City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

Planning Commission Meeting Packet

FOR

June 14, 2016
Planning Commission Meeting

Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon

City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
June 14, 2016
7:00 PM Planning Commission Meeting

Agenda

1. **Call to Order/ Roll Call**
2. **Consent Agenda**

   None

3. **Council Liaison Announcements** (Councilor Robinson)
4. **Staff Announcements** (Brad Kilby)
5. **Community Comments**
6. **New business**
   a. **Public Hearing – PA 15-06 Claus Property Plan Amendment and Zone Change**

      The applicant proposes to rezone 2.66 acres of a 5.86 acre site from General Commercial (GC) to Medium Density Residential Low (MDRL). The property is located immediately north of SW Pacific Highway and borders an existing residential neighborhood.

7. **Planning Commissioner Announcements**
8. **Adjourn**

Meeting documents may be found on the City of Sherwood website or by contacting the Planning Staff at 503-925-2308.

CITY OF SHERWOOD **Date: June 7, 2016**
Staff Report **File No: PA 15-06**
Claus Property Comprehensive Plan Map Amendment and Zone Change

To: **Planning Commission**

FROM: Planning Department

Brad Kilby, AICP
Planning Manager

Proposal:
The applicant has requested a comprehensive plan and zoning map amendment to change the zoning on 2.66 acres of a 5.86 acre site from General Commercial (GC) to Medium Density Residential Low (MDRL).

I. BACKGROUND

A. Applicant — Robert and Susan Claus
22211 SW Pacific Highway
Sherwood, OR 97140

B. Applicant's Representative — Danelle Isenhart, AICP
Isenhart Consulting, LLC
PO Box 2364
Beaverton, OR 97075

C. Location: Washington County Tax Map 2S131BA, tax lot 2000. The property is located at 22211 { ² Pacific Highway.

D. Size: Approximately 2.66 acres of a 5.86 acre parcel.

E. Existing Development and Site Characteristics: The area proposed to be rezoned is part of a larger parcel. There is a water resource located along the southeast property line that is a tributary to Cedar Creek. The site is developed with a single-family home, and several outbuildings that have been associated with a variety of uses over the years. The portion of the property subject to the request is the area closest to SW Swanstrom Drive, and adjacent to the backyards of the homes fronting onto SW Handley Street. The subject site is bounded by SW Pacific Highway on the south and by the perennial tributary and associated vegetated corridor on along the eastern property line.

F Site History: The site includes a single-family residence and several outbuildings that have been utilized with a variety of uses over time. Under SP 91-02, the owner received approval to

construct a sausage factory/retail sales business. Beyond that approval, there have only been building permits issued on the property.

G. Zoning Classification and Comprehensive Plan Designation: The site is zoned General Commercial. The General Commercial zone provides for commercial uses which require larger parcels of land, and or uses which involve products or activities which require special attention to environmental impacts. It is the most permissive of Sherwood's commercial zones.

H. Adjacent Zoning and Land Use: The properties north and east of the subject site are also zoned General Commercial. The properties north of the subject site are zoned Low Density Residential and developed with single-family homes as part of a Planned Unit Development. Properties that are generally south of the subject site are also zoned Medium Density Residential High (MDRH), but separated from the site by SW Pacific Highway. The property immediately north and east of the site includes a single-family home and an accessory parking are for Pacific Family Dental. The property immediately south and west of the site is developed with a single-family home, RV/equipment storage, and antique sales.

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

J. Public Notice and Hearing: Oregon Department of Land Conservation and Development (DLCD) notice was submitted on April 29, 2016. Notice of the application was mailed to property owners within 1,000 feet, posted on the property, and distributed in five locations throughout the City on May 23, 2016 in accordance with §16.72.020 of the SZCDC. Notice was published in the Times on June 9, 2016 and the Sherwood Gazette on June 1, 2016 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

Notice of the application was mailed to property owners within 1,000 feet, posted on the property, and distributed in five locations throughout the City on May 23, 2016 in accordance with §16.72.020 of the SZCDC. Notice was also published in the Times on June 2, and June 9, 2016 and the Sherwood Gazette on June 1, 2016. As of the date of this report, no public comments have been received.

III. AGENCY COMMENTS

Staff e-mailed notice to affected agencies on May 25, 2016. The following is a summary of comments received as of this date.

DLCD Comments, dated May 23, 2016 and attached as Exhibit B.
Anne Debaut of DLCD 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.

> **Staff Response:** Subsequent to these comments, the applicant did provide an economic evaluation from Bill Reid, and economist in the Portland Metro area. That report and analysis is discussed further in this report.

Engineering Department Comments The engineering department has stated that they agree with the traffic memorandum provided by Michael Ard, PE from Lancaster Engineering indicating that the proposed Comprehensive Plan and Zoning Map amendment would not negatively impact the transportation system or other public infrastructure, and would likely result in a reduction of the amount of trips that could be expected to come off of the site if it were to remain General Commercial. The comments are attached as **Exhibit C** and discussed below.

> ***Transportation Review***
> *A Trip Analysis by Lancaster Engineering has concluded that the proposed zone change from General Commercial to Medium Density Residential Low would result in less traffic than the current zone designation. Therefore the new zoning will reduce the future traffic impacts to the adjacent roadways 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.*
>
> ***Conclusion***
> *From a public improvement standpoint, the proposed zone change 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.*

ODOT

Jill Hendrickson of the Oregon Department of Transportation Outdoor Advertising Program provided the following comments in response to this request, "A portion of this request under "History of the Property" in "Applicant's Statement", states in the second paragraph that this property has an "outdoor advertising structure" on it; however there is no outdoor advertising sign, permitted through the State of Oregon, at this location. New outdoor advertising sign permits are only issued under very restrictive circumstances. If the current sign is operating as an outdoor advertising sign as defined in ORS

377.710(21), it is operating in violation of the law, because there is no outdoor advertising sign permit for it, through our Department." The sign she is speaking of is permitted under a City permit, and is not a sign that has been permitted by ODOT. It is important to note that the signage is not a part of this review, and a copy of the City sign permit was provided to Ms. Hendrickson for her review and consideration. Her comments are attached to this report as **Exhibit D.**

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 below under Section VII.

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 GC 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. If the rezone is approved, the property will yield approximately 11-17 dwelling units.

EcoNorthwest completed a Housing Needs Analysis (HNA) for Sherwood in June of 2015 showing approximately 96 vacant acres of residentially zoned property in the City, with 14 vacant acres zoned MDRL. There are an additional 52 acres of developable MDRL land available within the City's Urban Growth Boundary (UGB), which primarily includes properties within the Brookman area. The following table shows the residential zoning and the vacant acres per zone.

Table 1. Inventory of suitable buildable residential land, gross acres, Sherwood city limits and areas within the UGB, 2015

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

The HNA forecasted the housing need for Sherwood for the next twenty years and compared that demand to the available vacant land within the City limits and UGB limits. Table 2. below, shows that there is not a demand for MDRL land if the Brookman area became immediately available for development. Since the Brookman area is not available for development because it has not been annexed into the city limits, it could be argued that more MDRL sites are needed within the city limits to meet the demand. In fact, the report shows that all types of residential land is needed in order to keep up with demand with the exception of property zoned Very Low Density Residential (VLDR).

Table 2. Comparison of capacity of existing residential land with demand for new dwelling units, dwelling units, Sherwood planning area, 2015-2035

Zone	Capacity (Needed Densities)	Housing Demand	Capacity *minus* Demand
Very Low Density Residential	76	74	2
Low Density Residential	144	141	3
Medium Density Residential-Low	416	416	0
Medium Density Residential-High	318	360	-42
High Density Residential	327	351	-24
Total	1,281	1,342	-61

Specific conclusions found in applicant's Economic Analysis (EA) indicate that the site provides appropriate flexibility for the housing types allowed for in the MDRL zone because of its proximity to other residential development.

However, simply demonstrating that there is a need for the residential does not address the issue of whether there is also an equal need for the existing zoning. The site is currently zoned

for General Commercial. There are currently 14.62 acres of vacant GC land within the City, including this site. An additional 21.52 acres are underdeveloped for GC use. The table 3 identifies the vacant and underdeveloped commercial properties and their zoning designation.

Table 3. Current Commercial Zoning Comparison (2016)

	Developed	Partially Developed	Undeveloped	Total
Neighborhood Commercial (NC)	1.03	0.00	3.00	4.03
Office Commercial (OC)	6.90	0.00	20.28	27.18
Retail Commercial (RC)	22.18	47.52	17.07	86.77
General Commercial (GC)	**28.29**	**21.52**	**14.62**	**66.58**
Light Industrial-Planned Unit Development (LI-PUD)	19.80	0.00	26.00	45.80
Total	65.12	78.79	86.45	230.36

The Sherwood Economic Development Strategy (EDS: 2006) conducted a commercial land demand analysis. The 2006 analysis showed approximately 175 acres of existing commercial land in the City. Since then, annexation, rezones and part of the Langer PUD property developing as commercial ultimately increased the amount of commercially zoned or developed property within the City. Specifically, the Langer PUD Phase 7 area east of Langer Farms Parkway and south of Tualatin Sherwood Road is zoned PUD-LI. At the time of that approval, it was confirmed that GC uses including commercial, retail, and service uses not otherwise not permitted in the LI zone, were permitted in the LI-PUD zone. This has been grandfathered in for these properties and should be taken into account when determining the commercially available land supply. With these changes, there are now approximately 230 acres of commercial property within the City as the table indicates.

The EDS went on to evaluate the future commercial land need within the City in the next 20 years. It indicated that the commercial land demand in Sherwood is expected to range from 15 acres in the low growth forecast to 40 acres under the medium growth forecast and up to 106 acres for the high growth forecast. (*See* Table 18A. of the EDS and marked as **Exhibit E**) The amount of required commercial land area ranges from 27 acres in the medium growth scenario to 93 acres in the high growth scenario. Since just over 55 acres have been added to the commercial supply since the date of that report, there is an adequate supply of commercial land available to satisfy a medium-to-medium-high growth forecast scenario as outlined in the EDS.

The EDS conducted in 2006 identified an overall jobs/ housing imbalance in the City. Sherwood is "housing rich and jobs poor" compared with the rest of Washington County. The jobs -to-population ratio is .30 in Sherwood compared to .40 for Washington County as a whole. The EDS found that nearly 85% of the workers who live in Sherwood, work outside of the City limits.

Rezoning properties to residential from commercial to meet the immediate residential demand exacerbates the identified jobs imbalance. However, due to the size of the subject parcel it would have a minimal impact on the both the immediate need for residential or commercial land within the city limits.

FINDING: There is a demonstrated lack of MDRL zoned property within the existing City limits of Sherwood. While the City has planned MDRL capacity within the UGB, annexing this area into the City for development has proven difficult. Further, the proposal does not reduce the amount of commercially available properties below the need identified in the 2006 Economic Development Strategy. In summary, staff finds that there is a demonstrated need for MDRL zoned property in the City limits. 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 there is immediate short-term need for residential land within the City limits. The proposed amendment is timely as there is a limited supply of vacant residential properties available within the City's existing boundary.

Like the rest of the country, the City is coming out of the Great Recession where little new development occurred both in the residential and commercial markets. The housing market has rebounded in Sherwood. Anecdotally, there is a strong demand for housing in the City of Sherwood. It has consistently been ranked as strong and safe community with a lot of good amenities.

The lack of available housing supply and the available vacant commercial supply within the City limits can be seen as an indicator of availability and timing for the proposed rezone. With the exception of the properties located at the northwest corner of the intersection of Highway 99W and SW Meinecke Parkway, the commercially zoned properties have remained underdeveloped. One of the office buildings at that intersection remains partially vacant but the other building; Pacific Family Dental is at capacity and plans to expand. (Pacific Dental Expansion, MMSP 15-09). The pattern of recent development in the area is indicating that there is new activity nearby in both residential and commercial development.

The applicant's EOA maintains that the site entirely fails to meet the General Commercial Zoning designation because it is not large enough to accommodate a large commercial development. Mr. Reid writes that regardless of the rezone, based on factors listed in the analysis, the overall parent parcel is likely to attract only a "Neighborhood Center" as defined by the International

Council of Shopping Centers/Urban Land Institute ranging from 32,000 square feet of commercial activity with the rezone, or 57,000 square feet without it.

When considering the likely pattern of development, approval of a zone change along the back portion of this parcel would not prevent commercial development along 99W. If should be noted, however that while it has been considered a viable option for a large commercial development to consolidate the three large properties along the north side of Highway 99W, this rezone would reduce that ability in the future.

Public infrastructure is available and utilities are able to be constructed to serve the site with the extension of services within SW Swanstrom or Highway 99W. The applicant has addressed the transportation system with the analysis conducted in their submitted traffic analysis to ensure consistency with the Transportation Planning Rule. Based on that analysis and confirmed by the City's Engineering Department, the existing system can serve lower residential density development on this property should the rezone be approved.

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

4. **Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to 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 that land is currently being developed. 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.

<u>16.80.030.C. - Transportation Planning Rule Consistency</u>

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 2.66 acre portion of the site were developed with general commercial uses, the trip generation analysis shows that the development would generate 2,382 total daily trips compared to the 210 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 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 VI 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 urban growth boundary. Adjacent properties have urban facilities such as adequate roadways, water, sanitary sewer and pedestrian connections. Due to the small size of the subject properties' size, rezoning this property to residential will have limited impact on the housing need within the area, densities, and land carrying capacity. Since some of the improvements have been made to the site, the environmental quality is not impacted by this development.

The intent of the GC zone is to provide opportunities for commercial uses, which require larger parcels of land, and or uses that involve products or activities that require special attention to environmental impacts as per Division VIII. The site was most likely zoned GC due to its proximity to Highway 99W, one of the City's busiest roadways.

The growth management policy must accommodate growth consistent with growth limits, desired population densities, land carrying capacity, environmental quality and livability. Livability and desired population densities are implemented through the existing zoning map designations and allowed land uses for each zoning designation. Due to the subjective nature of livability and desired population densities, any proposed changes to the zoning categories are evaluated by the decision-making authority and founded on their understanding of the community's needs and desires.

FINDING: Based on the above discussion, the applicant has provided adequate information for the decision-making authority to make a finding that the requirements of this policy have been met.

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 applicant proposes a rezone of approximately 2.66 acres of a 5.09 acre site for residential. As discussed above, there is limited land available for housing in general within the City. The MDRL zone is one of the more common residential zones within the City, and although the Housing Needs Analysis indicates that with Brookman the need for this zoning will be met, Brookman has yet to be annexed into the City. There are single-family detached homes located immediately adjacent to the area proposed to be rezoned along SW Swanstrom. Those homes are on property that is zoned Low Density Residential (LDR-PUD). The MDRL zone allows for a variety of housing types, but is predominantly developed with single-family detached homes.

The policies identified above seek to encourage and balance a variety of housing types. By approving this zone change to MDRL, the City is not addressing the issues of affordable and diverse housing types identified in the policies above, nor is it prohibitive of a willing developer to provide for a

variety. It is just much less likely that you would see anything developed other than single-family on individual lots. As demonstrated in the tables above, there is an immediate need for residential property zoned HDR or MDRH that could provide more affordable options to low and moderate income families. The location along Highway 99W is not necessarily conducive to single-family detached dwelling units without adequate noise buffering in place. Higher density housing would increase the likelihood that those types of measures could be implemented by a developer, but they are currently voluntary measures, and not measures that Sherwood has traditionally employed for housing along Highway 99W.

FINDING: Based on the above analysis, the proposal is neither consistent nor inconsistent with the Comprehensive Plan policies above. Rather, it is noted that the proposed zoning type is a current residential zoning classification in Sherwood, and therefore, an acceptable tool used to implement these policies.

Chapter 4 H. ECONOMIC DEVELOPMENT POLICIES AND STRATEGIES

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.
Strategy:

- **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.**

Staff Analysis: This economic development strategy seeks to expand commercial and industrial development to add job opportunities within the community. If the parcels are changed from commercial to residential, it must be determined whether this could negatively affect these comprehensive policies and strategies. The policy identified five strategies or areas where the City should encourage growth. The strategies did not specifically include the subject property as an identified area that would benefit from the City's efforts. It is not part of the Old Town commercial area, it is not part of an industrial or office park area, and the current zoning would preclude industrial development.

FINDING: Based on this discussion, the zone change amendment would not prevent these economic development policies and strategies from being met.

I. Commercial Land Use
Policy 1 Commercial activities will be located so as to most conveniently service customers.

Staff Analysis: The subject property is located along Highway 99W. There is a proposed east-west collector (Cedar Brook Way) planned to service the properties north of the highway, but the final determination of its location is left up to the development of the properties between SW Handley Drive and SW Elwert. Because the commercial portion of the property will continue to have

frontage on 99W and the future Cedar Brook Way extension, any commercial activities at the time of development would have the ability to be convenient to customers.

FINDING: The applicant has not demonstrated that this is not a convenient location to provide services to the neighborhood, but rezoning a portion of the property does not prevent the community from having convenient access to future commercial activities on the rest of the site.

Policy 2 –Commercial Uses will be developed so as to compliment rather than detract from adjoining uses.

Staff Analysis: Future development of any commercial activities on the site will be subject to site plan review, which is intended to ensure that measures are employed to mitigate impacts from commercial development on to adjacent residential uses.

FINDING: This policy is not applicable to this request.

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

Staff Analysis: The applicant's property is located on Highway 99W but not at a location that is adjacent to a City collector or arterial.

FINDING: This policy is not applicable to this request.

VI. APPLICABLE REGIONAL (METRO) STANDARDS

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

ANALYSIS: Staff utilized the public notice requirements of the Code to notify the public of this proposed plan amendment. The City's public notice requirements have been found to comply with Goal 1 and, therefore, this proposal meets Goal 1. A neighborhood meeting was held on July 2, 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 is satisfied through the City review notice and process requirements.

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 specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals**.**

Goal 9 (Economic Development)

Staff Analysis: The proposal will change the zoning from GC to MDRL. The applicant provided an Economic Analysis that illustrated the current and future development trends for the urban area over the next twenty-year planning horizon. The applicant's information along with a recent Housing Needs Analysis conducted by the City showed that the population would increase in Sherwood and there would be a need for residential land. The applicant's materials indicated that the economy would grow in the Portland metro area and people needed places to live and would choose Sherwood. Bill Reid, and economist with PNW Economics, LLC provided information that demonstrates that the loss of 2.66 acres of General Commercial zoned land does not limit the City's ability to provide for the amount of needed land called for in the City's 2006 Economic Development Strategy. Further, Mr. Reid concludes that even with the partial rezone, the property will still provide for the same type of commercial development opportunity that would be available without the rezone.

Statewide Planning Goal 9 is implemented by the comprehensive plan and in the Metro region by OAR 660-009. A city must apply Goal 9 administrative rules to post acknowledgment plan amendments for changes to the designation of employment land to non-employment land if the site is over two acres. This site is 5.09 acres; therefore, Goal 9 is applicable to this request. The proposal does not reduce the amount of commercially available properties below the need identified in the 2006 Economic Development Strategy. The EDS demonstrates a need for 93 acres in the 20 year

planning horizon. As demonstrated in Table 3 above, there is approximately 165.24 acres of partially developed or undeveloped commercial land available within the City.

FINDING: Based on the above discussion, Goal 9 is applicable, and the applicant has met local economic development goals identified in the economic development strategy as discussed earlier within this report.

Goal 10 (Housing)

Staff Analysis: This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. 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. Due to the size of the parcel under review, any zone change would have limited effect on the City's overall housing inventory.

The applicant proposes MDRL, the most common housing type and zoning designation for Sherwood. The applicant's EA shows that the remaining 14 acres of MDRL provide a four-year supply of MDRL zoned property if 60% of the new households require detached single-family housing. The recent HNA indicated a greater need for more vacant land zoned MDRH and HDR for multi-family and higher density housing. Since GC allows for HDR development as a secondary use, keeping the GC provides an alternative housing type that would help fulfill the immediate housing need for higher density housing within the City, but that may not be the desire of the community.

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

FINDING: Based on the analysis as discussed above, rezoning of the 2.66 acres of property to MDRL is not inconsistent with the requirements of Goal 10.

Goal 11 (Public Facilities and Services
Goal 12 (Transportation)

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

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: Statewide Planning Goals 13-19 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

Staff Assessment and Recommendation

Based on the analysis above, the applicant has provided adequate information to make findings in support of the proposed amendment. 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. DLCD comments submitted via e-mail dated May 23, 2016
C. City of Sherwood Engineering revised comments e-mail dated June 6, 2016
D. ODOT comments submitted via e-mail dated June 2, 2016
E. Table 18A. of the 2006 Sherwood Economic Development Strategy

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

Case No. PA 15-06
Fee 5330
Receipt # 808847
Date 10-23-15
TYPE V

City of Sherwood
Application for Land Use Action

Type of Land Use Action Requested: (check all that apply)

- ☐ Annexation
- ☒ Plan Amendment (Proposed Zone MDRL)
- ☐ Variance(list standard(s) to be varied in description
- ☐ Site Plan (Sq. footage of building and parking area)
- ☐ Planned Unit Development
- ☐ Conditional Use
- ☐ Partition (# of lots _____)
- ☐ Subdivision (# of lots _____)
- ☐ Other: _____

By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at **www.sherwoodoregon.gov.** Click on Departments/Planning/Fee Schedule.

Owner/Applicant Information:

Applicant: Robert and Susan Claus Phone: 503-313-6113
Applicant Address: 22211 SW Pacific Highway, Sherwood, OR 97140 Email: claussl@aol.com
Owner: Same as Applicant Phone: _____
Owner Address: Same as Applicant Email: _____
Contact for Additional Information: Danelle Isenhart, Isenhart Consulting, LLC, P.O. Box 2364, Beaverton, Oregon 97075, 503-880-4979, danelle@isenhartconsulting.com

Property Information:

Street Location: 22211 SW Pacific Highway
Tax Lot and Map No: 2000 of 2S1 31BA
Existing Structures/Use: Single-family dwelling and associated buildings
Existing Plan/Zone Designation: GC
Size of Property(ies) +/- 5.86 acres

Proposed Action:

Purpose and Description of Proposed Action: Zone change from General Commercial to MDR-L for 2.66 acres of the 5.86 acre site.

Proposed Use: Future subdivision for single-family dwellings

Proposed No. of Phases (one year each): One

Exhibit A

Continued on Reverse
Updated November 2010

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Applicant's Signature — Date: OCT 19, 2015

Owner's Signature — Date: Oct 19th 2015

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

[X] **3 * copies of Application Form** completely filled out and signed by the property owner (or person with authority to make decisions on the property.

[X] **Copy of Deed** to verify ownership, easements, etc.

[X] **At least 3 * folded** sets of plans

[X] **At least 3 * sets** of narrative addressing application criteria

[X] **Fee** (along with calculations utilized to determine fee if applicable)

[X] **Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

[X] **Signed checklist** verifying submittal includes specific materials necessary for the application process

* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

November 24, 2015

A P P L I C A N T ' S S T A T E M E N T

APPLICANT/OWNER:	Robert and Susan Claus 22211 SW Pacific Highway Sherwood, OR 97140
APPLICANT'S REPRESENTATIVE:	Danelle Isenhart, AICP Isenhart Consulting, LLC P.O. Box 2364 Beaverton, Oregon 97075
REQUEST:	Zone Change from GC to MDRL for 2.66 aces of the 5.86 acre site
SITE LEGAL DESCRIPTION:	Tax Lot 2000; Tax Map 2S1 31BA Sherwood, Oregon
ADDRESS:	22211 SW Pacific Highway
SIZE:	+/- 5.86 acres
LAND- USE DISTRICT:	GC

I. APPLICABLE REGULATIONS

A. City of Sherwood Comprehensive Plan II

Chapter 2	Planning Process
Chapter 3	Growth Management
Chapter 4	Land Use
Chapter 5	Environmental Resources
Chapter 7	Community Facilities and Services

B. City of Sherwood Municipal Code Title 16: Zoning and Community Development Code

Chapter 16.70	General Provisions
Chapter 16.80	Plan Amendments
Chapter 16.106	Transportation Facilities

C. Metro Urban Growth Management Functional Plan

Title 1	Housing Capacity
Title 2	Water Quality and Flood Management

D. Statewide Planning Goals

Goal 1	Citizen Involvement
Goal 2	Land Use Planning
Goal 3	Agricultural Lands
Goal 4	Forest Lands
Goal 5	Open Space, Scenic and Historic Ares, and Natural Resources
Goal 6	Air, Water and Land Resources Quality
Goal 7	Areas Subject to Natural Disasters and Hazards
Goal 8	Recreational Needs
Goal 9	Economic Development
Goal 10	Housing
Goal 11	Public Facilities and Services
Goal 12	Transportation
Goal 13	Energy Conservation
Goal 14	Urbanization

II. BACKGROUND:

The applicant is requesting a comprehensive plan map amendment and zone change for a portion of the subject site located at 2S1 31BA, Tax Lot 2000 from General Commercial to Medium Density Residential Low (MDRL). This application is for the comprehensive plan amendment and zone change. A separate application will be submitted for a single-family subdivision and associated improvements. Sherwood zoning and community development code, Comprehensive Plan, Metro plans, transportation planning rule and the Oregon Statewide Planning Goals are addressed within this narrative. As a Type V process, this application will include a public hearing before the Planning Commission. As required by Sherwood code, this review includes a public notice and neighborhood meeting, which was held on July 2, 2015. A copy of the noticing and meeting materials are included with this narrative under Exhibit 6.

Comprehensive Plan and Zoning Map Amendment

The site is currently designated Commercial on the City's Comprehensive Plan and is zoned for commercial development. The applicant is proposing to redesignate and rezone 2.66 acres of the site for residential development. The applicant has examined the needs of the community and has determined the need for additional residential zoning to meet the community's needs. A detailed analysis has been prepared in support of this application request and is attached as Exhibit 3.

Surrounding Uses

To the north of the site are properties zoned residential and developed with dwellings. To the east the site is a parcel zoned General Commercial. To the south of the site is Highway 99W. To the west of the site are residential and commercial zoned properties.

History of the Property
Prior to the Claus' purchasing the property, the site was treated as both commercial and residential uses. During the freeway realignment back in the 1940s, the main living structure would have been placed on the historic register except ODOT moved the house and put a new daylight basement under it.

