initial required public hearing before the Hearing Authority. Copies shall be provided to the applicant and the Hearing Authority no later than seven (7) calendar days in advance of the scheduled public hearing. Staff reports shall be available to the**



public for inspection at no cost. Copies of the staff report shall be provided to the public, upon request, at a cost defined by the City's schedule of miscellaneous fees and charges.

**FINDINGS:** The above-mentioned information and all corresponding materials were published on August 15, 2023, at least seven days prior to the initial required public hearing. All materials were made available to the public for inspection at no cost, and copies of the materials were provided upon request; therefore, this standard is met.

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**Chapter 16.36 – Institutional and Public Land Use District**

**16.36.010 – Purpose**

The IP zoning district provides for major institutional and governmental activities such as schools, public parks, churches, government offices, utility structures, hospitals, correctional facilities and other similar public and quasi-public uses.

**16.36.020 - Permitted Uses**

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Zone Districts. The specific land use categories are described and defined in Chapter 16.88 Use Classifications and Interpretations.
- B. Uses listed in other sections of this code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 Use Classifications and Interpretations.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

Use	IP
Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.	C
Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C

**Findings:** This project involves a zone change from Low Density Residential (LDR) – PUD to Institutional/Public (IP) – PUD, and does not involve physical improvements to the property. While public recreational facilities are permitted outright in the LDR-PUD zone, recreational facilities in the IP zone are conditionally permitted. A concurrent Type III Conditional Use Permit (CUP) is being processed with the zone change. Approval of the CUP will allow the use to remain lawful with the zone change. Future expansions of the recreational use will require a CUP in accordance with SZCDC 16.82.

**16.36.050 Dimensional Standards**

**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.**

**Findings:** The scope of this proposal is for a zone change and Conditional Use Permit and does not include any physical alterations to the existing structures or parcel dimensions. Existing structures and associated infrastructure meet the dimensional standards of the IP zone as defined in the table below:

Development Standard	Standard
Lot Dimensions	Except as otherwise provided, no minimum lot areas or dimensions are required.
Front yard setback	None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.
Side yard setback	None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.
Rear yard setback	None, except that when the lot abuts a residential zone or public park property, the setback shall be a minimum of twenty (20) feet.

Height	Except as otherwise provided, the maximum height of buildings in the IP zone shall be fifty (50) feet, except that structures within one hundred (100) feet of a residential zone shall be limited to the height requirements of that residential zone.
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Any future development or subsequent partition of the site will be subjected to the dimensional standards pursuant to this subsection, 16.36.050; therefore, this standard is met.

**16.36.060 - Community Design**

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

**Findings:** No development is proposed with the zone change. Future development of the parcel will be subject to the Community Design standards pursuant to this subsection, 16.36.060 if applicable; therefore, this standard is met.

**16.36.070 - Floodplain**

**Except as otherwise provided, Section 16.134.020 shall apply.**

**Findings:** No Federal Emergency Management Agency (FEMA) Flood Plains are located directly on the parcel. The site contains no identified significant natural features or protected scenic views. However, existing sensitive lands, with associated wetlands (Cedar Creek) and a vegetated corridor, runs east of the site. Most of the sensitive lands are located off site and protected by an open space tract created with a previous phase of the PUD (93-03). No development is proposed with this zone change, and no natural vegetation or open space is proposed to be altered. Future development will be reviewed for compliance with all applicable criteria of the development code; therefore, this standard is met.

**Chapter 16.80 - PLAN AMENDMENTS**

**16.80.010 - Initiation of Amendments**

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

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

**Findings:** The proposal includes a Plan Amendment (Zone Change) to the City's Plan and Zone Map. The City's Land Use Application Form and Checklist are included within Exhibit A, Appendix A. Public noticing was performed by the City of Sherwood pursuant to the requirements outlined in Chapter 16.72. Future Council review will be conducted in accordance with all applicable criteria; therefore, this standard is met.

***16.80.030 - Review Criteria***

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**B. Map Amendment**

**An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that:**

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

**Findings:** The proposed zone change is consistent with the goals and policies of the Comprehensive Plan and Transportation System Plan, as discussed in the subsequent sections below. An amendment to the site would not result in either inconsistent or incompatible zoning in the surrounding area, nor create disjointed uses within the parcel itself, as further highlighted throughout this staff report; therefore, this criterion is 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.**

**Findings:** The 2021 Parks Master Plan identifies the YMCA as the key indoor recreational facility serving Sherwood residents. While demand for recreational space in Sherwood will grow, the master plan does not identify the need for a full second recreational facility. Instead, expanding the existing facility is the best solution to meet growing demand and by providing new parks and recreation facilities such as a new Field House in the Sherwood West area as the city grows. The existing site has room for an expansion of the existing building or an entirely new building on an undeveloped portion of the site.

