

Title 16

ZONING AND COMMUNITY DEVELOPMENT CODE

Proposed Amendments

This document presents proposed code amendments. Underlined formatting indicates added text, while strikethrough formatting shows what text is deleted:

~~BLUE STRIKETHROUGH = TEXT TO BE DELETED~~

ORANGE UNDERLINED = NEW TEXT

The proposed amendments are organized by code chapter. Only those sections of the code that are proposed to be amended are included in the document.

Commentary

A discussion of the purpose of the proposed amendments and the direction provided to date from City staff and the Planning Commission have been added to this draft of amendments.

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Division I. - GENERAL PROVISIONS

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Chapter 16.02 Commentary

An additional purpose statement is added to reflect the Sherwood 2040 Attractive and Attainable Housing Goals and Policies. This language is not required to implement HB2001, but does implement the Sherwood 2040 policies related to housing.

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Chapter 16.02 - INTRODUCTION*

16.02.020 - Purpose

This Code is enacted to:

- A. Encourage the most appropriate use of land.
- B. Conserve and stabilize the value of property.
- C. Preserve natural resources.
- D. Facilitate fire and police protection.
- E. Provide adequate open space for light and air.
- F. Minimize congestion on streets.
- G. Promote orderly growth of the City.
- H. Prevent undue concentrations of population.
- I. Facilitate adequate provision of community facilities.
- J. Promote in other ways the public health, safety, convenience, and general welfare.
- K. Enable implementation of the Sherwood Comprehensive Plan in compliance with State Land Use_Goals.
- L. Provide opportunities for a range of housing options that offer choices in home size and price.

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Chapter 16.10 Commentary

New definitions are added to reflect the new middle housing types required by HB2001: triplex, quadplex, and cottage cluster. Definitions have also been added to define components of middle housing developments related to access and open space (primarily cottage cluster housing), and update definitions of single detached dwellings and households to reflect best practices.

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Chapter 16.10 - DEFINITIONS

[...]

16.10.020 - Specifically

The following terms shall have specific meaning when used in this Code:

Common Courtyard: A common area for use by residents of townhomes, multi-family, and cottage cluster developments. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

Common-Wall Dwelling: Dwelling units with shared walls such as two-family, and multi-family dwellings. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages

Driveway Approach: The edge of a driveway where it abuts a public right-of-way.

Dwelling Types:

- **Accessory Dwelling Unit:** An interior, attached, or detached dwelling unit that is used in connection with, or that is accessory to, a single dwelling on a single lot or parcel. Also known as an ADU.
- Cottage Cluster: A grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood.”
- Cottage Cluster, Community Building: A building that is part of a cottage cluster for the shared use of residents that provides space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, community eating areas, or other similar uses.
- Cottage Cluster Development: A development site with one or more cottage clusters.
- **Duplex:** Two (2) attached dwelling units, in any configuration, located on a single lot or parcel.
- **Dwelling, Single-Family Detached:** A detached structure on a lot or parcel that is comprised of a single dwelling unit.
- **Dwelling, Single-Family Attached:** A single structure on two lots, containing two individual dwelling units, but with a common wall and a common property line. Otherwise identical to a two-family dwelling.
- **Dwelling, Two-Family or Duplex:** A single structure on one lot containing two individual dwelling units, sharing a common wall, but with separate entrances.
- **Dwelling, Townhome or Row House:** A single-family dwelling unit which is attached on one or both sides to a similar adjacent unit(s) on similar lot(s). The attachment is made along one or more common walls which are jointly owned. The units may either be on individual platted lots or may be located on a single lot as individual condominium units. The units are distinct from each other by scale, color, massing, or materials.
- **Dwelling, Multi-Family:** A single structure containing five (5) or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwellings include structures commonly called garden apartments, apartments and condominiums.

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- **Townhome:** A dwelling unit that is part of a row of two (2) or more attached dwelling units, where each unit is located on an individual lot or parcel and shares at least one common wall with an adjacent dwelling unit.
- **Townhome Block:** A unit of a townhome development consisting of no less than two (2) and no more than six (6) townhomes.
- **Townhome Project:** One or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhome property lines and the any commonly owned property.
- **Triplex:** Three (3) attached dwelling units, in any configuration, located on a single lot or parcel.
- **Quadplex:** Four (4) attached dwelling units, in any configuration, located on a single lot or parcel.

Dwelling Unit: Any room, suite of rooms, enclosure, building or structure designed or used as a residence for one household as defined by this Code, and containing sleeping, kitchen and bathroom facilities.

Entrance, Main: The entrance to a dwelling or building that most pedestrians are expected to use. Typically, this is the front door of a dwelling unit. Each dwelling may have a main entrance from the outside, or multiple dwellings may share one main entrance. In multi-dwelling or multitenant buildings, main entrances open directly into the building's lobby or principal interior ground-level circulation space. When a multi-dwelling or multitenant building does not have a lobby or common interior circulation space, each dwelling unit or tenant's outside entrance is a main entrance.

Façade, Street-Facing: The wall planes of a structure that are visible from, and at an angle of 45 degrees or less to, a front lot line or street side lot line. Angle measurements for curved front or street side lot lines shall be based on a straight line connecting the opposing lot corners of the front or street side lot line.