The site more than 400 feet of highway frontage along Highway 99, which is enough to meet the state and local standards for an outdoor advertising structure (as there is an existing sign). There are two deeded ingresses and egresses from Highway 99 on that property. The deeded ingresses and egresses on this property, the outdoor advertising structure, the sewer and water are established services.

The day light basement has served as a commercial storage and office for many years. The former owners (Stanfields) rented the upstairs a separate arrangement. The property has been book storage and distributing depository, including for the Sherwood School District, as commercial storage. The county issued a permit to put a mobile home on the property which has been used an office and as a house. The property was zoned medium density residential/general commercial with a wide latitude of uses—the most extensive in the town code.

Some buildings were altered and improved over the years with permits as needed by Washington County, the City of Tualatin, or the City of Sherwood. The buildings have been used as legal offices, research house, computer assembly and shipping depot, and meat supply/butcher shop/restaurant. The restaurant building and others were used at various times as a publication house for an extensive co-sponsorship program and support with the U.S. Small Business Administration. One building that now represents an office or residence, was converted to a complete restaurant passing the county health regulations and state agricultural regulations as a restaurant, meat supply/butcher shop for that use.

During the construction of Six Corners, ODOT used the Claus property as a staging area for their heavy equipment and construction. Also during that period, ODOT had an overrun of ¾ minus gravel for roads and parking areas and built the berm in the front. The large shop in the back of the property and at the time that Thomas Claus and RJ Claus had a contractor license this was used as a construction/staging area for the construction and storage and preparing things such as the truss systems. It has been used for research, publishing, and had mixed uses over the years.

Overall, the site has been used for a variety of uses over time, residential and commercial. Marketing the site as commercial use has not been successful since the City required Cedar Brook Way to be extended through the site.

III. FINDINGS

A. CITY OF SHERWOOD COMPREHENSIVE PLAN II

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

CHAPTER 2 – PLANNING PROCESS

COMMENT:

Chapter 2 of the Sherwood Comprehensive Plan highlights citizen involvement, agency involvement, the plan development process, plan interpretation and plan amendments. As previously stated, a neighborhood meeting was completed for this application on July 2, 2015. The Sherwood City Council will have final decision-making authority in this Comprehensive Plan Map Amendment and Zone Change.

CHAPTER 3 – GROWTH MANAGEMENT

> **Policy 1 – The City will periodically review and propose to Metro appropriate revisions to the Urban Growth Boundary (UGB) in conformance with the Metro 2040 Growth Concept Plan and the need to accommodate urban growth to the year 2017.**

COMMENT:

This application does not propose any changes to the UGB. The proposed Comprehensive Plan Map Amendment and Zone Change from commercial to residential are in conformance with the Metro 2040 Growth Concept Plan.

CHAPTER 4 – LAND USE

> **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.**

COMMENT:

The proposed Comprehensive Plan Map Amendment and Zone Change would enable the portion of the site going through the zone change to be developed at a density that will take advantage of existing infrastructure and other amenities, addressing one of the strategies related to this policy and addressing the City's need to provide residential development as detailed in Exhibit 3.

The immediate community adjacent to this proposed rezone is single-family detached homes. This property shares road frontage, SW Stein Terrace and SW Swanstrom Drive, with those homes. The broader community in this corridor of Sherwood is residential with a

high volume of pedestrian, bike, skateboard, stroller and runner traffic. The extension of SW Swanstrom Drive for the future subdivision would enhance this pedestrian connectivity with public safety. Eventually Cedar Brook Way is planned for circulation and access for the commercial properties along SW Pacific Highway. This zone change area of the site would benefit from no commercial traffic impact from the other portion of this site and adjacent properties. There is Class A office space north of the site off Highway 99W that has been vacant for years. This property was marketed for professional medical and dental buildings, but due to poor access, limited shared parking and high cost of 99W improvements, these uses as well as other small business or office use was deemed infeasible. The best use of this land would be to redevelop the 2.66 acres of the site and rezone it to residential. Utilities for the future subdivision are available in SW Swanstrom Drive and SW Stein Terrace.

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

COMMENT:

To the north and west of the site includes single-family homes on lots 5,000 to 8,000 square feet. The Comprehensive Plan Map Amendment and Zone Change would provide another housing option for existing and future residents of Sherwood while increasing density in meeting the stated goal of maintaining a minimum overall density of six dwelling units per acre. As noted above, this request will provide the City the opportunity to provide additional housing land. The proposed development will allow for single-family detached dwellings.

This proposed rezone to MDRL while maintaining large lot sizes promotes the availability of a variety of housing styles unavailable elsewhere in Sherwood. The 2.66 acres of the site that is proposed for residential rezone could allow for a 17 lot subdivision (as shown in Exhibit 7). These lots would meet the requirements of the MDRL zone and are compatible in size to the lots to the north and west. These lots would be available to build single-family detached dwellings or duplex units. Tenure availability would be encourage with duplexes or accessory dwelling units which could be rented.

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

COMMENT:

Taking into account the characteristics of Sherwood, with higher income levels and demand for Sherwood's amenities, these large lots in a desirable close-in location would be able to serve a broad scope of demographic trends. Adding infill lots like these to the residential inventory that are available for immediate development keeps supply and demand more steady and affordable.

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

COMMENT:

This proposed rezone to residential could provide housing opportunities for the elderly with either Accessory Dwelling Units for caretakers, extended families or additional rental income. Single story ranch style building styles could be built. If duplexes, there would be

more affordable rental opportunities to downsize. The close-in location would benefit any special needs and children who would be near schools. The type of development will be up to the future developer.

Policy 5- The City shall encourage government assisted housing for low to moderate incomes.

COMMENT:

Government assisted housing can occur in any residential zoning.

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.

COMMENT:

This rezone to MDRL makes the best use of the purpose and standards of that zoning by providing the greatest variety and unique diversity of housing unavailable elsewhere in Sherwood.

I. Commercial Land Use

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

COMMENT:

A portion of the site will be retained as General Commercial zoned property. This portion of the site is on the eastern part of the property along Highway 99W. Currently, this site has access onto Highway 99W. However, eventually the access onto the Highway will be required to be removed. Access through the existing right-of-way (SW Swanstrom) to the site if it was to remain GC zone would require commercial traffic to route through a residential neighborhood, which is not desirable. Future access to the commercial potion of the property will be from the extension of Cedar Brook Way. Commercial activity is not compatible with the close proximity of the existing residential neighborhood, and it would strain public safety and parking. This property is irregular in shape and has challenging commercial building issues with access and slope.

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

COMMENT:

The adjoining uses to the north and west are single-family detached homes. The commercial zoning could negatively impact this residential use with increased traffic and safety risks while MDRL zoning for the 2.66 acres closest to the existing residential zone would enhance the livability of the neighborhood.

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

COMMENT:

Currently, this site has access onto Highway 99W. However, eventually the access onto the Highway will be required to be removed. The site does not currently have access from a City arterial or major collector roadway. The only other access option currently is from SW Swanstrom Drive, a local residential street. The rezone will allow for residential development next to existing residential to the north and west and for the remainder of the site to stay commercially zoned. The commercial zoned area of the site can have future access from the extension of Cedar Brook Way and will be an appropriate location for commercial development in the future. The residential rezone to HDR from General Commercial of the property located north from this proposed rezone has altered the demographics of this area. The 55-acre Langer PUD has shifted commercial development to Tualatin Sherwood Road. Urban Renewal land has become a more defining factor in identifying appropriate commercial locations with the Old Town overlay and the rezone of the Urban Renewal land of Driftwood Mobile Park from residential to commercial. The recently annexed light industrial zoned land on SW 124th will also provide a strong job base and retail opportunities within the industrial zoning.

Again, the extension of SW Swanstrom Drive is not suitable for commercial due to irregular shape, slope, and cost of improvements. These factors would not inhibit residential development and would be a better use of the 2.66 acres of land. A goal of this policy is the creation or expansion of general commercial zone will not create undo congestion or produce substantial conflict with the established land use pattern.

CHAPTER 5 – ENVIRONMENTAL RESOURCES

A. ENVIRONMENTAL RESOURCES POLICY GOALS

Planning Goals: Energy Resources

Policy 4 – Encourage energy efficiency in the design and use of sites, structures, transportation systems and utilities.

COMMENT:

The Comprehensive Plan Map Amendment and Zone Change would allow the site to be designed and developed in way to maximize energy efficiency in the use of the site, structures, transportation systems and utilities.

B. NATURAL RESOURCES AND HAZARDS

Policy 1 – Flood plain shall be prohibited from development in order to reduce the risk of flooding, prevent or reduce risk of human life and property, and maintain functions and values of floodplains such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems.

COMMENT:

The site is not within a flood plain. There is a wetland along the eastern property line that has been delineated. This area will be required to be protected during the subdivision process. The proposed zone change will have no effect to the on-site wetland.

Policy 4 – Provide drainage facilities and regulate development in areas of runoff or erosion hazard.

COMMENT:

This application is for the Comprehensive Plan Map Amendment and Zone Change only. A subsequent application will be submitted for a subdivision on this site. At subdivision submittal time, the proposal will provide drainage facilities and regulate development in areas of runoff or erosion hazard to meet the standards of Sherwood, Clean Water Services and Metro.

C. ENVIRONMENTAL QUALITY

Policy 1 – Water quality will be protected from erosion and other forms of degradation.

COMMENT:

The proposed Comprehensive Plan Amendment and Zone Change and subsequent subdivision will protect the water quality of the wetland on the site.

Policy 2 – Air quality will be protected from significant degradation.

COMMENT:

The proposed development will protect air quality by utilizing the site in an efficient manner.

Policy 3 – Noise sources will be shielded from residential neighborhoods.

COMMENT:

This application will not result in any additional noise sources that would necessitate shielding from residential neighborhoods. The proposal will be to develop the site with single-family owner-occupied residences consistent with the existing surrounding development.

D. RECREATIONAL RESOURCES

Policy 4 – The City will encourage and support the private sector in the provision of needed recreational opportunities.

COMMENT:

The subsequent subdivision will provide sidewalks were still required which will provide access into the existing neighborhood to the existing recreational opportunities (i.e. schools and parks).

E. ENERGY RESOURCES

Policy 4 – The City will encourage energy efficiency in the design and use of sites, structures, transportation systems and utilities.

COMMENT:

The Comprehensive Plan Map Amendment and Zone Change would allow the site to be designed and developed in a way to maximize energy efficiency in the use of the site, structures, transportation systems and utilities. The subject property is currently adjacent to existing residential developments to the north and west, is connected to existing roadways and has access to existing utility services. The availability of the existing infrastructure results in resource efficiency and encourages the use of existing systems.

CHAPTER 7 – COMMUNITY FACILITIES AND SERVICES

COMMENT:

The applicant will support and adhere to all City of Sherwood requirements relating to facilities and services.

B. CITY OF SHERWOOD MUNICIPAL CODE TITLE 16: ZONING AND COMMUNITY DEVELOPMENT CODE

CHAPTER 16.70: GENERAL PROVISIONS

SECTION 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.

COMMENT:

The applicant did not have a pre-application meeting with staff for the proposed zone change.

SECTION 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. 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.

1. **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.**

COMMENT:

A neighborhood meeting for this Comprehensive Plan Map Amendment and Zone Change was conducted on July 2, 2015 at the Sherwood Senior Center. Notice was sent via mail to property owners and recognized neighborhood organizations within 1,000 feet of the site. Copies of the affidavit of mailing, sign-in sheet and meeting summary are include with this application in Exhibit 6.

SECTION 16.70.030 Application Requirements.

A. Form

Any request for a land use action shall be made on forms prescribed and provided by the City and shall be prepared and submitted in compliance with this Code. A land use application shall be reviewed against the standards and criteria effective at the time of application submittal. Original signatures from all owners or their legal representative must be on the application form.

B. Copies

To assist in determining the compliance of proposed land use actions with the Comprehensive Plan and provisions of this Code, applicants shall submit one (1) complete electronic copy of the full application packet, one reduced (8½ × 11) copy of the full application packet and the required number of hard copies as outlined on the applicable forms prescribed and provided by the City.

C. Content

1. **In addition to the required application form, all applications for Type II-V land use approval must include the following:**

   a. **Appropriate fee(s) for the requested land use action required based on the City of Sherwood Fee Schedule.**
   b. **Documentation of neighborhood meeting per 16.70.020.**
   c. **Tax Map showing property within at least 300 feet with scale (1" = 100' or 1" = 200') north point, date and legend.**
   d. **Two (2) sets of mailing labels for property owners of record within 1,000 feet of the subject site, including a map of the area showing the properties to receive notice and a list of the property owners, addresses and tax lots. Ownership records shall be based on the most current available information from the Tax Assessor's office.**
   e. **Vicinity Map showing a minimum radius of 500 feet around the property and the closest intersection of two Principal Arterial, Arterial, Collector or Neighborhood roads.**
   f. **A narrative explaining the proposal in detail and a response to the Required Findings for Land Use Review for the land use approval(s) being sought.**
   g. **Two (2) copies of a current preliminary title report.**

h. Existing conditions plan drawn to scale showing: property lines and dimensions, existing structures and other improvements such as streets and utilities, existing vegetation, any floodplains or wetlands and any easements on the property.

i. Proposed development plans sufficient for the Hearing Authority to determine compliance with the applicable standards. Checklists shall be provided by the City detailing information typically needed to adequately review specific land use actions.

j. A trip analysis verifying compliance with the Capacity Allocation Program, if required per 16.108.070.

k. A traffic study, if required by other sections of this code,

l. Other special studies or reports that may be identified by the City Manager or his or her designee to address unique issues identified in the pre-application meeting or during project review including but not limited to:

1) Wetland assessment and delineation

2) Geotechnical report

3) Traffic study

4) Verification of compliance with other agency standards such as CWS, DSL, Army Corps of Engineers, ODOT, PGE, BPA, Washington County.

m. Plan sets must have:

1) The proposed name of the development. If a proposed project name is the same as or similar to other existing projects in the City of Sherwood, the applicant may be required to modify the project name.

2) The name, address and phone of the owner, developer, applicant and plan producer.

3) North arrow,

4) Legend,

5) Date plans were prepared and date of any revisions

6) Scale clearly shown. Other than architectural elevations, all plans must be drawn to an engineer scale.

7) All dimensions clearly shown.

2. Exemptions can be made when items in 16.70.030.C.1 are not necessary in order to make a land use decision, such as for text amendments to the development code. Additional written documentation may be necessary to adequately demonstrate compliance with the criteria.

COMMENT:

All applicable materials have been submitted with this application for a Comprehensive Plan Map Amendment and Zone Change.

CHAPTER 16.80: PLAN AMENDMENTS

SECTION 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.

COMMENT:

The Comprehensive Plan Map Amendment and Zone Change is being initiated by the property owner within the City of Sherwood.

SECTION 16.80.030 Review Criteria.

C. 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.

COMMENT:

The Comprehensive Map Amendment application proposes to change the zoning of 2.66 acres of the subject property from General Commercial (GC) to Medium Density Residential Low (MDRL). This narrative will address the requirements of the Sherwood Comprehensive Plan, the Transportation System Plan and the zoning and development code. This proposal complies with Goal 10 policies governing planning for housing and residential land, Metropolitan Housing Rule OAR660-007, and Metro's 2040 Functional Growth Management Plan. This rezone meets the requirement and primary obligation of Goal 10 by providing a land designation to this property which allows for single family attached housing.

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.

COMMENT:

There is an existing and demonstrable need for MDRL zoning. At best, "compared to demand, Sherwood has a small surplus of residential land." This includes the Brookman annexation and Sherwood West, which is not for certain and years away, and redevelopable land. The 20-year projected need for housing supply in Sherwood is 1,156 homes, with a projected supply of 1,281 counting land within the City (606) and the Brookman annexation area (550). This forecast of growth is below historical rates for Sherwood which had a growth of 3.4% for 2000 – 2013 and 8% from 1990 – 2013. If Sherwood grows faster than the 1% per year forecast of Metro for 2015 – 2035, which has been the trend, Sherwood won't have sufficient land to accommodate growth. If the 80% ownership/20% tenure historical pattern in Sherwood continues, there will be a faster depletion of supply and home

prices will escalate due to scarcity. At this rate, Sherwood will need 79 acres of MDRL instead of 60 acres, and 4 acres developed annually instead of 3 acres.

The known 14 acres of MDRL currently in the City represents 8% and 88 units and can last until 2018-19. There is another 1 acre proposed currently for rezone to MDRL off SW Parkway Court. Sherwood will face a deficit of MDRL within 4 years and again during planning period of Brookman. However, there is an immediate need for MDRL zoned land with services available now. The existing 14 acres of MDRL zoned land is in small pieces throughout Sherwood. A majority of these properties have a single-family dwelling and outbuildings with access to roads and services (utilities). None of these properties are currently in process for development. Many of these property owners have been approached by developers and the owners have no desire to sell. It is unknown when or if these properties will ever develop to their full MDRL potential.

Sherwood population is rapidly growing and slowly aging. Sherwood annual growth rate is 8% while Washington County is 2.5% and Portland 1.6%. The fastest growing age group in Sherwood from 2000-2010 was 45 +. By 2035, 60+ will account for 24% of Washington County. Aging population results in increased demand for seniors and their particular needs. Whether downsizing or remaining in their homes as long as possible, seniors prefer to remain in the same town. The proposed rezone could address that demand through single family homes with accessory dwelling units for caretakers, extended family or additional rental income. These lots could also potentially accommodate single story ranch style homes or duplexes with lower rent than home ownership.

In 2010, the median age in Sherwood was 34 years. Sherwood has a larger share of households with children at 47%, compared to Washington County at 33% and Portland at 29%. For a younger more diversified household, there will be a need for a moderate price for home ownership and rental opportunities. The proposed rezone would provide a variety of choices for a wide range of millennial households including traditional families, never marrieds, dinks or double incomes, and empty nesters that include affordable ownership and rental scenarios.

"Income is the key to determinant of housing choice" and Sherwood households have a relatively high income. At $78,400 Sherwood is 20% higher than Washington County at $64,200. 75% of housing stock is single family detached with 75% ownership. 8% is single family attached townhouses or duplexes. Housing affordability will depend on the relationship between income and housing prices. 2004 – 2014, house sales prices were up 30% from $245,000 - $316,500. This is higher than Washington County at $281,700, Portland at $269,000 or Oregon at $237,000. Sherwood prices were also higher than Tualatin, Tigard and Beaverton but lower than West Linn and Wilsonville. Rents were also higher in Sherwood at an average of $1064 compared to $850 in Washington County.

To ensure the existing supply of a diverse range of housing types, maintain the existing supply of affordable housing and increase opportunities for new affordable housing and households of all incomes, a steady supply of residential land needs to be available. Scarcity will increase prices due to market demand. These proposed rezoned MDRL lots are ready for development and can fill the immediate need for housing now while keeping a balance to supply and demand to maintain affordability without compromising property values.

Also included in housing needs besides shelter, is its proximity to other attractions, amenities, access to public services and quality schools. The close in location of these infill lots and proximity to public services and schools would be highly desirable to residential

lots. There is extensive shopping choices and professional services nearby as well as the YMCA. Even though the second largest job growth sector is in the professional/office sector, this land has not been desirable for this use, which is most successful in a business park or larger commercial center with large anchor tenants. Most of the people who live in Sherwood work outside the City and most of those who work in Sherwood do not live here. There is little job potential on this small commercial piece while residential development of this proposed rezone will bring needed improvements to the highway with landscaped corridors, bike lane, and extra pedestrian safety and connectivity adding to the amenities of the area making better and more efficient use of the land resources.

The key findings of the Housing Needs Analysis (See Exhibit 3) were to designate land for single family housing and that Sherwood was meeting its obligation to plan for needed housing types for all incomes. To provide an adequate supply of land, voters will need to take in Brookman and will still need Sherwood West. The proposed rezone would designate this land MDRL allowing for many housing type options for all incomes. Since the annexation of either the Brookman land or Sherwood West is unsure and years away, this proposed zone change is very timely to meet current demands.

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.**

COMMENT:

This Comprehensive Plan Map Amendment is timely as there is a potential shortage of housing in Sherwood. There is a very limited supply of vacant MDRL properties available within the City's existing boundary. Most undeveloped or vacant commercially zoned property in the City is located primarily along SW Tualatin Sherwood Road, SW Roy Rogers or along Highway 99W. Although the site has frontage along Highway 99W it does not have the benefit of good circulation and connection as other commercial properties in the area. If developed as commercial now the access would be required from Swanstrom Drive, through an existing residential neighborhood. ODOT would not allow more access from Highway 99 and the required future connection of Cedar Brook Way would not be constructed. Due to timing with the construction of the Walmart and other businesses near Walmart, and the requirement for the extension of Cedar Brook Way this property has become undesirable for commercial development due to location and access.

Public infrastructure is available and utilities are able to be constructed to serve the site as they are already in Swanstrom Drive. Traffic impacts from single-family residential development will be less impactful than commercial development on the site.

The proposed rezone of the 2.66 acres would add a total of approximately 16 buildable lots. The irregular shape and traffic movement restrictions significantly limit the development choices available to this site. Granting this request would promote the connectivity and enhance the living environment of the neighborhood, protecting property values and providing an aesthetically pleasing, functioning environment that preserves the character of the neighborhood.

The MDRL zone includes a variety of housing types currently unavailable in Sherwood and satisfies the need for multi-generational and affordable housing. This could include a duplex

or single story with three car garage. These lots could also accommodate ADU – accessory dwelling units – for caretakers, family members or additional rental income.

Allowing the Langer PUD of 55 acres of Light Industrial Land a General Commercial use directed commercial development and small business/retail to Tualatin Sherwood Road. That property is in the Urban Renewal District which benefits the City. The 10 acre Driftwood mobile home park, also in the Urban Renewal District, was rezoned from residential to General Commercial. The remainder of commercial attraction is the Old Town Urban Renewal District. This property is not in the Urban Renewal District. The Cedar Brook PUD rezoned the property north up the 99W corridor from General Commercial to HDR. There is a current rezone in for a 1 acre property off 99W and SW Parkway Court to MDRL. This trend has remade and identified this 99W corridor as residential and more valuable to the community as such.

This use is more compatible with the surrounding houses. New homes are being built within and near this cul-de-sac, demonstrating the desirability of inner community lots close to schools, parks and public transportation, even if near 99W, and consistent with the nature of the given setting.

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.**

COMMENT:

There is a very limited supply of vacant MDRL properties currently available within the City's existing boundary (14 acres). The existing 14 acres of MDRL zoned land is in small pieces throughout Sherwood. A majority of these properties have a single-family dwelling and outbuildings with access to roads and services (utilities). None of these properties are currently in process for development. Many of these property owners have been approached by developers and the owners have no desire to sell. It is unknown when or if these properties will ever develop to their full MDRL potential.

Looking at land currently within the City Limits, the following is the amount of acres available for development in each residential zone.

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

Zone	Gross Acres	Percent of Total
Land within City Limits		
Very Low Density Residential (VLDR)	24	14%
Very Low Density Residential Planned Unit Development (VLDR-PUD)	1	1%
Low Density Residential (LDR)	22	13%
Medium Density Residential – Low (MDRL)	14	8%
Medium Density Residential – High (HDRL)	21	12%
High Density Residential (HDR)	14	8%

Within the city limits there is more land available in the VLDR, LDR and HDRL zones than in the MDRL zone. The site is not sufficient in size or have adequate access for HDR or for VLDR-PUD zoning. Therefore, the MDRL zone has the greatest need. There is an

application in for a 1 acre parcel to be rezoned to MDRL across Highway 99. The subject site is 2.66 acres for the rezone and would add to the existing 14 acre inventory and will go through a subdivision application prior to development. The MDRL zone makes the most sense for the 2.66 acres of this site off Swanstrom Drive.

MDRL is the preferred new zoning designation due to the irregular shape and size of the parcels and the abutting residential development to the north and west. Lots will be limited due to the future location of Cedar Brook Way and the existing wetlands onsite. These limitations really limit the development potential to MDRL.

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.

COMMENT:

A transportation impact analysis (TIA) letter addressing the zone change is included with this application as Exhibit 8.

CHAPTER 16.106: TRANSPORTATION FACILITIES

SECTION 16.106.080 Traffic Impact Analysis (TIA).

A. Purpose

The purpose of this section is to implement Sections 660-012-0045(2)(b) and -0045(2)(e) of the State Transportation Planning Rule (TPR), which require the City to adopt performance standards and a process to apply conditions to land use proposals in order to minimize impacts on and protect transportation facilities. This section establishes requirements for when a traffic impact analysis (TIA) must be prepared and submitted; the analysis methods and content involved in a TIA; criteria used to review the TIA; and authority to attach conditions of approval to minimize the impacts of the proposal on transportation facilities.

This section refers to the TSP for performance standards for transportation facilities as well as for projects that may need to be constructed as mitigation measures for a proposal's projected impacts. This section also relies on the City's Engineering Design Manual to provide street design standards and construction specifications for improvements and projects that may be constructed as part of the proposal and mitigation measures approved for the proposal.

B. Applicability

A traffic impact analysis (TIA) shall be required to be submitted to the City with a land use application at the request of the City Engineer or if the proposal is expected to involve one (1) or more of the following:

1. An amendment to the Sherwood Comprehensive Plan or zoning map.

2. **A new direct property approach road to Highway 99W is proposed.**
3. **The proposed development generates fifty (50) or more PM peak-hour trips on Highway 99W, or one hundred (100) PM peak-hour trips on the local transportation system.**
4. **An increase in use of any adjacent street or direct property approach road to Highway 99W by ten (10) vehicles or more per day that exceed the twenty thousand-pound gross vehicle weight.**
5. **The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.**
6. **A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.**

COMMENT:

A transportation impact analysis (TIA) letter addressing the zone change is included with this application as Exhibit 8.

C. Requirements

The following are typical requirements that may be modified in coordination with Engineering Staff based on the specific application.