Other sites in the city currently zoned IP are either occupied with permanent uses (schools, churches, etc.) or are not appropriate for development of a recreational site. The Sherwood YMCA has operated on the subject site since 1998 and has seen ongoing and growing demand. The site is centrally located in the city at a key intersection that is served by transit. In conjunction with the Sherwood High School facilities across the highway along Kruger and Elwert Roads, a planned pedestrian/bike bridge connecting this corner of Hwy 99W and Sunset to the school facilities will make this site a publicly oriented part of Sherwood.

Based on these facts and the adopted Parks Master Plan, growing the existing YMCA facility at its current location provides clear public good, is supported by the community, and is a cost-effective option for meeting the growing demand for recreational services; therefore, this criterion is met.

**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.**

**Findings:** The Sherwood Family YMCA has operated on the site since 1998 and has served multiple generations of Sherwood residents. The recreational facility is an integral part of the community and the Woodhaven neighborhood in which it is located. The site is served by public utilities, and future public/institutional uses will create a similar demand as the existing YMCA.

In the near-term, the city is constructing a new pedestrian/bike bridge between Sherwood High School and the subject parcel. This will allow a safe crossing of Hwy

99W / Sunset for students, YMCA members, and the public. This is a community-driven project that addresses the need for safe pedestrian/bike crossing opportunities across Highway 99W as areas both north and south of the highway continue to develop. Given the ongoing investment in the site, and the established use of the site within the community, the proposed amendment is timely and considerate of ongoing development. Additionally, the scope of the proposal does not include additional development to the site and does not require additional utilities and services beyond what has been previously approved; therefore, this criterion is met.

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

**Findings:** The site is currently developed with infrastructure designed and suited for its current use as a recreational facility. Public investment in the site has continued, most recently with the development of the Skatepark in 2019. This continued investment points to the ongoing use and benefit of the site as a recreational space. Future development of the site will incorporate a pedestrian/bike bridge that will connect Sherwood High School and the subject parcel, furthering the use of the site as a public / quasi-public space as opposed to residential.

IP zoned properties existing within the City but are either occupied or would not support development of a new recreational facility or other typical uses in the IP zone. Examples of medium to large IP properties in city limits include the Sherwood School District Administrative Building, Sherwood Middle School, and Stella Olsen Park. Underdeveloped sites zoned IP would require acquisition and development of a recreational facility in order to serve the existing use. The subject property has the distinct benefit of already being developed with a recreational facility and does not require acquisition or full redevelopment to serve growing recreational demand in the community. This standard is met.

**C. Transportation Planning Rule Consistency**

- 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.**

**Findings:** The City hired a Transportation Consultant, DKS Associates, to provide a written memorandum related to the Transportation Planning Rule (TPR) consistency,

pursuant to OAR 660-012-0060 (Exhibit A, Appendix I). Traffic count data was collected at the site entrance between July 18, 2023, to July 19, 2023. The results indicated that the site generates an average of 89 trips during the weekday p.m. peak hours (5pm to 6pm). While the both the YMCA and Skatepark share a common driveway, it is assumed that the YMCA contributes to approximately 84 percent of the site trips, or 75 weekday p.m. peak hours trips, while the skatepark contributes the remaining 14 weekday p.m. peak hour site trips. The raw traffic count data is included in the memorandum.

The existing YMCA use has a higher trip potential than existing LDR zoning would typically generate and is the reasonable worst case land use for the proposed IP zoning. Therefore, the proposed IP zoning is not expected to increase the site trip potential. To address TPR requirements, a trip cap of 89 weekday p.m. peak hour trips (75 associated with the YMCA and 14 associated with the Skatepark) is recommended. Future proposed changes of use, expansions of the existing use, or expansions to the site that exceed this trip threshold would need to address TPR requirements.

**CONDITION OF APPROVAL B1:** To comply with the Transportation Planning Rule (TPR) pursuant to OAR 660-012-0060, a trip cap of 89 weekday pm peak hour trips shall be applied to the site. Future changes of use, expansions of the existing public recreational use, or expansions to the site that exceed this trip threshold shall address TPR requirements. 75 trips shall be associated with the existing YMCA building and 14 trips shall be associated with the existing skatepark.