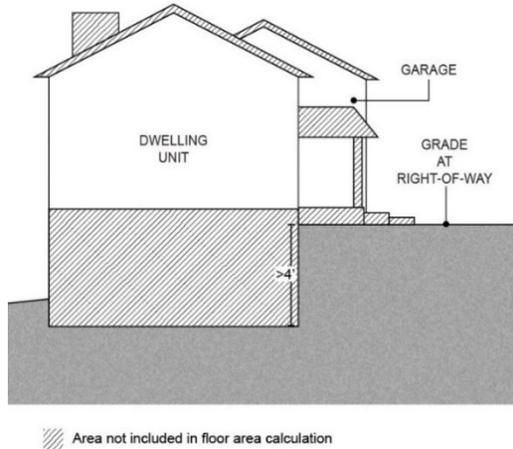
Family: Any-number of individuals living together regardless of familial or non-familial relationship.

Floor area: The total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following (see Figure 1):

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way;
- Roof area, including roof top parking;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.

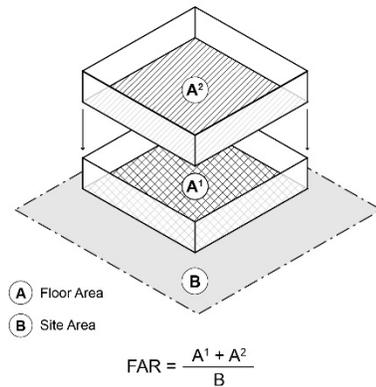
Figure 1. Areas Excluded from Floor Area Calculation

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Floor area ratio (FAR): The amount of floor area of a building or structure in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 0.7 to 1 means 0.7 square feet of floor area for every one square foot of site area. FAR is calculated by dividing the total floor area of all buildings on a site by the total site area (See Figure 2).

Figure 2. Floor Area Ratio (FAR) Calculation



Household: One person living alone or a group of people living together as a single unit, excluding occupants of a boardinghouse, fraternity, hotel, accessory dwelling unit, or similar use.

Middle Housing: A term for residential uses that includes duplexes, triplexes, quadplexes, cottage clusters, and townhomes.

Open Space, Common: Private open space provided within a development which is provided for, and which is permanently accessible to, all residents/tenants of the development.

Porch: A roofed shelter, usually open at the sides, projecting from the face of a building and used to protect the entrance to a building; a carport is not considered a porch.

Street: A public or private road, easement or right-of-way that is created to provide access to one (1) or more lots, parcels, areas or tracts of land. Categories of streets include:

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- A. Alley: A narrow street, typically abutting to the rear lot or property line. [Figure 8-3a of the Transportation System Plan illustrates the alley cross-section]
- B. Arterial: Arterial streets provide connectivity at a regional level, but are not State routes. [Figure 8-2 of the Transportation System Plan illustrates arterial cross-sections.]
- C. Bikeway: Any road, path or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. Bikeways may include:
 - (1) Multi-use Path. A paved way (typically eight (8) to twelve (12) feet wide) separate from vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
 - (2) Bike Lane. A portion of the street (typically four (4) to six (6) feet wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
 - (3) Shoulder Bikeway. The paved shoulder of a street that does not have curbs or sidewalks that is four feet or wider and is typically shared with pedestrians.
 - (4) Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles. Also called "bike route."
 - (5) Multi-use Trail. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians (NOTE: Figure 8-6 of the Transportation System Plan illustrates the multiuse path and trail cross-sections).
- D. Common Green: A street that provides for pedestrian and bicycle access, but not vehicle access, to abutting property and generally provides a common area for use by residents. A common green may function as a community yard. Hard and soft landscape features may be included in a common green, such as groundcover, trees, shrubs, surfaced paths, patios, benches, or gazebos.
- E. Collector: Collectors are streets that provide citywide or district-wide connectivity. Collectors are primarily used or planned to move traffic between the local street system, and onto major streets, but may also accommodate through traffic. [Figure 8-4 of the Transportation System Plan illustrates collector cross-sections.]
- F. Cul-de-Sac: A short street that terminates in a vehicular turnaround. See Section 16.108.060.
- G. Half Street: A portion of the width of a street, usually along the edge of a development, where the remaining portion of the street has been or could be provided by another development.
- H. Local Street: Local streets provide the highest level of access to adjoining land uses. Local streets do not provide through connection at any significant regional, citywide or district level. [Figures 8-5a and 8-5b of the Transportation System Plan illustrate local street cross-sections.]
- I. Marginal Access Street (frontage or backage road): A minor street parallel and adjacent to a principal arterial or arterial street providing access to abutting properties, but protected from through traffic. [Figure 8-5a of the Transportation System Plan illustrates the cross-sections of a frontage or backage road.]
- J. Neighborhood Route: Neighborhood routes are streets that provide connections within or between neighborhoods, but not citywide. Neighborhood routes are primarily used or planned to move traffic between the local street system, and onto collectors and arterials. [Figure 8-5a of the Transportation System Plan illustrates the neighborhood route cross-section.]
- K. Principal Arterial: Principal arterials are streets that provide connectivity at a regional level, and are typically State routes. [Figures 8-2 and 8-3b in the Transportation System Plan illustrates the principal arterial cross-section].