1. **Pre-application Conference. The applicant shall meet with the City Engineer prior to submitting an application that requires a TIA. This meeting will be coordinated with Washington County and ODOT when an approach road to a County road or Highway 99W serves the property, so that the TIA will meet the requirements of all relevant agencies.**
2. **Preparation. The TIA shall be prepared by an Oregon Registered Professional Engineer qualified to perform traffic Engineering analysis and will be paid for by the applicant.**
3. **Typical Average Daily Trips and Peak Hour Trips. The latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers (ITE), shall be used to gauge PM peak hour vehicle trips, unless a specific trip generation study that is approved by the City Engineer indicates an alternative trip generation rate is appropriate.**
4. **Intersection-level Analysis. Intersection-level analysis shall occur at every intersection where the analysis shows that fifty (50) or more peak hour vehicle trips can be expected to result from the development.**
5. **Transportation Planning Rule Compliance. The requirements of OAR 660-012-0060 shall apply to those land use actions that significantly affect the transportation system, as defined by the Transportation Planning Rule.**

COMMENT:

A transportation impact analysis (TIA) letter addressing the zone change is included with this application as Exhibit 8.

D. Study Area

The following facilities shall be included in the study area for all TIAs:

1. **All site-access points and intersections (signalized and unsignalized) adjacent to the proposed development site. If the site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage and within the access spacing distances extending out from the boundary of the site frontage.**
2. **Roads and streets through and adjacent to the site.**
3. **All intersections needed for signal progression analysis.**
4. **In addition to these requirements, the City Engineer may require analysis of any additional intersections or roadway links that may be adversely affected as a result of the proposed development.**

COMMENT:

A transportation impact analysis (TIA) letter addressing the zone change is included with this application as Exhibit 8.

E. Analysis Periods

To adequately assess the impacts of a proposed land use action, the following study periods, or horizon years, should be addressed in the transportation impact analysis where applicable:

1. **Existing Year.**
2. **Background Conditions in Project Completion Year. The conditions in the year in which the proposed land use action will be completed and occupied, but without the expected traffic from the proposed land use action. This analysis should account for all City-approved developments that are expected to be fully built out in the proposed land use action horizon year, as well as all planned transportation system improvements.**
3. **Full Buildout Conditions in Project Completion Year. The background condition plus traffic from the proposed land use action assuming full build-out and occupancy.**
4. **Phased Years of Completion. If the project involves construction or occupancy in phases, the applicant shall assess the expected roadway and intersection conditions resulting from major development phases. Phased years of analysis will be determined in coordination with City staff.**
5. **Twenty-Year or TSP Horizon Year. For planned unit developments, comprehensive plan amendments or zoning map amendments, the applicant shall assess the expected future roadway, intersection, and land use conditions as compared to approved comprehensive planning documents.**

COMMENT:

A transportation impact analysis (TIA) letter addressing the zone change is included with this application as Exhibit 8.

F. Approval Criteria

When a TIA is required, a proposal is subject to the following criteria, in addition to all criteria otherwise applicable to the underlying land use proposal:

1. **The analysis complies with the requirements of 16.106.080.C;**
2. **The analysis demonstrates that adequate transportation facilities exist to serve the proposed development or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the City Engineer and, when County or State highway facilities are affected, to Washington County and ODOT;**
3. **For affected non-highway facilities, the TIA demonstrates that mobility and other applicable performance standards established in the adopted City TSP have been met; and**
4. **Proposed public improvements are designed and will be constructed to the street standards specified in Section 16.106.010 and the Engineering Design Manual, and to the access standards in Section 16.106.040.**
5. **Proposed public improvements and mitigation measures will provide safe connections across adjacent right-of-way (e.g., protected crossings) when pedestrian or bicycle facilities are present or planned on the far side of the right-of-way.**

COMMENT:

A transportation impact analysis (TIA) letter addressing the zone change is included with this application as Exhibit 8.

C. METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

TITLE 1 – HOUSING CAPACITY

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 as provided in section 2.07.120.

COMMENT:

This Comprehensive Plan Map Amendment and Zone Change 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.

TITLE 3 – WATER QUALITY AND FLOOD MANAGEMENT

To protect the beneficial water uses and functions and values of resources with the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding.

COMMENT:

According to Metro's RLIS Database, there is no floodplain on the site. There is however a wetland (See Exhibit 7) along the eastern portion of the site that will be required to be protected from development activities. Protection of the wetland will be reviewed through the future subdivision application. Therefore, there is no area on site that needs to be protected from flooding.

D. STATEWIDE PLANNING GOALS

Since the Sherwood Comprehensive Plan was acknowledged by LCDC to carry out the Statewide Planning Goals, the subsequent analysis shows how the proposed actions affect the Sherwood Comprehensive Plan's compliance with the Statewide Planning Goals.

GOAL 1 – CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

COMMENT:

The City's public hearing process meets the requirements of this Goal for citizen involvement in the land use process. Notice of the proposal will be provided to all property owners within the notice area, published in the newspaper, and will also be posted on the subject property giving interested citizens an opportunity to be involved in the process. A public hearing to consider the request will be held by the Planning Commission and then City Council. Through the notice and public hearing process all interest parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. This process meets the requirements of this Goal for citizen involvement in the land use planning process. In accordance with the findings presented above, the proposed Comprehensive Plan and Zoning Map Amendment are consistent with Goal 1.

GOAL 2 – LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

COMMENT:

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 City's adopted Type V land use planning process provides for Plan Map Amendments and is consistent with Goal 2.

GOAL 3 – AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

COMMENT:

The subject property is comprised of land that is currently located within the Urban Growth Boundary (UGB) and fully within the City of Sherwood's Incorporated City limits. The Comprehensive Plan Map Amendment and Zone Change will only affect the subject site. Therefore, it will not have a direct impact on any Goal 3 Agriculture Lands. Therefore, this Goal is not applicable.

GOAL 4 – FOREST LANDS

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

COMMENT:

The subject property is comprised of land that is currently located within the UGB and fully within the City of Sherwood's Incorporated City limits. The Comprehensive Plan Map Amendment and Zone Change will only affect the subject site. Therefore, it will not have a direct impact on any Goal 4 Forest Lands, and as such this Goal is not applicable.

GOAL 5 – OPEN SPACE, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

To protect natural resources and conserve scenic and historic areas and open space.

COMMENT:

The proposed Comprehensive Map Amendment and Zone Change will not affect or alter the natural resources in the area. According to Metro maps and a wetland delineation there is a wetland along the eastern part of the property. Buffer from the wetland will be determined through the future subdivision process.

GOAL 6 – AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

COMMENT:

The subject property is located within the UGB and City limits, where development at an urban scale and density is anticipated to occur. While the organization of uses and those uses specifically allowed within the property will change, no significant negative change in the quality of air is expected to occur. The proposed uses do not involve any additional noise or smoke that would affect the surrounding air, water, or land resource quality.

City sewer and water are readily available to the subject property. A stormwater facility will be proposed as part of the future subdivision. The proposal does not threaten the availability of local or regional air, water, and land resources. In accordance with the findings presented above the proposed Comprehensive Plan Map Amendment and Zone Change is consistent with Goal 6.

GOAL 7 – AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

To protect people and property from natural hazards.

COMMENT:

The subject property is located outside the 100-year floodplain. The site is sloped with no areas identified as landslide hazards or steep slopes. Detailed review of the site will be completed during the subsequent subdivision process to assure natural hazards are mitigated to the greatest extent practical.

GOAL 8 – RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

COMMENT:

The proposed Comprehensive Plan Map Amendment and Zone Change will allow for the development of the subject site. The proposed future lots will provide individual open space on each lot.

Upon approval of this application, a subdivision application will be submitted to Sherwood. The proposed plan will include the extension of Swanstrom Drive into the site and the extension of public utilities within this right-of-way. Sidewalk already exists along the site's frontage of Swantstrom Drive. Sidewalks will be provided along the road extension for access to recreational areas in the neighborhood (parks and schools). An open space/park area will likely be provided within the future subdivision. There will also be a future tract within the subdivision to preserve the on-site wetlands (passive open space). Therefore, the proposed Comprehensive Plan Map Amendment and Zone Change are in compliance with Goal 8 by providing opportunities consistent with guidelines identified in the Comprehensive Plan.

GOAL 9 – ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for the variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

COMMENT:

The proposed change will redesignate approximately 2.66 acres from General Commercial to Medium Density Residential Low. The intent is to provide single-family residential housing to the area. Data necessary to address this Goal in relation to the proposed change, as required by OAR 660-009-0015, is available in the Economic Opportunity Analysis (EOA) that is included in this application (See Exhibit 3). This report provides the most recent and comprehensive data available for economic development trends and for the inventory of

commercial and industrial land within the urban area for the 20-year planning period. Exhibit 3 also includes a supplemental memo by Bill Reid further discussing Goal 9 and how the site with or without the proposed rezone is not of adequate size for GC (General Commercial) zoned property as this is for large commercial sites.

In summary, the proposal conforms to the City's EOA by providing a location for housing. The proposal serves to provide an opportunity for the residential activities that are vital to the citizens of Sherwood, which is consistent with the requirements of this Goal.

GOAL 10 – HOUSING

To provide for the housing needs of the citizens of the state.

COMMENT:

The proposed change will redesignate approximately 2.66 acres from General Commercial to Medium Density Residential Low. The intent is to provide opportunities for the development of additional housing in Sherwood.

The proposed Comprehensive Plan Map Amendment and Zone Change is consistent with Goal 10, based on available data, the reduction of vacant commercial land inventory represented by this proposal will not cause a significant impact on the ability to provide commercial/retail within the urban area. For these reasons approval of the proposed Plan change will not have a significant impact on the ability to provide commercial/retail within the UGB or in the local area, and the proposal does not adversely impact the requirements of this Goal.

GOAL 11 – PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

COMMENT:

The City maintains an infrastructure of public facilities and services to support urban development. The City has adopted a Transportation, Stormwater, Wastewater and Water master facility plans. These plans outline the public facilities and services needed to serve land within the UGB. The existing public services and facilities in the area (SW Swanstrom Drive and SW Stein Terrace) are adequate to serve the site. Public extensions and private laterals/water meters will be added during the subdivision. In accordance with the findings presented above the plan proposed is consistent with Goal 11.

GOAL 12 – TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

COMMENT:

The City of Sherwood's Transportation System Plan (TSP) is in compliance with the requirements of this Goal. The relationship of the proposal to the transportation system, and its impacts, have been set forth in detail in the Traffic Impact Analysis letter included as Exhibit 8. The proposed residential development on a portion of the site will have less impact on the transportation system. The Applicant has demonstrated that the identified

amendments do not require mitigation to ensure that adopted operating standards will be met. The analysis has found that the traffic impacts of the project will not cause a change in the functional classification of any street or transportation facility, will not require or result in changes to the standards that implement the functional classifications system, will result in traffic volumes that are consistent with the functional classifications of the affected streets, and no mitigation will be required to assure that adequate level of service and the functionality of the transportation system is maintained. The proposed amendments are therefore in compliance with the Oregon Transportation Planning Rule, the Sherwood Transportation System Plan and the goals and policies contained within the Sherwood Comprehensive Plan. In accordance with findings presented above the proposed plan is consistent with Goal 12.

GOAL 13 – ENERGY CONSERVATION

To conserve energy.

COMMENT:

The design of the proposed development strives to provide an integration residential land uses resulting in a livable, connected community within the City of Sherwood. Inherent in the design is the ability to live in close proximity to other land uses allowing for less vehicle trips and miles traveled resulting in a reduction in the consumption of gasoline and associated emissions. The proposed future subdivision of the site encourages the use of alternative modes of transportation (bicycles, walking) adjacent to the proposed development through the provision of sidewalks.

The existing transportation system adjacent to the site will serve the site and no additional streets will be required. Therefore, the existing system will provide direct, efficient and convenient access to the future lots. The proximity of the development to adjacent developed residential neighborhoods and employment area will reduce the vehicle miles traveled to and from the subject property. The location and nature of the proposed development promotes the conservation of energy needed for transportation. For these reasons the proposal will help conserve energy and be energy efficient, in keeping with the intent of this Goal.

GOAL 14 – URBANIZATION

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

COMMENT:

The entire subject property is located within the Sherwood City limits. All required public facilities and services are available to the property. The site consists of vacant urban land. The use of the site as proposed will contribute to an efficient arrangement of land uses within the UGB, and to the efficient use of urban services, consistent with the directives of this Goal. The proposal does not affect the size or location of the UGB. In accordance with the findings presented above the Comprehensive Plan Map Amendment and Zone Change is consistent with Goal 14.

IV. SUMMARY AND CONCLUSIONS

Based upon the findings of this report and the submitted supplemental graphics material, the applicant has demonstrated compliance with the requirements of the relevant sections of the City of Sherwood Municipal Code, Comprehensive Plan, Metro Urban Growth Management Functional Plan, and Statewide Planning Goals for the requested Comprehensive Plan Map Amendment and Zone Change from General Commercial to Medium Density Residential Low for the subject site. Therefore, the request should be approved.

NEED ANALYSIS IN SUPPORT OF RESIDENTIAL ZONE CHANGE IN SHERWOOD, OREGON

ROBERT CLAUS

Prepared by: PNW Economics, LLC

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I. INTRODUCTION

General Information

Applicant:	Robert Claus 22211 SW Pacific Highway Sherwood, Oregon 97140
Applicant's Representative	PNW Economics 2323 NW 188th Avenue #624 Hillsboro, Oregon 97124 (503) 522-1236 phone Contact: Bill Reid bill@pnweconomics.com
Location:	City of Sherwood, Oregon 22211 SW Pacific Highway
Current Zoning District:	General Commercial (GC)
Project Site Area:	+/- 2.66 acres

Summary of Proposal

PNW Economics was retained by Robert Claus to evaluate market need to rezone of 2.66 acres of a 5.86-acre site from General Commercial (GC) to Medium Density Residential Low (MDRL). The rezone to MDRL would enable the development of up to 17 additional single-family residential units likely ranging in size from 1,800 to 3,000 square feet and open space.

This analysis will assess the unmet need for this residential product type in Sherwood, Oregon, as well as findings to show how the proposed action helps to satisfy that demand and unmet need in the larger market context.

This memorandum summarizes these trends and our preliminary conclusions regarding potential at the subject site.

II. EXECUTIVE SUMMARY

Analysis in this report documents demand and supply conditions related to single-family residential development in the City of Sherwood over a twenty-year land use planning horizon, from 2015 to 2035. Market findings expressed in this document are crucial for answering several key questions integral to the Robert Claus application for a zone change for the subject property from GC to MDRL. These key questions include:

1. *Is the existing supply of land sufficient to provide attainable residential ownership for detached housing within the City of Sherwood?*

Based on the most recent residential land inventory completed by the City of Sherwood in the Draft *2015 Housing Needs Analysis*, the existing acreage within the city limits dedicated to MDRL use is 14 acres accounts for only 8% of the overall capacity. This translates into capacity of 88 dwelling units based on historical densities as assumed in the 2015 Draft *Housing Needs Analysis*.

An additional 56 acres of MDRL-zoned land is anticipated within the Brookman Addition, though the area is uncertain as to when it will be approved by voters for annexation, and then after that, when specifically the MDRL-zoned land would be serviced by utilities and infrastructure.

2. *Is there market demand to dictate additional acreage needed for MDRL-zoned residential development in the City of Sherwood?*

Analysis of detached ownership housing supply shows that current <u>guaranteed, incorporated inventory</u> for MDRL-zoned land is approximately:

- 4 years of supply at a maximum if only 60% of new households require detached single-family homes as projected in the 2015 Draft *Housing Needs Analysis*; and
- 3 years of supply if 80% of new households require detached single-family housing consistent with historical Sherwood residential growth.
- 56 acres in the Brookman Addition would meet need for MDRL-zoned land in Sherwood, but after existing supply is depleted over the short-term and the City likely suffers housing cost escalation based purely on scarcity.

In other words, there is an immediate need for MDRL-zoned land in Sherwood – the largest segment of housing demand expressed in this report as well as the City's 2015 Draft *Housing Needs Analysis* – and the 2.66-acre subject site would help fill the immediate unmet need.

3. *Can the subject property better serve demand for medium density residential development with MDRL versus GC zoning?*

GC zoning precludes medium-density residential development within the zone, while the MDRL designation is provided to meet the medium-density detached residential needs of the City of Sherwood with flexibility to include accessory dwelling units or duplexes. Therefore, the subject property would better serve demand for medium-density residential development with an

MDRL zoning designation. The rezone would not apply to 3.2 acres of the larger site adjacent to Pacific Highway and appropriate for GC zoning.

III. SUBJECT SITE & SURROUNDING AREA

Subject Site Description

The subject site is a triangular-shaped 2.66-acre portion of a larger 5.86-acre site currently zoned General Commercial (GC) at 22211 SW Pacific Highway in Sherwood. The northerwestern portion highlighted in Figure 1 represents the 2.66 acres seeking a rezone from GC to Medium Density Residential-Low (MDRL).

The subject 2.66 acres is bound to the north and west by detached single-family residential development not unlike what would be achieved with MDRL zoning with a successful zone change. In other words, development with MDRL zoning would be seemlessly consistent with adjacent, existing uses.

FIGURE 1: AERIAL VIEW OF SUBJECT SITE

To the south/southeast is the 3.2-acre portion of the property that would remain General Commercial (GC) with existing access to and from SW Pacific Highway from the southwest-

bound lanes. With 3.2 acres and a rectangular shape, the site would stay marketable and developable for highway-related commercial uses of appropriate size given access from one direction of Pacific Highway.

Transportation & Access

Access to the subject 2.66 acres would primarily be achieved by planned extension of SW Swanstrom Drive as a residential street, as well as s the proposed extension of SW Cedarbrook Way bordering along the southeast side of the subject property. Such access would be appropriate for the addition of consistent, single-family land use pattern and related traffic speed and safety.

The 3.2 acres that would remain zoned GC would continue to have right-in, right-out access from SW Pacific Highway. Retention of zoning as such given existing access is appropriate. However, given the limited access to and from Pacific Highway only from the southwest-bound lane, a reduction in gross acreage of the 5.86 current acres by rezoning the 2.66 acres not adjacent to Pacific Highway would be appropriate. Without a dedicated intersection to allow retail commercial traffic from more than one direction of Pacific Highway, nearly 6 acres of GC-zoned land exceeds individual site need given the lower potential retail traffic and the lower yield of developed space supported by that traffic as a result.

Subject Locational Features

Figure 2 provides an aerial map of the subject property in the context of the broader Sherwood, Oregon area and its important economic and community features.

FIGURE 2: AERIAL VIEW OF SUBJECT SITE & AREA AMENITIES

The 2.66-acre subject is a short distance from SW Handley Street via SW Sandstrom Drive. SW Handley directs access to SW Meinecke Parkway and SW Pacific Highway. Via Pacific Highway, the site is a short distance from Langer Drive Commercial District, a Target, Albertsons, Home Depot, Sherwood City Center, and nearby employment centers particularly located along Tualatin-Sherwood Road. The site is also a short distance from Laurel Ridge Middle School and Sherwood High School.

Subject Site Conclusions

In short, it is concluded that the site is both appropriate and highly amenable to residential development:

- At 2.66 acres, largely undeveloped , and flat, the site provides appropriate flexibility with regard to residential development feasibility, unit mix, and site plan to provide appropriate detached, single-family lots and homes.
- Locationally the site affords adequate access by residences on the site to various public and commercial amenities in the Sherwood and greater regional area via both SW Meinecke Parkway and SW Pacific Highway.

- Adjacent to already successfully developed single-family homes on SW Sandstrom, the site would offer single-family homes of comparable size, type, proximity to Pacific Highway, and seamless consistency with adjacent, existing neighborhood development.

Alternatively, we find that the 2.66-acre portion of the property is likely in excess of what would feasibly and fully develop as retail commercial use consistent with GC zoning. The currently whole site only has right-in, right-out access from the southwest-bound lanes of Pacific Highway. Without a dedicated intersection directing traffic from all directions to the site, 5.86 acres is a large site to see full yield with such limited retail traffic access.

Retention of 3.2 acres of the site adjacent to Pacific Highway and of flexible, rectangular shape and appropriate parcel depth maintains a more marketable site for retail commercial development under existing zoning and adjacent to additional and necessary household population.

IV. PRIMARY MARKET AREA

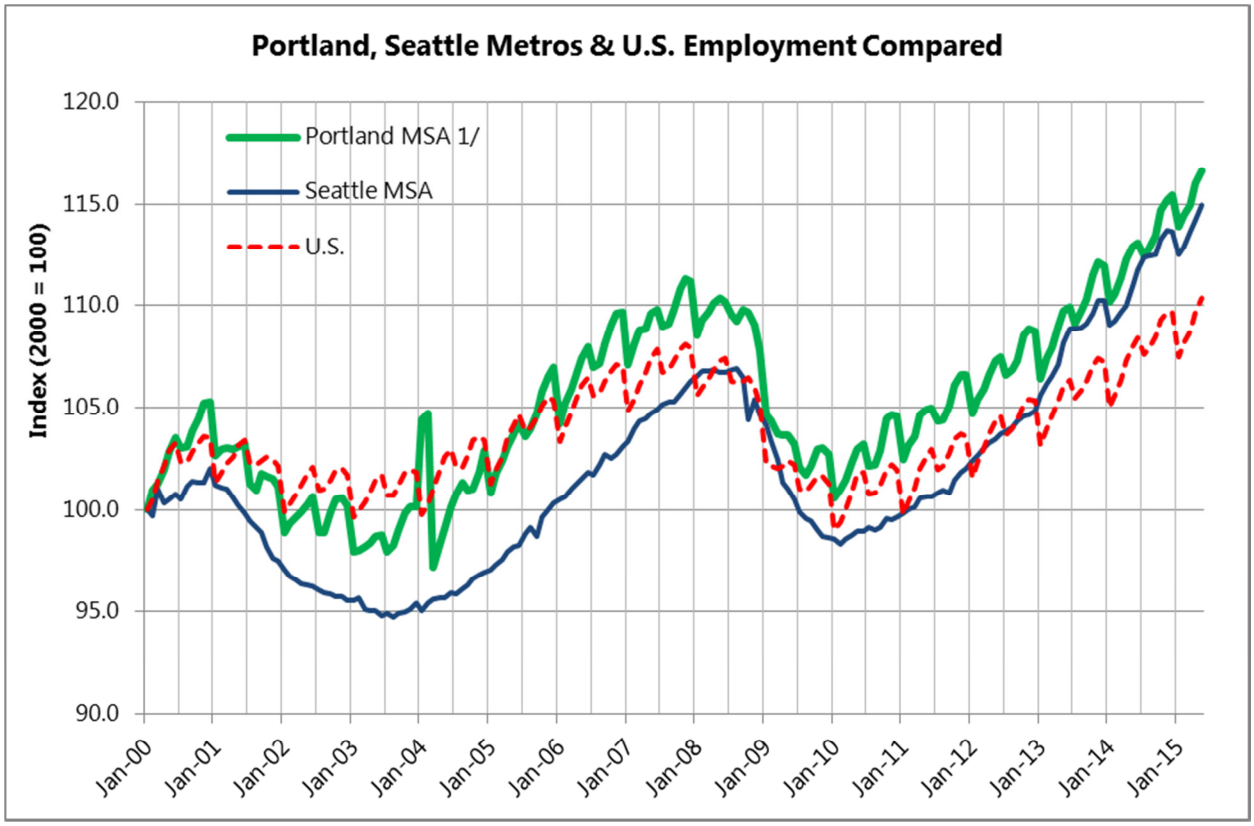
The Primary Market Area (PMA) for the subject site in this analysis is defined as the City of Sherwood. Sherwood represents the geographic area from which the subject development will likely draw the majority of its demand due to the local need for high-density attainable housing based on demographics, income levels, and younger families seeking affordable housing alternatives.

V. ECONOMIC OVERVIEW

PORTLAND METRO ECONOMY

The Pacific Northwest economy continued its trend of exceeding the nation in terms of job growth through the First Quarter of 2015. The Portland metro area has trended closely with the Seattle metro area in terms of total percentage expansion (Figure 3 on the following page).

FIGURE 3: PORTLAND MSA, SEATTLE MSA, & U.S. ECONOMIC TREND



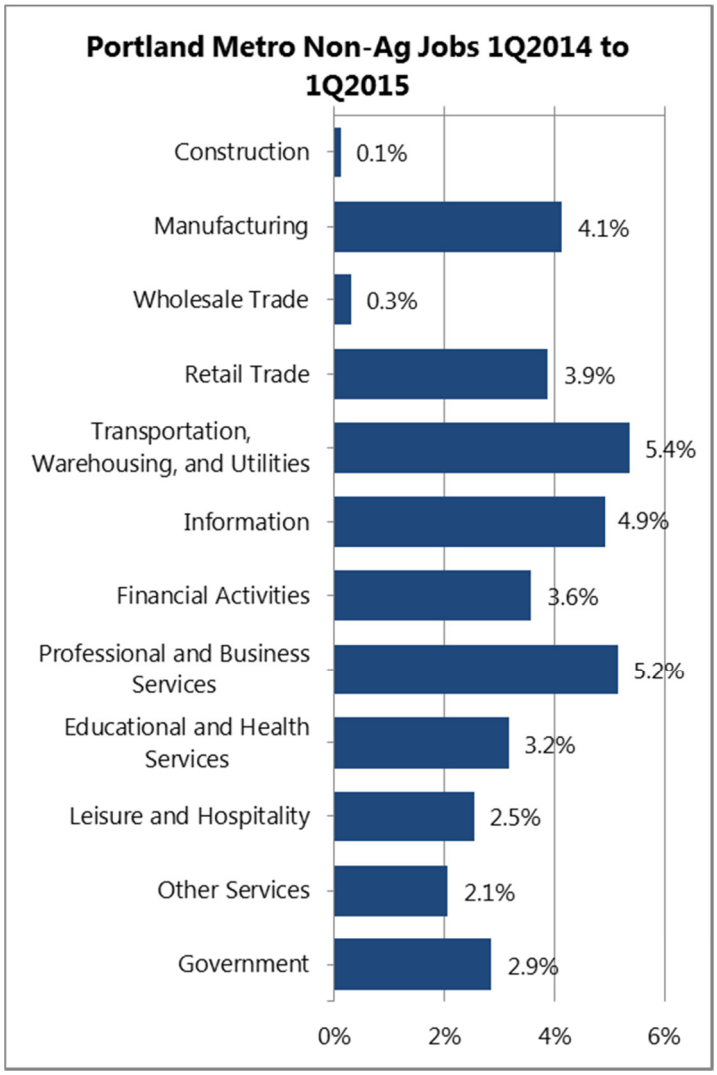
1/ The Portland-Vancouver-Hillsboro MSA includes all of Clackamas, Columbia, Multnomah, Washington and Yamhill counties in Oregon and Clark and Skamania counties in Washington State.
Source: U.S. Bureau of Labor Statistics, Oregon Employment Department, Washington Employment Department

First Quarter details for the Portland economy include:

- The Portland metro added 33,900 jobs from March 2014 through March 2015. The expansion translates into a 3.2% annualized rate of growth.
- The metro area economy returned to its 2007 peak of 1.04 million jobs in May of 2013 and has since added 65,900 jobs.
- Current total jobs in the Portland metro area stand at 1.11 million.
- The Portland area continues to have significantly greater seasonal fluctuation to job gains due to stronger ties to agricultural industries, as well as major construction projects in Washington County.