## **Chapter 16.82 - CONDITIONAL USES**

### ***16.82.010 – Generally***

- A. Authorization. Uses permitted in zoning districts as conditional uses may be established, enlarged, or altered by authorization of the Commission in accordance with the standards and procedures established in this Chapter. If the site or other conditions are found to be inappropriate for the use requested, the Commission or Hearings Officer (cited below as Hearing Authority) may deny the conditional use.**

### ***16.82.020 - Permit Approval***

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- C. Use Criteria. No conditional use shall be granted unless each of the following is found:**

- 1. All public facilities and services to the proposed use, including but not limited to sanitary sewers, water, transportation facilities, and services, storm drains, electrical distribution, park and open space and public safety are adequate; or that the construction of improvements needed to provide adequate services and facilities is guaranteed by binding agreement between the applicant and the city.**

**Findings:** The property was developed with the Sherwood Family YMCA in 1998 and has operated on the site ever since. Public facilities including sanitary sewer, water, and transportation currently serve the site. No expansion or extension of public facilities is needed to complete the zone change and grant the CUP; therefore, this criterion is met.

- 2. Proposed use conforms to other standards of the applicable zone and is compatible with abutting land uses in regard to noise generation and public safety.**

**Findings:** The existing development conforms to the standards of the LDR-PUD zone which were reviewed and approved as part of the original Site Plan approval in 1997. No excess noise would occur than what's already existing, nor would public safety be compromised as a result of this change; the YMCA facility has continuously provided a safe and accessible space for all members of the Sherwood community and has maintained continued support base. In addition to recreational services, the YMCA provides event space for the public, coupled with learning opportunities and classes for various social groups (i.e., seniors, new parents, etc.). All activities occur indoors apart from the skatepark, which only occurs within a confined fenced area; the skatepark is setback approximately 300 ft. from SW Woodhaven Dr. and is buffered in all other directions by development or open space. The city is not aware of any noise or public safety complaints stemming from both the skatepark or YMCA; therefore, this criterion is met.

- 3. The granting of the proposal will provide for a facility or use that meets the overall needs of the community and achievement of the goals and/or policies of the Comprehensive Plan, the adopted City of Sherwood Transportation System Plan and this Code.**

**Findings:** As Sherwood continues to grow, the demand for recreational services will increase. The 2021 Parks Master Plan recommends the existing YMCA site be expanded to serve this growing demand. Granting this proposal concurrent with the zone change will allow the recreational facility to remain a legal use, as opposed to a legal non-conforming use. Applicable sections of the Comprehensive Plan are addressed in this narrative. No changes are proposed to site access or other transportation facilities as part of this CUP; therefore, this criterion is met.



- 4. Surrounding property will not be adversely affected by the use, or that the adverse effects of the use on the surrounding uses, the neighborhood, or the City as a whole are sufficiently mitigated by the conditions proposed.**

**Findings:** The site has been in operation since 1998 and is an integral part of the Woodhaven neighborhood and Sherwood community. The site is located at a high-volume intersection (Hwy 99W / Sunset Blvd.) that creates noise and fume pollution. The building and mature landscaping provide a buffer between this busy intersection and the adjacent residential development, improving the livability of the area. The City is not aware of any existing complaints or code compliance cases against the property or facility. No conditions are proposed to mitigate the existing use; therefore, this criterion is met.

- 5. The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography and natural features.**

**Findings:** The site is approximately 8.73-acres and includes an approximately 43,000 SF building with associated parking and landscaping. Other uses on the site include the skatepark, open space, and undeveloped lawn area. The site has ample space to accommodate all existing uses. Future expansions of the building or additions to the site will also be reviewed for compliance with setbacks, natural resource standards, etc; therefore, this standard is met.

- 6. The use as proposed does not pose likely significant adverse impacts to sensitive wildlife species or the natural environment.**

**Findings:** A riparian corridor exists to the north / east of the site. This sensitive area is regulated by Clean Water Services and has been previously delineated and protected. The property owner is required to maintain compliance with the natural resource regulations on an ongoing basis. New development in the vicinity of the riparian corridor will be reviewed for compliance with natural resource standards; therefore, this criterion is met.

