



*Home of the Tualatin River National Wildlife Refuge*

# **Planning Commission Meeting Packet**

**FOR**

**November 10, 2015  
At 7 PM**

**Sherwood City Hall  
22560 SW Pine Street  
Sherwood, Oregon**



**City of Sherwood  
PLANNING COMMISSION  
Sherwood City Hall  
22560 SW Pine Street  
Sherwood, OR 97140  
November 10, 2015 at 7:00 PM**

**Agenda**

- 1. Call to Order/ Roll Call**
- 2. Consent Agenda - None**
- 3. Council Liaison Announcements (Council President Robinson)**
- 4. Staff Announcements (Brad Kilby)**
- 5. Community Comments**
- 6. New business**
  - a. Public Hearing – PA15-04 Mandel Property Plan Amendment and Zone Change (Connie Randall)**

The applicant is proposing an amendment to the Sherwood General Plan Map and a zone change for a three-acre portion of Tax Lot 2S130CB00250 (located at the southeast corner of Elwert and Edy roads at 21340 SW Elwert Road) from Neighborhood Commercial (NC) to Medium Density Residential Low (MDRL).
- 7. Planning Commissioner Announcements**
- 8. Adjourn**

**CITY OF SHERWOOD**

**Staff Report**

**Mandel Property Comprehensive Plan and Zoning Map Amendment**

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**Date: November 3, 2015**

**File No: PA 15-04**

**To: Planning Commission**

**FROM:** Planning Department



Connie Randall  
Associate Planner

**Proposal:**

The applicant has requested a Comprehensive Plan and Zoning Map Amendment to change the designation from Neighborhood Commercial (NC) to Medium Density Residential Low (MDRL). The subject property is in active farming and has an existing single-family residence and associated outbuilding. The applicant's application packet and Supplemental Letter are attached as Exhibits A and B, respectively.

**I. BACKGROUND**

- A. Applicant Venture Properties  
4230 Galewood Street, Suite 100  
Lake Oswego, OR 97034  
Contact: Kelly Ritz
- B. Property Owner 2007 Mandel Family Trust  
David Mandel and Randy Kieling  
16990 SW Richen Park Circle  
Sherwood, OR 97140
- C. Location: Washington County Tax Map 2S130CB00250. The property is located at the southeast corner of the intersection of SW Elwert and SW Edy roads at 21340 SW Elwert Road.
- D. Parcel Sizes: Approximately 3 acres of a 21.28 acre parcel.
- E. Existing Development and Site Characteristics: The subject site is in active farming and has an existing single-family residence and associated outbuilding and is part of a larger undeveloped parcel that is in active farm use with nursery stock and field crops. A perennial tributary to Chicken Creek bisects the site from south to north in an arched manner, creating a pocket of developable land along SW Elwert Road physically separated from the remaining site. The subject site is located in this area along SW Elwert Road. The land has a gently sloping topography with high points in the northeast, southeast and southwest corners. The three-

acre subject site is bounded by SW Elwert Road on the west, and by the perennial tributary and associated vegetated corridor on the north and south, and extends 130 feet east.

- F. Site History: The site was brought into the Urban Growth Boundary by Metro in 2002 as part of Area 59. The Area 59 Concept Plan, adopted by the City Council in 2007, applied a mix of land use designations on the larger parent parcel, including MDRL, Medium Density Residential High (MDRH), and NC. Additionally, the waterway that bisects the property is identified as Open Space and/or Natural Area. The implementing codes were adopted at the same time as the concept plan. The three-acre portion of the lot located on the west side along SW Elwert Road and zoned NC is the subject of this requested Comprehensive Plan and Zoning Map Amendment. The land east and south of the area proposed to be rezoned is part of the larger parent parcel that is zoned Medium Density Residential High (MDRH). The MDRH zone is intended to provide for a variety of medium density housing, including single-family, two-family housing, manufactured housing multi-family housing, and other related uses with a density of 5.5 to 11 dwelling units per acre. The property also includes a perennial tributary to Chicken Creek bisects the parent parcel from south to north in an arched manner.
  
- G. Zoning Classification and Comprehensive Plan Designation: The site is zoned NC and allows for small scale, retail and service uses, located in or near residential areas and enhancing the residential character of those neighborhoods. Section 16.22.050 of the Sherwood Zoning and Community Development Code (SZCDC) provides special criteria for NC properties to ensure that the nature and character of the development is compatible with residential neighborhoods, including a provision that “no single NC zoning district shall be greater than one (1) acre in area” (§16.22.050.C.).
  
- H. Adjacent Zoning and Land Use: The properties north and west of the subject site are located in Washington County, outside the City’s Urban Growth Boundary, and are zoned Exclusive Agriculture and Forest (AF-20), which is intended to provide an exclusive farm use zone within the County which recognizes that certain lands therein may be marginal, and Agriculture and Forest (AF-10), the purpose of which is to promote agricultural and forest uses on small parcels in the rural area, while recognizing the need to retain the character and economic viability of agricultural and forest lands, as well as recognizing that existing parcelization and diverse ownerships and uses exist within the farm and forest area. The land is largely undeveloped with the exception of a few rural residences and is vacant or utilized for agricultural purposes.
  
- I. Review Process: The proposed Comprehensive Plan and Zoning Map Amendment requires a Type V review which includes public hearings before the Planning Commission and City Council. The Planning Commission will make a recommendation to the City Council who will make the final decision on the request. There will be a twenty-one (21) day appeal period after the decision is issued. Any appeal of the City Council decision would go directly to the Oregon Land Use Board of Appeals (LUBA).

- J. Public Notice and Hearing: Oregon Department of Land Conservation and Development (DLCD) notice was submitted on October 5, 2015. Notice of the application was mailed to property owners within 1,000 feet, posted on the property in three, and distributed in five locations throughout the City on October 19, 2015 in accordance with §16.72.020 of the SZCDC. Notice was published in the Times on October 22, 2015 and the Sherwood Gazette on November 1, 2015 in accordance with §16.72.020 of the SZCDC.
- K. Review Criteria: The required findings for the Comprehensive Plan and Zoning Map Amendment are identified in the SZCDC §16.72 (Procedures for Processing Development Permits), and §16.80 (Plan Amendments); Comprehensive Plan Criteria: Chapter 2-Planning Process, Chapter 3-Growth Management, Chapter 4-Land Use, Chapter 6-Transportation; and Chapter 8-Urban Growth Boundary; Metro Urban Growth Management Functional Plan: Title 1. Housing Capacity; Metro 2035 Regional Transportation Plan, Oregon Transportation Planning Rule: (OAR 660-012-0060); Statewide Planning Goals: Goal 1- Citizen Involvement, Goal 2- Land Use Planning, Goal 9-Economic Development, Goal10-Housing, and Goal 12-Transportation.

## II. PUBLIC COMMENTS

**Steve Reynolds** (no address provided) submitted an email to staff on October 14, 2015 indicating his concern with the proposed access from the site to SW Elwert Road. He raised concerns about the lack of pedestrian improvements, amount of bicycle traffic, high speeds, and generally unsafe road conditions related to SW Elwert Road. He does not believe that there is a safe way to access SW Elwert Road from this property. His comments are attached as Exhibit C.

**Staff Response**: The current request is a policy decision regarding the Comprehensive Plan and Zoning Map designation for the subject site. A conceptual lot layout was shared with the public at a neighborhood meeting. A summary of the neighborhood meeting discussion and exhibits can be found in Exhibit E of the application (Exhibit A). Proposed access to SW Elwert Road would be reviewed and addressed with a future land use application for the subdivision and development of the parent parcel. Any proposed access would need to conform to the standards set forth in the SZCDC as well as the City's Engineering Design and Standard Details Manual. Further, prior to any development of the site, construction of all public improvements, including any transportation improvements, would be required.

With respect to traffic, the proposed residential uses will generate less traffic than commercial uses, as discussed below and in the transportation analysis found in Exhibit F of the application (Exhibit A).

### III. AGENCY COMMENTS

Staff e-mailed notice to affected agencies on October 12, 2015. The following is a summary of comments received as of this date.

#### **DLCD Comments, dated October 21, 2015 and attached as Exhibit D.**

DLCD staff reviewed the application materials and raised concerns about the Statewide Planning Goal 9 findings. Specifically, the applicant must show compliance with Oregon Administrative Rule 660-009-0010(4) by demonstrating the change is consistent with the city's acknowledged Economic Opportunities Analysis (EOA). Stating that the proposal addresses the need for additional residential zoning in the city does not address the rule requirement.

**Engineering Department Comments dated October 28, 2015** indicate that the proposed Comprehensive Plan and Zoning Map amendment would not negatively impact the transportation system or other public infrastructure. The comments are attached as Exhibit E and discussed below.

#### **Transportation Review**

The subject property is adjacent to SW Elwert Road and would likely get sole access from SW Elwert Road due to a tributary around the other 3 sides of the property. A Trip Analysis by Lancaster Engineering has concluded that the proposed zone change from Neighborhood Commercial to Medium Density Residential High<sup>1</sup> would result in less traffic than the current zone designation. Therefore the new zoning will reduce the future traffic impacts to SW Elwert Road from development of the subject property.

Since the proposed zone change reduces the number of trips to and from the subject zone change property, the change in zoning does not significantly affect an existing or planned transportation facility therefore not requiring any additional measures per OAR 660-012-0060.

The City of Sherwood Transportation System Plan (TSP) shows a future neighborhood route connecting SW Elwert Road and SW Copper Terrace through the subject zone change property. This future street is identified in the TSP under Section E (Aspirational Project List) as project D35. Even though the TSP shows the neighborhood route through the subject zone change property, exact locations of future streets within the TSP are graphical in nature and are not intended to designate exact locations. In the case of this connector street between SW Elwert Road and SW Copper Terrace locating it within the subject zone change property would be very expensive on both monetary and environmental levels since it would require crossing a tributary that is significantly lower than the surrounding property. The cost of bridging the tributary in this area would likely exceed \$2,000,000 for a 700-foot section of roadway. During the design of the subdivision south of the subject zone change property (Daybreak Subdivision) a future street plan was submitted identifying an interconnect between SW Copper Terrace and SW Elwert Road

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<sup>1</sup> Although the applicant is requesting a change in designation from NC to MDRL, the Transportation Analysis analyzed a change in designation to MDRH. As the requested change is a lower designation than what was analyzed, staff does not believe this error significantly impacts the results of the analysis.

where a new local street would intersect with SW Elwert Road approximately 730 north of SW Handley Street. This new interconnect will be fully funded by the development of the property in which it lies (no city funding).

Due to the above data, no street crossing of the tributary will be required of the subject property during the land use review process. This should be taken into account when considering the acceptability of a zone change.