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L. Shared Court: A street that is designed to accommodate – within the same circulation space – access for vehicles, pedestrians, and bicycles to abutting property. Instead of a sidewalk area that is separate from vehicle areas, a shared court is surfaced with paving blocks, bricks or other ornamental pavers to clearly indicate that the entire street is intended for pedestrians as well as vehicles. A shared court may also include traffic calming measures to ensure safe co-existence of pedestrians, vehicles, and bicycles. Like a common green, a shared court may function as a community yard. Hard and soft landscape features and street furniture may be included in a shared court, such as trees, shrubs, lighting fixtures, and benches.

Sufficient Infrastructure: Per OAR 660-046-020, the following level of public services to serve new Triplexes, Quadplexes, Townhomes, or Cottage Cluster development:

- Connection to a public sewer system capable of meeting established service levels.
- Connection to a public water system capable of meeting established service levels.
- Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
- Storm drainage facilities capable of meeting established service levels for storm drainage.

Townhome: See "Dwelling Types: Townhome"

Window area: The aggregate area of the glass within each window, including any interior grids, mullions, or transoms.

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Division II. - LAND USE AND DEVELOPMENT

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Chapter 16.12 Commentary

Multiple amendments are proposed to comply with HB2001 minimum compliance requirements:

- Exemptions to the density maximums of 16.12.010 for middle housing in residential zones, with the exception of townhomes, which are subject to density maximums of 4 times the allowable density or 25 dwelling units per acre, whichever is less.
- A new section 16.12.010.F was added to further clarify allowable housing density maximums for various middle housing types per the specific allowances/restrictions of HB2001/OAR Division 46. This section also includes housing density minimums for cottage clusters.
- Subsection 16.12.020 - Allowed Residential Land Uses was updated to reflect HB2001 requirements that all middle housing types be permitted in all residential zones that permit single detached dwellings.
- Subsection 16.12.030 - Residential Land Use Development Standards was updated to reflect the minimum requirements of HB2001/Division 46 for middle housing. The proposed revisions reflect minimum compliance with HB2001 standards.

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Chapter 16.12 - RESIDENTIAL LAND USE DISTRICTS

The residential districts are intended to promote the livability, stability and improvement of the City's neighborhoods.

16.12.010 - Purpose and Density Requirements

A. Very Low Density Residential (VLDR)

1. Standard Density

The VLDR zoning district provides for low density, larger lot single-family housing and other related uses in natural resource and environmentally sensitive areas that warrant preservation but are otherwise deemed suitable for limited development. Standard density in the VLDR zone is 0.7 to 1 dwelling unit per acre [\(except middle housing types pursuant to 16.12.010.F\)](#).

2. VLDR Planned Unit Development Density Standards

Property in the VLDR zone that is developed through the Planned Unit Development (PUD) process under Chapter 16.40, if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, may develop to a density of 1.4 to 2.0 dwelling units per net buildable acre [\(except middle housing types pursuant to 16.12.010.F\)](#) under the following conditions:

- a. The minimum lot size is not less than 10,000 square feet;
- b. The following areas are dedicated to the public or preserved as common open space: floodplains under Section 16.134.020 (Special Resource Zones); natural resources areas as shown on the Natural Resources and Recreation Plan Map, attached as Appendix C, or as specified in Chapter 5 of the Community Development Plan; and wetlands defined and regulated under current Federal regulation and Division VIII of this Code; and
- c. The higher density development will better preserve natural resources as compared to one (1) unit per acre.

3. Southeast Sherwood Master Planned Unit Development

- a. Property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan may develop to a maximum density of four (4.0) dwelling units per net buildable acre [\(except middle housing types pursuant to 16.12.010.F\)](#).
- b. Development under Section 16.12.010.A.3 must generally follow the development pattern shown as Alternative B/C in the SE Sherwood Master Plan (2006) and address the following factors:
 - (1) Varied lot sizes are allowed with a minimum lot area of 10,000 square feet if it can be shown that adequate buffering exists adjacent to developed properties with screening, landscaping, roadways or open space.
 - (2) The open space areas as required by Chapter 16.40 (Planned Unit Development), where feasible, should include parks and pathways that are located within the general vicinity of Alternative B/C in the SE Sherwood Master Plan.
 - (3) There is a pedestrian-friendly transportation system that links the site with nearby residential developments, schools, parks, commercial areas and other destinations.
 - (4) The unique environmental opportunities and constraints identified in the SE Sherwood Master Plan.
 - (5) The view corridors identified in the SE Sherwood Master Plan.

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- (6) The housing design types that are compatible with both surrounding and existing development.
 - c. A density transfer under Chapter 16.40.050.C.2. is not permitted for development under this Section 16.12.010.A.3.
 - d. The Planning Commission will consider the specific housing design types identified and the preservation of the identified view corridors at the time of final development review to ensure compatibility with the existing and surrounding development.
- B. Low Density Residential (LDR)
- The LDR zoning district provides for single-family housing and other related uses with a density of 3.5 to 5 dwelling units per acre (except middle housing types pursuant to 16.12.010.F). Minor land partitions shall be exempt from the minimum density requirement.
- C. Medium Density Residential (MDRL)
- The MDRL zoning district provides for single-family and duplex housing, manufactured housing and other related uses with a density of 5.6 to 8 dwelling units per acre (except middle housing types pursuant to 16.12.010.F). Minor land partitions shall be exempt from the minimum density requirements.
- D. Medium Density Residential High (MDRH)
- The MDRH zoning district provides for ~~a variety of medium density housing, including single family, duplex housing, manufactured housing, multi-family~~ housing, and other related uses with a density of 5.5 to 11 dwelling units per acre (except middle housing types pursuant to 16.12.010.F). Minor land partitions are exempt from the minimum density requirement.
- E. High Density Residential (HDR)
- The HDR zoning district provides for housing and other related uses with density of 16.8 to 24 dwelling units per acre (except middle housing types pursuant to 16.12.010.F). Minor land partitions shall be exempt from the minimum density requirement.