Fastest Portland Job Growth Among Industrial & Office/Business Park Growth Sectors

FIGURE 4: PORTLAND METRO INDUSTRY 1-YEAR JOB GROWTH RATES

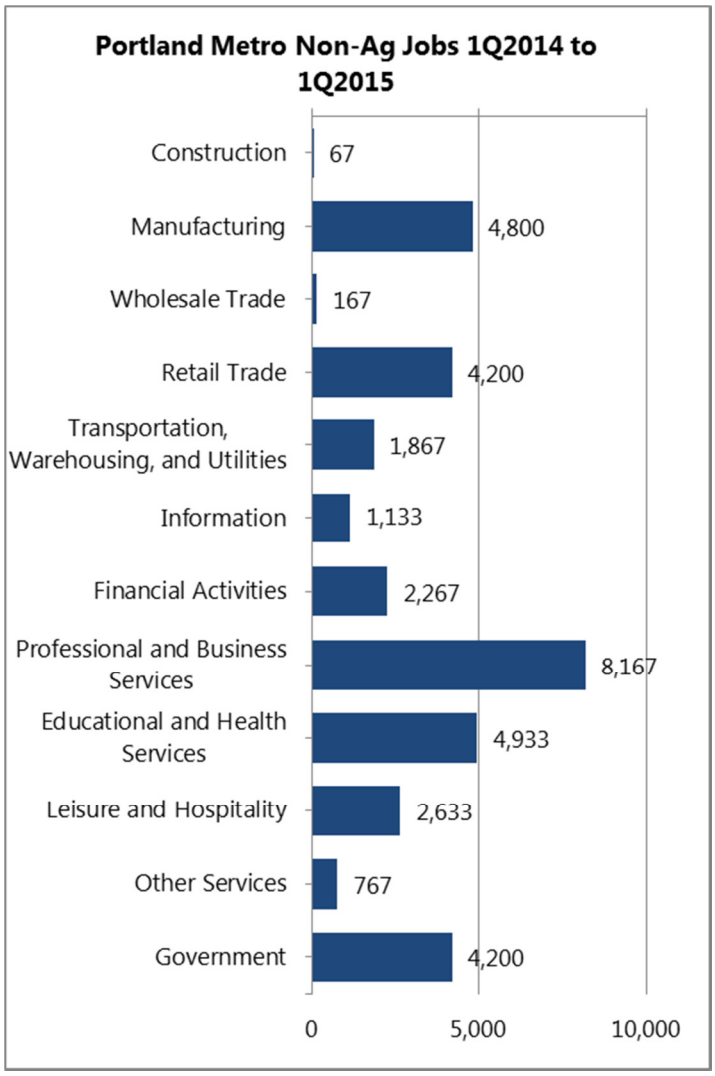


Portland metro area industry sector growth over the past year was positive for all sectors. It was most brisk in Transportation, Warehousing and Utilities (5.9%), Professional & Business Services (5.2%), Information (4.9%) and Manufacturing. The uptick in expansion in those four sectors indicates returning balance and strength to the overall Portland economy.

Sectors with positive but less-pronounced expansion between March 2014 and March 2015 were Other Services (2.1%) and Leisure and Hospitality (2.5%). Construction and Wholesale Trade experienced negligible growth at 0.1 percent and 0.3 percent, respectively.

Most New Jobs in Portland Metro Among Office/Business Park Growth Sectors

FIGURE 5: PORTLAND METRO INDUSTRY 1-YEAR JOB LEVEL GROWTH



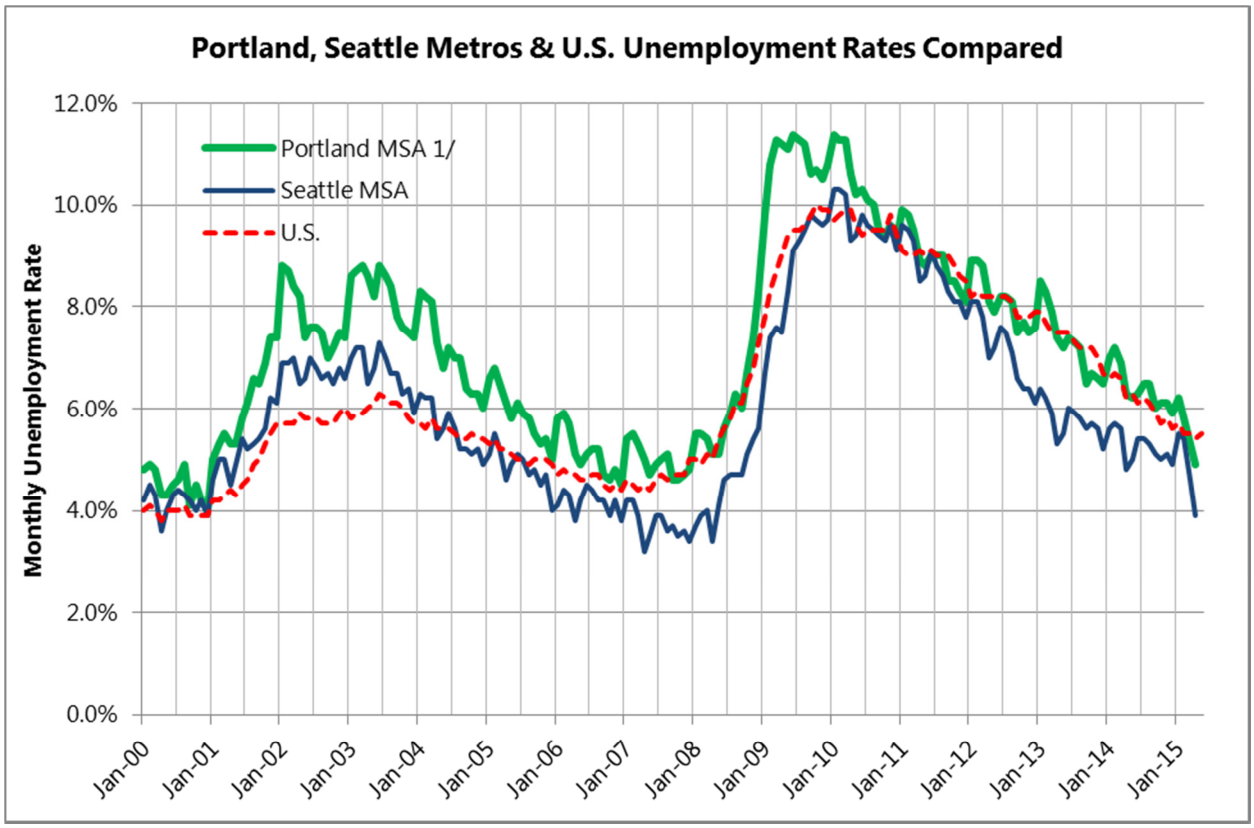
In terms of total jobs added over the last twelve months, Portland metro was led by Professional & Business Services at 8,167. Also experiencing exceptional total job growth was Educational and Health Services adding 4,933 jobs, Manufacturing adding 4,800 jobs and Retail Trade adding 4,200 jobs. Although Transportation, Warehousing and Utilities enjoyed the highest growth rate during the period, the sector added 1,867 jobs to a smaller industry sector base.

Information and Financial Activities together added 3,400 jobs. Leisure and Hospitality added 2,633 jobs. Meanwhile, Portland metro area Construction and Wholesale Trade combined for 234 new jobs between March of 2014 and 2015.

Portland Metro Unemployment Returns to National Average

The Portland metro economy continued its steady decline in the regional unemployment rate between March of 2014 and March of 2015. The jobless rate in the region now stands at 4.9% with the national rate at 5.5%.

FIGURE 6: PORTLAND METRO, SEATTLE METRO, & U.S. UNEMPLOYMENT TREND



1/ Not Seasonally Adjusted

At its worst, the Portland metro area unemployment rate hovered around 11 percent for most of the months between February of 2009 and April of 2010, reaching a peak of 11.4 percent in January of 2010. The regional jobless rate is now below the level of the pre-Great Recession economy in 2004.

VIII. PROPOSED PRODUCT & DEMOGRAPHICS DEFINED

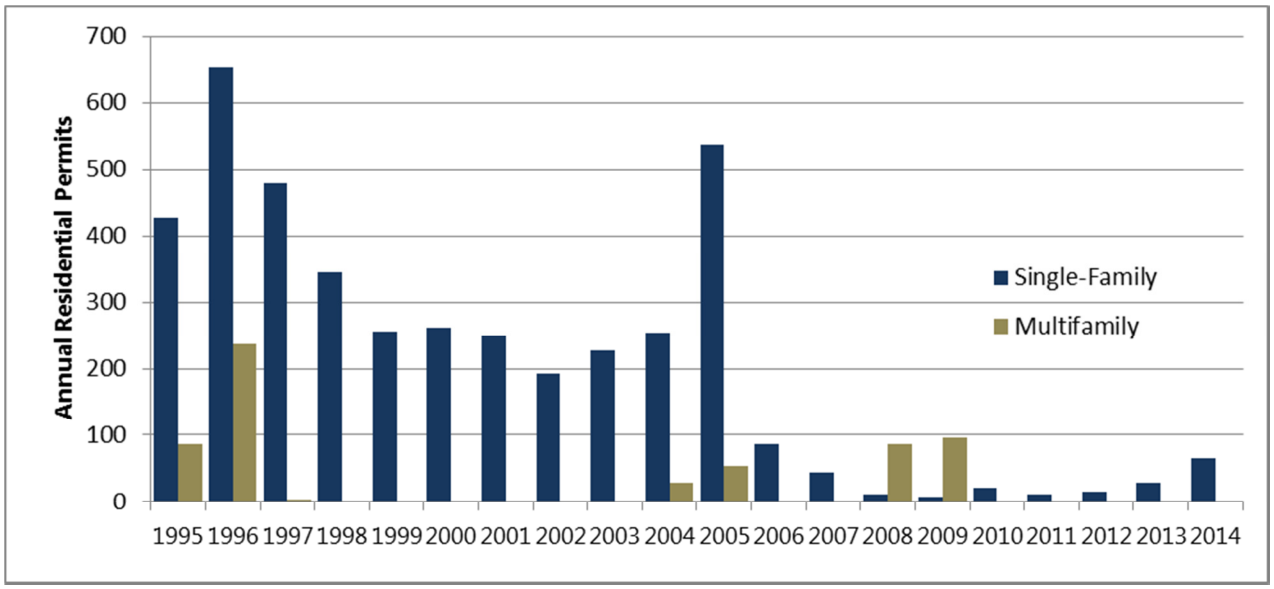
Sherwood Housing Development Trend

Housing development in Sherwood has experienced two distinct periods over the last twenty years. (Figure 7)

- 1995-2005: Sherwood averaged 309 single-family permits between 1995 and 2005, peaking in 2006 at roughly 650 single-family units.
- 2006-Current: Housing market weakness, which ultimately resulted in the Great Recession, began early for the Sherwood housing market in 2006. From 2006 through 2014, Sherwood has averaged 23 single-family residential permits annually.

Single-family permitting has begun an upswing, recording more permits in 2014 than in 2007.

FIGURE 7: CITY OF SHERWOOD HISTORICAL BUILDING PERMIT ACTIVITY



SOURCE: State of the Cities Data Systems (SOCDS), U.S. Department of HUD

Overall, since 1995, Sherwood has permitted an average of 209 single-family residences annually and 30 multifamily units annually. 2009 was the last year in which multifamily units were permitted at nearly 100 total units.

Finally, since 1995, the City of Sherwood has had the following average structure type split:

- Single-Family: 88% of all permitted residential units (80% since 2006); and
- Multifamily: 12% of all permitted units (20% since 2006).

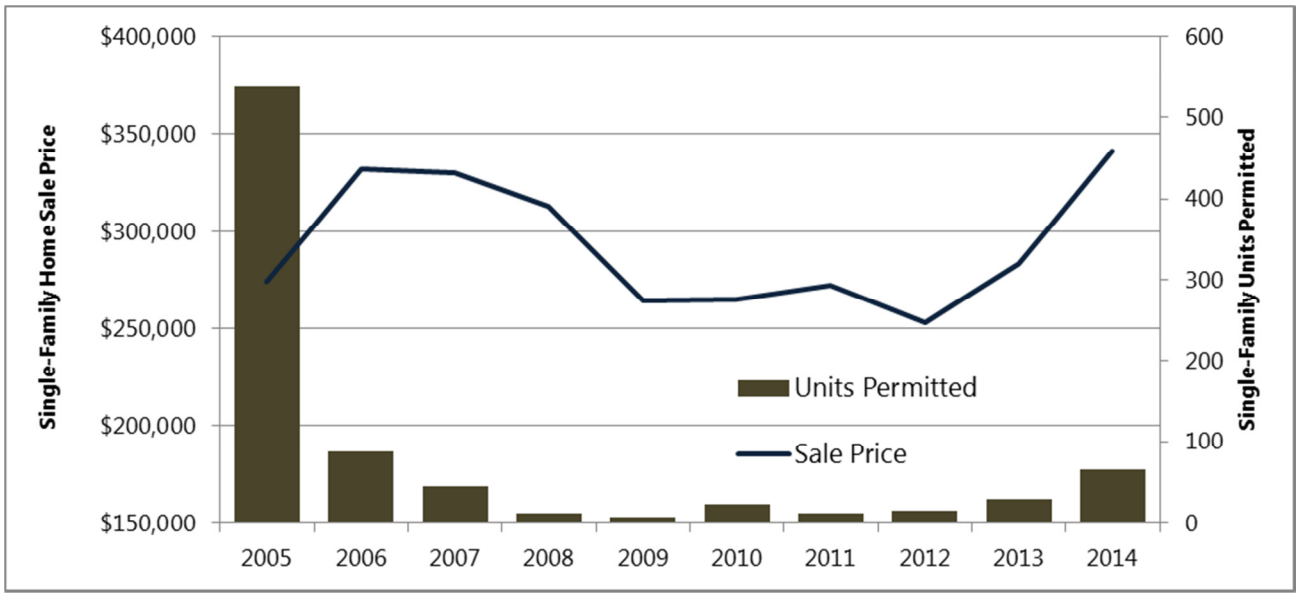
In other words:

- Sherwood's residential growth has gone through a pre-Great Recession growth phase (Pre-2006) and is now winding down from a Great Recession & Recovery phase (2006-Current);
- Single-family permitting is now showing signs of recovery long-delayed by the extremely severe Great Recession.
- Households that move into Sherwood have long shown an overwhelming preference for single-family detached housing at 88% over overall demand since 1995 and even 80% during the slower Great Recession & Recovery period for the City.

Sherwood Home Price Trend

In 2013 and 2014, Sherwood experienced sharp recovery in home sale prices as depicted in Figure 8. By 2014, the average sale price for a single-family home in Sherwood reached $341,000 after several years of Great Recession-induced weakness and lost home values.

FIGURE 8: CITY OF SHERWOOD SINGLE-FAMILY HOUSE SALE PRICE & PERMITTING TREND



SOURCE: State of the Cities Data Systems (SOCDS), U.S. Department of HUD and Zillow.com (Zip Code 97140)

In fact, home sale prices in Sherwood have escalated by an average of over 16% annually over the past two years, recording over 20% growth in 2014 alone.

As Figure 8 also demonstrates, however, the sharp escalation in home sales prices in Sherwood over the past couple of years have not been attributable to major new home development and new product pricing leading the market as happened between 1995 and 2006.

With Sherwood single-family permitting recovering but still low compared to pre-Recession years, the spike in home prices over the past two years has occurred with limited new supply on the market. In other words, new for-sale home scarcity is contributing escalating housing prices in Sherwood instead of home builder cost-pushed home price growth.

In other words:

- Sherwood's home values have recovered from the Great Recession, growing by a steep average of over 16% in 2013 and 2014 (20.5% price growth in 2014 alone);
- Steep home price escalation has been driven by growth in housing demand while recovering but modest new supply has been built.

New Household Residential Demand

PNW Economics conducted an analysis of likely expected household demographics growth projected for a 20-year planning period through 2035 (Figure 9).

FIGURE 9: SHERWOOD FORECASTED RESIDENTIAL DEMAND, 2015-2035

Household	Net HH Increase		Assumed Tenure Split		Net Increase	
Income Range	Total	%	Owner	Renter	Owner	Renter
Income Less than $15,000	29	2.5%	5.0%	95.0%	1	28
Income $15,000 - $24,999	38	3.3%	10.0%	90.0%	4	34
Income $25,000 - $34,999	69	6.0%	25.0%	75.0%	17	52
Income $35,000 - $49,999	62	5.4%	40.0%	60.0%	25	37
Income $50,000 - $74,999	170	14.7%	60.0%	40.0%	102	68
Income $75,000 - $99,999	196	17.0%	60.0%	40.0%	118	78
Income $100,000 - $124,999	193	16.7%	65.0%	35.0%	126	68
Income $125,000 - $149,999	152	13.2%	70.0%	30.0%	107	46
Income $150,000 - $199,999	135	11.7%	75.0%	25.0%	101	34
Income $200,000 or more	111	9.6%	85.0%	15.0%	95	17
Total/Weighted Avg.	1,156	99.9%	60.0%	40.0%	696	461

All Ownership Housing	Net	Qualified Payment 1/		% of	Affordable Home 2/	
Income Range	Increase	Minimum	Maximum	Max	Minimum	Maximum
Income Less than $15,000	1	$0	$250	100.0%	$0	$58,200
Income $15,000 - $24,999	4	$250	$375	100.0%	$58,200	$87,300
Income $25,000 - $34,999	17	$375	$625	95.0%	$83,000	$138,300
Income $35,000 - $49,999	25	$625	$875	95.0%	$138,300	$193,600
Income $50,000 - $74,999	102	$875	$1,250	90.0%	$183,400	$262,000
Income $75,000 - $99,999	118	$1,250	$1,875	90.0%	$262,000	$392,900
Income $100,000 - $124,999	126	$1,875	$2,500	85.0%	$371,100	$460,300
Income $125,000 - $149,999	107	$2,500	$3,750	85.0%	$460,300	$742,200
Income $150,000 - $199,999	101	$3,750	$6,250	80.0%	$698,600	$1,164,300
Income $200,000 or more	95	$6,250	$12,500	75.0%	$1,091,500	$2,183,000
Total/Weighted Avg.	696			85.2%		

1/ Assumes 30% of gross income towards payment.

2/ Based on the following financing assumptions

Interest Rate	5.00%
Mortgage Term	30
% of Income	30.00%
% Financed	80.00%

Analysis utilizes household growth projections documented in the recent Draft *Sherwood Housing Needs Analysis*.[1] Projections of housing demand by specific income levels are not treated with the same detail in the Housing Needs Analysis as it is in Figure 9. Figure 9 does, however, utilize the assumed future housing demand tenure split of 60% ownership, 40% rental.

[1]http://www.sherwoodoregon.gov/sites/default/files/fileattachments/Planning/page/3740/08_21928_hna_march_25_2015.pdf

As pointed out earlier in this report, historically over 80% of housing development in Sherwood has been detached single-family and 20% attached residential product. This would indicate that projected housing need in the Housing Needs Analysis dramatically departs from historical trend. The implications of this are treated later in this document.

Estimates in Figure 9 are provided for both the total household growth in the Sherwood market, as well as income qualifying households for for-sale housing product across the planning period.

Findings can be summarized as follows:

- The Sherwood PMA is anticipated to grow by 1,156 new households through 2035.
- The single largest-growing cohort in Sherwood is expected to be households with an income range of between $75,000 and $99,999.
- Households within the $100,000 to $124.999 income are expected to comprise the largest number of households seeking homeownership, followed by households that earn between $75,000 and $99,999 annually.
- PNW Economics, based on review of the Sherwood market, finds that demand for homes typically on land zoned MDRL and associated density are represented by households that earn between $75,000 and $149,999 annually (highlighted in blue).
- Demand for homes developed on MDRL-zoned land is estimated to be 368 single-family homes through 2035.

IX. SHERWOOD LAND SUPPLY AND DEMAND RECONCILIATION

This final section of the report considers whether MDRL-zoned land capacity within Sherwood, as documented by the Draft 2015 *Sherwood Housing Needs Analysis* is sufficient to meet need similarly documented by that report and further analyzed in this study.

Three scenarios are considered:

1. Guaranteed Incorporated Sherwood MDRL Land Capacity
2. Incorporated Sherwood & Potential Brookman Addition MDRL Land Capacity
3. Historical (80%) Single-Family Tenure Split Demand for MDRL Land

MDRL-Zoned Land Demand & Supply Reconciliation: Incorporated City of Sherwood

Based on the most recent residential land inventory completed for City of Sherwood in the Draft 2015 *Housing Needs Analysis*, the existing and <u>developable acreage within the city limits</u> dedicated to medium-density residential-low (MDRL) is the following:

- 14 acres, or 8% of overall capacity;
- Unit capacity of roughly 85 units zoned MDRL based on a historical average density of 6.1 units per acre.

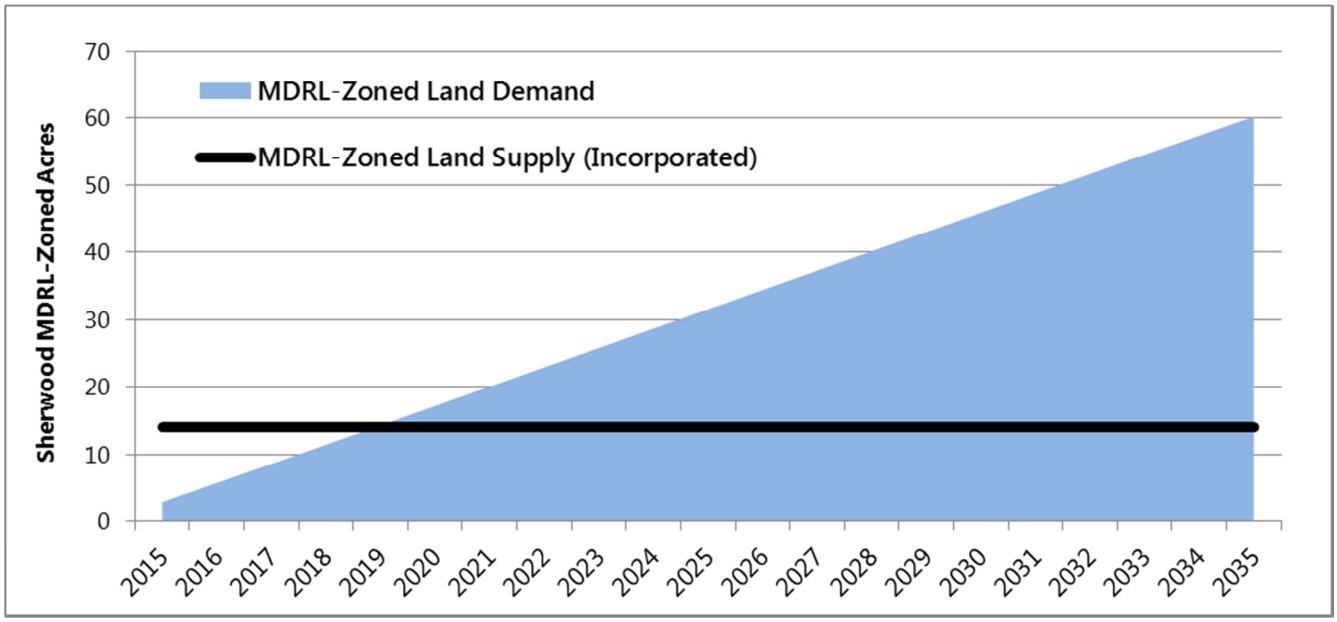
Alternatively, at 6.1 units per acre, 20-year demand for MDRL-zoned land is estimated to be 60 acres.

This would indicate a deficit of guaranteed, buildable MDRL-zoned land within incorporated City of Sherwood over the 20-year planning period of 46 acres.

Figure 10 provides a graphical representation of the City's known 14-acre supply of MDRL-zoned land along with demand for MDRL-zoned land as it cumulatively grows to 60 acres of demand-driven need.

- Based on existing MDRL-zoned land inventory within the City and need expressed, the currently incorporated City of Sherwood has enough capacity in this zoning category to last only 5 years, or through 2019.

FIGURE 10: INCORPORATED SHERWOOD MDRL-ZONED LAND RECONCILIATION, 2015-2035



MDRL-Zoned Land Demand & Supply Reconciliation: Incorporated City & Brookman Addition

According to the Draft 2015 *Housing Needs Analysis*, total MDRL-zoned land capacity in both incorporated Sherwood and within the Brookman Addition proposed annexation area is expressed as follows:

- 66 acres, or 38% of overall incorporated and Brookman Addition capacity;
- Unit capacity of roughly 403 units zoned MDRL based on a historical average density of 6.1 units per acre.

As before, at 6.1 units per acre, 20-year demand for MDRL-zoned land is estimated to be 60 acres for the City of Sherwood.