#### **Storm System Review**

Currently there is no storm sewer available for servicing of the subject zone change property along SW Elwert Road. It is anticipated that the subject zone change property will discharge storm runoff into the existing tributary. The new zoning will likely have less impervious area than the existing. Therefore, the proposed zone change will slightly reduce the future flows at the culvert crossing beneath the SW Elwert Road/SW Edy Road intersection.

#### **Sanitary Sewer System Review**

Currently there is no sanitary sewer available for servicing of the subject zone change property along SW Elwert Road. It is anticipated that future sanitary service will come from a 15-inch diameter sanitary sewer within SW Copper Terrace. Since the amount of area of the zone change is relatively small in respect to the overall basin that will be served by the 15-inch diameter sanitary sewer, any changes in zoning will not have a significant effect on the sanitary sewer system.

#### **Water System Review**

Currently there is no public water service available for servicing of the subject zone change property along SW Elwert Road. It is anticipated that future water service will be looped through the subject zone change property providing adequate service for the new zoning classification.

#### **Conclusion**

From a public improvement standpoint, the proposed zone change for the western portion of the subject property will not have a significant effect on public facilities. Engineering conditions for the subject property will be made at the time of development of the subject property.

### **IV. PLAN AMENDMENT REQUIRED FINDINGS**

#### **16.80.030.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 [Items 1-4 below].**

**ANALYSIS:** The applicable Comprehensive Plan policies are discussed under Section V below. Section 16.02.080 requires that all development adhere to all applicable regional, State and

Federal regulations. Applicable regional regulations are discussed under Section VI and applicable State regulations are discussed under Section V.

**FINDING:** This criteria is discussed in detail below.

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

**FINDING:** This criteria is discussed in detail below under Section V.

**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.**

**ANALYSIS:** The applicant proposes to amend the Comprehensive Plan and Zoning Map designation from NC to MDRL. The proposed designation allows for the development of single-family and two-family housing, manufactured housing and other related uses with a density of 5.6 to 8 dwelling units per acre. The MDRL zone is a common residential zoning classification in Sherwood. The subject property is a linear site that is wide and shallow with approximately 860 feet of frontage along SW Elwert Road and a depth of approximately 130 feet, after a 15-foot right-of-way dedication for improvements to SW Elwert Road. The location and shape of the property is characteristic of strip retail commercial that typically develops with multiple access points to the adjacent street. Immediately east of the site is a triangularly shaped site zoned for MDRH development with a width of approximately 600 feet on the west, and a depth ranging from approximately 65 to 310 feet from the south to the north.

EcoNorthwest completed a Housing Needs Analysis (HNA) in conjunction with the Sherwood West Preliminary Concept Plan in June 2015 which showed that there are 96 developable acres of residentially zoned land within the current city limits, 14 acres, or 8%, are zoned MDRL. There are an additional 52 acres of developable MDRL land outside the current city limits, but within the City's Urban Growth Boundary (UGB), in the Brookman Road Concept Plan area. The applicant's Economic Analysis (EA) summarizes the HNA and points out that while Sherwood appears to have an adequate 20-year supply of residential land in the City and its UGB, annexation and development of land within the UGB is not guaranteed. Sherwood is a voter-approved annexation city, meaning that all annexation requests must be approved by a majority of the voters via ballot. Two proposed annexation requests of area within the Brookman Road Concept Plan area failed to win a majority of votes in 2011 and 2013. A third request, consisting of approximately 101 acres, is on the November 3, 2015 ballot. In looking at the "guaranteed land supply", those acres currently within the City limits, the applicant concludes that the City has a deficit of 46 acres of buildable MDRL-zoned land. Further, the current amount of



“guaranteed land supply” is expected to be depleted within the next five (5) years, suggesting that Sherwood is in need of “guaranteed land supply” for MDRL development.

Specific site conclusions of the applicant’s EA indicate that the site is both appropriate and amenable to residential development:

- At 3.0 acres, undeveloped, and flat, the site provides appropriate flexibility with regard to residential development feasibility, unit mix, and site plan to provide a variety of residential options.
- Locationally, offering bi-direction access to Highway 99W, but without direct visibility or access, the site affords adequate access by residences on the site to various public and commercial amenities in the Sherwood and greater regional area.
- Adjacent to open space, farm land, and future MDRH residential development, the site is well-suited as a residential location consistent with other surrounding residential development.

The applicant’s EA and Supplemental Letter (Exhibits A and B, respectively) contend that the site has the following disadvantages for development of neighborhood commercial uses:

- There are not a sufficient number of households near the site to support neighborhood commercial development. There are currently only 1,522 households within the trade area, 1,278 fewer than the 2,800 households needed to support neighborhood commercial development in this location.
- While easily accessible from Highway 99W, the site is separated from the existing commercial development by  $\frac{3}{4}$  mile to the south and one mile to the east, completely limiting its visibility and access, generally the two most important features of a commercial development site.
- Surrounded by future residential development and open space, traffic, noise and other issues from the standpoint of existing, nearby residents, the site would further realize lower economic and community value as commercial versus residential development.
- Commercial development on-site would not realize economic or community value from the surrounding farm land and open space that residential development would; rather those adjacent uses are seen as development site constraints for commercial development rather than amenities.
- The physical depth of the site, roughly 130 feet, is a challenge for developing adequate parking, freight truck access and vehicular turnarounds, further decreasing the suitability of the site for neighborhood commercial development.

**FINDING:** There is a demonstrated lack of MDRL zoned property within the City of Sherwood. While the City has planned MDRL capacity within the UGB, annexing this area into the City for development has proven difficult over the past five years. Further, the proposed Comprehensive Plan and Zoning Map Amendment would create a cohesive residentially zoned site bound by SW Elwert Road and the perennial tributary to Chicken Creek, which bisects the parent parcel, allowing for better site planning and

neighborhood design, a benefit to the public in general. Staff finds that this criteria 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.**

**ANALYSIS:** As discussed above, the proposed amendment is timely given the potential shortage of available land for residential development.

Additionally, the two most recently developed residential communities within in the City are located in the immediate vicinity: Daybreak Estates, a 34-unit single-family development located south of the site, and Renaissance at Rychlick Farm, a 26-unit single-family development located east of the site. Development of the site with MDRL residences would be consistent with the recent development pattern of the area.

Changes to planned transportation system in the neighborhood and community have been made which should be taken into account when considering the proposed plan amendment and zone change. When the subject site was planned and assigned NC zoning, the idea was for the area to develop with a mix of uses, with neighborhood commercial uses on the ground floor and residential uses above. As identified in the Area 59 Concept Plan, the site was to be served with two access points to SW Elwert Road, one crossing the perennial tributary to Chicken Creek and providing access to SW Copper Terrace and the surrounding planned residential development. However, as the area has developed, a crossing of the tributary has been found to be expensive both financially and environmentally. As discussed above and below, the City determined during the design of the Daybreak subdivision that a new local street would intersect with SW Elwert Road approximately 730 north of SW Handley Street, providing connectivity between SW Elwert Road and SW Copper Terrace. This new connection will be fully funded by the development of the property in which it lies (no city funding). Consequently, no street crossing of the tributary is planned or will be required of the subject property during any future land use review process. Absent the planned connectivity between the subject site and adjacent residential neighborhoods, the site is left isolated and detached from the very neighborhoods the neighborhood commercial development was intended to serve.

As discussed above in the Engineering Department comments, the proposed residential development of the site can be served by anticipated connections to existing water and sanitary sewer systems. It is anticipated that the subject site will discharge storm runoff into the existing tributary. The proposed MDRL zoning will likely have less impervious area than the current NC zoning. Therefore, the proposed zone change will slightly reduce the future flows at the culvert crossing beneath the SW Elwert Road/SW Edy Road intersection.

**FINDING:** As discussed above, staff finds that this criteria is satisfied.

**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.**

There are currently 14 acres of developable land in the City zoned for MDRL development. The majority of the land is located in the Area 59 Concept Plan area. About 1/3 of the land is owned by the 2007 Mandel Family Trust, the same owner of the subject site, and is the subject of a subdivision application submitted to the Planning Department on October 20, 2015. Planning staff is not aware of any immediate plans to develop the other developable lands, which are spread over at least 9 parcels, the largest being approximately 5 acres in size. There are approximately 52 acres of developable MDRL-zoned land available in the UGB in the Brookman Road Concept Plan area. However, annexation of this area has proven difficult and significantly limits the ability of the area to be developed in the near future.

**FINDING:** Based on the applicant's analysis and above discussion, staff finds that this criteria is satisfied.

**16.80.030.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.**

**ANALYSIS:** A Transportation Analysis (TA) addressing the Transportation Planning Rule (TPR) consistency, by Lancaster Engineering, was submitted as part of the application (Exhibit A). The analysis indicates that the proposed plan amendment and zoning change will result in significantly fewer A.M. and P.M. peak hour trips. If the subject site were developed with neighborhood commercial uses, the trip generation analysis shows that the development would generate 2,018 new weekday trips compared to the 248 new weekday trips generated by development of single-family homes allowed by the proposed MDRL zoning. The report concludes that the proposed Comprehensive Plan and Zoning Map Amendment would result in fewer vehicle trips on SW Elwert Road and decrease the impact of future development on the surrounding transportation network.

The City's Engineering Department has reviewed the materials and determined that the proposed rezone would reduce the number of trips to and from the subject property and that the change in zoning does not significantly affect an existing or planned transportation facility. Therefore no additional measures per OAR 660-012-0060 are required.

**FINDING:** Based on the above analysis, staff finds that this criteria is satisfied.

## V. APPLICABLE COMPREHENSIVE PLAN POLICIES

The applicable portions of the Comprehensive Plan include: Chapter 2 – Planning Process; Chapter 3 – Growth Management; Chapter 4 – Land Use; Chapter 6 – Transportation; and Chapter 8 – Urban Growth Boundary Additions.

### Chapter 2: Planning Process

#### F. Plan Amendments

**This Plan, and each of its parts shall be opened for amendments that consider compliance with the goals and objectives and plans of the Metropolitan Service District (MSD) or its successor, on an annual basis and may be so amended or revised more often than annually if deemed necessary by the City Council as provided in this Section. Annual amendment and revision for compliance with the above regional goals, objectives and plans shall be consistent with any schedule for reopening of local plans approved by the Land Conservation and Development Commission (LCDC).**

**Amendments to the maps and text of this Part shall comply with the provisions of Part 3 Chapter 4 Section 4.200.**

**ANALYSIS:** Amendments to the maps and text of Part II of the Comprehensive Plan must comply with Part 3, the Zoning and Community Development Code, Chapter 4, which has been renamed “Division VI. Planning Procedures,” and Section 4.200, which has been renamed “Chapter 16.80 Plan Amendments.” Compliance with Chapter 16.80 is discussed above in Section IV.