F. Density Standards for Middle Housing.

In the residential zones, density standards shall be applied to middle housing types as established here. Middle housing types include: duplex, triplex, quadplex, townhome, and cottage cluster.

1. Maximum density standards shall not be applied to duplex, triplex, quadplex or cottage cluster development.
2. Cottage clusters must meet a minimum density of four (4) units per net buildable acre.
3. For townhome development, the follow maximum densities shall apply:
 - a. VLDR Zone: 4 units/acre
 - b. VLDR PUD Zone: 8 units/acre
 - c. SE Sherwood Master PUD Zone: 16 units/acre
 - d. LDR Zone: 20 units/acre
 - e. MDRL Zone: 25 units/acre
 - f. MDRH Zone: 25 units/acre
 - g. HDR Zone: 25 units/acre

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(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2013-003, § 2, 9-3-2013; Ord. No. 2011-003, § 2, 4-5-2011)

16.12.020 - Allowed Residential Land Uses

A. Residential Land Uses

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

USES	VLDR	LDR	MDRL	MDRH	HDR
RESIDENTIAL					
• Single Family Detached Dwellings	P	P	P	P	P
• Duplex	N	N	P	P	P
• <u>Triplex and Quadplex</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• <u>Cottage Cluster</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• Multi-Family Dwellings	N	N	N	P	P
• Townhomes	N <u>P</u>	N <u>P</u>	N <u>P</u>	P	P
• Planned Unit Developments (PUDs)-subject to Chapter 16.40	P	P	P	P	P
• Manufactured Homes on Individual Lots	P	P	P	P	P
• Manufactured Home Park-subject to Chapter 16.46	N	N	P	P	N
• Accessory Dwelling Unit-subject to Chapter 16.52	P	P	P	P	P
• Group Homes ¹	P	P	P	P	P
Whereas P=Permitted, C=Conditional, N=Not Allowed					

¹ Group homes not to exceed five (5) unrelated persons in residence provided such facilities are substantially identical, in the city's determination, in physical form to other types of housing allowed in the zoning district.

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- B. Any use not otherwise listed that can be shown to be consistent or associated with the permitted uses or conditionally permitted uses identified in the residential zones or contribute to the achievement of the objectives of the residential zones will be allowed or conditionally permitted using the procedure under Chapter 16.88 (Interpretation of Similar Uses).
- C. Any use that is not permitted or conditionally permitted under this zone that cannot be found to be consistent with the allowed or conditional uses identified as in B. is prohibited in the residential zone using the procedure under Chapter 16.88 (Interpretation of Similar Uses).

(Ord. No. 2012-006, § 2, 3-6-2012; Ord. No. 2011-003, § 2, 4-5-2011)

16.12.030 - Residential Land Use Development Standards

A. Generally

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Variance and Adjustments)

B. Development Standards

Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 (Wetland, Habitat and Natural Areas), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.

Creation of new lots or parcels as part of a townhome or cottage cluster developments is/are subject to the applicable land division or Planned Unit Development approval process.

C. Development Standards per Residential Zone

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
Minimum Lot areas:(in square ft.)						
• Single Family Detached	40,000	10,000	7,000	5,000	5,000	5,000
• Duplex	40,000	10,000	7,000	5,000	5,000	5,000
• <u>Triplex</u>	<u>40,000</u>	<u>10,000</u>	<u>7,000</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>
• <u>Quadplex</u>	<u>40,000</u>	<u>10,000</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>
• <u>Cottage Cluster</u>	<u>40,000</u>	<u>10,000</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>

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Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
• Townhome ¹ :	Average of 1,500 SF per unit					
• Multi-Family-Dwelling: for the first 2 units	X	X	X	10,000 X	8,000	8,000
• Multi-Family-Dwelling: each additional unit after first 2	X	X	X	X	3,200	1,500
Minimum Lot width at front property line: (in feet)	25	25	25	25	25	25
Minimum Lot width at front property line: (in feet) – Townhomes only	20	20	20	20	20	20
Minimum Lot width at building line ² : (in feet)						
• Single Family Detached; Duplex; <u>Triplex</u> ; <u>Quadplex and Cottage Cluster</u>	60	60	60	50	50	50
• Townhome	20	20	20	20	20	20
• Multi-Family dwelling	X	X	X	X	60	60
Lot Depth	80	80	80	80	80	80
Maximum Height (in feet) ³						
• <u>Cottage Clusters</u>	<u>25 feet or 2 stories</u>					
• All other dwelling types	30 feet or 2 stories	35 feet or 2.5 stories	40 feet or 3 stories			
• Amateur Radio Tower	70	70	70	70	70	70