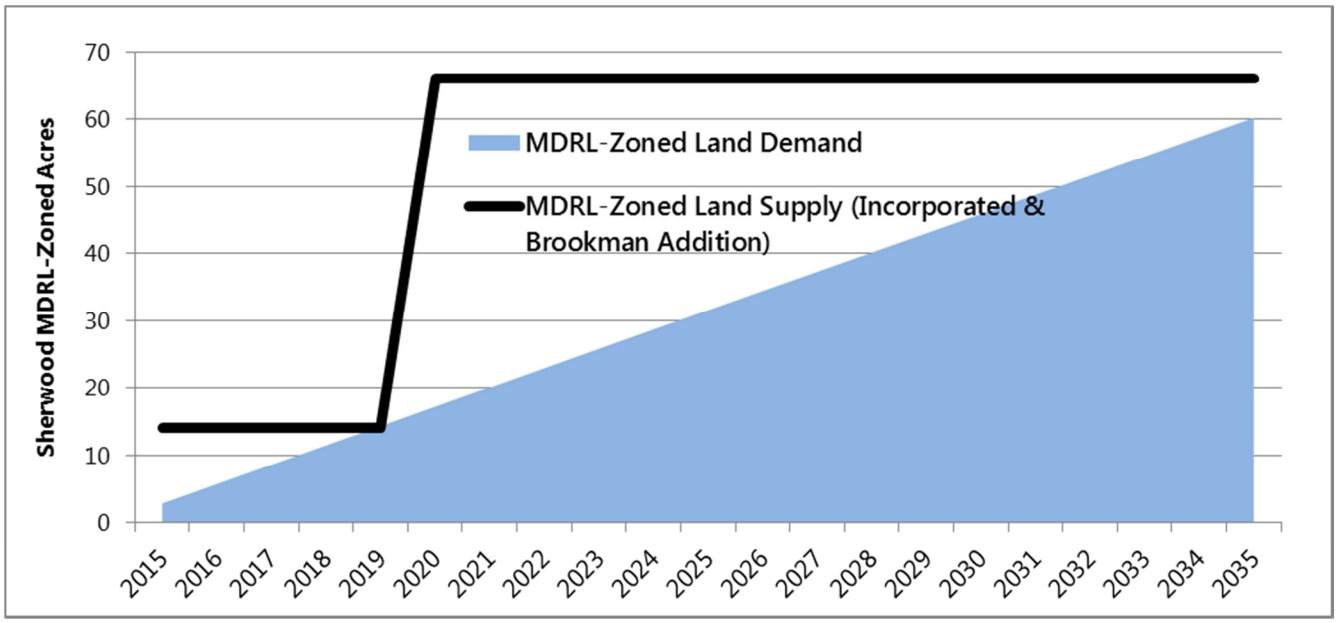
<u>This would indicate that with the Brookman Addition, the City of Sherwood has six more acres of MDRL-zoned land capacity than needed over the 20-year planning period.</u>

Given that Sherwood voters have once already rejected the annexation of the Brookman Addition area, there is no certainty about when Brookman Addition MDRL-zoned land capacity would be added to Sherwood, not to mention be feasibly serviced by infrastructure and utilities.

For purposes of analysis, PNW Economics assumed a five-year timeframe for Brookman Addition annexation and infrastructure and utility extension to all land zoned MDRL. Figure 11 provides a resulting graphical representation of the City's known 66-acre supply of MDRL-zoned land including the Brookman Addition, along with demand for MDRL-zoned land as it cumulatively grows to 60 acres of demand-driven need.

- By 2035, total MDRL-zoned land capacity including Brookman Addition (66 acres total) is sufficient for estimated twenty-year need.
- However, before the Brookman Addition is annexed and fully serviceable and buildable, Sherwood is still expected to have a short-term shortage of MDRL-zoned land with full depletion expected within five years (2019).

FIGURE 11: INCORPORATED & BROOKMAN ADDITION MDRL-ZONED LAND RECONCILIATION, 2015-2035



Historical (80%) Need For Single-Family & Total Sherwood Land Capacity Reconciliation

The Draft 2015 *Housing Needs Analysis* made the assumption that future housing tenure in Sherwood would be the following:

- Ownership: 60%;
- Rental: 40%.

Historical housing market data for Sherwood indicate, however, that that assumption is a significant change from the previous twenty years. Households that have moved to Sherwood have demonstrated something far closer to the following:

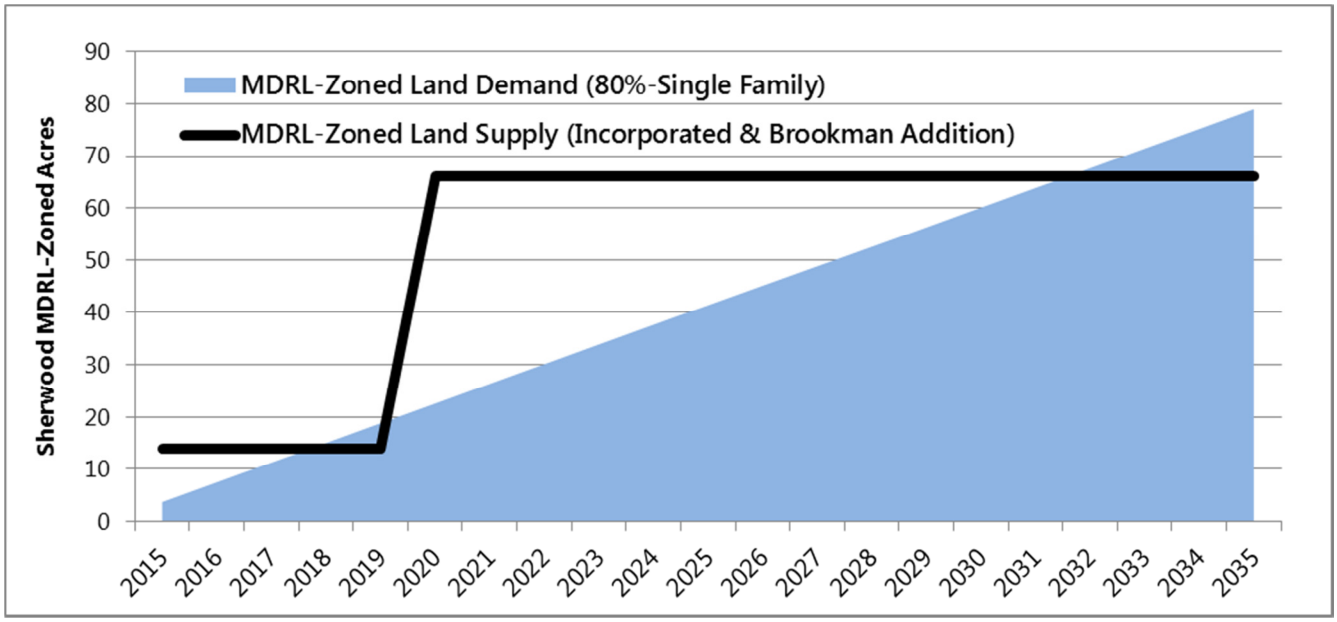
- Ownership: 80%+;
- Rental: 20% maximum.

To the extent that future demand for Sherwood housing more closely follows historic pattern and does not change so dramatically, the Draft 2015 *Housing Needs Analysis* underestimates housing demand that the City will ultimately realize. This will have two specific effects:

- Faster depletion of existing residential land capacity; and
- Home price escalation and increasing housing affordability issues driven by scarcity.

At 80% of housing demand going to for-sale, detached homes based on historical average, 20-year MDRL-zoned land demand is estimated to be 79 acres (roughly 4 acres annually) rather than 60 acres (roughly 3 acres annually). Figure 12 provides a graphical representation of the 80% single-family housing demand scenario, the City's known 14-acre supply of MDRL-zoned land within the current incorporated area of the City, and the addition of Brookman Addition acreage by 2020.

FIGURE 12: SHERWOOD MDRL-ZONED LAND & 80% SINGLE-FAMILY DEMAND RECONCILIATION, 2015-2035



Results are summarized as follows:

- By 2018, the existing 14-acre inventory of MDRL-zoned land is insufficient to meet Sherwood housing need.
- The MDRL-zoned land deficit would continue for another year into 2019, with local housing price escalation and affordability impacts.
- The addition of the Brookman Addition inventory of zoned land by 2020 would mitigate the land shortage, but after the fact.
- By 2032, demand for MDRL-zoned land would again exceed the total 66-acre inventory in Sherwood.

In other words, <u>if Sherwood housing demand is more consistent with historical patterns, Sherwood will face both a deficit of MDRL-zoned land within 4 years and again during the planning period even with the Brookman Addition.</u>

MEMORANDUM

To: Danelle Isenhart
Isenhart Consulting, LLC

From: Bill Reid, Principal
PNW Economics, LLC

Subject: Claus Property Zone Change Application: Additional Issues

Date: November 24, 2015

Dear Danelle:

During City of Sherwood staff review of the Claus Property zone change application for General Commercial (GC) to Medium Density Residential-Low (MDRL), additional questions were raised by staff pertaining to economic need arguments supporting the rezone. This memorandum is intended as a response to the following issue:

- Sherwood Goal 9 Employment Land need concerns due to the size of the property exceeding 2 acres.

Sherwood Goal 9 Land Need Concern

PNW Economics reviewed the most recent Goal 9 Employment Land/Economic Opportunities Analysis for the City of Sherwood, the November 2006 "City of Sherwood Economic Development Strategy."[1] The document is intended as an update and policy elaboration of the Growth Management Chapter (Chapter 3) of the City's Comprehensive Plan. The following policies relate to General Commercial-zoned land and development in that document. Policy strategies that are particularly pertinent for the subject property are in bold-face followed by response as it relates to the subject property's current zoning:

"General Commercial (GC). The GC zoning district provides for commercial uses that ***require larger parcels of land,*** *and/or uses that involve products or activities which require special attention to environmental impacts as per Chapter 8 [environmental resources]."* (Emphasis added)

c. Commercial Planning Designation Objectives

2) General Commercial (GC) This designation is intended to provide for primarily highway, wholesale, and ***large commercial uses*** *which may not be appropriate in central retail areas or within residential neighborhoods. This designation is applicable in the following general areas. Where uses may be*

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[1]https://www.sherwoodoregon.gov/sites/default/files/fileattachments/Economic%20Development/page/85/economic_development_strategy.pdf

separated from primarily retail and personal service land uses. Where impacts on residential uses can be minimized. Where adequate off street parking, good pedestrian access and access onto major streets is or can be made available. Where a full range of urban facilities and services are available or can be provided in conjunction with development".

PNW Economics Response: Located along Pacific Highway with access from Pacific Highway assured, the existing 5.9-acre parcel zoned General Commercial is appropriately located and situated to meet most of the above conditions of the GC zoning designation regarding location, proximity to residential development, lack of impact upon neighborhoods, and access, parking, and available services.

At roughly 5.9 acres currently and without the rezone application, the site fails to meet the "larger parcels of land" or "large commercial uses" basic requirement of GC zoning. Table 1 below provides calculation of potential commercial space yield for the following:

- The entire 5.9 acres "as-is" zoned GC; and
- The 3.2 acres with Pacific Highway frontage and access that would remain zoned GC with the rezone application.

TABLE 1: CLAUS PROPERTY COMMERCIAL SPACE YIELD ANALYSIS – EXISTING & WITH REZONE

	Measure	Unit	Comment/Source
GC-Zoned Site Without Partial Rezone			
	5.9	Acres	Gross Site Size (Acres)
x	0.9		Gross-to-Net Reduction
=	5.3	Acres	Net Site Size (Acres)
x	43,560	Square Feet	Per Acre
=	229,735	Square Feet	Net Site Size (Square Feet)
x	0.25	FAR	Floor Area Ratio for suburban commercial
=	**57,434**	**Square Feet**	Neighborhood Center (International Council of Shopping Centers)
GC-Zoned Site With Partial Rezone			
	3.2	Acres	Gross Site Size (Acres)
x	0.9		Gross-to-Net Reduction
=	2.9	Acres	Net Site Size (Acres)
x	43,560	Square Feet	Per Acre
=	126,237	Square Feet	Net Site Size (Square Feet)
x	0.25	FAR	Floor Area Ratio for suburban commercial
=	**31,559**	**Square Feet**	Neighborhood Center (International Council of Shopping Centers)

SOURCE: ICSC (http://www.icsc.org/uploads/research/general/US_CENTER_CLASSIFICATION.pdf) and PNW Economics, LLC

If the entire parcel were developed, as is, as General Commercial development under somewhat optimistic gross-to-net acreage conversion of 0.9, the site only yields roughly 57,000 square feet of commercial space. According to International Council of Shopping Centers/Urban Land

Institute definitions of commercial center types, a 57,000 square foot center would fall under the "Neighborhood Center" category and would fail to meet the threshold of a "large" center.

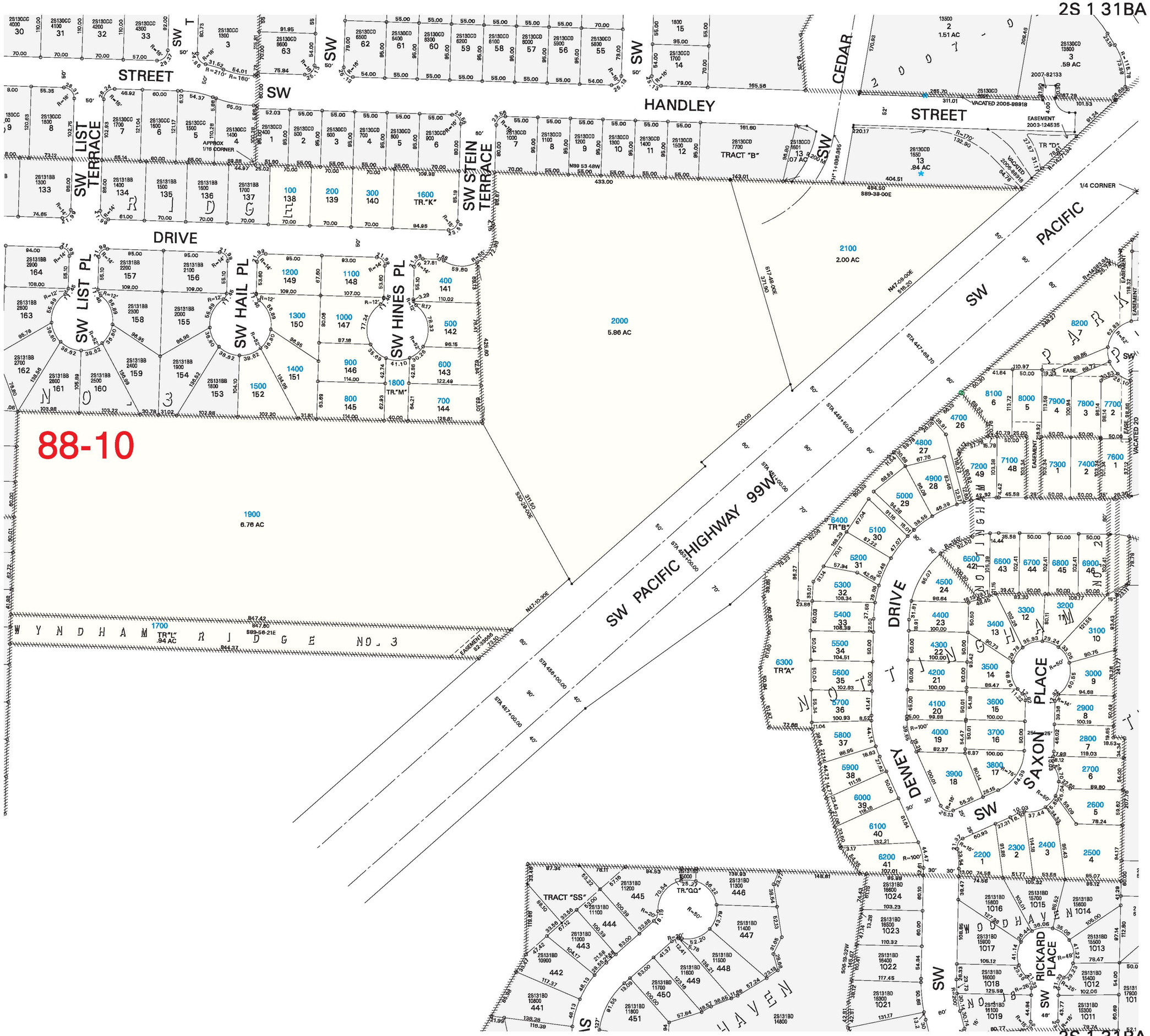
Under the current rezone application of the northern part of the parcel, the roughly 3.2 acres that would remain zoned GC and located along Pacific Highway is estimated to yield roughly 32,000 square feet of commercial space. A center of this size, though smaller, still qualifies as "Neighborhood Center" under International Council of Shopping Center/Urban Land Institute guidelines.

In conclusion, with or without a rezone of part of the Claus property in question, the GC zoning on-site is actually inappropriate given the smaller size of the whole parcel. Without a rezone or with, the parcel only yields Neighborhood Commercial-scale commercial development.

So although City of Sherwood's Comprehensive Plan/Goal 9 policies identify General Commercial land and development as important for the community, the Claus Property fails to yield General Commercial-scale and type of development even in its entirety without a partial rezone.

PNW Economics, LLC concludes that the rezone does not trigger a Goal 9/Employment Land concern due to the fact that the site entirely fails to meet the General Commercial zoning designation goal of larger commercial.

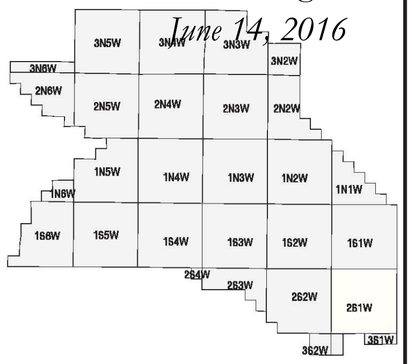
And yet, with the partial rezone, the property still provides the same commercial center type, "Neighborhood Commercial," as if the property is not partially rezoned. But with the partial re-zone, the remaining 3.2 acres of the parcel zoned GC would be better supported by additional and pedestrian-connected residential development as proposed under the zoning change application.



2S 1 31BA

PC Meeting

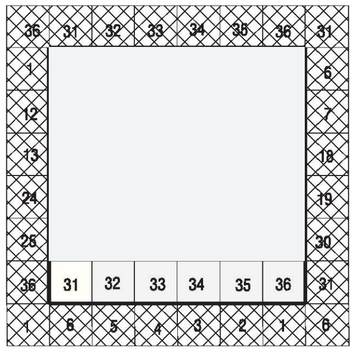
June 14, 2016



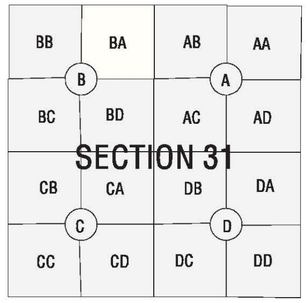
WASHINGTON COUNTY OREGON

NE1/4 NW1/4 SECTION 31 T2S R1W W.M.

SCALE 1" = 100'



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us



Cancelled Taxlots For: 2S131BA
4600,7000,7500,

Assessment
CARTOGRAPHY
Taxation

PLOT DATE: May 16, 2008

FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

SHERWOOD
2S 1 31BA

FORM No. 721—QUITCLAIM DEED (Individual or Corporate). COPYRIGHT 1990 STEVENS-NESS LAW PUBLISHING CO. PORTLAND, OR 97204

91024410
Washington County

NE

QUITCLAIM DEED

MAY 14 1991

KNOW ALL MEN BY THESE PRESENTS, That Loren Harrison, *hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and quitclaim unto* Robert James Claus, *hereinafter called grantee, and unto grantee's heirs, successors and assigns all of the grantor's right, title and interest in that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of* Washington, *State of Oregon, described as follows, to-wit:*

- SEE "EXHIBIT A" ATTACHED -

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is $ 6,000.00.

~~[illegible] consideration (indicate which)~~ ⊙ *(The sentence between the symbols ⊙, if not applicable, should be deleted. See ORS 93.030.)*

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 6th *day of* ~~April~~ May, *19* 91; *if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized thereto by order of its board of directors.*

Loren Harrison
LOREN HARRISON

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

STATE OF ~~OREGON~~ ARIZONA, *County of* Graham) ss.

This instrument was acknowledged before me on ~~May 6~~, *19* 91,

by Loren Harrison,

This instrument was acknowledged before me on May 6, *19* 91,

by

as

of

MALDONADO NOTARY PUBLIC COUNTY

Maria L. Maldonado
Notary Public for Oregon

My commission expires May 9, 1993

Loren Harrison
Lexington Pines, #203
585 Thatcher Blvd.
Safford, Arizona 85546
GRANTOR'S NAME AND ADDRESS

Robert James Claus
Rt. 3, Box 315
Sherwood, OR 97140
GRANTEE'S NAME AND ADDRESS

After recording return to:
Robert James Claus
Rt. 3, Box 315
Sherwood, OR 97140
NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.
Robert James Claus
Rt. 3, Box 315
Sherwood, OR 97140
NAME, ADDRESS, ZIP

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON,
County of ..... ss.

I certify that the within instrument was received for record on the .....*day of* ....., *19*....., *at*.....*o'clock*.....*M., and recorded in book/reel/volume No*.....*on page*.....*or as document/fee/file/instrument/microfilm No.* ....., *Record of Deeds of said county.*

Witness my hand and seal of County affixed.

NAME TITLE

By .....*Deputy*

1-2

MAY 14 1991

EXHIBIT A

DESCRIPTION

Beginning at the Northeast corner of that certain tract of land described in deed to Millie Gillmor, recorded in Book 149, Page 237, Deed Records, Washington County, said corner being South 89°38' East 660.00 feet South 0°29' West 431.0 feet and South 89°58 1/2' East 1058.8 feet from the Northwest corner of Section 31, Township 2 South, Range 1 West, Willamatte Meridian, Washington County, Oregon; thence North 3°22' East 425.6 feet to a point on the north line of said Section 31, said point also being the Northeast corner of that certain tract of land described in deed to Herbert Elwert by deed recorded July 27, 1942 in Book 209, Page 747, Deed Records; thence South 89'38" East along the north line of said Section 31, a distance of 433.0 feet to the Northwest corner of that certain tract of land described in deed to Ocie Davis, et ux, recorded in Book 419, Page 310, Deed Records; thence South 17°48' East along the easterly line of said Davis Tract 371.9 feet to a point on the northerly line of the Westside Pacific (State) Highway, said point being opposite Engineer's centerline station 449+26.2 as described in deed recorded in Book 362, Page 685, Washington County Deed Records; thence South 47°03'45" West along the northerly line of said Highway 73.8 feet to a point oppsite Engineer's center line station 450+00; thence North 42°03'45" West 10.0 feet; thence South 47°03'45" West along the northerly line of said Highway 200.00 feet, thence South 42°03'45" East 10.0 feet; thence South 47°03'45" West along the northerly line of said Highway 306.0 feet to its point of intersection with the northeasterly line of said Gillmor tract, said point being opposite Engineer's center line station 455+06; thence North 30°29' West along the northeasterly line of said Gillmor Tract 311.5 feet, more or less, to the Northeast corner thereof and point of beginning.

STATE OF OREGON } SS
County of Washington

I, Jerry R. Hanson, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Jerry R. Hanson, Director of Assessment and Taxation, Ex-Officio County Clerk

WASHINGTON COUNTY, OREGON

2

Doc : 91024410
Rect: 54333 38.00
05/14/1991 02:27:42PM

FORM No. 969—QUITCLAIM DEED—STATUTORY FORM (Individual Grantor). STEVENS-NESS LAW PUBLISHING CO., PORTLAND, OR 97204

10 8 1 20 m

OK

MAR 27 1991

QUITCLAIM DEED—STATUTORY FORM
INDIVIDUAL GRANTOR

91014738
Washington County

KAREN E. CLAUS, Grantor,

releases and quitclaims to ROBERT JAMES CLAUS, Grantee, *all right, title and interest in and to the following described real property situated in* Washington *County, Oregon, to-wit:*

- See "Exhibit A" attached -

** This deed is given pursuant to terms of dissolution of marriage and property settlement of the Grantor and Grantee, Case No. C902629DR, Circuit Court, Washington County, Oregon. **

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The true consideration for this conveyance is $ -0- *(Here comply with the requirements of ORS 93.030)*
The actual consideration consists of or includes other property or value given or promised which is the whole consideration.

Dated this 28th *day of* January, *19* 91

Karen E. Claus

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

STATE OF ~~OREGON~~ UTAH, *County of* UTAH) ss.
This instrument was acknowledged before me on January 28, *19* 91, KAREN E. CLAUS

MARIE H. LARSEN
NOTARY PUBLIC • STATE of UTAH
1177 EAST 2060 NORTH
PROVO, UT 84604
COMM. EXP. 5-29-94

Notary Public for ~~Oregon~~ Utah
My commission expires May 29, 1994

QUITCLAIM DEED

Karen E. Claus — GRANTOR
Robert James Claus — GRANTEE

GRANTEE'S ADDRESS, ZIP

After recording return to:
Robert James Claus
Rt. 3, Box 315
Sherwood, Oregon 97140

NAME, ADDRESS, ZIP

Until a change is requested, all tax statements shall be sent to the following address:
Robert James Claus
Rt. 3, Box 315
Sherwood, Oregon 97140

NAME, ADDRESS, ZIP

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON,
County of ..... } ss.

I certify that the within instrument was received for record on the ..... *day of* ....., *19* ....., *at* ..... *o'clock* ..... *M., and recorded in book/reel/volume No.* ..... *on page* ..... *or as fee/file/instrument/microfilm/reception No.* ....., *Record of Deeds of said county.*

Witness my hand and seal of County affixed.

NAME TITLE

By ..... *Deputy*

1-2

EXHIBIT A

DESCRIPTION

Beginning at the Northeast corner of that certain tract of land described in deed to Millie Gillmor, recorded in Book 149, Page 237, Deed Records, Washington County, said corner being South 89°38' East 660.00 feet South 0°29' West 431.0 feet and South 89°58 1/2' East 1058.8 feet from the Northwest corner of Section 31, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence North 3°22' East 425.6 feet to a point on the north line of said Section 31, said point also being the Northeast corner of that certain tract of land described in deed to Herbert Elwert by deed recorded July 27, 1942 in Book 209, Page 747, Deed Records; thence South 89'38" East along the north line of said Section 31, a distance of 433.0 feet to the Northwest corner of that certain tract of land described in deed to Ocie Davis, et ux, recorded in Book 419, Page 310, Deed Records; thence South 17°48' East along the easterly line of said Davis Tract 371.9 feet to a point on the northerly line of the Westside Pacific (State) Highway, said point being opposite Engineer's centerline station 449+26.2 as described in deed recorded in Book 362, Page 685, Washington County Deed Records; thence South 47°03'45" West along the northerly line of said Highway 73.8 feet to a point oppsite Engineer's center line station 450+00; thence North 42°03'45" West 10.0 feet; thenee South 47°03'45" West along the northerly line of said Highway 200.00 feet, thence South 42°03'45" East 10.0 feet; thence South 47°03'45" West along the northerly line of said Highway 306.0 feet to its point of intersection with the northeasterly line of said Gillmor tract, said point being opposite Engineer's center line station 455+06; thence North 30°29' West along the northeasterly line of said Gillmor Tract 311.5 feet, more or less, to the Northeast corner thereof and point of beginning.