**FINDING:** As discussed in Section IV of this report above, staff finds that this criteria is satisfied.

### Chapter 3. Growth Management

**Policy 1: To adopt and implement a growth management policy which will accommodate growth consistent with growth limits, desired population densities, land carrying capacity, environmental quality and livability.**

**ANALYSIS:** The property is located within the City limits and within the UGB. Adjacent developed properties, the Daybreak Subdivision and the Edy Ridge Elementary/Laurel Ridge Middle school campus, have urban facilities such as adequate roadways, water, sanitary sewer, storm water sewer, and pedestrian connections.

The intent of the NC zone is to provide opportunities for small scale, retail and service uses, located in or near residential areas and enhancing the residential character of those neighborhoods. The limited NC zoned property in this location was designed to accomplish this enhancement of the residential neighborhood. However, in light of the financial and environmental cost of the vehicular crossing of the tributary to the Chicken Creek, the planned crossing was abandoned in favor of a more environmentally friendly and cost effective connection further south and west of the parent parcel. This decision left a neighborhood commercial area with no surrounding neighborhood to serve. Amending the

comprehensive plan and zoning designation to MDRL would allow for the development of a cohesive residential neighborhood adjacent to the Chicken Creek tributary, which has a better chance of creating a livable community that respects and protects the natural environment than trying to create an isolated pocket of neighborhood commercial or pursue the original crossing of the tributary at a high financial cost the community and natural environment.

Additionally, the proposed Comprehensive Plan and Zoning Map Amendment would increase the available “guaranteed” land supply for residential development, which, as discussed above, is in short supply.

**FINDING:** Based on the above discussion, staff finds that the proposal satisfies this policy.

#### **Chapter 4. Land Use**

##### **Section E - Residential Land Use**

**Policy 1.** Residential areas will be developed in a manner which will insure that the integrity of the community is preserved and strengthened.

**Policy 2.** The City will insure that an adequate distribution of housing styles and tenures are available.

**Policy 3.** The City will insure the availability of affordable housing and locational choice for all income groups.

**Policy 4.** The City shall provide housing and special care opportunities for the elderly, disadvantaged and children.

**Policy 5.** The City shall encourage government assisted housing for low to moderate income families.

**Policy 6.** The City will create, designate and administer five residential zones specifying the purpose and standards of each consistent with the need for a balance in housing densities, styles, prices and tenures.

**ANALYSIS:** The subject site is a three-acre portion of a larger 21.28-acre site. The remaining site is zoned for a mix of MDRL and MDRH residential uses. The proposed Comprehensive Plan and Zoning Map Amendment would enable the entire site to be developed with residential uses to accommodate the need in Sherwood for residential housing. The combined MDRL and MDRH zoning would allow for the development of a variety of housing types to meet the need of current and future residents.

**FINDING:** Based on the analysis above, staff finds that the proposed Comprehensive Plan and Zoning Map Amendment could help meet some of the stated residential land use policies.

#### **Chapter 6. Transportation**

The applicable Transportation Goals are Goals 1 and 2. Goals 3-8 are not specifically applicable to this proposal.

**Goal 1: Provide a supportive transportation network to the land use plan that provides opportunities for transportation choices and the use of alternative modes serving all neighborhoods and businesses.**

**Goal 2: Develop a transportation system that is consistent with the City's adopted comprehensive land use plan and with the adopted plans of state, local, and regional jurisdictions.**

**ANALYSIS:** The lack of vehicular connectivity between the subject site and the existing and planned residential neighborhoods to the east suggests that the planned transportation network is more supportive of residential than commercial development at this location. As discussed above, the applicant's TA and the City Engineering analysis conclude that the proposed MDRL designation would not negatively impact the planned transportation system.

**FINDING:** Based on this discussion, staff finds that the proposed Comprehensive Plan and Zoning Map Amendment is consistent with these goals.

## **Chapter 8. Urban Growth Boundary Additions**

### **D. Mapping of Urban Growth Boundary Additions**

#### **D.4. Area 59 – A New Neighborhood in Sherwood**

**ANALYSIS:** As the applicant discusses in the Supplemental Letter (Exhibit B), the primary purpose for expanding the UGB in this area was to provide for a new elementary and middle school. Other land uses were flexible and determined based on community feedback rather than a demonstrated need. It appears that neighborhood commercial was chosen to create a walkable complete community. While this is a generally desirable outcome, retail simply cannot succeed unless the site meets specific characteristics. The site needs to have enough households or drive-by traffic to provide a customer base. The site needs good access and dimensions to allow proper circulation and parking. The site must be generally flat. This site has a fair amount of drive-by traffic, but that is more appropriate for general commercial uses. Neighborhood commercial is localized and needs households within a small market area, generally within a five minute drive. As described above, the market area contains only about 54% of the households needed to support neighborhood retail. The property is generally flat, but the configuration does not work for loading and internal circulation, with a depth of only 130 feet.

Further, when the subject site was planned and assigned NC zoning, the idea was for the area to develop with a mix of uses, with neighborhood commercial uses on the ground floor and residential uses above. As identified in the Area 59 Concept Plan, the site was to be served with two access points. One of the connections was to SW Elwert Road, and the other was intended to cross the perennial tributary to Chicken Creek and provide access to SW Copper Terrace and the surrounding residential developments. However, as the area has developed, a crossing of the tributary has been found to be expensive both financially and environmentally. As discussed previously, the City Engineer determined during the design of the Daybreak subdivision that a new local street would be needed approximately 730 north

of SW Handley Street, providing connectivity between SW Elwert Road and SW Copper Terrace. This new connection would be fully funded by the development of the property in which it lies (no city funding). Consequently, no street crossing of the tributary is planned or will be required of the subject property during any future land use review process. A pedestrian crossing and utility extensions would, however, be necessary for meeting minimum block length standards and utility service needs.

**FINDING:** Based on the above discussion, staff finds that absent the planned connectivity between the subject site and adjacent residential neighborhoods, the site is left isolated and detached from the very neighborhoods the neighborhood commercial development was intended to serve. The proposed Comprehensive Plan and Zoning Map Amendment is an appropriate response to the changed condition and respects the original desire for a neighborhood anchored by a school site and surrounded with single-family development.

## **VI. APPLICABLE REGIONAL (METRO) STANDARDS**

The only applicable Urban Growth Management Functional Plan criteria are found in Title 1 – Housing Capacity.

**Staff Analysis:** 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 amendment would increase Sherwood’s housing capacity and meet the Title 1 purpose by providing the opportunity for development of residentially zoned property with a compact form.

**FINDING:** Based on staff’s analysis, the proposed Comprehensive Plan and Zoning Map Amendment is consistent with the Metro Functional Plan criteria and the City would continue to be in compliance if the request were approved.

## **VII. APPLICABLE STATE STANDARDS**

The applicable Statewide Planning Goals include: Goal 1, 2, 9, 10, and 12.

### **Goal 1 (Citizen Involvement)**

**ANAYLIS:** 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 proposal meets Goal 1. A neighborhood meeting was held on July 21, 2015 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 the Planning Commission, made after holding a public hearing.

**FINDING:** Based on the above discussion, staff finds that Goal 1 will be satisfied at the conclusion of the hearings by the Planning Commission and City Council.

## **Goal 2 (Land Use Planning)**

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

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

## **Goal 3 (Agricultural Lands)**

## **Goal 4 (Forest Lands)**

## **Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces)**

## **Goal 6 (Air, Water and Land Resources Quality)**

## **Goal 7 (Areas Subject to Natural Hazards)**

## **Goal 8 (Recreational Needs)**

**FINDING:** The Statewide Planning Goals 3-8 do not apply to this proposed plan amendment.

## **Goal 9 (Economic Development)**

**ANALYSIS:** The proposal will change the Comprehensive Plan and Zoning Map designation from NC to MDRL. The applicant provides additional analysis of Goal 9 and the City's 2007 Economic Development Strategy (EDS) in the Supplemental Letter (Exhibit B). The applicant notes that throughout the EDS document, there is no mention of specific requirements to preserve NC zoning nor encourage its development. The focus of the report is to increase the inventory of employment lands, emphasize industrial lands (Tonkin Industrial Area), and encourage other, larger economic development initiatives, particularly tourism. The analysis does not find that the Goal 9/EOA document or policies that address commercial land specifically provide any protections or strategies for the maintenance and growth of lands zoned NC as key employment lands. Further, the applicant concludes that the isolation and bifurcation of what would normally be a more round trade area in all directions, encompassing significantly more households, has prevented the site from being developed with NC uses in the past.

The lack of development interest is as strong of an indicator of the feasibility of the site under current zoning as any and the applicant argues that underutilization of the site would be contrary to various economic development policies and strategies adopted by the City that seek effective growth management via attraction of investment within the existing City limits at acceptable densities and within architectural/design review criteria. The site should, therefore, be considered for rezoning to a use of greater benefit to the City that would yield higher investment value while being more consistent with surrounding uses and adjacent natural resource areas.

Staff notes that historically, the NC designation has not been widely used throughout the City. There are currently 1.03 acres of NC zoned property developed in the City. The only



undeveloped NC zoned property is the subject site. The Brookman Road Concept Plan calls for a small amount of retail commercial, 2.07 acres, designated on the map as NC. While there appears to be a need for neighborhood commercial uses in the northwest section of the City, the isolated nature of the site, surrounded by rural residential and agricultural lands in the County and very limited residential development in the City without the originally planned roadway connection across the Chicken Creek tributary discussed earlier, render the site ineffective in meeting the need for neighborhood scale retail commercial uses.

Further, the NC zone significantly limits the number, type, size, and operational characteristics of potential businesses so as to ensure small scale retail and services compatible with residential development and sets a maximum development site size of one acre. As such, NC zoned land is not intended to meet the employment and economic development needs of the City, but rather to enhance the quality of life of the residential neighborhoods by conveniently locating business to meet the daily need for small-scale goods and services.

Finally, the EDS shows that the City has a surplus of 1-4 acre commercial sites. The documented inventory of such sites is 11 while the need in the medium growth forecast is 1, leaving a surplus of 10 sites in this category. Changing the Comprehensive Plan and Zoning Map designation from NC to MDRL will not negatively impact the City's ability to attract new industries and grow its employment base.

**FINDING:** Based on the above discussion, staff finds that Goal 9 is satisfied.

## **Goal 10 (Housing)**

**ANALYSIS:** This goal specifies that each city must plan for and accommodate needed housing types for its citizens. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

As discussed above, EcoNorthwest completed a Housing Needs Analysis (HNA) for Sherwood in conjunction with the Sherwood West Preliminary Concept Plan in June 2015. The HNA showed that there are 96 developable acres of residentially zoned land within the current city limits, 14 acres, or 8%, are zoned MDRL. There are an additional 52 acres of developable MDRL land outside the current city limits, but within the City's Urban Growth Boundary (UGB), in the Brookman Road Concept Plan area. Due to the previously described challenges in annexing land for residential development, the City is facing a potential deficit of 46 acres of buildable MDRL-zoned land in a "guaranteed land supply". Further, the current amount of "guaranteed land supply" is expected to be depleted within the next five (5) years, suggesting that Sherwood is in need of "guaranteed land supply" for housing.