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Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
• Chimneys, Solar or Wind Devices, Radio and TV aerials ⁴	50	50	50	50	55	60
Setbacks (in feet)						
• Front yard ⁵	30	20	20	14	14	14
• <u>Front yard – Cottage Clusters only</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
• Face of garage	35	20	20	20	20	20
• Interior side yard ⁶						
• Single-Family Detached; Duplex; <u>Triplex; Quadplex; Cottage Cluster</u>	5	5	5	5	5	5
• Townhome	0	0	0	0	0	0
• Multi-Family Dwelling						
• 18 ft. or less in height	X	X	X	X	5	5
• Between 18–24 ft. in height	X	X	X	X	7	7
• If over 24 ft. in height	X	X	X	X	§ 16.68 Infill	§ 16.68 Infill
• Corner lot street side						
• Single-Family Detached; Duplex; <u>Triplex; Quadplex; Townhome</u>	20	20	20	15	15	15
• <u>Cottage Cluster</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
• Multi-Family Dwelling	X	X	X	X	20	30
• Rear yard	20	20	20	20	20	20

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Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
• <u>Rear yard – Cottage Clusters only</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Floor Area</u>						
<u>Cottage Cluster</u> ⁷	<u>Average 1,400 SF per unit</u>					
Footnote: If the lot is an irregular shape see definition for Lot Line, Rear, Section 16.10 Definitions						

Notes:

1. For townhomes, interior units may have different lot sizes than exterior or corner units, as long as the average of all lots is not greater than 1,500 square feet.
2. Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard.
3. Maximum height is the lesser of feet or stories.
4. Some accessory structures, such as chimneys, stacks, water towers, radio or television antennas, etc. may exceed these height limits with a conditional use permit, per Chapter 16.62 (Chimneys, Spires, Antennas and Similar Structures).
5. Reductions in front yard setbacks for architectural features as described in 16.50.050 are not permitted in the MDRL, MDRH, or HDR zoning districts.
6. Adjustments and Variances to interior side-yard setbacks for all housing types are not allowed.
7. Includes community building floor area if a community building is included. Maximum allowed footprint for individual cottage units in a cottage cluster development is 900 SF.

(Ord. No. 2018-007, § 2, 10-2-2018; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2014-006, § 2, 3-4-2014; Ord. No. 2012-006, § 2, 3-6-2012; Ord. No. 2011-003, § 2, 4-5-2011)

16.12.040 - Community Design

A. Residential garages shall meet the minimum design standards listed on the table below:

	Minimum Width	Minimum Depth	Minimum Garage Door Width
One (1) Car Garage	12 ft.	20 ft.	8 ft.
Two (2) Car Garage	18 ft.	20 ft.	16 ft.
Three (3) Car Garage	26 ft.	20 ft.	Single Door – 8 ft. Double Door – 16 ft.

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- B. The vehicle parking area(s) shall be functional based on the minimum design standards listed on the table above, 16.12.040.A. Furnaces, stairs, etc. shall not be located within the garage designated parking areas.

- C. Residential Front-Yard Landscaping – the front-yard area of a lot shall be fully landscaped excluding paved off-street parking areas, paved pedestrian paths, and utility areas. Landscaping materials shall meet standards identified in Section 16.92.020 Landscaping Materials.

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

(Ord. No. 2011-003, § 2, 4-5-2011)

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Chapter 16.14 Commentary

Chapter 16.14 Residential Building Design

HB2001 requires that all middle housing be reviewed through the same process and against the same standards as single detached dwellings. In addition, the Planning Commission had identified the adoption of residential design standards as part of the Sherwood 2040 project.

The community's desire for residential design standards was reinforced through the Visual Preference Survey and Virtual Open House.

This is a new code section that contains new design standards for single detached, duplex, triplex, quadplex, and cottage cluster development.

16.14.010 - Single Detached, Duplex, Triplex, Quadplex, Townhome, and Cottage Cluster Design Standards

16.14.010.B. Review Process

In order to comply with HB2001 requirements for a clear and objective review process for middle housing (which expands existing State requirements for a clear and objective review process for all "needed housing," which includes all residential development within the Metro area), a new ministerial Residential Design Checklist review is proposed. A ministerial application is one that is reviewed against clear and objective standards and requires no discretion by reviewers.

In order to accommodate creative approaches and/or situations created by unique lot configurations without creating an entirely new system, the City's existing Type I Adjustment and Type II Class B Variance applications were modified to allow minor revisions to the new proposed design standards.

To allow for developments that do not meet the standards but meet the intent of the standards and propose a creative approach to residential design, a Type IV Design Review process is available. This is based on the existing Type IV Design Review process for industrial developments.

16.14.010.C. Design Standards

The proposed design standards are a combination of TGM Model Code standards that are applied frequently in communities similar in size to Sherwood; specific standards that are consistent with feedback received from the Visual Preference Survey; and standards requested by the Planning Commission and/or City staff.

Table 16.14-1 includes two columns: Design Standards, which can be reviewed through the clear and objective Residential Design Checklist process; and Design Guidelines, which can be reviewed through the Type IV Design Review process. The applicant can select the desired review type.

These standards are generally applicable to all single detached and middle housing, with some

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exceptions for cottage clusters. The standards are intended to guarantee a minimum level of design on building elevation(s) adjacent to a public right-of-way and public accessway and/or common courtyard-facing (in cottage clusters) facades.