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- D. Additional Conditions. In permitting a conditional use or modification of an existing conditional use, additional conditions may be applied to protect the best interests of the surrounding properties and neighborhoods, the City as a whole, and the intent of this Chapter. These conditions may include but are not limited to the following:**

1. Mitigation of air, land, or water degradation, noise, glare, heat, vibration, or other conditions which may be injurious to public health, safety or welfare in accordance with environmental performance standards.
2. Provisions for improvement of public facilities including sanitary sewers, storm drainage, water lines, fire hydrants, street improvements, including curb and sidewalks, and other above and underground utilities.
3. Increased required lot sizes, yard dimensions, street widths, and off-street parking and loading facilities.
4. Requirements for the location, number, type, size or area of vehicular access points, signs, lighting, landscaping, fencing or screening, building height and coverage, and building security.
5. Submittal of final site plans, land dedications or money-in-lieu of parks or other improvements, and suitable security guaranteeing conditional use requirements.
6. Limiting the number, size, location, height and lighting of signs.
7. Requirements for the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.
8. Requirements for design features which minimize potentially harmful environmental impacts such as noise, vibration, air pollution, glare, odor and dust.

**Findings:** As discussed above, the site has operated as a YMCA facility since 1998 and is an integral part of the Woodhaven neighborhood and Sherwood community. Other uses on the site include parking, the skatepark, open space, and an undeveloped grassy area. Future expansions of the building or additions to the site will also be reviewed for compliance with setbacks, natural resource standards, and all applicable code standards at the time of submittal of a land use application. The City is not aware of any existing complaints or code compliance cases against the property or facility. No additional conditions are proposed to protect the best interests of the surrounding properties and neighborhoods, and the City as a whole.

#### **IV. SHERWOOD 2040 COMPREHENSIVE PLAN**

**Theme – Strong Community, Culture, and Heritage**

***Goal 3 – Foster a culture of collaboration and partnership between residents, community groups, businesses, service providers and government.***

**Policy 3.1 – Plan, coordinate, and support the development of civic, institutional, arts and cultural spaces.**

**Findings:** The proposed zone change will support the ongoing use of the site as the Sherwood Family YMCA which serves as an important cultural space for the City, bringing together residents from diverse backgrounds who take advantage of the many services provided by the facility. As an example, the facility is home to the “Teen Center” which provides teenagers with a safe place to gather after school and on weekends. The facility also serves as a gathering space for seniors to exercise and socialize in a public setting. With the addition of the pedestrian bridge in 2024/2025, the site will be connected to Sherwood High School creating a civic space that will be used by students, families, and seniors.

**Policy 3.2 – Support the evolving role of key facilities such as the Sherwood library, performing arts and senior centers to maintain value and access for all members of the community.**

**Findings:** The Sherwood Family YMCA is a key facility that is a safe and accessible space for all members of the Sherwood community. The facility hosts organized events for all age groups, ranging from toddlers to seniors. The zone change and concurrent CUP will ensure that the site continues to operate as the YMCA and serves as a valuable facility to all community members.

**Policy 3.5 – Collaborate with public and private partners to expand and co-locate community gathering spaces and multi-purpose venues across Sherwood to help meet civic, institutional, arts and cultural use needs.**

**Findings:** The YMCA property is owned by the City of Sherwood and operated by the YMCA and is a public-private partnership at its core. The proposed zone change will help ensure that the YMCA continues to serve as a gathering and recreational space for Sherwood residents. The 2021 Parks Master Plan identifies the YMCA as the key indoor recreational facility in the city. While additional space will be needed in the future, the master plan does not identify a need for a full second facility. Instead, an expansion of the existing facility is identified as the best solution to meet growing demand. The existing YMCA property has undeveloped space and opportunity for expansion and is an ideal location to meet the growing demand into the future.

**Theme – 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.**

**Findings:** The subject site is zoned for residential development but has been developed with a recreational facility since 1998. As discussed throughout this report,

the Parks Master Plan recommends the YMCA site remain and be expanded on to serve the growing needs of the community.

The City's Housing Needs Analysis (HNA) was last updated in 2019 and provides a detailed account of projected housing supply and demand through 2039. The HNA identifies a deficit of 608 dwelling units over the planning period if land supply or policy changes are not made to correct the deficiency.

While the subject property is zoned residential, the site has operated as the Sherwood Family YMCA since 1998 and was therefore not identified as a source of future housing supply in the 2019 HNA. The proposed zone change from LDR to IP will have no impact on the existing or future supply of housing in the adopted HNA. To address the identified shortage in housing in the HNA, Sherwood is considering an Urban Growth Boundary expansion for Sherwood West in 2024. As of the date of this report, Sherwood West will accommodate between 3,117 and 5,582 new housing units, far exceeding the identified need over the planning period.