Statewide Planning Goal 10 is implemented by the comprehensive plan and in the Metro region by OAR 660-007 (Metropolitan Housing). OAR 660-007 provides density standards and methodology for land need and supply comparisons. Metro Title 1 responds to the requirements of the Metropolitan Housing Rule. By complying with Metro Title 1, as

discussed above, Sherwood complies with OAR 660-007 as well as Statewide Planning Goal 10.

**FINDING:** Based on the analysis as discussed above, staff finds that Goal 10 is satisfied.

**Goal 11 (Public Facilities and Services)**

**FINDING:** The Statewide Planning Goal 11 does not specifically apply to this proposed plan amendment.

**Goal 12 (Transportation)**

**FINDING:** As discussed earlier in this report, the proposed amendment is consistent with the Transportation Planning Rule (TPR) which implements Goal 12. Staff finds that Goal 12 is satisfied.

**Goal 13 (Energy Conservation)**

**Goal 14 (Urbanization)**

**Goal 15 (Willamette River Greenway)**

**Goal 16 (Estuarine Resources)**

**Goal 17 (Coastal Shorelands)**

**Goal 18 (Beaches and Dunes)**

**Goal 19 (Ocean Resources)**

**FINDING:** The Statewide Planning Goals 13-19 do not specifically apply to this proposed plan amendment.

**Staff Assessment and Recommendation**

Based on the analysis above, the applicant has provided adequate information to make findings in support of the proposed amendment. Therefore, staff recommends that the Planning Commission forward a recommendation of **APPROVAL** of the proposed Comprehensive Plan and Zoning Map Amendment to the City Council as proposed.

**VIII. ATTACHMENTS**

- A. Applicant's submittal packet
- B. Applicant's Supplemental Letter, dated October 30, 2015
- C. Steve Reynolds Email dated October 14, 2015
- D. DLCD comments submitted October 21, 2015
- E. City of Sherwood Engineering comments submitted October 28, 2015

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Exhibit "A" can be found at:

<http://www.sherwoodoregon.gov/planning/project/mandel-property-plan-amendment-and-zone-change>

October 30, 2015

Connie Randall, Associate Planner  
City of Sherwood  
22560 SW Pine Street  
Sherwood, OR 97140

**RE: Supplemental Findings  
Mandel Plan Amendment/Zone Change (PA 15-04)**

Dear Connie,

This letter provides additional information requested by Staff in regard to the proposed Plan Amendment/Zone Change (Casefile PA 15-04) for the Mandel property, located at the southeast corner of SW Edy Road and SW Elwert Road as requested by Venture Properties, Inc.

**Economic Viability of Neighborhood Commercial**

As described in the supplemental memo from PNW Economics, this site is not viable for Neighborhood Commercial (NC). The trade area is generally defined by a five minute drive from the site, but is shortened to the southeast by the numerous retail opportunities along Pacific Highway that individuals would need to pass before reaching the Mandel property. Within the trade area there are only 1,522 households. The Mandel NC property would need 2,800 households to viably support retail uses.

**Chapter 8 of the Sherwood Comprehensive Plan**

Additional findings for Chapter 8 of the Sherwood Comprehensive Plan have also been attached to this memo. This Chapter outlined the concept planning efforts for Urban Growth Boundary expansion areas, including Area 59 that includes the Mandel property. Unfortunately, this Chapter only contains a brief history of the Concept Planning process and the decision making that occurred to reach the final plan. The chapter does say that the primary objective for this district was for the development of an elementary school and a middle school. The remaining land had two land use goals. First, there was a desire for only single family homes with no apartments. The second goal was to accommodate “mixed use: Small retail/commercial with housing above.” There is no explicit rationale listed for this goal, but it was likely chosen to achieve a ‘complete community’ with services near housing. This is a laudable goal, but retail is a challenging land use that needs specific parameters to be successful, such as a healthy trade area, proper site access, good site geometry, and gentle topography.

As discussed above, this site does not have a proper trade area; there are not enough households to support this site. Access appears to be good with direct frontage onto SW Elwert Road, but Neighborhood Commercial is not meant to attract regional drive-by customers, but rather customers that are within a small geographic area that travel by car, bicycle, or by foot. The households served by this site should be the homes to the southeast, not the cars on the western frontage. Access for the homes to the southeast is separated by the drainageway of the perennial tributary to Chicken Creek that surrounds the site to the north, east, and south. A local street connection is shown on the concept plan for Area 59, however, as

shown below, this street connection is expensive, has significant environmental impacts, is subject to environmental permitting, and is generally redundant to existing SW Edy Road to the north. Without this street connection, the site is very isolated from the customer base expected in the Area 59 Concept Plan.

### **Challenges for the Planned Roadway Connection over Drainageway**

The Mandel property is bisected south to north by a perennial tributary to Chicken Creek. It is both difficult and expensive to cross this drainageway with a local road as shown in the Area 59 Plan. The Applicant would like to make this connection a pedestrian rather than a full roadway. The environmental impacts and expense are not warranted for the limited value a full roadway connection would offer, particularly with SW Edy Road providing existing east west connectivity to the north. AKS has provided a memo (attached) outlining the details of what a street crossing would require from an engineering standpoint and the approximate cost to make this connection. It should be noted that a sanitary sewer connection is needed in conjunction with the street or pedestrian crossing, so the location of the crossing needs to happen in the middle of the site, near the existing water quality facility. This analysis shows an approximate cost of \$720,000.

AKS has also provided a memo (attached) that outlines the environmental permitting required to make this crossing. Permits and mitigation would be required from the US Army Corps of Engineers, the Oregon Department of States Lands, and Clean Water Services. These reviews are discretionary and part of the criteria includes review of an alternatives analysis to assure that the impacts are absolutely necessary. There is time, expense, and uncertainty in these reviews. Further, mitigation would be required for the impacts to the wetlands and vegetated corridor, reducing the usable land on the rest of the site. The wetland area is two wide to fully span with a roadway, so impacts to the wetland would trigger substantial stormwater detention facilities, reducing the residential density by approximately four lots.

A pedestrian crossing can be provided with a wider span that does not impact the wetlands, allows for the sewer connection, and is much more cost effective. The cost of a pedestrian bridge is approximately \$180,000, a cost differential of \$540,000. On balance, the impacts of a creek crossing are substantial relative to the value this road provides when an alternative east-west street connection is existing and available with SW Edy Road, just 600 feet to the north.

### **DLCD Comments**

The Department of Land Conservation and Development (DLCD) requested evidence of compliance with OAR 660-009-0010(4), which requires compliance with the City's acknowledged Economic Opportunities Analysis (EOA).

*(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:*

*(a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or*

*(b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or*

*(c) Adopt a combination of the above, consistent with the requirements of this division.*

We have attached an additional memo from PNW Economics addressing the applicable policies from the EOA and how the proposed change is consistent with the adopted policies.

This letter provides additional testimony and findings in support of the proposed Plan Amendment/Zone Change for the Mandel property to change the Neighborhood Commercial designation to Medium Density Residential Low. We are happy to provide any additional information that would help Staff, the Planning Commission, and the City Council in their deliberation.

Sincerely,

**AKS ENGINEERING & FORESTRY, LLC**



Mimi Doukas, AICP, RLA

Attachments: Memo from PNW Economics  
AKS Findings on Chapter 8 of the Comprehensive Plan  
Memo from AKS on Costs for creek crossing  
Memo from AKS on wetland permitting for creek crossing

## MEMORANDUM

To: Mimi Doukas, AICP, RLA  
AKS Engineering & Forestry

From: Bill Reid, Principal  
PNW Economics, LLC

Subject: Mandel Property Zone Change Application: Additional Issues

Date: October 27, 2015

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During the City of Sherwood staff review of the Mandel Property application for a zone change from Neighborhood Commercial (NC) to Medium Density Residential-Low (MDRL), additional questions were raised by DLCD and Staff regarding economic need arguments that had been put forth in support of the rezone. This memorandum is intended as a response to the following issues and concerns:

- Sherwood Goal 9 Employment Land concerns due to the size of the property at roughly 3 acres; and
- The trade area for a Neighborhood Commercial center at the property and whether it is appropriate or supported by sufficient households.

### **Sherwood Goal 9 Land Need Concern**

PNW Economics reviewed the November 2006 "City of Sherwood Economic Development Strategy,"<sup>1</sup> which is the most recent Goal 9 Employment Land/Economic Opportunities Analysis for the City of Sherwood. This document was intended as an update and policy elaboration on the Growth Management Chapter (Chapter 3) of the City's Comprehensive Plan. The following policies relate to Neighborhood Commercial-zoned lands and development. Policy strategies that are particularly pertinent to the subject property are in bold-face, followed by responses related to the subject property's current zoning:

#### Land Use Policies

*Policy 1. Commercial activities will be located so as to most conveniently service customers.*

#### Strategies

*-Community wide and neighborhood scale commercial centers will be established.*

***-Commercial centers will be located so that they are easily accessible on major roadways by pedestrians, auto and mass transit.***

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<sup>1</sup>[https://www.sherwoodoregon.gov/sites/default/files/fileattachments/Economic%20Development/page/85/economic\\_development\\_strategy.pdf](https://www.sherwoodoregon.gov/sites/default/files/fileattachments/Economic%20Development/page/85/economic_development_strategy.pdf)

***-Neighborhood commercial centers will be designated in or near residential areas upon application when need and compatibility to the neighborhood can be shown.***

**PNW Economics Response:** The site is isolated at the western edge of incorporated City of Sherwood on SW Elwert Road and cannot be considered "easily accessible on major roadways by pedestrians, auto and mass transit." The site is located at the far northwest corner of the City and the Urban Growth Boundary, making Neighborhood Commercial zoning of the site inappropriate. Neighborhood Commercial zoning of more centrally-located land near residential areas west of Pacific Highway would be more appropriate and likely to succeed.

Furthermore, Neighborhood Commercial development cannot be considered compatible with the surrounding neighborhood as the land located across SW Elwert Road from the site is unincorporated land outside of the incorporated City and Urban Growth Boundary. As will be demonstrated later in this document, the area's population is insufficient to adequately serve such a development, rendering it inconsistent with the existing neighborhood.

*Policy 2. Commercial uses will be developed so as to complement rather than detract from adjoining uses.*

Strategies

- *-Commercial developments will be subject to special site and architectural design requirements.*
- *-The number and locations of commercial use access will be limited along major streets in accordance with the City's Transportation Plan.*
- *-Non-Retail and primarily wholesale commercial uses will be separated from retail uses where possible.*
- *-The older downtown commercial area will be preserved as a business district and unique shopping area.*
- ***-A buffer between commercial uses and adjoining greenways, wetlands, and natural areas shall be established.***

**PNW Economics Response:** The subject site is bordered by a natural area to the north and south, with existing rural residential development located nearby. Therefore, the developable area of the site as a commercial development, including requisite parking, is limited in terms of what commercial improvement can be feasibly achieved on site.