STATE OF OREGON
County of Washington } SS

I, Jerry R. Hansen, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Jerry R. Hansen, Director of Assessment and Taxation, Ex-Officio County Clerk

WASHINGTON COUNTY, OREGON

Doc : 91014738
Rect: 51496 38.00
03/27/1991 02:55:37PM

2

FORM No. 993—WARRANTY DEED—Grantor to Himself and Others—Individual or Corporate (Ors. Laws 1973, Ch. 209). STEV

90-47055
Washington County

OR. 87204

OK

AUG 30 1990

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That ROBERT JAMES CLAUS, KAREN E. CLAUS, and SUSAN LYNNE CLAUS, *hereinafter called the grantor, for the consideration hereinafter stated, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto* ROBERT J. CLAUS and KAREN E. CLAUS, husband and wife, as to an undivided 42% interest, SUSAN L. CLAUS, as to an undivided 33% interst, & LOREN HARRISON, as to an undivided 25% int. *hereinafter called the grantee, and unto grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of* Washington *and State of Oregon, described as follows, to-wit:*

- See "Exhibit A" attached -

** This deed is given as a mere change in form of ownership between family members and according to the terms of a joint family-venture. **

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances, except those of record, including easements, rights of way, taxes, levies, assessments, and mortgages or other encumbrances at time of recording, *and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.*

The true and actual consideration paid for this transfer, stated in terms of dollars, is $ -0- *①However, the actual consideration consists of or includes other property or value given or promised which is the whole ~~part of the~~ consideration (indicate which).① (The sentence between the symbols ①, if not applicable, should be deleted. See ORS 93.030.)*

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 27 *day of* December, *1989; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.*

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Robert James Claus
Karen E. Claus
Susan Lynne Claus

STATE OF OREGON, County of Washington ss.
12/27, 19 89.

Personally appeared the above named Robert James Claus, Karen E. Claus and Susan Lynne Claus *and acknowledged the foregoing instrument to be* their *voluntary act and deed.*

Before me:
(OFFICIAL SEAL)
Notary Public for Oregon
My commission expires: 7/14/92

STATE OF OREGON, County of ..... ss.
....., 19....

Personally appeared ..... *and* ..... *who, being duly sworn, each for himself and not one for the other, did say that the former is the* ..... *president and that the latter is the* ..... *secretary of* ....., *a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.*

Before me:
(OFFICIAL SEAL)
Notary Public for Oregon
My commission expires:

(If executed by a corporation, affix corporate seal)

Robert and Karen Claus
Route 3, Box 315
Sherwood, Oregon 97140
GRANTOR'S NAME AND ADDRESS

same as above
GRANTEE'S NAME AND ADDRESS

After recording return to:

same as above
NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.

same as above
NAME, ADDRESS, ZIP

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON, County of ..... ss.

I certify that the within instrument was received for record on the ..... *day of* ....., *19*....., *at* ..... *o'clock* ..... *M., and recorded in book/reel/volume No.* ..... *on page* ..... *or as fee/file/instrument/microfilm/reception No.* ....., *Record of Deeds of said county.*

Witness my hand and seal of County affixed.

NAME TITLE

By ..... *Deputy*

1-2

AUG 30 1990

EXHIBIT A

DESCRIPTION

Beginning at the Northeast corner of that certain tract of land described in deed to Millie Gillmor, recorded in Book 149, Page 237, Deed Records, Washington County, said corner being South 89°38' East 660.00 feet South 0°29' West 431.0 feet and South 89°58 1/2' East 1058.8 feet from the Northwest corner of Section 31, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence North 3°22' East 425.6 feet to a point on the north line of said Section 31, said point also being the Northeast corner of that certain tract of land described in deed to Herbert Elwert by deed recorded July 27, 1942 in Book 209, Page 747, Deed Records; thence South 89'38" East along the north line of said Section 31, a distance of 433.0 feet to the Northwest corner of that certain tract of land described in deed to Ocie Davis, et ux, recorded in Book 419, Page 310, Deed Records; thence South 17°48' East along the easterly line of said Davis Tract 371.9 feet to a point on the northerly line of the Westside Pacific (State) Highway, said point being opposite Engineer's centerline station 449+26.2 as described in deed recorded in Book 362, Page 685, Washington County Deed Records; thence South 47°03'45" West along the northerly line of said Highway 73.8 feet to a point oppsite Engineer's center line station 450+00; thence North 42°03'45" West 10.0 feet; thence South 47°03'45" West along the northerly line of said Highway 200.00 feet, thence South 42°03'45" East 10.0 feet; thence South 47°03'45" West along the northerly line of said Highway 306.0 feet to its point of intersection with the northeasterly line of said Gillmor tract, said point being opposite Engineer's center line station 455+06; thence North 30°29' West along the northeasterly line of said Gillmor Tract 311.5 feet, more or less, to the Northeast corner thereof and point of beginning.

STATE OF OREGON
County of Washington } SS

I, Jerry R. Hanson, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Jerry R. Hanson, Director of Assessment and Taxation, Ex-Officio County Clerk

Doc : 90047055
Rect: 39617 38.00
08/30/1990 10:18:16AM

2

Fidelity National Title
Company of Oregon

PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Fidelity National Title Company of Oregon hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Fidelity National Title Company of Oregon, a/an Oregon corporation.

Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

Countersigned

Fidelity National Title
Company of Oregon

900 SW 5th Avenue, Portland, OR 97204
(503)222-2424 FAX (503)227-2274

PRELIMINARY REPORT

ESCROW OFFICER: Lori Medak **ORDER NO.:** 45141516789
TITLE OFFICER: Robert Fleming

TO: Fidelity National Title Company of Oregon
Lori Medak
900 SW 5th Avenue
Portland, OR 97204

OWNER/SELLER: Robert James Claus and Susan L. Claus

BUYER/BORROWER:

PROPERTY ADDRESS: 22211 SW Pacific Hwy, Sherwood, OR 97140

EFFECTIVE DATE: September 23, 2015, 08:00 AM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

		AMOUNT		PREMIUM
ALTA Owner's Policy 2006	$	TBD	$	TBD
ALTA Loan Policy 2006	$	TBD	$	TBD
Government Lien Search			$	25.00

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

   A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

   Robert James Claus, who also appears of record as Robert J. Claus, as to an undivided 67% interest and Susan L. Claus, as to an undivided 33% interest

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF SHERWOOD, COUNTY OF WASHINGTON, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

   SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Order No.: 45141516789

EXHIBIT "A"

Legal Description

Beginning at the Northeast corner of that certain tract of land described in deed to Millie Gillmor, recorded in Book 149, Page 237, Deed Records, Washington County, said corner being South 89° 38' East 660.00 feet South 0° 29' West 431.0 feet and South 89° 58 1/2' East 1058.8 feet from the Northwest corner of Section 31, Township 2 South, Range 1 West, of the Willamette Meridian, in the City of Sherwood, Washington County, Oregon; thence North 3° 22' East 425.6 feet to a point on the North line of said Section 31, said point also being the Northeast corner of that certain tract of land described in deed to Herbert Elwert by deed recorded July 27, 1942 in Book 209, Page 747, Deed Records; thence South 89° 38' East along the North line of said Section 31, a distance of 433.0 feet to the Northwest corner of that certain tract of land described in deed to Ocie Davis, et ux, recorded in Book 419, Page 310, Deed Records; thence South 17° 48' East along the Easterly line of said Davis Tract 371.9 feet to a point on the Northerly line of the Westside Pacific (State) Highway, said point being opposite Engineer's center line station 449+26.2 as described in deed recorded in Book 362, Page 685, Washington County Deed Records; thence South 47° 03' 45" West along the Northerly line of said Highway 73.8 feet to a point opposite Engineer's center line station 450+00; thence North 42° 03' 45" west 10.0 feet; thence South 47° 03' 45" West along the Northerly line of said Highway 200.00 feet; thence South 42° 03' 45" East 10.0 feet; thence South 47° 03' 45 West along the Northerly line of said Highway 306.0 feet to its point of intersection with the Northeasterly line of said Gillmor tract, said point being opposite Engineer's center line station 344+60; thence North 30° 29' West along the Northeasterly line of said Gillmor Tract 311.5 feet, more or less, to the Northeast corner thereof and point of beginning.

EXCEPTING THEREFROM a parcel of land in the Northwest one-quarter of Section 31, Township 2 South, Range 1 West, of the Willamette Meridian, City of Sherwood, Washington County, Oregon described as follows:

Beginning at the Southwest corner of Lot 7 of the plat of "Wyndham Ridge"; thence along the South line of said plat North 89° 53' 48" West 34.95 feet to the Northwest corner of the property described in Deed Document No. 91024410; thence leaving said South line along the West line of said property South 03° 37' 10" East 153.86 feet; thence leaving said West line on a non-tangent curve having a radius of 55.00 feet concave to the Northwest, the radius point of which bears North 29° 44' 19" West, through a central angle of 76° 02' 29", an arc length of 72.99 feet (chord bears North 22° 14' 27" East 67.75 feet) to a point of compound curvature; thence on a tangent curve having a radius of 15.00 feet concave to the Northeast through a central angel of 15° 52' 59", an arc length of 4.16 feet (chord bears North 7° 50' 18" West 4.14 feet); thence North 00° 06' 12" East 86.67 feet to the point of beginning.

Order No.: 45141516789

AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.

2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or which may be asserted by persons in possession thereof.

3. Easements, or claims thereof, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

4. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.

5. Any lien, or right to a lien, for services, labor, material or equipment rental, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

SPECIFIC ITEMS AND EXCEPTIONS:

6. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2015-2016.

   Tax Identification No.: R551192 and M2006613

7. Unpaid Property Taxes with partial payment are as follows:

   Fiscal Year: 2013-2014
   Original Amount: $7,253.38
   Unpaid Balance: $6,985.66, plus interest, if any

   Unpaid Property Taxes are as follows:

   Fiscal Year: 2014-2015
   Amount: $7,392.75, plus interest, if any
   Levy Code: 088.10
   Account No.: R551192
   Map No.: 2S131BA-02000

   Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

8. Unpaid Property Taxes are as follows:

   Fiscal Year: 2014-2015
   Amount: $24.88, plus interest, if any

Levy Code: 088.10
Account No.: M2006613
Affects Mobile Home only

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

9. City Liens, if any, in favor of the City of Sherwood. An inquiry has been directed to the City Clerk concerning the status of said liens and a report will follow if such liens are found.

10. Rights of the public to any portion of the Land lying within the area commonly known as

Streets, roads and highways.

11. The herein described Land has no rights of ingress and egress to the thoroughfare named below, except across that portion of the boundary line herein after set forth, such rights having been:

Relinquished by a deed to the State of Oregon
Recording Date: November 13, 1954
Recording No: Book 362, Page 685
Street name: State Highway 99W

Said document was amended by instrument:
Recording Date: February 17, 1955
Recording No.: Book 366, Page 567

12. Waiver of Remonstrance and Consent to Local Improvement District:

Purpose: Street, storm drainage, water and sewer
Recording Date: November 22, 1991
Recording No.: 91-065128

13. A deed of trust to secure an indebtedness in the amount shown below,

Amount: $2,000,000.00
Dated: January 3, 2011
Trustor/Grantor: Robert J. Claus and Susan L. Claus
Trustee: Stewart Title of Oregon
Beneficiary: Bank of Eastern Oregon
Loan No.: 1016146
Recording Date: January 19, 2011
Recording No.: 2011-006110
Affects this and other properties

An agreement to modify the terms and provisions of said deed of trust as therein provided

Executed by: Robert J. Claus and Susan L. Claus and Bank of Eastern Oregon
Recording Date: June 19, 2012
Recording No: 2012-049595

A substitution of trustee under said deed of trust which names, as the substituted trustee, the following

Trustee: First American Title Company of Oregon
Recording Date: November 8, 2013
Recording No: 2013-097118

14. An abstract of judgment for the amount shown below and any other amounts due:

Amount:	$111,332.00
Debtor:	Robert James Claus
Creditor:	Larry Hardie
Date entered:	July 28, 2014
County:	Gilliam
Court:	Circuit
Case No.:	130026CC
Recording Date:	August 22, 2014
Recording No:	2014-052930

15. A pending court action:

Plaintiff:	Signature Homebuilders LLC
Defendant:	Robert J. Claus, Susan L. Claus and Columbia State Bank
County:	Washington
Court:	Circuit
Case No.:	C145342CV
Dated Filed:	September 16, 2014
Nature of Action:	Civil Foreclosure

16. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.

    To remove this item, the Company will require an affidavit and indemnity on a form supplied by the Company.

17. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

    To remove this item, the Company will require an affidavit and indemnity on a form supplied by the Company.

ADDITIONAL REQUIREMENTS/NOTES:

A. The Land does not include any improvement(s) located on the Land which is described or defined as a mobile home (manufactured housing unit) under the provisions of State Law and is subject to registration.

B. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.

C. NOTE: This report is subject to any amendments which might occur when the names of prospective purchasers are submitted to us for examination.

D. Note: No utility search has been made or will be made for water, sewer or storm drainage charges unless the City/Service District claims them as liens (i.e. foreclosable) and reflects them on its lien docket as of the date of closing. Buyers should check with the appropriate city bureau or water service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.

E. Note: Effective January 1, 2008, Oregon law (ORS 314.258) mandates withholding of Oregon income taxes from sellers who do not continue to be Oregon residents or qualify for an exemption. Please contact your Escrow Closer for further information.

F. Recording Charge (Per Document) is the following:

County	First Page	Each Additional Page
Multnomah	$46.00	$5.00
Washington	$41.00	$5.00
Clackamas	$53.00	$5.00
Yamhill	$41.00	$5.00

Note: When possible the company will record electronically. An additional charge of $5.00 applies to each document that is recorded electronically.

G. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final 2006 ALTA Policy unless removed prior to issuance.

H. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.

I. Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

EXHIBIT ONE

2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions or location of any improvement erected on the land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed or agreed to by the Insured Claimant;
   (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with the applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
   (a) a fraudulent conveyance or fraudulent transfer, or
   (b) a preferential transfer for any reason not stated in the Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions or location of any improvement erected on the land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed or agreed to by the Insured Claimant;
   (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
   (a) a fraudulent conveyance or fraudulent transfer, or
   (b) a preferential transfer for any reason not stated in the Covered Risk 9 of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

FIDELITY NATIONAL FINANCIAL
PRIVACY NOTICE
Effective: May 1, 2015

Order No.: 45141516789--LM

Fidelity National Financial, Inc. and its majority-owned subsidiary companies providing real estate- and loan-related services (collectively, "FNF", "our" or "we") respect and are committed to protecting your privacy. This Privacy Notice lets you know how and for what purposes your Personal Information (as defined herein) is being collected, processed and used by FNF. We pledge that we will take reasonable steps to ensure that your Personal Information will only be used in ways that are in compliance with this Privacy Notice. The provision of this Privacy Notice to you does not create any express or implied relationship, or create any express or implied duty or other obligation, between Fidelity National Financial, Inc. and you. See also **No Representations or Warranties** below.

This Privacy Notice is only in effect for any generic information and Personal Information collected and/or owned by FNF, including collection through any FNF website and any online features, services and/or programs offered by FNF (collectively, the "Website"). This Privacy Notice is not applicable to any other web pages, mobile applications, social media sites, email lists, generic information or Personal Information collected and/or owned by any entity other than FNF.

How Information is Collected

The types of personal information FNF collects may include, among other things (collectively, "Personal Information"): (1) contact information (*e.g.*, name, address, phone number, email address); (2) demographic information (*e.g.*, date of birth, gender marital status); (3) Internet protocol (or IP) address or device ID/UDID; (4) social security number (SSN), student ID (SIN), driver's license, passport, and other government ID numbers; (5) financial account information; and (6) information related to offenses or criminal convictions.

In the course of our business, we may collect Personal Information about you from the following sources:

- Applications or other forms we receive from you or your authorized representative;
- Information we receive from you through the Website;
- Information about your transactions with or services performed by us, our affiliates, or others; and
- From consumer or other reporting agencies and public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others.

Additional Ways Information is Collected Through the Website

Browser Log Files. Our servers automatically log each visitor to the Website and collect and record certain information about each visitor. This information may include IP address, browser language, browser type, operating system, domain names, browsing history (including time spent at a domain, time and date of your visit), referring/exit web pages and URLs, and number of clicks. The domain name and IP address reveal nothing personal about the user other than the IP address from which the user has accessed the Website.

Cookies. From time to time, FNF or other third parties may send a "cookie" to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive and that can be re-sent to the serving website on subsequent visits. A cookie, by itself, cannot read other data from your hard disk or read other cookie files already on your computer. A cookie, by itself, does not damage your system. We, our advertisers and other third parties may use cookies to identify and keep track of, among other things, those areas of the Website and third party websites that you have visited in the past in order to enhance your next visit to the Website. You can choose whether or not to accept cookies by changing the settings of your Internet browser, but some functionality of the Website may be impaired or not function as intended. See the Third Party Opt Out section below.

Web Beacons. Some of our web pages and electronic communications may contain images, which may or may not be visible to you, known as Web Beacons (sometimes referred to as "clear gifs"). Web Beacons collect only limited information that includes a cookie number; time and date of a page view; and a description of the page on which the Web Beacon resides. We may also carry Web Beacons placed by third party advertisers. These Web Beacons do not carry any Personal Information and are only used to track usage of the Website and activities associated with the Website. See the Third Party Opt Out section below.

Unique Identifier. We may assign you a unique internal identifier to help keep track of your future visits. We may use this information to gather aggregate demographic information about our visitors, and we may use it to personalize the information you see on the Website and some of the electronic communications you receive from us. We keep this information for our internal use, and this information is not shared with others.

Third Party Opt Out. Although we do not presently, in the future we may allow third-party companies to serve advertisements and/or collect certain anonymous information when you visit the Website. These companies may use non-personally identifiable information (*e.g.*, click stream information, browser type, time and date, subject of advertisements clicked or scrolled over) during your visits to the Website in order to provide advertisements about products and services likely to be of greater interest to you. These companies typically use a cookie or third party Web Beacon to collect this information, as further described above. Through these technologies, the third party may have access to and use non-personalized information about your online usage activity.

You can opt-out of certain online behavioral services through any one of the ways described below. After you opt-out, you may continue to receive advertisements, but those advertisements will no longer be as relevant to you.

- You can opt-out via the Network Advertising Initiative industry opt-out at http://www.networkadvertising.org/.
- You can opt-out via the Consumer Choice Page at www.aboutads.info.
- For those in the U.K., you can opt-out via the IAB UK's industry opt-out at www.youronlinechoices.com.
- You can configure your web browser (Chrome, Firefox, Internet Explorer, Safari, etc.) to delete and/or control the use of cookies.

More information can be found in the Help system of your browser. Note: If you opt-out as described above, you should not delete your cookies. If you delete your cookies, you will need to opt-out again.

Use of Personal Information

Information collected by FNF is used for three main purposes:

- To provide products and services to you or one or more third party service providers (collectively, "Third Parties") who are obtaining services on your behalf or in connection with a transaction involving you.
- To improve our products and services that we perform for you or for Third Parties.
- To communicate with you and to inform you about FNF's, FNF's affiliates and third parties' products and services.

When Information Is Disclosed By FNF

We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

- To agents, brokers, representatives, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- To third-party contractors or service providers who provide services or perform marketing services or other functions on our behalf;
- To law enforcement or other governmental authority in connection with an investigation, or civil or criminal subpoenas or court orders; and/or
- To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

In addition to the other times when we might disclose information about you, we might also disclose information when required by law or in the good-faith belief that such disclosure is necessary to: (1) comply with a legal process or applicable laws; (2) enforce this Privacy Notice; (3) respond to claims that any materials, documents, images, graphics, logos, designs, audio, video and any other information provided by you violates the rights of third parties; or (4) protect the rights, property or personal safety of FNF, its users or the public.

We maintain reasonable safeguards to keep the Personal Information that is disclosed to us secure. We provide Personal Information and non-Personal Information to our subsidiaries, affiliated companies, and other businesses or persons for the purposes of processing such information on our behalf and promoting the services of our trusted business partners, some or all of which may store your information on servers outside of the United States. We require that these parties agree to process such information in compliance with our Privacy Notice or in a similar, industry-standard manner, and we use reasonable efforts to limit their use of such information and to use other appropriate confidentiality and security measures. The use of your information by one of our trusted business partners may be subject to that party's own Privacy Notice. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

We also reserve the right to disclose Personal Information and/or non-Personal Information to take precautions against liability, investigate and defend against any third-party claims or allegations, assist government enforcement agencies, protect the security or integrity of the Website, and protect the rights, property, or personal safety of FNF, our users or others.

We reserve the right to transfer your Personal Information, as well as any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets. We also cannot make any representations regarding the use or transfer of your Personal Information or other information that we may have in the event of our bankruptcy, reorganization, insolvency, receivership or an assignment for the benefit of creditors, and you expressly agree and consent to the use and/or transfer of your Personal Information or other information in connection with a sale or transfer of some or all of our assets in any of the above described proceedings. Furthermore, we cannot and will not be responsible for any breach of security by any third parties or for any actions of any third parties that receive any of the information that is disclosed to us.

Information From Children

We do not collect Personal Information from any person that we know to be under the age of thirteen (13). Specifically, the Website is not intended or designed to attract children under the age of thirteen (13). You affirm that you are either more than 18 years of age, or an emancipated minor, or possess legal parental or guardian consent, and are fully able and competent to enter into the terms, conditions, obligations, affirmations, representations, and warranties set forth in this Privacy Notice, and to abide by and comply with this Privacy Notice. In any case, you affirm that you are over the age of 13, as **THE WEBSITE IS NOT INTENDED FOR CHILDREN UNDER 13 THAT ARE UNACCOMPANIED BY HIS OR HER PARENT OR LEGAL GUARDIAN.**

Parents should be aware that FNF's Privacy Notice will govern our use of Personal Information, but also that information that is voluntarily given by children – or others – in email exchanges, bulletin boards or the like may be used by other parties to generate unsolicited communications. FNF encourages all parents to instruct their children in the safe and responsible use of their Personal Information while using the Internet.

Privacy Outside the Website

The Website may contain various links to other websites, including links to various third party service providers. FNF is not and cannot be responsible for the privacy practices or the content of any of those other websites. Other than under agreements with certain reputable organizations and companies, and except for third party service providers whose services either we use or you voluntarily elect to utilize, we do not share any of the Personal Information that you provide to us with any of the websites to which the Website links, although we may share aggregate, non-Personal Information with those other third parties. Please check with those websites in order to determine their privacy policies and your rights under them.

European Union Users

If you are a citizen of the European Union, please note that we may transfer your Personal Information outside the European Union for use for any of the purposes described in this Privacy Notice. By providing FNF with your Personal Information, you consent to both our collection and such transfer of your Personal Information in accordance with this Privacy Notice.

Choices With Your Personal Information

Whether you submit Personal Information to FNF is entirely up to you. You may decide not to submit Personal Information, in which case FNF may not be able to provide certain services or products to you.

You may choose to prevent FNF from disclosing or using your Personal Information under certain circumstances ("opt out"). You may opt out of any disclosure or use of your Personal Information for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you subsequently gave authorization by notifying us by one of the methods at the end of this Privacy Notice. Furthermore, even where your Personal Information is to be disclosed and used in accordance with the stated purposes in this Privacy Notice, you may elect to opt out of such disclosure to and use by a third party that is not acting as an agent of FNF. As described above, there are some uses from which you cannot opt-out.

Please note that opting out of the disclosure and use of your Personal Information as a prospective employee may prevent you from being hired as an employee by FNF to the extent that provision of your Personal Information is required to apply for an open position.

If FNF collects Personal Information from you, such information will not be disclosed or used by FNF for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you subsequently gave authorization unless you affirmatively consent to such disclosure and use.

You may opt out of online behavioral advertising by following the instructions set forth above under the above section "Additional Ways That Information Is Collected Through the Website," subsection "Third Party Opt Out."

Access and Correction

To access your Personal Information in the possession of FNF and correct inaccuracies of that information in our records, please contact us in the manner specified at the end of this Privacy Notice. We ask individuals to identify themselves and the information requested to be accessed and amended before processing such requests, and we may decline to process requests in limited circumstances as permitted by applicable privacy legislation.

Your California Privacy Rights

Under California's "Shine the Light" law, California residents who provide certain personally identifiable information in connection with obtaining products or services for personal, family or household use are entitled to request and obtain from us once a calendar year information about the customer information we shared, if any, with other businesses for their own direct marketing uses. If applicable, this information would include the categories of customer information and the names and addresses of those businesses with which we shared customer information for the immediately prior calendar year (*e.g.*, requests made in 2015 will receive information regarding 2014 sharing activities).

To obtain this information on behalf of FNF, please send an email message to privacy@fnf.com with "Request for California Privacy Information" in the subject line and in the body of your message. We will provide the requested information to you at your email address in response.

Please be aware that not all information sharing is covered by the "Shine the Light" requirements and only information on covered sharing will be included in our response.

Additionally, because we may collect your Personal Information from time to time, California's Online Privacy Protection Act requires us to disclose how we respond to "do not track" requests and other similar mechanisms. Currently, our policy is that we do not recognize "do not track" requests from Internet browsers and similar devices.