In response to Planning Commission direction, as well as current limitations on the number of adjustments and variances that can be requested during a calendar year (3), the proposed design standards A-C can be modified through the Type I Adjustment or Type II Variance process. The detailed design standards included in section D cannot be adjusted. The concept is that an applicant would select standards from the menu that can be met; if the detailed design standards can't be met, then the Type IV Design Review option is available.

16.14.010.D. Illustrations

New figures are added to illustrate concepts for various housing types. This makes the code more user-friendly for applicants and staff reviewers.

16.14.030 - Additional Triplex and Quadplex Design Standards

The proposed standards are largely taken from the DLCD HB2001 Model Code. They address unique design considerations such as the number and location of driveways and the orientation of front entrances. To comply with HB2001, the standards relate to the size and location of the structure rather than the number of units.

16.14.040 - Additional Cottage Cluster Development and Design Standards

The proposed language is taken from the DLCD HB2001 Model Code for Large Cities and is intended to be a starting point for Planning Commission and City Council discussion. Staff has focused on the minimum requirements for implementation (Oregon Administrative Rules {OAR} 660, Division 46, Middle Housing). The standards apply to cottage clusters developed on one lot. If an applicant desires to create a cottage cluster development with each home on a separate lot, a Planned Unit Development will be required. Creation of the lots will be through the Condominium process and meet appropriate requirements of ORS Chapter 100, Condominiums.

Cottage clusters are intended to consist of smaller homes at a lower price point. To that end, the minimum requirements include:

- At least 4 dwellings per buildable acre
- At least 8 dwellings per cottage cluster
- Maximum footprint of 900 sq. ft. per cottage (no maximum of floor area, which allows for multi-story cottages).

The proposed amendments require a minimum of 4 cottages per cottage cluster, regardless of lot size, and propose a maximum of 8 cottages. Allowing 8 cottages per cottage clusters would provide minimum compliance with HB2001. Proposed language includes the minimum requirements of 12 dwellings per cottage cluster.

In cottage cluster developments, which consist of more than one cottage cluster, each cluster must be allowed up to 12 units, so a cottage cluster development of two clusters would include a maximum of 24 units.

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The Model Code for Large Cities introduces allowances for community buildings and incorporates the square footage of community buildings into the overall average square footage of the cottages. However, this provision does not increase the maximum 900 sq. ft. footprint mandated by HB2001.

As proposed, if cottage cluster developments are not able to meet the clear and objective standards, they are not eligible for a Type I Adjustment or Type II Class B Variance review and will require Planned Unit Development review and/or Residential Design Review.

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Chapter 16.14 - RESIDENTIAL BUILDING DESIGN

16.14.010 – Residential Building Design Standards for all housing types except for Multi-family housing that is subject to the provisions of Chapter 16.90 Site Planning.

A. Purpose

The following standards are intended to create walkable residential neighborhoods that are visually interesting, compatible with existing development, and avoid monotony in design.

The standards in this section are intended to be clear and objective to allow a streamlined review process per the Residential Design Checklist provisions of Chapter 16.89. Each standard has an associated guideline that provides flexibility for discretionary Design Review by the Planning Commission per Chapter 16.89, Residential Design Review if necessary or desired by the applicant. Adjustments or variances to the standards below can be requested through one of the review processes described in B below.

B. Review Process. The following review processes can be used to review those housing types that are subject to these standards per 16.14.010.C and 16.89.020.A through D. The applicable review process depends on the level of compliance with the clear and objective standards in this section.

1. If all applicable standards from this section are met, Residential Design Checklist review is applied per Chapter 16.89.
2. If any standards of Table 16.14-1 - A, B or C are not met outright, a Type I Adjustment or Type II Class B Variance is required, in addition to the Residential Design Checklist, per Chapter 16.89. The Detailed Design standards of Table 16.14-1.D cannot be adjusted.
3. If the applicant chooses to meet the design guidelines instead of the design standards, a Type IV Design Review is required, per Chapter 16.89.

C. Applicability

1. The standards in this section apply to all new residential development, unless otherwise indicated per the subsections below or per applicable overlay zones. Manufactured home parks and manufactured homes on individual residential lots are subject to the provisions of Chapter 16.46 Manufactured Homes. Additional standards are located in 16.14.020, [16.14.030](#), and [16.14.040](#). Multi-family development is subject to the provisions of Chapter 16.90 Site Planning.
2. Expansions and conversions of residential structures in Chapter 16.14. The standards in this section apply to expansions of existing residential structures or conversions of existing single detached dwellings into a duplex, triplex, quadplex or townhome that add more than 50 percent of area to any building elevation(s) adjacent to a public right-of-way or public accessway, as follows:
 - a. The expansion or conversion shall include design elements from Table 16.14-1 below that bring the overall building elevation(s) adjacent to a public right-of-way or public accessway closer to conformance with applicable standards; and
 - b. The expansion or conversion shall not bring the overall building elevation(s) adjacent to a public right-of-way or public accessway further out of conformance with applicable standards. Elements of the existing building elevation(s) adjacent to a public right-of-way or public accessway that are currently out of conformance shall not be made more non-conforming. Elements of the existing building elevation(s) adjacent to a public right-of-way or public accessway that are currently in conformance shall not be made non-conforming.