**Policy 1.4 - Ensure that the City has enough land to accommodate Sherwood's projected share of regional household growth, through regular monitoring and adjustments of available land through the Housing Needs Analysis.**

**Findings:** The 2019 HNA accounts for Sherwood's projected share of regional household growth as determined by the coordinated forecast from Metro. As discussed above, the YMCA site was not identified as a property with residential land supply potential and the zone change will not impact Sherwood's supply of housing per the adopted HNA. The findings below also demonstrate that the zone change will have a negligible impact on the available and needed housing capacity citywide.

## **V. Metro – Regional Framework Plan**

**The Regional Framework Plan calls for a compact urban form and a “fair-share” approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to maintain or increase its housing capacity except as provided in section 3.07.120.**

### ***Metro code 3.07.120 Housing Capacity***

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- e. A city or county may reduce the minimum zoned capacity of a single lot or parcel so long as the reduction has a negligible effect on the city's or county's overall minimum zoned residential capacity**

**Findings:** The site is approximately 8.73-acres zoned LDR-PUD which permits a density of up to 5-units per acre. While the subject property is zoned for residential uses, the site has operated as the Sherwood Family YMCA since 1998 and was categorized as “unbuildable” in 2019 Housing Needs Analysis (HNA).

While the proposed zone change from LDR to IP will not reduce the capacity of residential units per the adopted HNA, an estimate is provided of the acreage and number of housing units that could be built on the undeveloped portion of the site. As shown in Exhibit A, Appendix J, an approximately 1.25-acre lawn area along SW Woodhaven Dr. may be suitable for future residential development if the zone change were not to occur. Based on a maximum allowed density of 5-units per acre, this undeveloped portion of the site carries a capacity for 6 dwelling units.

The HNA indicates Sherwood has 175-acres of suitable buildable residential land. The 1.25-acre undeveloped portion of the site that may be suitable for future housing represents less than 1% of the existing supply by area. In terms of housing units, the adopted HNA indicates the City is short 608 dwelling units over the planning period. The 6 dwelling units lost by the zone change also represents less than 1% of the total needed capacity of housing over 20 years. The proposed zone change will therefore have a negligible effect on the City’s overall zoned residential capacity.

It is worth noting that in order to address the existing housing shortage, Sherwood is considering a UGB expansion request in 2024. The Sherwood West Concept Plan estimates a minimum of 3,000 new residential units can be developed in Sherwood West. This new capacity created in Sherwood West will address the City’s shortfall in needed housing over the next 20 years including the 6 units lost as a result of the zone change.

### Expansion of YMCA

As discussed throughout this report, the YMCA facility was constructed in 1998 to serve the City’s growing recreational needs. In 2019 the City received a grant from State of Oregon and constructed the skatepark in an undeveloped portion of the site. The 2021 Parks Master Plan discusses the growing demand for recreational space in Sherwood and recommends the existing facility be expanded at its current location. The YMCA shares this goal and has identified a need for expansion. An expansion is likely to occur to the existing building which is located at the western corner of the site. The parking lot is expected to be able to serve the existing facility, any future expansion, and the skatepark. Based on this information, it is not reasonable to expect that the YMCA or skatepark will be redeveloped with housing in the next 20 years. As discussed above, a

small 1.25-acre portion of the site near Woodhaven Dr. may be suitable for residential development if the area is not used by the YMCA.

## V. STATE OF OREGON LAND USE PLANNING GOALS

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

**Goal 1: Citizen Involvement. Calls for "the opportunity for citizens to be involved in all phases of the planning process.**

**Findings:** 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. A neighborhood meeting was held on June 12, 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 a recommendation from Planning Commission, made after holding a public hearing.

Therefore, this goal is met.

**Goal 2: Land Use. requires each local government in Oregon to have and follow a comprehensive land use plan and implement regulations. Cities and counties must build their comprehensive plans on a factual base and follow their plan when making decisions on appropriate zoning.**

**Findings:** 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 requests. The proposed map amendment, as demonstrated in this staff report, is processed in compliance with local, regional, and state requirements; therefore, this goal is met.