FNF Compliance with California Online Privacy Protection Act

For some websites which FNF or one of its companies owns, such as the Customer CareNet ("CCN"), FNF is acting as a third party service provider to a mortgage loan servicer. In those instances, we may collect certain information on behalf of that mortgage loan servicer for fulfilling a service to that mortgage loan servicer. For example, you may access CCN to complete a transaction with your mortgage loan servicer. During this transaction, the information which we may collect on behalf of the mortgage loan servicer is as follows:

- First and Last Name
- Property Address
- User Name
- Password
- Loan Number
- Social Security Number - masked upon entry
- Email Address
- Three Security Questions and Answers
- IP Address

The information you submit is then transferred to your mortgage loan servicer by way of CCN.

The mortgage loan servicer is responsible for taking action or making changes to any consumer information submitted through this website. For example, if you believe that your payment or user information is incorrect, you must contact your mortgage loan servicer.

CCN does not share consumer information with third parties, other than those with which the mortgage loan servicer has contracted to interface with the CCN application.

All sections of the FNF Privacy Notice apply to your interaction with CCN, except for the sections titled Choices with Your Personal Information and Access and Correction. If you have questions regarding the choices you have with regard to your personal information or how to access or correct your personal information, you should contact your mortgage loan servicer.

No Representations or Warranties

By providing this Privacy Notice, Fidelity National Financial, Inc. does not make any representations or warranties whatsoever concerning any products or services provided to you by its majority-owned subsidiaries. In addition, you also expressly agree that your use of the Website is at your own risk. Any services provided to you by Fidelity National Financial, Inc. and/or the Website are provided "as is" and "as available" for your use, without representations or warranties of any kind, either express or implied, unless such warranties are legally incapable of exclusion. Fidelity National Financial, Inc. makes no representations or warranties that any services provided to you by it or the Website, or any services offered in connection with the Website are or will remain uninterrupted or error-free, that defects will be corrected, or that the web pages on or accessed through the Website, or the servers used in connection with the Website, are or will remain free from any viruses, worms, time bombs, drop dead devices, Trojan horses or other harmful components. Any liability of Fidelity National Financial, Inc. and your exclusive remedy with respect to the use of any product or service provided by Fidelity National Financial, Inc. including on or accessed through the Website, will be the re-performance of such service found to be inadequate.

Your Consent To This Privacy Notice

By submitting Personal Information to FNF, you consent to the collection and use of information by us as specified above or as we otherwise see fit, in compliance with this Privacy Notice, unless you inform us otherwise by means of the procedure identified below. If we decide to change this Privacy Notice, we will make an effort to post those changes on the Website. Each time we collect information from you following any amendment of this Privacy Notice will signify your assent to and acceptance of its revised terms for all previously collected information and information collected from you in the future. We may use comments, information or feedback that you may submit in any manner that we may choose without notice or compensation to you.

If you have additional questions or comments, please let us know by sending your comments or requests to:

Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, Florida 32204
Attn: Chief Privacy Officer
(888) 934-3354
privacy@fnf.com

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EFFECTIVE AS OF: MAY 1, 2015

CLAUS REZONE NEIGHBORHOOD MEETING

A Neighborhood Meeting was held July 2, 2015 at the Sherwood Senior Center to inform neighborhood residents of a proposed zone change located at 22211 SW Pacific Hwy from General Commercial to Medium Density Residential Low (MDRL). 318 notices were mailed on June 23, 2015 to all residents within 1,000 feet. Joe Broadhurst and Nathan Claus were present to provide information. An aerial vicinity map and preliminary subdivision plat showing approximately 2.7 acres of the 5.96 acre property to be rezoned was provided. Six neighborhood residents attended.

Kent and Ann Bergstedt reside in Renaissance Crest and prefer residential housing behind their house than commercial and support this rezone.

Brent Young, a neighborhood resident property owner, was in support and in favor of less traffic being generated by the rezone and a future connectivity of Cedar Brook Way.

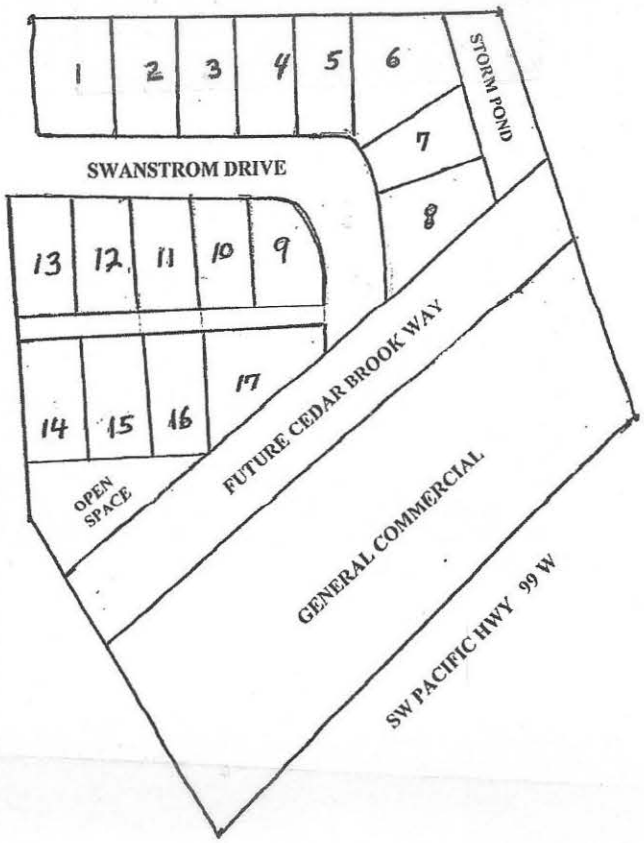
Cory and Celeste Anderson, bordering neighborhood resident property owners, would prefer no development, commercial or residential, and to preserve any trees and open space possible for privacy and aesthetics.

Nathan Doyel, neighbor business property owner, was in favor of the proposed plan for Cedar Brook Way and that MDRL housing was a better plan for the neighborhood residents than General Commercial and supports the rezone.

NOTICE OF NEIGHBORHOOD MEETING

A Neighborhood Meeting will be held on July 2, 2015 at the Sherwood Senior Center to inform the community about our proposed Comprehensive Plan Amendment / Zone Change and Subdivision. Interested community members are encouraged to attend the Open House.

PROJECT PROPOSAL: Applicant is proposing a Comprehensive Plan Map Amendment/Zone Change and Subdivision for the 5.86 acres located at 22211 SW Pacific Highway, Sherwood, Oregon. Approximately 2.66 acres will be rezoned MDRL Residential and 3.2 acres will remain General Commercial.



OPEN HOUSE INFORMATION:
DATE: July 2, 2015
TIME: 6:30 pm – 8:30 pm
LOCATION: 21907 SW Sherwood Blvd. Sherwood, Or 97140
Sherwood Senior Center
CONTACT: Joe Broadhurst, Applicant's Representative
503-625-3988 jbroadhrst@aol.com

NEIGHBORHOOD MEETING SIGN IN SHEET

Proposed Project: Claus Re-zone

Proposed Project Location: 2221 SW Pacific Hwy

Project Contact: JOE BROADHURST

Meeting Location: Sherwood Senior Center

Meeting Date: 7/2/15

Name	Address	E-Mail	Please identify yourself (check all that apply)			
			Resident	Property owner	Business owner	Other
Kent + Ann Bergstedt			✓	✓		
Brent Young			✓	✓		
Cory + Celeste Anderson	17890 SW Handley Sherwood		✓	✓		
Nathan Doyel	17425 SW Pleasant Hill Rd Sherwood OR			✓	✓	

Updated October 2010

Affidavit of Mailing

DATE:

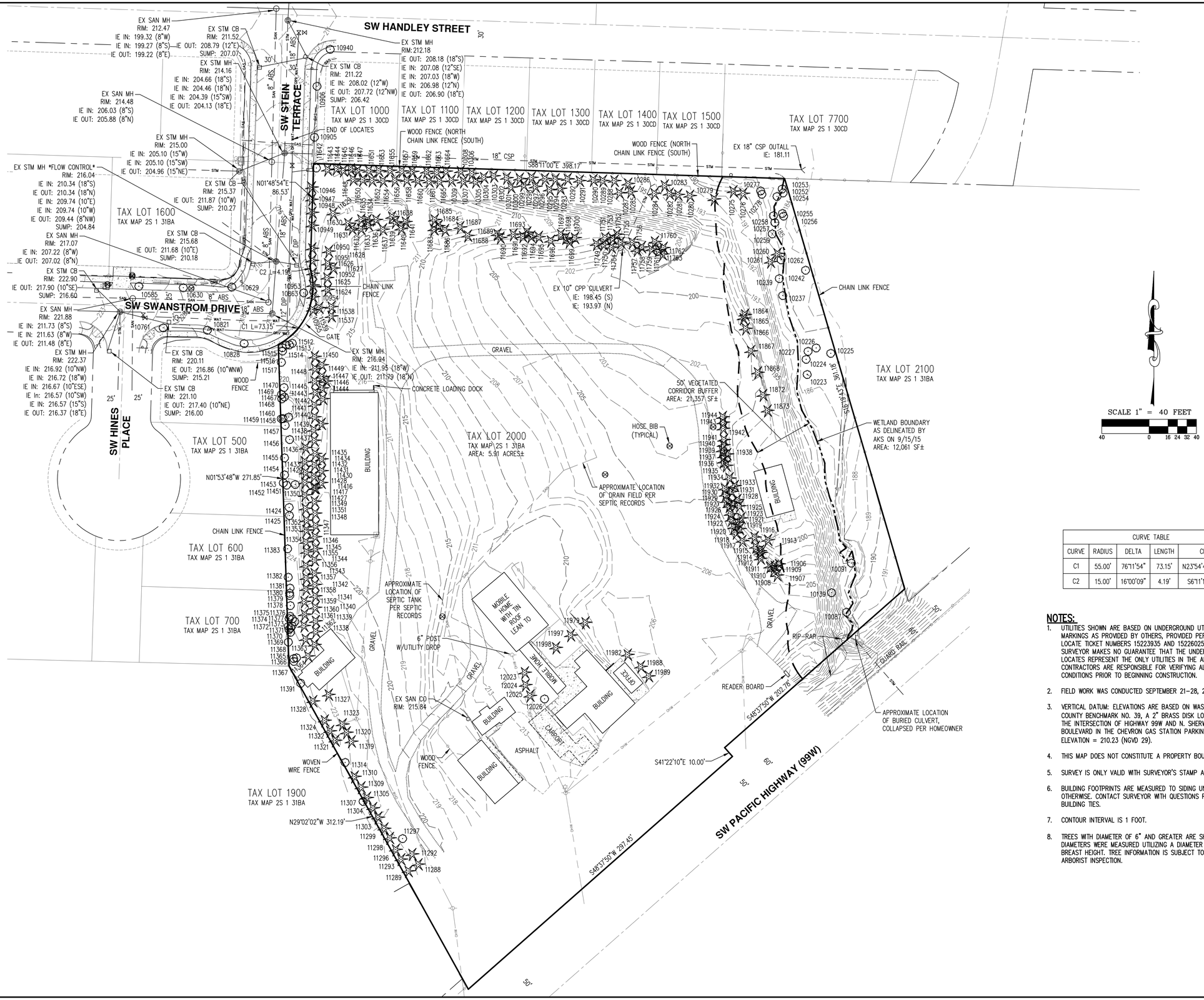
STATE OF OREGON)
)
Washington County)

I, JOE BROADHURST, representative for the CLAUS RE-ZONE proposed development project do hereby certify that the attached notice to adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject project, was placed in a U.S. Postal receptacle on JUNE 23, 2015

Joe Broadhurst

Representatives Name:
Name of the Organization:

Updated October 2010



CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	55.00'	76°11'54"	73.15'	N23°54'42"E 67.87'
C2	15.00'	16°00'09"	4.19'	S6°11'10"E 4.18'

NOTES:

1. UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PROVIDED PER UTILITY LOCATE TICKET NUMBERS 15223935 AND 15226025. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
2. FIELD WORK WAS CONDUCTED SEPTEMBER 21–28, 2015.
3. VERTICAL DATUM: ELEVATIONS ARE BASED ON WASHINGTON COUNTY BENCHMARK NO. 39, A 2" BRASS DISK LOCATED NEAR THE INTERSECTION OF HIGHWAY 99W AND N. SHERWOOD BOULEVARD IN THE CHEVRON GAS STATION PARKING LOT. ELEVATION = 210.23 (NGVD 29).
4. THIS MAP DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY.
5. SURVEY IS ONLY VALID WITH SURVEYOR'S STAMP AND SIGNATURE.
6. BUILDING FOOTPRINTS ARE MEASURED TO SIDING UNLESS NOTED OTHERWISE. CONTACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
7. CONTOUR INTERVAL IS 1 FOOT.
8. TREES WITH DIAMETER OF 6" AND GREATER ARE SHOWN. TREE DIAMETERS WERE MEASURED UTILIZING A DIAMETER TAPE AT BREAST HEIGHT. TREE INFORMATION IS SUBJECT TO CHANGE UPON ARBORIST INSPECTION.

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD STE 100
TUALATIN, OR 97062
P: 503.563.6151
F: 503.563.6152
aks-eng.com

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

22211 SW PACIFIC HWY

SHERWOOD OREGON
TAX LOT 2000
WASHINGTON COUNTY TAX MAP 2S 1 31BA

EXISTING CONDITIONS PLAN

DESIGNED BY:
DRAWN BY: MSK
CHECKED BY: NSW
SCALE: AS NOTED
DATE: 10/02/2015

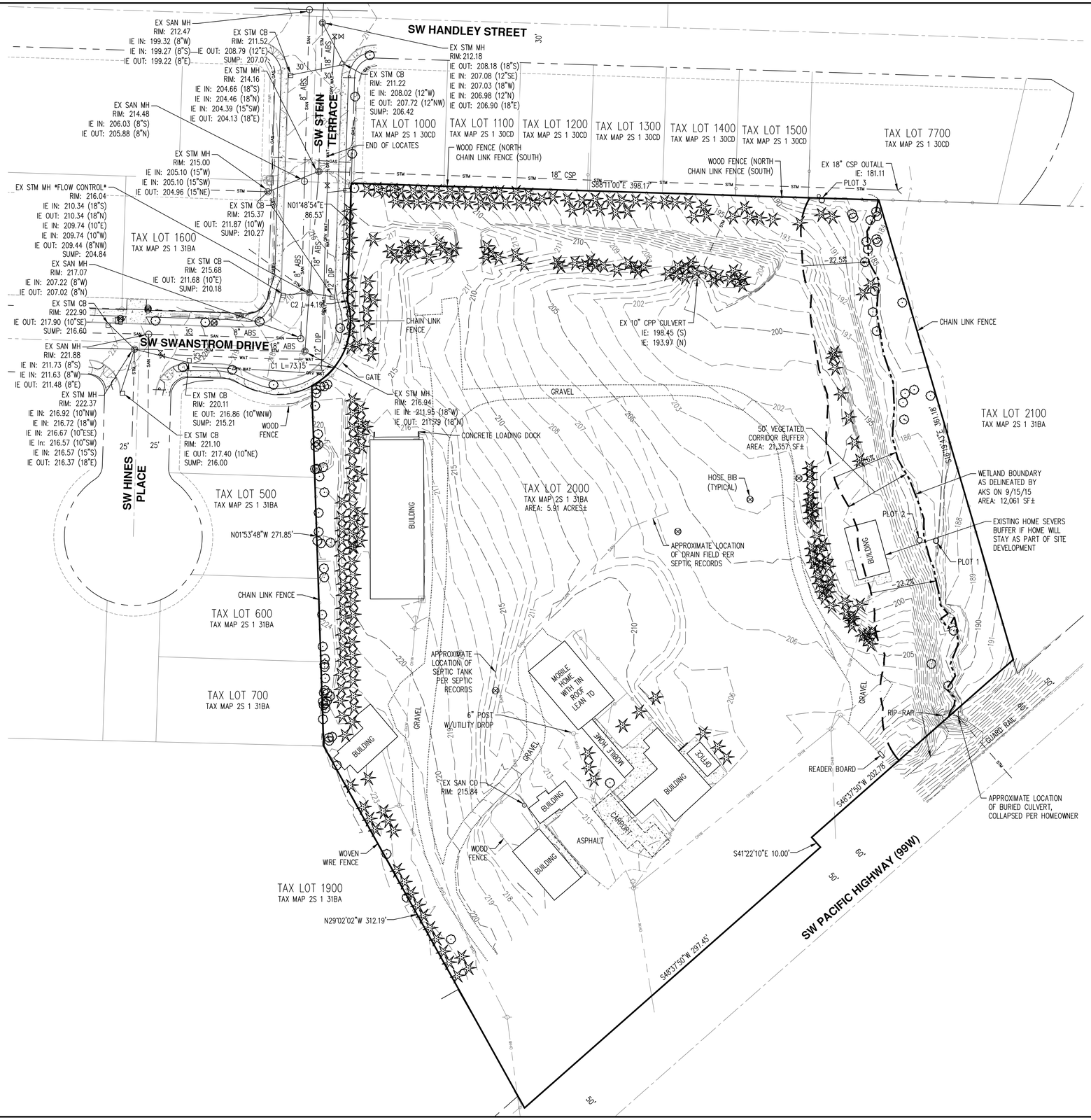
REGISTERED PROFESSIONAL LAND SURVEYOR
PRELIMINARY
OREGON JANUARY 9, 2007 NICK WHITE 70652LS
RENEWS: 6/30/16

REVISIONS

JOB NUMBER
4849

SHEET
01

AKS DRAWING FILE: SH 1 – EX COND.DWG | LAYOUT: SH 1



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FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

22211 SW PACIFIC HWY

SHERWOOD
TAX LOT 2000

OREGON
WASHINGTON COUNTY TAX MAP 2S 1 31BA

WETLAND AND WATERS MAP

DESIGNED BY:
DRAWN BY: MSK
CHECKED BY: NSW
SCALE: AS NOTED
DATE: 10/02/2015

REGISTERED PROFESSIONAL LAND SURVEYOR
PRELIMINARY
OREGON
JANUARY 9, 2007
NICK WHITE
70652LS
RENEWS: 6/30/16

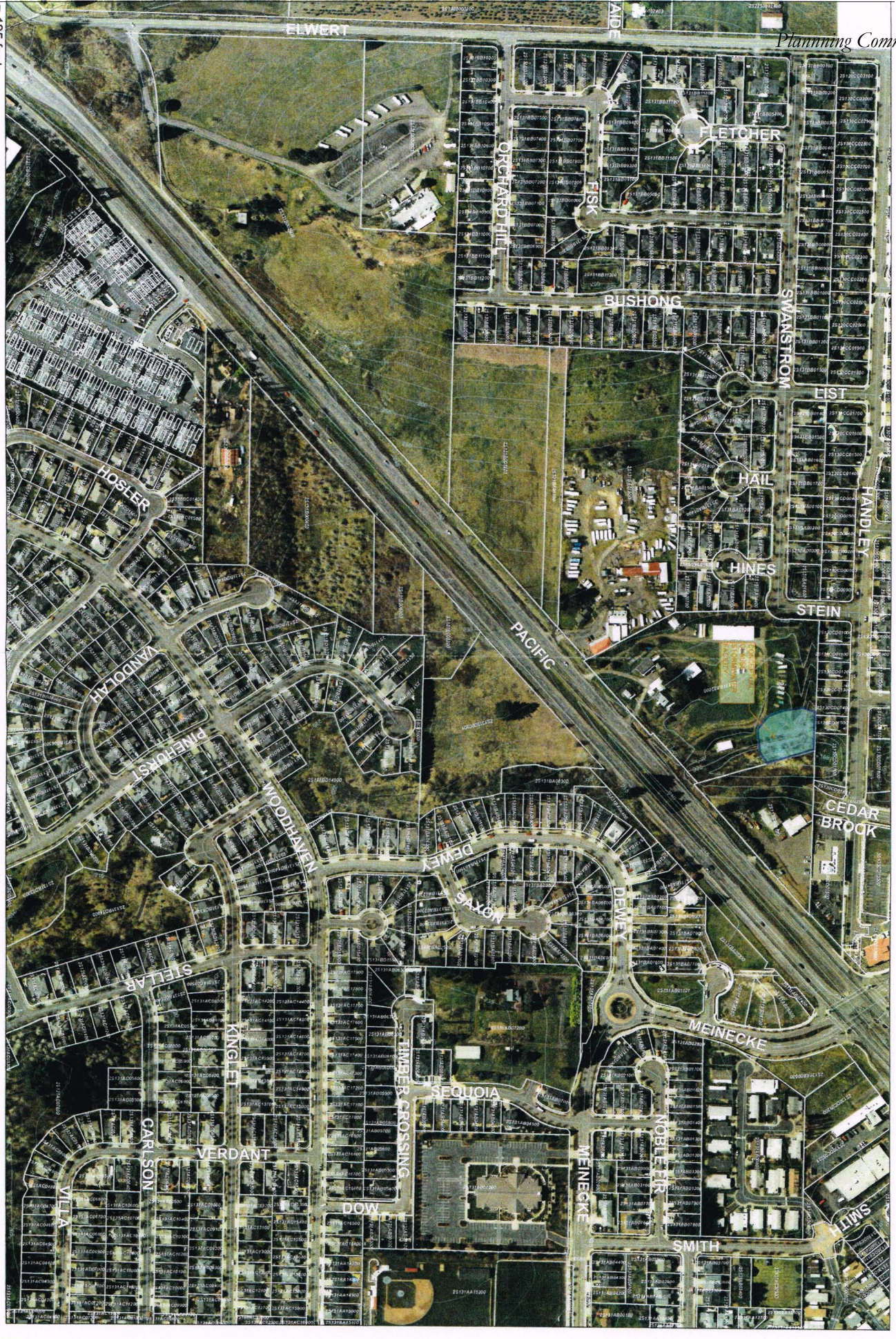
REVISIONS

JOB NUMBER
4849

SHEET
01

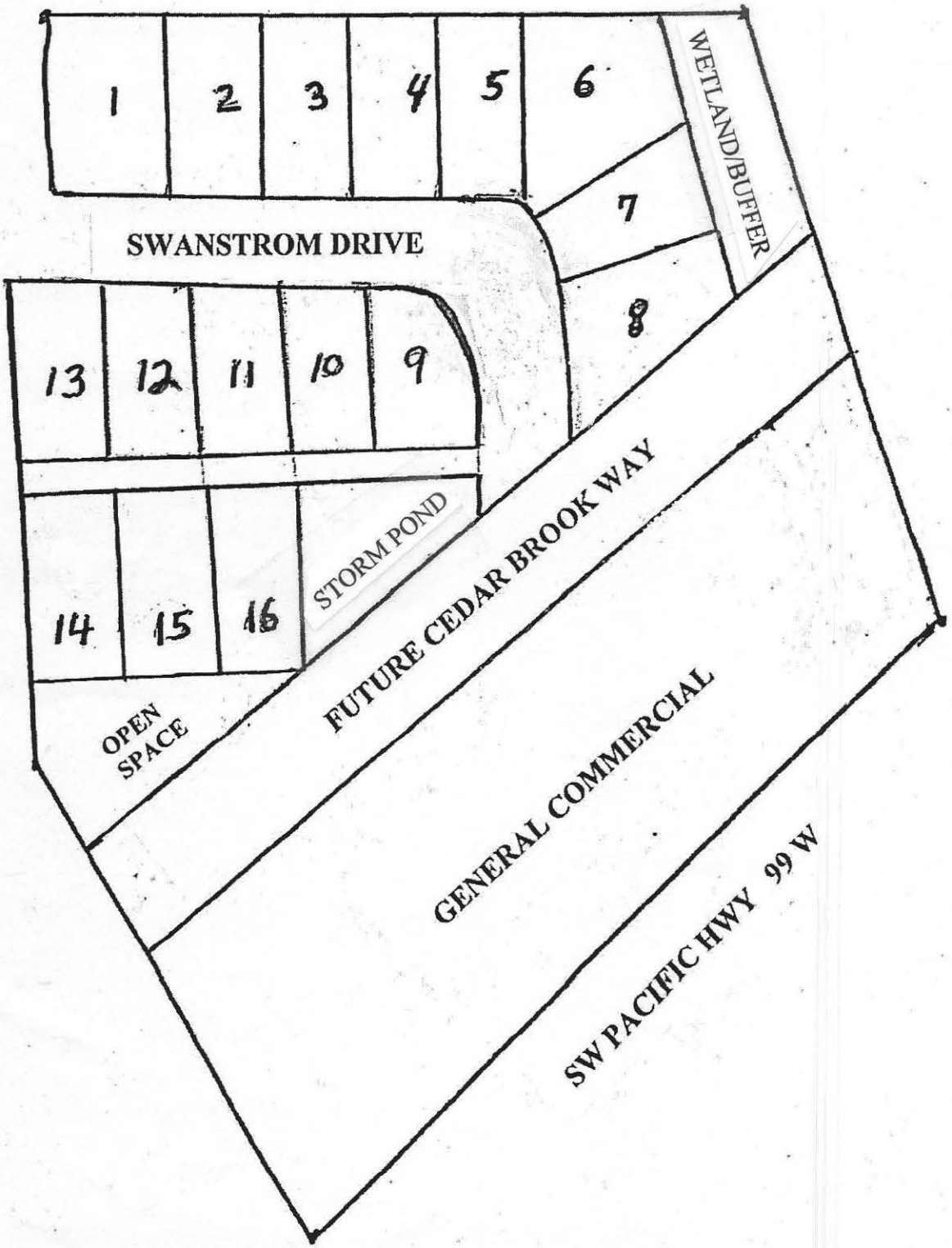
AKS DRAWING FILE: NR-01 WETLANDS.DWG | LAYOUT: SH 1

= 125 feet



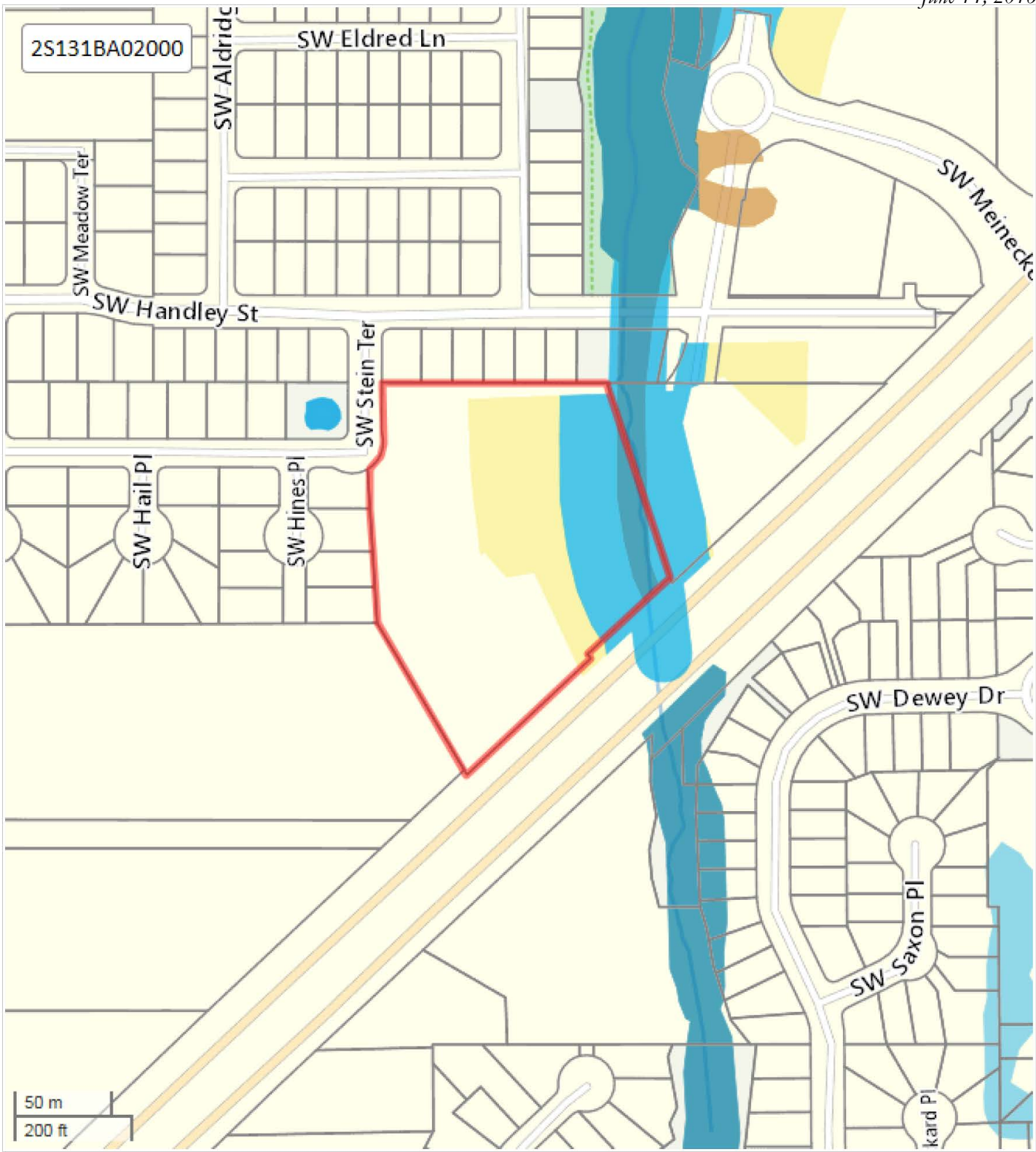
AERIAL MAP

N →



Scanned by CamScanner

Habitat



Metro

Data Resource Center
600 NE Grand Ave, Portland, OR 97232
503.797.1742 – drc@oregonmetro.gov

This Web site is offered as a public service, integrating various government records into a region-wide mapping system. The property assessment records are a multi-county integration of Clackamas, Multnomah and Washington County records. MetroMap blends each county's records into a common database on a quarterly basis. Therefore, to view each county's official records, go to their respective web sites or offices. The other MetroMap data are derived from city, county, state, federal and Metro sources. The metadata (data about the data) are included on this site, including the sources to be consulted for verification of the information contained herein. It describes some cases where Metro blends city and county records by generalizing the disparities. Metro assumes no legal responsibility for the compilation of multi-source government information displayed by Metro Map.