*Policy 3. Highway 99W is an appropriate location for commercial development at the highway's intersections with City arterial and major collector roadways.*

*c. Commercial Planning Designation Objectives*

*4) Neighborhood Commercial (NC)*

*This designation is intended to provide for neighborhoods serving small scale retail and service uses consistent with sound site planning in the following general areas:*

- ***-Areas which are within reasonable walking distance from living areas and/or convenient access by way of collector or arterial streets.***
- ***-Areas where retail or service uses can be adequately screened from adjoining living areas so as to enhance rather than detract from the residential***



***character of the neighborhood. Site review standards relating to setbacks, landscaping, buffering, signs, access and architectural features shall assure compatibility with surrounding uses.***

- *-Where a full range of urban facilities and services are available or can be provided in conjunction with development.*

**PNW Economics Response:** The subject site is located at the edge of the incorporated City and the Urban Growth Boundary, which cannot be considered convenient or reasonable walking distance for the neighborhood it would serve with Neighborhood Commercial zoning. This issue will be further illustrated later in this document with a map of the Neighborhood Commercial trade area for the property under current zoning.

The subject site is also located across SW Elwert Road from rural residential areas that will likely see urbanized development stretched over a long time period, due to the location of the Urban Growth Boundary. Neighborhood Commercial development, auto traffic, and parking detract from the rural residential character of the immediate area. Requisite setbacks, landscaping, and other improvements would only serve to diminish what little commercially developable land there is on the site, even if it was compatible with the surrounding character of residential uses.

#### Economic Development Policies

*Policy 5. The City will seek to diversify and expand commercial and industrial development in order to provide nearby job opportunities, and expand the tax base.*

#### Strategies

- *-The City will encourage the revitalization of the Old Town Commercial area by implementation of 1983's "Old Town Revitalization Plan" and the Old Town Overlay Zone.*
- *-The City will encourage the development of light industrial and office parks.*
- *-The City will seek to attract industries that are labor and capital intensive.*
- *-The City will seek to attract "target" industries which will expand industrial sectors inadequately represented in the urban area in order to diversify and stabilize the local economy.*

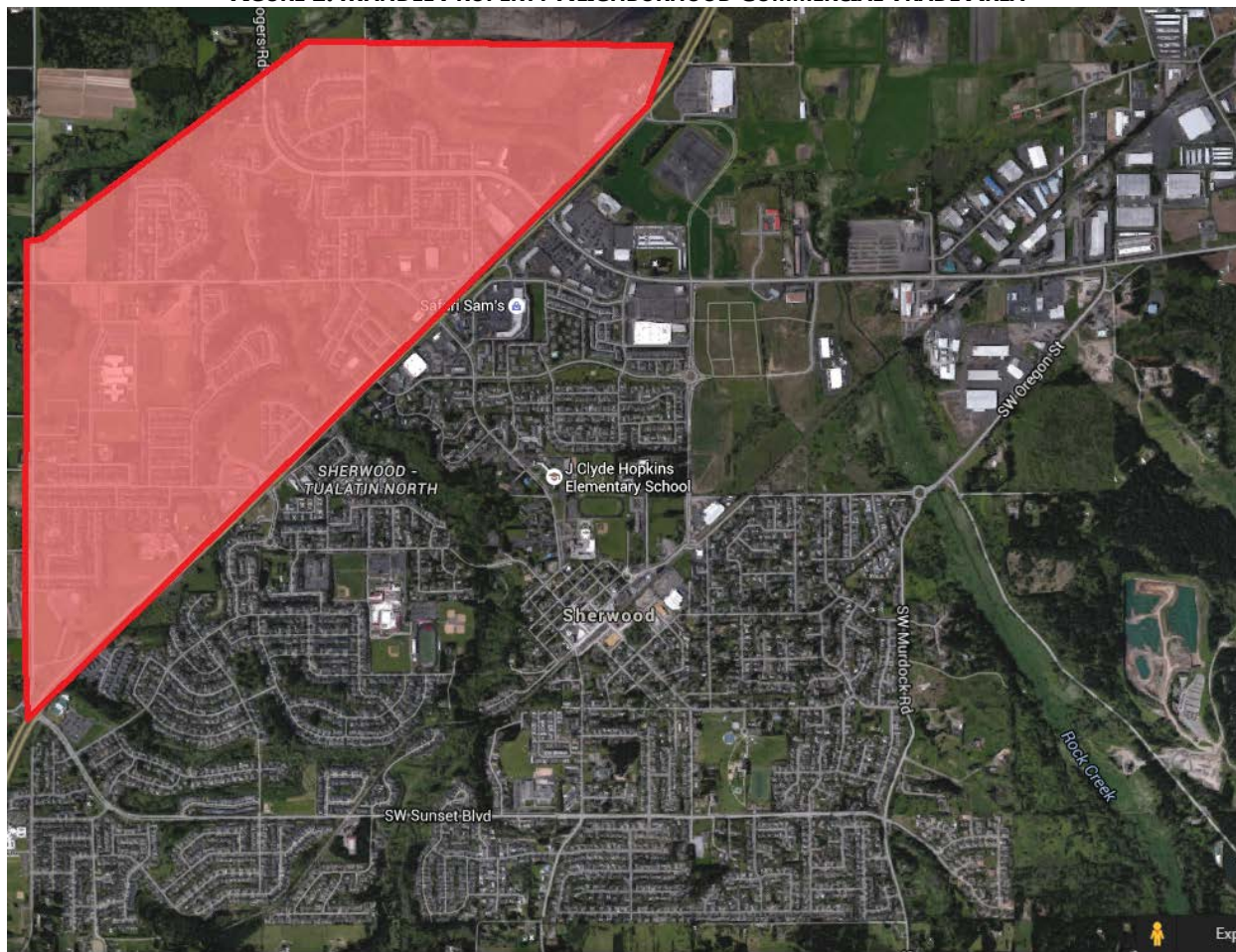
**PNW Economics Response:** It is important to note that throughout the rest of the Goal 9 document, there is no mention of specific requirements to preserve NC zoning nor encourage its development. The focus of the report is to increase the inventory of employment lands, emphasize industrial lands (Tonkin Industrial Area), and encourage other, larger economic development initiatives, particularly tourism.

Accordingly, PNW Economics does not find that the Goal 9/EOA document or policies that address commercial land specifically provide any protections or strategies for the maintenance and growth of lands zoned Neighborhood Commercial as key employment lands.

#### **Subject Neighborhood Commercial Trade Area**

Figure 1 displays a map of the likely market area for the subject site developed as Neighborhood Commercial. The trade area is shaded in red.

**FIGURE 1: MANDEL PROPERTY NEIGHBORHOOD COMMERCIAL TRADE AREA**



The subject site's Neighborhood Commercial trade area, generally defined as a 5-minute drive time, is roughly bounded by the Sherwood City limits to the north and west, and Pacific Highway to the south and east.

Technically, Herman Road is the 5-minute drive-time limit for the subject site. However, from a commercial retail development perspective, households east of Pacific Highway have numerous retail offerings at or east of Pacific Highway that they would have to pass by in order to reach the isolated location of the subject site. Therefore, Pacific Highway realistically defines the eastern-most edge of the trade area for households that might shop at the subject site under current zoning.

As was demonstrated in the initial Economic Analysis memo by PNW Economics in support of the zone change application, a minimum household count of 2,800 would be required to properly support commercial development at the subject site and make development feasible. According to 2013 American Community Survey population estimates for the trade area, largely defined as Block 1 of Washington County Census Tract 322, there were 1,522 households within the Neighborhood Commercial trade area, leaving a deficit of roughly 1,300 households. We therefore find that, largely due to the isolated location of the site adjacent to land not likely to be urbanized for a number of years, the site is not a feasible Neighborhood Commercial development location.

If current zoning is maintained, development of the subject site as Neighborhood Commercial retail is highly unlikely. If development were to occur, it would be extremely low intensity and likely significantly underutilized, due to the site's isolated location and lack of basic trade area households to the west.

The isolation and bifurcation of what would normally be a more round trade area in all directions, encompassing significantly more households, has prevented the site from being developed as Neighborhood Commercial in the past. The lack of development interest is as strong of an indicator of the feasibility of the site under current zoning as any.

Underutilization of the site would be contrary to various economic development policies and strategies adopted by the City that seek effective growth management via attraction of investment within the existing City limits at acceptable densities and within architectural/design review criteria. The site should, therefore, be considered for rezoning to a use of greater benefit to the City that would yield higher investment value while being more consistent with surrounding uses and adjacent natural resource areas.

# MANDEL FARM PLAN/ZONE MAP AMENDMENT

## III. SUPPLEMENTAL APPLICABLE REVIEW CRITERIA

### COMPREHENSIVE PLAN

The supplemental Sherwood Comprehensive Plan Policies and Goals are set forth below along with findings in support of the Comprehensive Plan Map Amendment and Zone Change.

#### CHAPTER 8 – URBAN GROWTH BOUNDARY ADDITIONS

##### 1. Area 59 -A New Neighborhood in Sherwood

###### Background

As mentioned previously Area 59 is an 85 acre area brought into the UGB in 2002. "Area 59" is a nameless designation placed by Metro and does not reflect the local history of the area. "Blue Town", as it was called by the pioneer families at the turn of the 20th century, is predominantly a rural residential and farming community. Blue Town received its name because German immigrants painted farm buildings the same color blue. The area is characterized by historic farmhouses, newer large lot country estates, rolling hillsides, a neatly groomed landscape, stunning views of Mount Hood, and forested riparian areas that feed Chicken Creek and the Tualatin River Basin. The CAC developed a list of new names for the neighborhood, but none were recommended to the policymakers. Without a clear designation, future development will be assigned subdivision names for final platting purposes. The City has a policy choice, and a clear opportunity, to designate a coherent new neighborhood either as part of implementation or through some other yet to be determined process.

Area 59 is the first UGB expansion area that required a concept plan under Metro's Functional Plan Title 11 requirements. The relatively small size of the subject area offered an opportunity to the stakeholders to create a neighborhood scale plan with roads, land uses, and public spaces all integrated into the existing urban fabric of Sherwood. The City took the lead in concept planning the area because the County did not express an interest and the Sherwood School District lacked expertise in land use planning and real estate development. The City provided the planning through general funds and in kind services.