**Goal 8: Recreation Needs. Requires local governments to plan for the recreation needs of their residents and visitors. The goal places priority on non-motorized forms of recreation, and recreation areas that serve high-density populations with limited transportation options and limited financial resources. It also places priority on recreation areas that are free or available at a low cost to the public.**

**Findings:** The City's Parks Master Plan complies with statewide planning goal 8 and was recently updated in 2021. The plan recommends the following approach to recreational needs city-wide and for the YMCA site:

*"The Sherwood Regional Family YMCA is a multi-purpose recreation center. It was state-of-the-art at the time it was built but on the smaller side compared to facilities being constructed today. Though a second facility is not needed given the market size, Sherwood's market population and area can support a larger facility. Therefore, the City of Sherwood and the YMCA should continue to explore expanding the existing facility to increase its capacity and add some of the spaces and features found in the state-of-the-art multi-purpose recreation centers being constructed today." (2021 Parks Master Plan, p. 22)"*

*"Sherwood is projected to grow to about 33,000 people by 2040, a market size that is not large enough to support a second indoor aquatics facility, especially one like the CPRD facility. If an indoor facility is desired and the community is willing to fund it, expanding the existing aquatics facility is the most efficient option for meeting aquatics demand in Sherwood." (2021 Parks Master Plan, p. 21)*

The master plan states that a second recreational facility and pool is not required and calls for an expansion at the existing YMCA facility. The proposed zone change to Institutional Public is aligned with the long-term goals of the parks master plan and statewide planning goal 8; therefore, this goal is met.

**Goal 10: Housing. Planning, at a local level, asks that cities inventory their "buildable lands", this refers to land inside an urban growth boundary that is suitable and available for residential use.**

**Findings:** 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 and an updated Comprehensive Plan (Sherwood 2040) that meets the intent of Goal 10, Housing. 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.

As discussed in this application, the subject site was considered unsuitable for residential development in the City's adopted HNA, and the zone change will have no

impact on the existing supply of residential land in Sherwood. To address the existing deficiency identified in the HNA, 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. Sherwood is considering an Urban Growth Boundary expansion for Sherwood West in 2024 that will include residential designated land that will meet housing needs and plan for a variety of housing types at various price points based on the HNA and the goals and policies within the City's Comprehensive Plan.

As of the date of this application, Sherwood West will accommodate between 3,117 and 5,582 new housing units, far exceeding the identified need over the planning period; therefore, this goal is met.

**Goal 12: Transportation. Requires cities, counties and the state to create a transportation system plan that takes into account all relevant modes of transportation: mass transit, air, water, rail, highway, bicycle and pedestrian.**

**Findings:** To comply with the Transportation Planning Rule (TPR) pursuant to OAR 660-012-0060, a trip cap of 89 weekday pm peak hour trips is being applied to the site. Future changes of use or expansions to the site that exceed this trip threshold are required to address TPR requirements. 75 trips are to be associated with the existing YMCA building and 14 trips are to be associated with the existing skatepark.

## VI. RECOMMENDATION AND CONDITIONS OF APPROVAL

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's submittal, Planning Commission finds that the proposed site plan does not fully comply with the standards but can be conditioned to comply.

**Therefore, Planning Commission recommends approval of the application subject to the following 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. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
3. This approval does not negate the need to obtain permits for future proposals, as appropriate from other local, state, or federal agencies even if not specifically required by this decision.
4. The site shall conform to all local building and fire code regulations, in addition to any applicable state and federal regulations.



**B. Ongoing Conditions:**

1. To comply with the Transportation Planning Rule (TPR) pursuant to OAR 660-012-0060, a trip cap of 89 weekday pm peak hour trips shall be applied to the site. Future changes of use, expansions of the existing public recreational use, or expansions to the site that exceed this trip threshold shall address TPR requirements. 75 trips shall be associated with the existing YMCA building and 14 trips shall be associated with the existing skatepark.

**VII. EXHIBITS**

- A.** Applicant Submittal and Narrative\*
  - Appendix A – Submitted Land Use Application Form with supporting documentation.
  - Appendix B – Vicinity Map
  - Appendix C – Tax Map
  - Appendix D – Project Narrative Final
  - Appendix E – Neighborhood Meeting Documentation
  - Appendix F – Public Notice Mailing Labels
  - Appendix G – Tax Map
  - Appendix H – Title Report
  - Appendix I – DKS Associates Memorandum: Transportation Planning Rule (TPR).
  - Appendix J – Residential Land Capacity
- B.** Public Notice and Agency Routing List.
- C.** City of Sherwood Engineering Comments
- D.** Oregon Department of Transportation (ODOT) Memorandum