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Site

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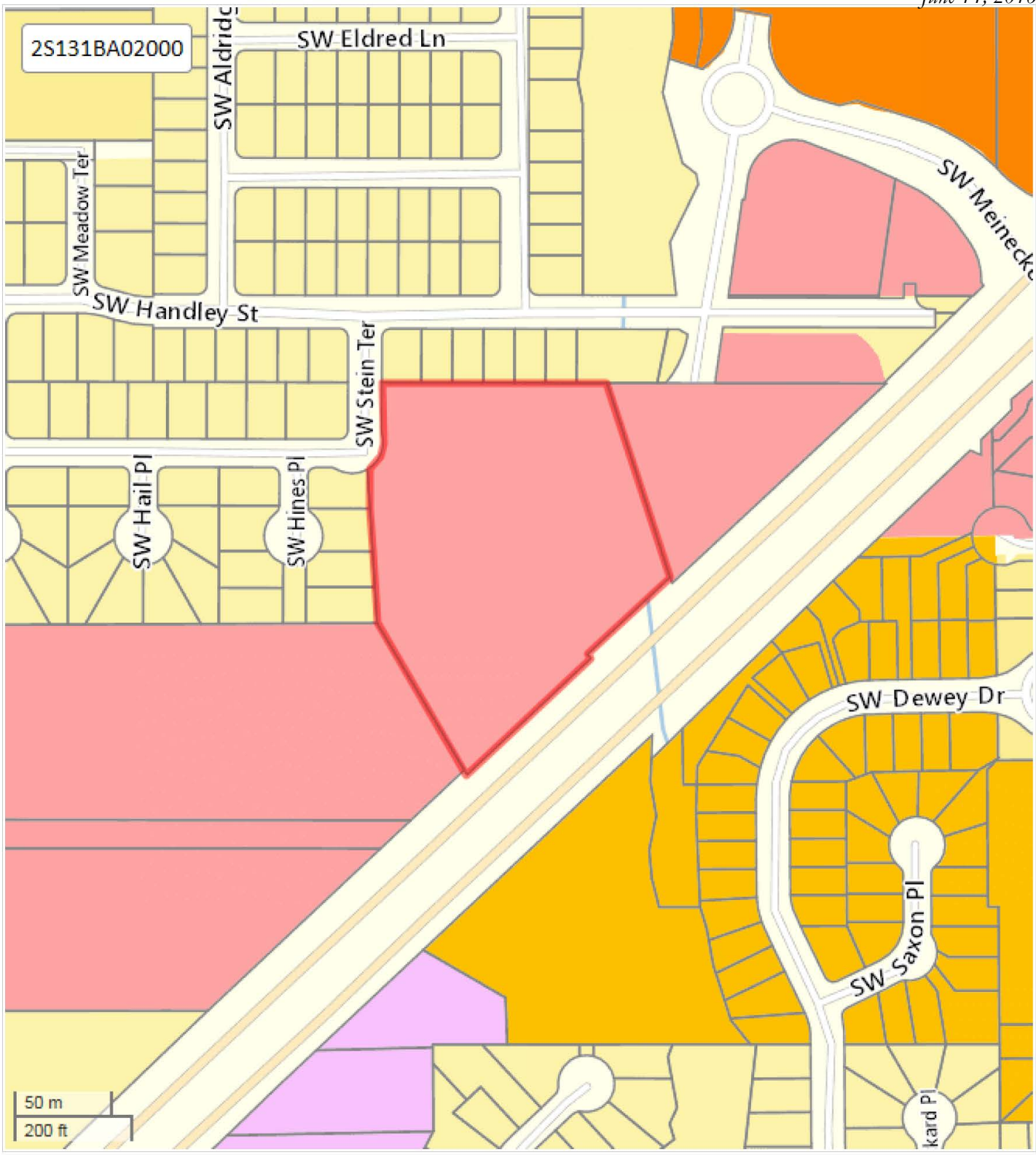
Zoning



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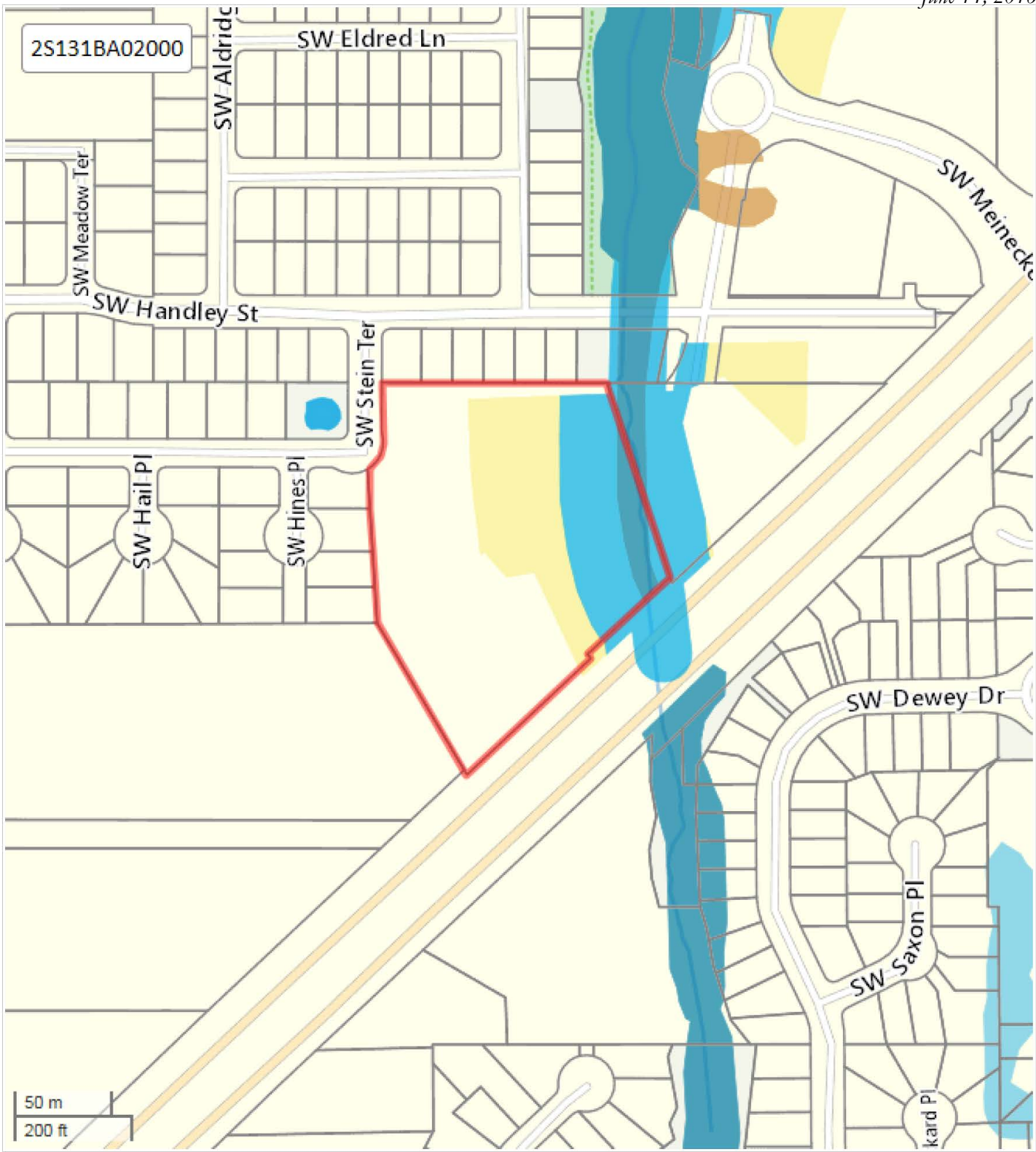

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REGISTERED PROFESSIONAL ENGINEER
54983PE
OREGON
JULY 10, 2002
MICHAEL T. ARD
EXPIRES 12/31/15

LANCASTER
ENGINEERING

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

TECHNICAL MEMORANDUM

TO: Rian Tuttle, The Holt Group

FROM: Michael Ard, PE

DATE: October 16, 2015

SUBJECT: *22211 SW Pacific Highway Zone Change Memorandum*

This memorandum examines trip generation for the reasonable worst-case development scenarios for a proposed zone change at 22211 SW Pacific Highway in Sherwood, Oregon. The property will be rezoned from GC (*General Commercial)* to MDRL (*Medium Density Residential*). Oregon's Transportation Planning Rule (TPR) will also be addressed.

Project & Location Description

The property at 22211 SW Pacific Highway (Tax Lot 2S131BA02000) has an area of 257,664 square feet. The site is located on the northwest side of SW Pacific Highway (OR 99W), approximately 1,000 feet southwest of SW Meinecke Road.

SW Pacific Highway (OR 99W) operates under the jurisdiction of ODOT and is classified as a Statewide Highway. In the project study area, it is generally a four-lane facility (two through lanes in each direction) separated by a large center median and has a designated speed of 45 mph. The highway has paved shoulders along both sides of the highway.

SW Meinecke Road is under the jurisdiction of the City of Sherwood and is classified as a Collector roadway in the vicinity of the site. It is a two-lane facility with a single travel lane in each direction and a posted speed of 25 mph. A raised curb center median extends from SW Pacific Highway to SW Dewey Drive in front of the site. Bicycle lanes are present along both sides of the roadway fronting the site, and sidewalks are also in place along both sides of the roadway.

The intersection of OR 99W at SW Meinecke Road is a four-legged intersection controlled by a traffic signal. The northeast-bound and southwest-bound approaches on OR 99W each have a dedicated left-turn lane served by protected phasing, two through lanes, and a channelized right-turn slip-lane. The northbound and southbound approaches on SW Meinecke Road each have a dedicated left-turn lane served with permissive phasing, a through lane, and a channelized right-turn slip-lane.

1e

Trip Generation

To evaluate the potential traffic impacts that could result from the proposed zone change, the reasonable worst-case development scenarios under the current zoning and proposed zoning designations were examined. To estimate the trips that could be generated by the proposed zone change, trip rates from the *TRIP GENERATION MANUAL*, Ninth Edition, published by the Institute of Transportation Engineers (ITE), were used.

The portion of the subject property proposed for a change in zoning has an area of 150,978 square feet. The reasonable worst-case development scenario for the current zone (GC) was estimated based on the allowed uses under the city's zoning code, assuming a maximum reasonable commercial building footprint of 25 percent of the gross area of the site. A combination of trip rates for land-use code 820, *Shopping Center* and 934, *Fast Food Restaurant with Drive-Through Window* were used. Up to 6,000 square feet of the building area was assumed to be associated with the fast food use(s), and the remainder of the site was assumed to be developed with various retail uses that fit the shopping center land use description. Between the two uses, the trip generation calculations show that a total of 159 trips could be generated during the morning peak hour, 176 trips during the evening peak hour, and 2,382 total trips on a typical weekday.

For both land uses under the existing zoning, a pass-by trip reduction was taken from the total trip estimates in accordance with ITE's recommended practice. This adjustment accounts for pass-by trips that patronize the site while driving by on an adjacent roadway, returning to their original direction of travel. Such trips do not add traffic to the adjacent roadways since they would have traveled past the site even if they had not stopped.

For the proposed MDRL zoning, the City of Sherwood zoning code calls for a density of 5.6 to 8 dwelling units per acre. The portion of the subject property proposed for a zone change 3.47 acres, which can accommodate up to 22 dwelling units assuming that the net developable acreage will be 80 percent of the gross area after any required dedications necessary for access to the lots. Trip rates for land-use code 210, *Single-Family Detached Housing*, were used to estimate the trips generated under the proposed zoning. The trip generation calculations show that the reasonable worst-case development scenario under the proposed zoning will generate up to 17 trips during the morning peak hour, 22 trips during the evening peak hour, and 210 daily trips.

This change in zoning would decrease the trip generation potential of the property under the reasonable worst case development scenarios by 142 trips during the morning peak hour and 154 trips during the evening peak hour. A decrease of 2,172 daily trips would be anticipated.

A summary of the trip generation calculations for each of the zoning scenarios and the planned development is shown in the following table. Detailed trip generation calculations are included in the appendix to this memorandum.

Trip Generation Summary

	Size (sf)	Morning Peak Hour In	Morning Peak Hour Out	Morning Peak Hour Total	Evening Peak Hour In	Evening Peak Hour Out	Evening Peak Hour Total	Weekday Total
Existing Zoning (GC)								
Shopping Center	31,745	19	11	30	57	61	118	1356
Pass-By Trips		-5	-5	-10	-20	-20	-40	-462
Fast-Food with Drive-Through	6,000	139	134	273	102	94	196	2976
Pass-By Trips		-67	-67	-134	-49	-49	-98	-1488
Total	**37,745**	**86**	**73**	**159**	**90**	**86**	**176**	**2382**
Proposed Zoning (MDRL)								
Single-Family Dwelling	22 Units	**4**	**13**	**17**	**14**	**8**	**22**	**210**
Net Impact from Zone Change		**-82**	**-60**	**-142**	**-76**	**-78**	**-154**	**-2172**

Transportation Planning Rule

The Transportation Planning Rule (TPR) is in place to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. The applicable elements of the TPR are each quoted directly in *italics*, with a response directly following.

660-012-0060

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including,

but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

In the case of this report, subsections (A) and (B) are not triggered, since the proposed zone change will not impact or alter the functional classification of any existing or planned facility and the proposal does not include a change to any functional classification standards.

As demonstrated in the previous section, the net increase in trips generated by the potential worst-case development allowed as a result of the change in zoning will result in a reduction to the possible trip generation of the subject property. Accordingly, subsection (C) is also not triggered and the Transportation Planning Rule is satisfied. No mitigations are necessary or recommended in conjunction with the proposed zone change.

Conclusions

The proposed zone change from GC to MDRL of the property located at 22211SW Pacific Highway in Sherwood, Oregon is projected to result in a significant net decrease in site trips under the reasonable worst case development scenario. Accordingly the zone change would not be projected to cause any detrimental impacts to the nearby transportation network. The zone change will not affect existing or planned transportation facilities as defined under Oregon's Transportation Planning Rule. Based on the analysis, no mitigations are necessary or recommended in conjunction with the proposed zone change.

APPENDIX

1e

TRIP GENERATION CALCULATIONS

Land Use: Shopping Center
Land Use Code: 820
Variable: 1,000 Sq Ft Gross Leasable Area
Variable Value: 31.7

AM PEAK HOUR

Trip Rate: 0.96

	Enter	Exit	Total
Directional Distribution	62%	38%	
Trip Ends	**19**	**11**	**30**

PM PEAK HOUR

Trip Rate: 3.71

	Enter	Exit	Total
Directional Distribution	48%	52%	
Trip Ends	**57**	**61**	**118**

WEEKDAY

Trip Rate: 42.7

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**678**	**678**	**1,356**

SATURDAY

Trip Rate: 49.97

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**793**	**793**	**1,586**

Source: TRIP GENERATION, Ninth Edition

TRIP GENERATION CALCULATIONS

Land Use: Fast Food Restaurant with Drive-Through Window
Land Use Code: 934
Variable: 1000 Sq Ft Gross Floor Area
Variable Quantity: 6

AM PEAK HOUR

Trip Rate: 45.42

	Enter	Exit	Total
Directional Distribution	51%	49%	
Trip Ends	**139**	**134**	**273**

PM PEAK HOUR

Trip Rate: 32.65

	Enter	Exit	Total
Directional Distribution	52%	48%	
Trip Ends	**102**	**94**	**196**

WEEKDAY

Trip Rate: 496.12

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**1,488**	**1,488**	**2,976**

SATURDAY

Trip Rate: 722.03

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**2166**	**2166**	**4,332**

Source: TRIP GENERATION, Ninth Edition

TRIP GENERATION CALCULATIONS

Land Use: Single-Family Detached Housing
Land Use Code: 210
Variable: Dwelling Units
Variable Value: 22

AM PEAK HOUR

Trip Rate: 0.75

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	**4**	**13**	**17**

PM PEAK HOUR

Trip Rate: 1.00

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	**14**	**8**	**22**

WEEKDAY

Trip Rate: 9.52

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**105**	**105**	**210**

SATURDAY

Trip Rate: 9.91

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**109**	**109**	**218**

Source: TRIP GENERATION, Ninth Edition

Bradley Kilby

From: Debbaut, Anne <anne.debbaut@state.or.us>
Sent: Monday, May 23, 2016 3:24 PM
To: Bradley Kilby
Subject: Plan Amendment: Rezone from Commercial to Residential PAPA 003-16

Hi Brad,

I reviewed your recent plan amendment notice and this is a gentle reminder regarding the 2.7 acre rezone from commercial to residential. 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. 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

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 | www.oregon.gov/LCD/

Anne Debbaut | Metro Regional Representative
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Office: 503.725.2182 | Cell: 503.804.0902
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Exhibit B

Bradley Kilby

From: Bob Galati
Sent: Monday, June 06, 2016 12:51 PM
To: Bradley Kilby
Cc: Craig Christensen; Jo Guediri
Subject: RE: Claus Comments

Brad,

I do. Similar to the Mandel rezone. Going from a higher level of zoning use to a lower level generally will result is a similar reduction in traffic impacts. Only if there is a combined multi-use zoning being applied for (i.e. retaining some GC along with MDRL) then I would qualify the impacts statement to something less absolute. If the intent is to not retain a GC overlay, then I'm okay with the statement.

Bob Galati, PE
City Engineer

From: Bradley Kilby
Sent: Friday, June 03, 2016 4:43 PM
To: Bob Galati
Subject: Claus Comments

Hey, we discussed comments that you sent on October 26, 2015 regarding the Claus rezone for completeness, but I never received any comments from you on the application itself. Do you agree with the statement below?

Engineering Department Comments The engineering department has stated that they agree with the traffic memorandum provided by Michael Ard, PE from Lancaster Engineering indicating that the proposed Comprehensive Plan and Zoning Map amendment would not negatively impact the transportation system or other public infrastructure, and would likely result in a reduction of the amount of trips that could be expected to come off of the site if it were to remain General Commercial. The comments are attached as Exhibit E and discussed below.

Transportation Review
A Trip Analysis by Lancaster Engineering has concluded that the proposed zone change from General Commercial to Medium Density Residential Low would result in less traffic than the current zone designation. Therefore the new zoning will reduce the future traffic impacts to the adjacent roadways 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.

Conclusion
From a public improvement standpoint, the proposed zone change 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.

Brad Kilby, AICP, Planning Manager
22560 SW Pine Street
Sherwood, Oregon 97140
503-625-4206

Exhibit C

Bradley Kilby

From: HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.state.or.us>
Sent: Thursday, June 02, 2016 9:01 AM
To: Bradley Kilby
Cc: LUND Deborah R; STONE Mike
Subject: RE: Agency Notice PA1506_Claus Rezone_05192016

Good Morning Brad,

A portion of this request under "History of the Property" in "Applicant's Statement", states in the second paragraph that this property has an "outdoor advertising structure" on it; however there is no outdoor advertising sign, permitted through the State of Oregon, at this location. New outdoor advertising sign permits are only issued under very restrictive circumstances. If the current sign is operating as an outdoor advertising sign as defined in ORS 377.710(21), it is operating in violation of the law, because there is no outdoor advertising sign permit for it, through our Department.

Please let me know if there is any further information I can provide.

Sincerely,

Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section
Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302
Voice: 503.986.3635 | Alt: 503.986.3656 | Fax: 503.986.3625

From: Bradley Kilby [mailto:KilbyB@SherwoodOregon.gov]
Sent: Wednesday, May 25, 2016 1:25 PM
To: HENDRICKSON Jill M; 'baldwinb@trimet.org'; 'afk@nwnatural.com'; Brad Crawford; 'anita.huffman@dsl.state.or.us'; 'crbelt@bpa.gov'; Craig Sheldon; 'paulette.Copperstone@oregonmetro.gov'; 'karen.mohling@tvfr.com'; 'kristinl@pridedisposal.com'; MOHS Kurt A; 'd5b@nwnatural.com'; Bob Galati; 'raindrops2refuge@gmail.com'; 'mwerner@gwrr.com'; 'brian.moore@pgn.com'; 'Naomi_Vogel@co.washington.or.us'; 'Kevin_Rolph@kindermorgan.com'; 'r2g@nwnatural.com'; BRUMLEY Seth A; 'michaela.skiles@oregonmetro.gov'; 'stephen_roberts@co.washington.or.us'; EBELING Robert W; 'john.wolff@tvfr.com'; Andrew Stirling; 'humphreysj@CleanWaterServices.org'; 'tumpj@trimet.org'; 'spieringm@CleanWaterServices.org'; Region 1 DEVREV Applications; 'Paulette.Copperstone@oregonmetro.gov'; 'gordon.hill@pgn.com'; Jason Waters; Richard Sattler; Jo Guediri; 'erin_holmes@fws.gov'; Craig Christensen; 'pjohanson@sherwood.k12.or.us'; 'rfagliano@sherwood.k12.or.us'; Tom Pessemier
Subject: Agency Notice PA1506_Claus Rezone_05192016

Good Afternoon All,

This is a new proposal in Sherwood. Please provide comments on this request as soon as you can. Please let me know if you have any questions.

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

Brad Kilby, AICP, Planning Manager
22560 SW Pine Street

Exhibit D

Table 18A. Commercial 20-Year Land Demand Forecast

Sherwood Urban Growth Boundary

	Low Growth Forecast (acres)	Medium Growth Forecast (acres)	High Growth Forecast (acres)
Demand for Vacant Land (acres)	15	40	106
Less Supply of Vacant Land (acres)	13	13	13
Equals Net Land Need (demand less demand)*	**2**	**27**	**93**

Table 18B Commercial 20-Year Parcel Demand Forecast (tax lots)

Sherwood Urban Growth Boundary

Medium Growth Forecast, Parcel Distribution (tax lots)	Existing Supply of Vacant Tax Lots	Forecast of Demand (Tax Lots)	Forecast of Net Land Need (Tax Lots)
Less Than 1 acre	5	7	2
1 to 4 acres	11	1	(10)
5 to 9 acres	4	2	(2)
10 to 19 acres	0	1	1
20-49 acres	1	1	0
50+ acres	2	0	(2)
Total	**23**	**12**	**(11)**
High Growth Forecast, Parcel Distribution (tax lots)	Existing Supply of Vacant Tax Lots	Forecast of Demand (Tax Lots)	Forecast of Net Land Need (Tax Lots)