###### Public Involvement

The City officially initiated the concept planning process in late 2004. The City Council established a Citizens Advisory Committee (CAC) via Resolution 2004-090 on October 12, 2004 to guide the development process and provide recommendations to the Planning Commission. The City held numerous types of meetings to develop a concept plan for Area 59. These included: work sessions open to the public, a public workshop (the first charrette in

Sherwood), a field trip, regular public meetings with two advisory groups, and finally public hearings. Throughout the concept planning process individual electronic notice was sent to those that expressed interest. A project website was developed on the City's homepage to provide a clearinghouse for all meeting materials and project binders were created for public use at City Hall and the Library. Although not required for the concept planning phase, the City sent mailed notice twice: after the second Citizens Advisory Committee (CAC) meeting in March 2005 and prior to the charrette in July 2005. Monthly project updates were provided in the Archer portion of the Sherwood Gazette in addition to numerous newspaper articles that appeared in the Oregonian.

In addition to general public outreach efforts, the CAC met from December 2004 to December 2005 to rigorously review City staff and consultant findings. The CAC consisted of three representatives from the City Council, Planning Commission, and Parks Board, two property owners from Area 59, two property owners who reside in the County but outside the study area, and the Sherwood School District. A technical advisory committee, referred to as the "Project Team," was established by the Planning Department to advise City staff on regulatory and technical issues that pertain to concept planning. Affected agencies include:

- |                      |   |                                |
|----------------------|---|--------------------------------|
| Clean Water Services | • | Washington County              |
| ODOT                 | • | Raindrops to Refuge            |
| DLCD                 | • | Tualatin Valley Water District |
| Metro                | • | Tualatin Valley Fire & Rescue  |

The Project Team met periodically (five times) from January 2005 to October 2005 to review consultant and staff findings, draft alternatives, and various staff reports on the framework of a concept plan. The CAC met six times in addition to the charrette that was held in July 2005 at the Sherwood Police Facility. The combined efforts of the advisory committees resulted in one set of goals for the project referred to as the "Goals Matrix."

<b>Issue</b>	<b>Citizen's Advisory Committee</b>	<b>Project Team</b>
<i>Land Use</i>	Single family units only, no apartment complexes.	Goal conflicts resolved: Metro density requirements (Metro Housing Rule).
	Mixed use: Small retail/commercial with housing above.	
	Schools (30 acres): Middle & Elementary Meet timeline for increased enrollment.	
<i>Quality of Life</i>	Recreational fields: Co-share fields & facilities with schools?	Natural area protection & Goal 5 resources.
	Green Space: Parks (tennis courts), trails, greenways, open space.	Open spaces: Integrate active & passive parks; Co-locate these to other lands.
	Livability: "Proud to live there".	Create unique neighborhood structure: "Sense of place".
	Farmland: Allow existing agriculture; co- exist with new neighborhood.	
<i>Transportation</i>	Traffic management plan	Connectivity: Road system, bicycle & pedestrian pathways; off-site mitigation.
<i>Public Facilities</i>		Adequate water supply & pressure for fire suppression.

		Address stormwater impacts; provide sanitary sewer.
		Infrastructure Costs? Avoid expensive and determine how to pay.

The above goals, a balancing act or competing priorities, were the basis for the development of evaluation criteria. The design alternatives produced through the charrette were analyzed and "graded" based on the criteria approved by the CAC and Project Team. Staff made findings throughout the process that demonstrated how the evaluation criteria were met or not met for each alternative.

**Response:** In terms of 'Land Use', the Citizen Advisory Committee for the Area 59 Concept Plan identified two goals. First, that the area be planned for only single family detached homes, not apartments. The proposed Plan amendment to MDRL honors this vision. The second land use goal stated a desire for 'Mixed use: Small retail/commercial with housing above'. This goal is reflected in the current zoning designation of Neighborhood Commercial. The Mandel property has carried this designation since 2006 with no interest in commercial development. As shown in the Economic Opportunities Analysis in Exhibit G, there is not a market to support retail in this location, and mixed use retail with residential on the upper floors of a building is a more complex type of retail that can be difficult to finance. Retail would require 2,800 households within the trade area, roughly defined by the area within a five minute drive of the site, but there are only 1,522 households which is 54% of what is needed. This small NC district abuts rural county land to the west and north. To the east a large amount of land is dedicated to a combined elementary school and middle school. This site is less than a mile from the existing Retail Commercial property located at Edy Road and Highway 99, and 3,200 feet (3/4 of a mile) from the General Commercial lands at Meineke Road and Highway 99. This neighborhood has access to retail districts, and will not have enough households in the future to support neighborhood commercial in this location.

**Land Use**

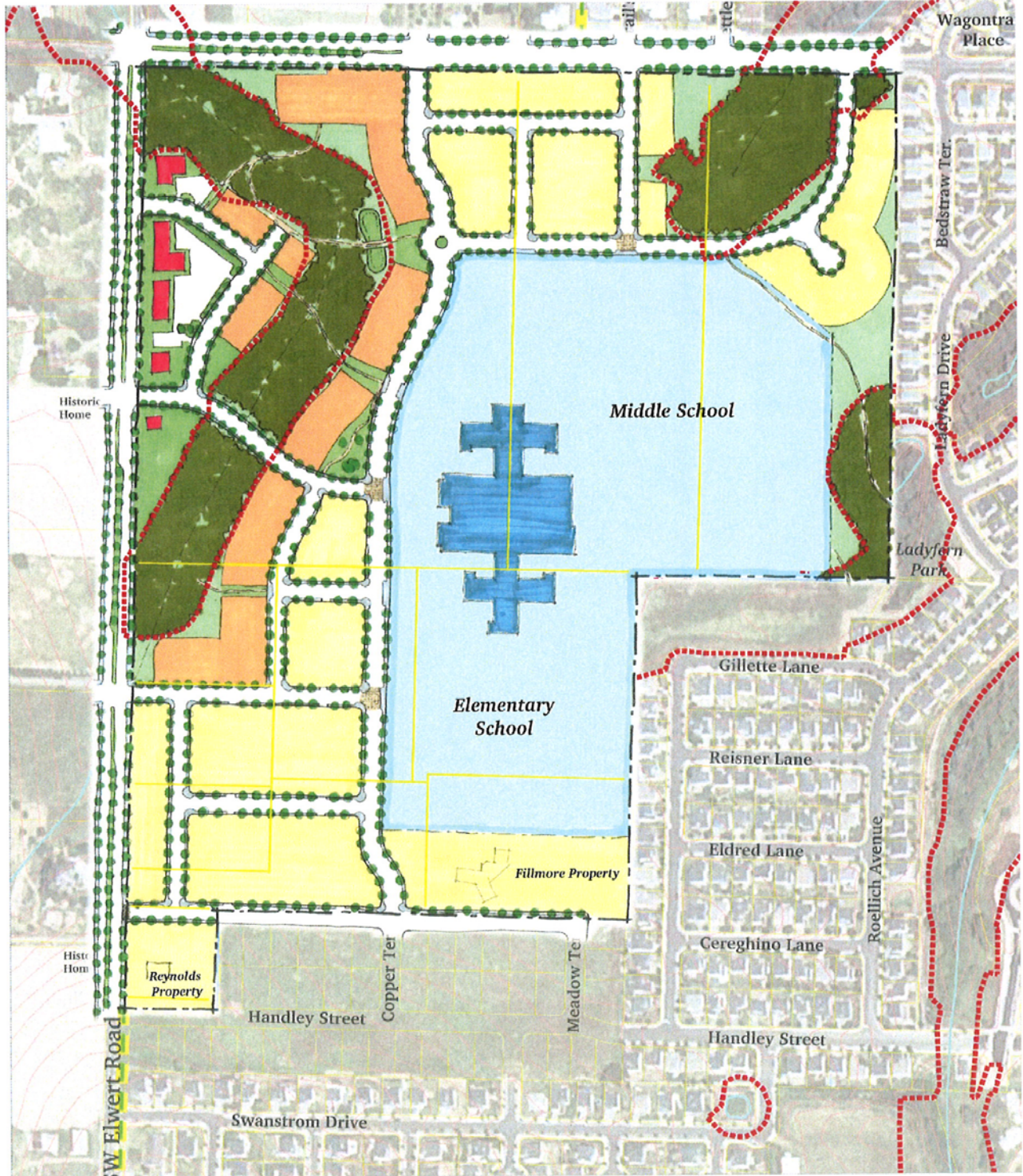
Notwithstanding the competing stakeholder objectives, the primary focus of the concept plan was to determine a location and an adequate size site for new school facilities. The original impetus for the UGB expansion, via Metro Ordinance 2002-969B, was to provide a new elementary and middle school for the rising enrollment in the Sherwood School District 88J. In short, once a new school site was identified the remaining land use pieces of the puzzle fell into place around the school. After a thorough examination of the charrette alternatives through a traffic analysis and CAC review, the process eventually determined that a 29 acre site was adequate to co-locate the facilities along with recreation fields and attendant uses related to school business. Some stakeholders wanted more land while others wanted a new school on less land. The remaining "pieces" or in this case buildable land was planned for a mix of residential and neighborhood commercial served by a street grid network of local street and a north-south and east-west neighborhood route to reduce vehicle miles traveled, encourage alternative modes of transportation, provide emergency access, and a site for a neighborhood park to serve the new neighborhood and the existing west side neighborhoods.

**Response:** As described above, the primary purpose for expanding the UGB in this area was to provide for a new elementary school and middle school. Other land uses were flexible and determined based on community feedback rather than a demonstrated need. It appears that neighborhood commercial was chosen to create a walkable complete community. While this is a generally desirable outcome, retail simply cannot succeed unless the site meets specific characteristics. The site needs to have enough households or drive-by traffic to provide a customer base. The site needs good access and dimensions to allow proper circulation and parking. The site must be generally flat. This site has a fair amount of drive-by traffic, but that is more appropriate for general commercial uses. Neighborhood commercial is localized and needs households within a small market area, generally within a five minute drive. As described above, the market area contains only about 54% of the households needed to support neighborhood retail. The property is generally flat, but the configuration does not work for loading and internal circulation, with a depth of only 130 feet.

### Policy Outcomes

In December 2005, the Citizens Advisory Committee recommended a third party alternative that was based on a hybrid of two designs - Alternative A/G. The Planning Commission recommended a revised Alternative A/G to the City Council in February 2006, which was approved, albeit in lesser detail, via Resolution 2006-017 in April 2006. This policy direction authorized the City to initiate the plan amendment process to implement the concept plan map through the comprehensive plan and zoning code.

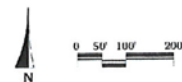
The following map illustrates the adopted concept plan for Area 59 through the plan amendment process.