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Table 16.14-1. Residential Design Standards

Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
A. Entry location and orientation	
<p>These standards apply to all new residential development, except for Multi-family, at the time of building permit submittal. At least one main entrance for each residential structure, or each townhome unit, must meet the following standards.</p> <ol style="list-style-type: none"> 1. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit. 2. The entrance must either: <ol style="list-style-type: none"> a. Face the street; or b. Be at an angle of up to 45 degrees from the street; or c. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or d. Open onto a porch. If the entrance opens onto a porch, the porch must: <ol style="list-style-type: none"> 1) Be at least 25 square feet in area with a minimum four-foot depth; 2) Have at least one porch entry facing the street; 3) Have a roof that is no more than 12 feet above the floor of the porch; and 4) Have a roof that covers at least 30% of the porch area. 	<p>Building elevations facing streets, shared courts, and common greens should include pedestrian oriented entrances. Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance.</p>
Additional provisions:	None
B. Garages and Off-Street Parking Areas	
<p>These standards apply to all residential housing development except for townhomes and Multi-family development.</p> <p>Where one or more garages face a street, all of the following standards apply:</p> <ol style="list-style-type: none"> 1. The front elevation of the garage(s) may not extend in front of the longest, street-facing elevation of the primary dwelling structure. 2. The width of all garages on the street-facing elevation shall not exceed 60 percent of the total width of that 	<p>Garages should not be a dominant feature of the front residential elevation. Garage doors should be articulated to reduce their visual impact.</p>

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
<p>elevation. The width of the garage shall be measured from the edges of the finished exterior garage wall.</p> <p>3. Garages that face a street shall contain at least one of the following design features:</p> <ul style="list-style-type: none"> a. Garage trellis or pergola extending at least 12 inches from the building face b. Windows on 15 percent of the garage door c. Natural wood finish d. A recess of at least three (3) feet behind the primary dwelling e. Use of multiple materials finish or colors 	
Additional provisions:	<p>16.14.020 – Additional Townhome Design Standards</p> <p>16.14.030 – Additional Triplex and Quadplex Design Standards</p>
C. Windows and Doors	
<p>These standards apply to all residential housing development except for Multi-family development.</p> <p>A minimum of 15 percent of the area of the primary building elevation adjacent to a public right-of-way, or common courtyard elevations must include windows or entrance doors. For side building elevations, adjacent to a public right-of-way or public accessway, a minimum of 10 percent of area is required. Percentage calculation can include window trims and shutters. First floor roof elevations are excluded from the calculations. Elevations separated from the street property line by a dwelling are exempt from meeting this standard. For townhomes, this standard applies on each individual unit.</p>	<p>Building elevations adjacent to streets, shared courts, and common greens should include ample levels of glazing to ensure articulation on the façade, daylighting of interior spaces and visibility into the public realm.</p>
Additional provisions:	None
D. Detailed design¹	
<p>1. All single detached dwellings, and duplexes, triplexes and quadplexes shall incorporate at least five (5) of the following elements on the primary building elevation adjacent to a public right-of-way. At least one element shall be incorporated from each of Subsections a, b and c below. The other two required elements may come from any subsection (a through e) below.</p>	<p>Primary building elevations adjacent to streets, shared courts, and common greens should include pedestrian oriented design elements and other design features that provide articulation, variety, interest and quality.</p>

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
<p><u>All cottages in a cottage cluster shall incorporate at least three (3) of the following elements on the building elevation(s) facing a public right-of-way and/or common courtyard-facing elevation. At least one element shall be incorporated from each of Subsections a, b and c below.</u></p> <p>All townhome units shall incorporate at least two (2) of the following elements on the primary building elevation adjacent to a public right-of-way. At least one element shall be incorporated from two (2) of Subsections a, b and c below.</p> <p>For corner lots, this standard applies to both street-facing elevations.</p> <p>a. Porches, entries and other offsets:</p> <ul style="list-style-type: none"> i. Covered porch at least 36 square feet with a depth not less than six (6) feet as measured perpendicular from the face of the main building façade to the edge of the porch. ii. Recessed entry area at least two (2) feet deep, as measured horizontally from the face of the main building façade, and at least five feet wide. iii. Offset on the building face of at least 16 inches from one exterior wall surface to the other. iv. Balcony that is at least three (3) feet deep, five (5) feet wide, and accessible from an interior room. <p>b. Roof elements:</p> <ul style="list-style-type: none"> i. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls. ii. Roof line offsets of at least two (2) feet from the top surface of one roof to the top surface of the other. iii. Any roofing materials other than asphalt shingles. iv. Gable roof, hip roof, shed roof, or gambrel roof design. v. Dormer that is at least four (4) feet wide. vi. Decorative eave braces. 	