- LEGEND**
- School
  - Park
  - Single Family
  - Townhome / Small Lot
  - Neighborhood Commercial / Mixed Use
  - Natural Area
  - Lot Lines
  - Goal 5 Boundaries

## Area 59 Neighborhood

Sherwood, Oregon  
Exhibit 2-K Approved Concept Plan  
**Alternative E**  
with Lots and Goal 5 Boundaries





## Cost Estimate Memo

**Date:** October 29, 2015  
**To:** Mimi Doukas, AICP, RLA  
**From:** Alex Hurley, PE, PLA  
Jeff Nelson  
**Re:** Mandel Farms Vegetated Corridor Street Crossing Cost Estimate

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### PERENIAL STREAM STREET CROSSING HARD COST ESTIMATE

This cost estimate to provide a street crossing of the vegetated corridor (VC) assumes a Local Street standard with a 28-foot wide travel lane, a 50-foot wide right-of-way, and a length of approximately 320 linear feet. Additionally, 8-foot wide public utility easements are assumed on each side of the street, providing an overall width of 66 feet.

To minimize impacts to the vegetated corridor and wetlands, it was assumed Ultra Block retaining walls would be constructed on each side of the street to an approximate maximum exposed height of 20 feet within the area of the VC. The area between the walls would be filled with imported granular fill.

A 10-foot wide x 6-foot high x 66-foot long bottomless concrete box culvert would be utilized to span the existing channel and a portion of the wetland.

The street section would be built to City of Sherwood standards for a Local Street with 4-inch AC over 12-inches of compacted crushed rock, including curb, gutter, and 6-foot wide sidewalk.

It was assumed a small area, comprising approximately 0.06 acres, would be levied with a wetland mitigation fee for filling the wetland at a cost of \$175,000 per acre. In addition, approximately 6,800 square feet of VC area would be mitigated elsewhere on the site with additional VC mitigation plantings and irrigation.

The total estimated cost of providing a street crossing, as opposed to a pedestrian bridge crossing, is approximately \$720,000, including a 25% contingency factor.

With allowances for deducting the estimated total cost of the pedestrian bridge, estimated at \$180,000 including a 25% contingency, the total additional cost to construct the street is estimated to be approximately \$540,000, excluding engineering, jurisdictional, and permitting costs.

Our costs assume a portion of the wetland can be permitted to be filled; however, if this is not allowed, a bridge will be required at significantly more cost.

CONSTRUCTION COST ESTIMATE

**AKS ENGINEERING & FORESTRY, LLC.**  
12965 SW HERMAN ROAD, SUITE 100  
TUALATIN, OR  
503-563-5161



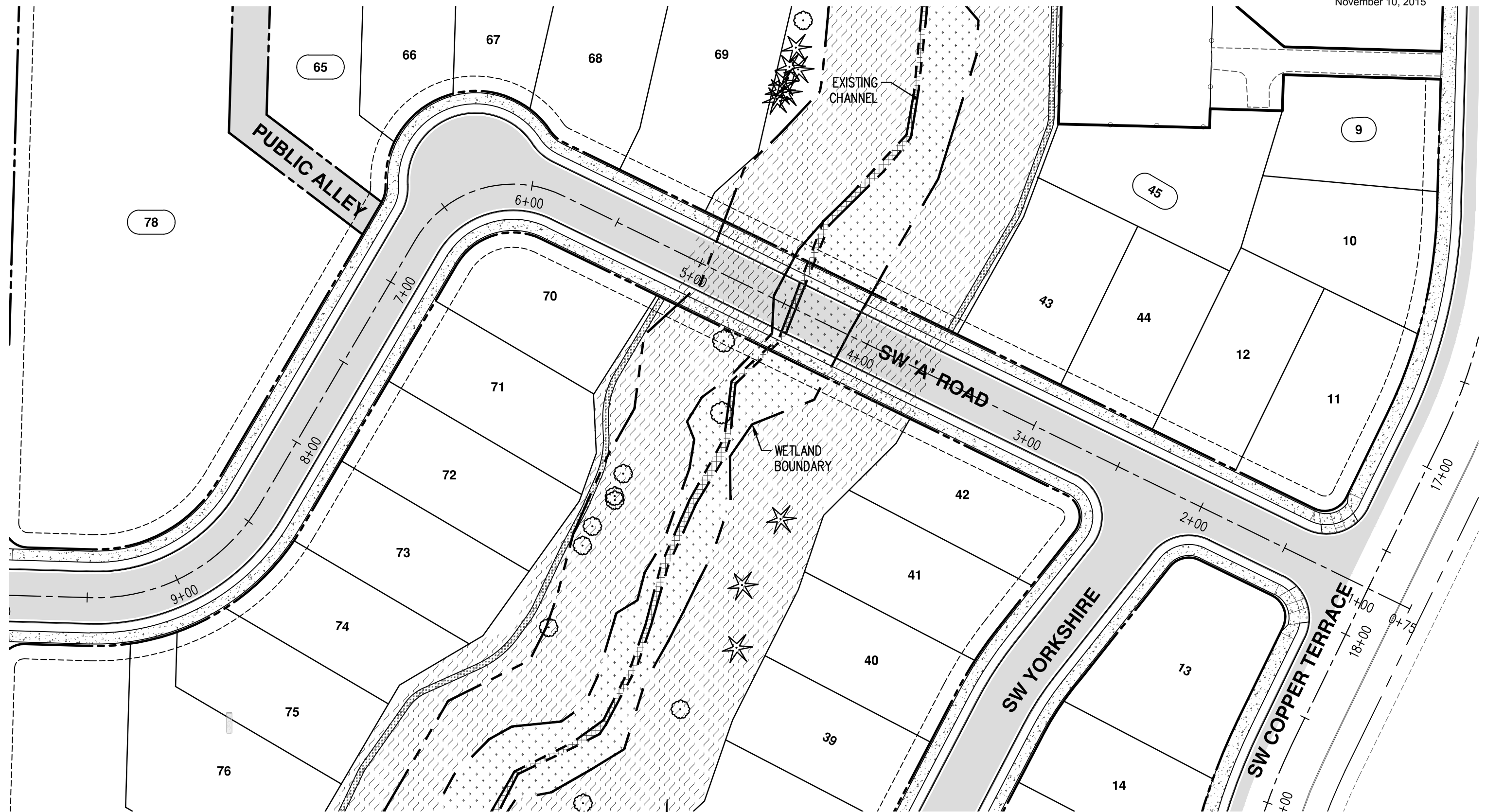
**VEGETATED CORRIDOR STREET CROSSING COST ESTIMATE - 10/29/2015**

**MANDEL PROPERTY**

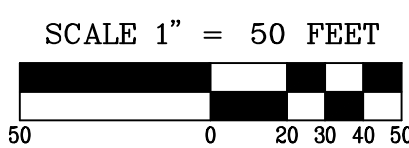
Job No.: 4570  
Estimate By: JN

ITEM	SCHEDULE 2 - STREETS	QUANTITY	UNIT	UNIT PRICE	COST
	<b>VC STREET CROSSING - 66' Wide x 320' Length</b>				
2-1	Mobilization	1	L.S.	\$ 2,400.00	\$ 2,400
2-2	Erosion Control	1	L.S.	\$ 2,500.00	\$ 2,500
2-3	Clearing and Grubbing	1	AC.	\$ 2,500.00	\$ 1,250
2-4	Stripping and Haul Off (Assume 6" Strip) (0.50 AC)	400	B.C.Y.	\$ 18.00	\$ 7,200
2-5	Ultra-Block Wall	4,400	S.F.	\$ 40.00	\$ 176,000
2-6	Import Granular Backfill Between Walls	4,800	B.C.Y.	\$ 31.00	\$ 148,800
2-7	Imported Structural Soil Fills (Outside the VC)	1,300	B.C.Y.	\$ 20.00	\$ 26,000
2-8	10' x 6' Concrete Box Culvert (Bottomless)	66	L.F.	\$ 1,500.00	\$ 99,000
2-9	Storm Drainage	1	L.S.	\$ 7,500.00	\$ 7,500
2-10	9" Crushed Rock - 1 1/2"-0 Base Course	1,100	S.Y.	\$ 12.00	\$ 13,200
2-11	3" Crushed Rock - 3/4"-0 Leveling Course	890	S.Y.	\$ 4.00	\$ 3,560
2-12	4" Lift AC Pavement	890	S.Y.	\$ 20.00	\$ 17,800
2-13	Curb and Gutter	640	L.F.	\$ 12.00	\$ 7,680
2-14	6' Wide Sidewalk (4" Concrete)	3,840	S.F.	\$ 5.00	\$ 19,200
2-15	4' Chainlink Fencing (Along VC Corridor Walls)	300	L.F.	\$ 25.00	\$ 7,500
2-16	Signage and Stripping	1	L.S.	\$ 800.00	\$ 800
2-17	Street Light - LED With Base	2	EA.	\$ 5,500.00	\$ 11,000
2-18	Wetland Mitigation Fee	0.06	AC.	\$ 175,000.00	\$ 10,500
2-19	Vegetated Corridor Mitigation	6,800	S.F.	\$ 2.00	\$ 13,600
				<b>SUBTOTAL</b>	<b>\$ 575,490</b>

**25% CONTINGENCY \$ 143,873**  
**TOTAL \$ 719,363**

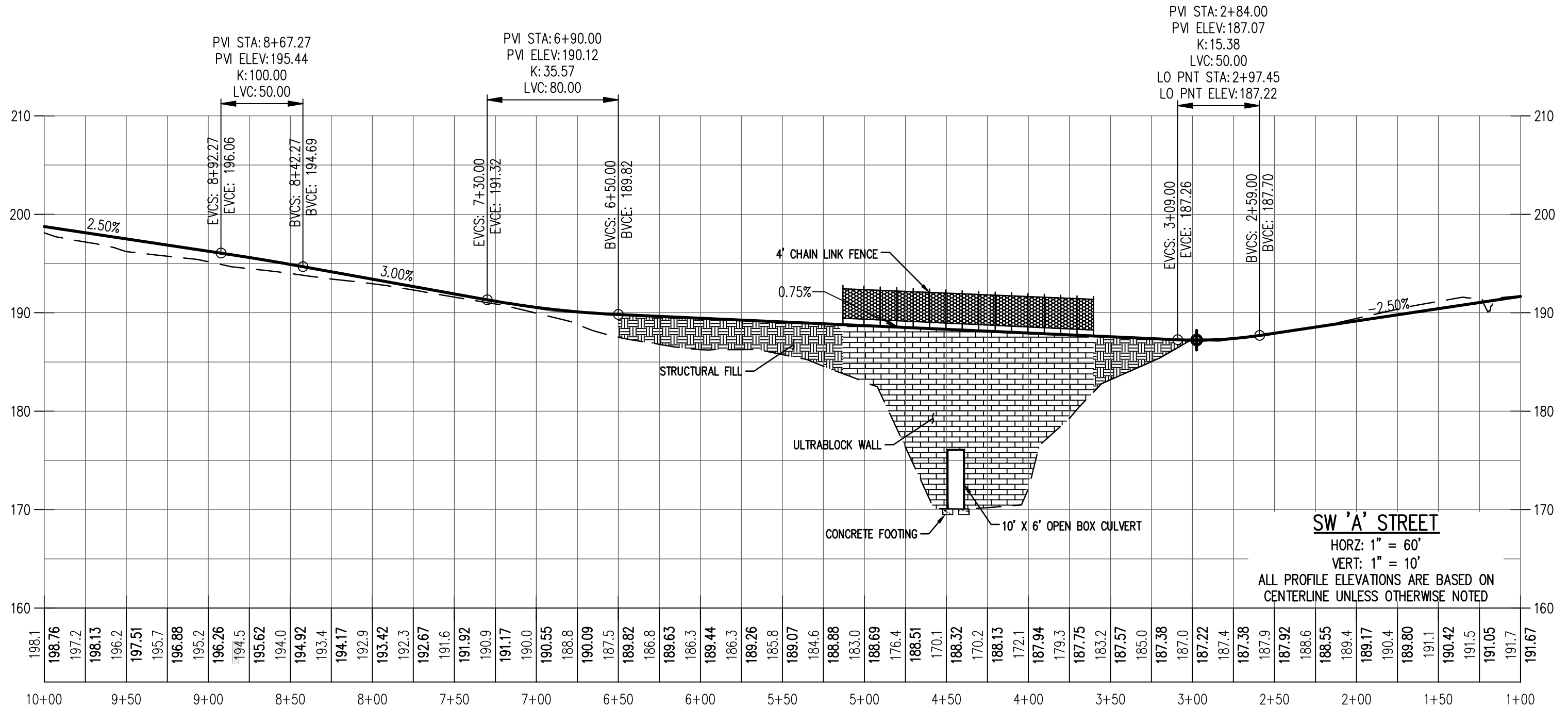


DATE: 10-27-2015



<b>ALTERNATIVE STREET CONNECTION</b>		EXHIBIT
<b>MANDEL FARMS SUBDIVISION</b>		<b>A</b>
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: DS CHKD: JN
		AKS JOB: 4570





**SW 'A' STREET**  
 HORZ: 1" = 60'  
 VERT: 1" = 10'  
 ALL PROFILE ELEVATIONS ARE BASED ON  
 CENTERLINE UNLESS OTHERWISE NOTED

DATE: 10-27-2015

<b>ALTERNATIVE STREET CONNECTION SW 'A' STREET CROSS SECTION</b>		EXHIBIT
<b>MANDEL FARMS SUBDIVISION</b>		<b>A</b>
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: DS CHKD: JN AKS JOB: 4570



## Memo

To: Mimi Doukas, AICP, RLA  
From: Stacey Reed, PWS  
Date: 10/30/2015  
Re: 4570 Mandel Farms Road Crossing Permitting

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If a road is required to cross the tributary that bisects the Mandel property, there will be significant environmental permitting and mitigation required.

A perennial tributary to Chicken Creek and associated floodplain wetlands extend through the central portion of the site. Therefore, a road crossing will likely result in permanent wetland and/or water impacts. A wetland and waters delineation report will need to be prepared and submitted to the Oregon Department of State Lands (DSL) to receive concurrence on the wetland and water boundaries. DSL has 120 days to concur with the delineation report. A joint removal-fill permit application will be necessary for submittal to DSL and the US Army Corps of Engineers (Corps). The permit application will need to demonstrate the need for a road crossing, that there are no alternatives to avoiding wetland and/or water impacts (i.e. whether a bridge crossing can be utilized), and techniques employed to minimize any unavoidable wetland or water impacts. The on-site drainage is perennial tributary to Chicken Creek, which is listed as an Essential Salmonid Habitat (ESH) stream. Therefore, an Oregon Department of Fish and Wildlife (ODFW) fish passage plan will be required for submittal and approval by ODFW. The road crossing may also require compliance with National Marine Fisheries (NMFS) SLOPES V Transportation design requirements. DSL has 120 days to review and issue permit authorization (which can run concurrent with wetland boundary concurrence). The Corps permit process generally takes approximately 4-6 months. DSL will require compensatory mitigation for unavoidable wetland impacts, which can be mitigated for at a wetland mitigation bank. The wetland mitigation banks serving the Mandel Farms site currently charge approximately \$175,000 per acre of wetland impact. On-site riparian enhancement can be proposed to mitigate for any unavoidable water impacts.

In addition to the wetland and/or water impacts, a road crossing will result in permanent impact to vegetated corridor. The vegetated corridor encroachment for the road crossing may require a Tier 2 Alternatives Analysis by Clean Water Services. Replacement vegetated corridor mitigation will be required to mitigate for the permanent vegetated corridor impacts.

**Connie Randall**

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**From:** Steven.Reynolds@CH2M.com  
**Sent:** Wednesday, October 14, 2015 8:22 AM  
**To:** Connie Randall  
**Subject:** Mandel Property

At the public meeting last month many citizen issues regarding traffic on Elwert Road were asked and with no real positive answers from the City personnel or the Developer. Without traffic adjustments to Elwert Road this development adds traffic to an already busy and dangerous road.

All mail boxes are considered foot traffic on to the road. There are bicycle riders that use this arterial, Elwert Rd. daily with no real road shoulder or safe traffic pattern for them. Traffic on Elwert is a life safety issue that appears to be second thoughts to the City and surly to the Developer.

This road has always had the Basic Rule speed limit and now is posted at 45 mph which means traffic speeds are over 45mph and sometimes a lot more than 45 mph.

As a property Owner on Elwert Road it is my opinion that the traffic issue is taking a second seat to the wants of the Developer. There is no safe way for the access from the proposed development on to Elwert Road. Has the access from the new development onto Elwert been addressed?

Thank you for your time

*Steve Reynolds  
CH2M HILL  
Construction Management  
Portland, OR  
Cell Phone 503 952-6833  
(FAX) 503 736-2067  
sreynold@ch2m.com*

**Connie Randall**

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**From:** Debbaut, Anne <anne.debbaut@state.or.us>  
**Sent:** Wednesday, October 21, 2015 1:54 PM  
**To:** Connie Randall  
**Subject:** Notice of Proposed Plan Amendment (Local File #PA 15-4; DLCDC PAPA 004-15)

Greetings Connie,

I have a comment regarding the subject Notice of Proposed Plan Amendment for a 3 acre rezone from commercial to residential, and the Goal 9 findings in the report. The applicant must show compliance with Oregon Administrative Rule 660-009-0010(4) by demonstrating the change is consistent with the city's acknowledged EOA. Stating that the proposal addresses the need for additional residential zoning in the city does not address the rule requirement. For ease of reference the Goal 9 rule is linked here: [http://arcweb.sos.state.or.us/pages/rules/oars\\_600/oar\\_660/660\\_009.html](http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_660/660_009.html)

Please feel free to call if you have additional questions.

Best Regards,  
Anne Debbaut

**Anne Debbaut** | Metro Regional Representative  
Community Services Division  
Oregon Department of Land Conservation and Development  
1600 SW Fourth Ave., Suite 109 | Portland, OR 97201  
Office: 503.725.2182 | Cell: 503.804.0902  
[anne.debbaut@state.or.us](mailto:anne.debbaut@state.or.us) | [www.oregon.gov/LCD/](http://www.oregon.gov/LCD/)



# Engineering Land Use Application Comments

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To: Connie Randall, Associate Planner  
From: Craig Christensen, P.E., Engineering Department  
Project: Mandel Property Zone Change (PA 15-04)  
Date: October 28, 2015

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Engineering staff has reviewed the information provided for the above cited project. Final construction plans will need to meet the standards established by the City of Sherwood Engineering Department and Public Works Department, Clean Water Services (CWS) and Tualatin Valley Fire & Rescue in addition to requirements established by other jurisdictional agencies providing land use comments. City of Sherwood Engineering Department comments are as follows:

## Sanitary Sewer

Currently there is no sanitary sewer available for servicing of the subject zone change property along SW Elwert Road. It is anticipated that future sanitary service will come from a 15-inch diameter sanitary sewer within SW Copper Terrace. Since the amount of area of the zone change is relatively small in respect to the overall basin that will be served by the 15-inch diameter sanitary sewer, any changes in zoning will not have a significant effect on the sanitary sewer system.

## Water

Currently there is no public water service available for servicing of the subject zone change property along SW Elwert Road. It is anticipated that future water service will be looped through the subject zone change property providing adequate service for the new zoning classification.

## Storm Sewer

Currently there is no storm sewer available for servicing of the subject zone change property along SW Elwert Road. It is anticipated that the subject zone change property will discharge storm runoff into the existing tributary. The new zoning will likely have less impervious area than the existing. Therefore, the proposed zone change will slightly reduce the future flows at the culvert crossing beneath the SW Elwert Road/SW Edy Road intersection.

## Transportation

The subject zone change property is adjacent to SW Elwert Road and would likely get sole access from SW Elwert Road due to a tributary around the other 3 sides of the property. A Trip Analysis by Lancaster Engineering has concluded that the proposed



Project: Mandel Property Zone Change (PA 15-04)  
Date: October 28, 2015  
Page: 2 of 2

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zone change from Neighborhood Commercial to Medium Density Residential High would result in less traffic than the current zone designation. Therefore the new zoning will reduce the future traffic impacts to SW Elwert Road from development of the subject property.

Since the proposed zone change reduces the number of trips to and from the subject zone change property, the change in zoning does not significantly affect an existing or planned transportation facility therefore not requiring any additional measures per OAR 660-012-0060.

The City of Sherwood Transportation System Plan (TSP) shows a future neighborhood route connecting SW Elwert Road and SW Copper Terrace through the subject zone change property. This future street is identified in the TSP under Section E (Aspirational Project List) as project D35. Even though the TSP shows the neighborhood route through the subject zone change property, exact locations of future streets within the TSP are graphical in nature and are not intended to designate exact locations. In the case of this connector street between SW Elwert Road and SW Copper Terrace locating it within the subject zone change property would be very expensive on both monetary and environmental levels since it would require crossing a tributary that is significantly lower than the surrounding property. The cost of bridging the tributary in this area would likely exceed \$2,000,000 for a 700-foot section of roadway. During the design of the subdivision south of the subject zone change property (Daybreak Subdivision) a future street plan was submitted identifying an interconnect between SW Copper Terrace and SW Elwert Road where a new local street would intersect with SW Elwert Road approximately 730 north of SW Handley Street. This new interconnect will be fully funded by the development of the property in which it lies (no city funding).

Due to the above data, no street crossing of the tributary will be required of the subject property during the land use review process. This should be taken into account when considering the acceptability of a zone change.

### Final Analysis

From a public improvement standpoint, the proposed zone change for the western portion of the subject property will not have a significant effect on public facilities.

Engineering conditions for the subject property will be made at the time of development of the subject property. Therefore there are no engineering conditions at this time.

END OF COMMENTS