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
<ul style="list-style-type: none"> c. Window elements: <ul style="list-style-type: none"> i. Window trim around all windows at least three (3) inches wide and five-eighths (5/8) inches deep. ii. Window recesses, in all windows, of at least three (3) inches as measured horizontally from the face of the building façade. iii. Bay window at least one (1) foot deep and three (3) feet wide. iv. Shutters on the exterior of ground floor windows. v. Window Grids. d. Garage elements: <ul style="list-style-type: none"> i. Attached garage width, as measured between the edges of the exterior finished garage wall, of 30 percent or less of the total width of that elevation. ii. A balcony that extends out over the garage and includes columns. iii. Two separate doors for two car garages instead of one large door. iv. Decorative windows on the garage door. v. Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail. e. Building materials: <ul style="list-style-type: none"> i. Horizontal lap siding between three (3) to eight (8) inches wide (the visible portion once installed). ii. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40 percent of the street-facing façade. iii. Vertical board and batting siding three (3) to eight (8) inches wide (the visible portion once installed). iv. Belly band trim v. Four (4) Paint Color Scheme 	

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
Additional provisions:	None
E. Building Materials	
Prohibited building materials include: <ol style="list-style-type: none"> 1. Aluminum 2. Vinyl 3. T-111 siding 	Residential buildings should utilize durable and high-quality exterior building materials that create a visually appealing façade.
F. Limitation on parking	
Off-street parking is not allowed within the front yard of a dwelling except within a designated driveway or garage or per the provisions of 16.14.020 and 16.14.030 .	Parking is located in a manner that does not overwhelm the street-facing façade.
G. House plan variety	
This standard applies to new residential subdivisions and townhome developments only. It does not apply to cottage clusters. <ol style="list-style-type: none"> 1. No two directly adjacent or opposite dwellings in a single dwelling detached development of more than four units may have the same front or street-facing facade. This standard is met when front or street-facing facades differ from one another by at least three of the elements listed in subsections (3) through (8) below. Where facades repeat on the same block face, they must have at least three intervening lots between them that meet this standard. 2. No two directly adjacent or opposite townhome blocks in a development of more than two (2) townhome blocks may have the same front or street-facing façade. <ol style="list-style-type: none"> a. For this standard a townhome block is the entire structure of attached townhome units. b. This standard does not apply to individual units within the townhome block. c. This standard is met when front or street-facing facades differ from one townhome block to another by at least three of the elements listed in subsections (3) through (8) below. 3. Materials. The plans specify different exterior cladding materials, a different combination of materials, or different dimensions, spacing, or arrangement of the 	New residential developments should provide a variety of house styles and means of articulation along the front façade to avoid repetitive facades along a block face.

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
<p>same materials. This standard does not require or prohibit any combination of materials; it only requires that plans not repeat or mirror one another.</p> <p>4. Articulation. The plans have different offsets, recesses, or projections; or the front building elevations break in different places. For example, a plan that has a stoop entry (recess) varies from one that has an entry under a front porch (projection). For this standard to apply, a recess must have a minimum depth of four (4) feet and a projection or offset must be at least four (4) feet in depth.</p> <p>5. Variation in roof elevation. The plans have different roof forms (e.g., gable versus gambrel or hip), different roof height (by at least 10 percent), different orientation (e.g., front-facing versus side-facing gable), different roof projections (e.g., with and without dormer or shed, or different type of dormer or shed), or different roof pitch by more than 2 feet of vertical rise to 12 feet of horizontal run.</p> <p>6. Entry or porch. The plans have different configuration or detailing of the front porch or covered entrance.</p> <p>7. Fenestration. The plans have different placement, shape, or orientation of windows or different placement of doors.</p> <p>8. Height. The elevation of the primary roofline (along the axis of the longest roofline) changes by not less than four (4) feet from building to building, or from dwelling unit to dwelling unit, on abutting lots, as applicable. Changes in finished grade of eight (8) feet or more from one lot to the adjacent lot are counted toward change in height for purposes of evaluating facade variation.</p>	
Additional provisions:	<p>16.14.020 – Additional Townhome Design Standards</p> <p>16.14.030 – Additional Triplex and Quadplex Design Standards</p>

Notes:

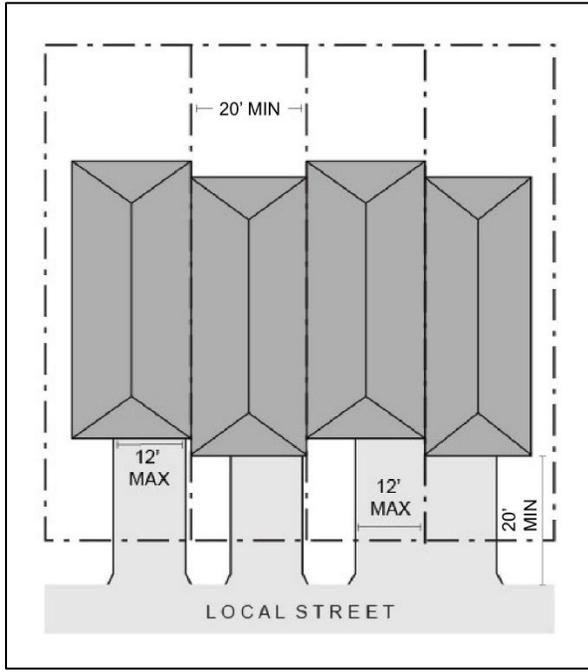
1. The Detailed Design standards in Subsection D of Table 16.14-1 cannot be adjusted through an Adjustment or Variance per Chapter 18.64. If a Detailed Design standard from Subsection D cannot be met for a development, then the development should utilize another option from the list.

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D. Illustrations

16.14.020 – Additional Townhome Design Standards

Figure 10. Townhome Garages



16.14.030 – Additional Triplex and Quadplex Design Standards

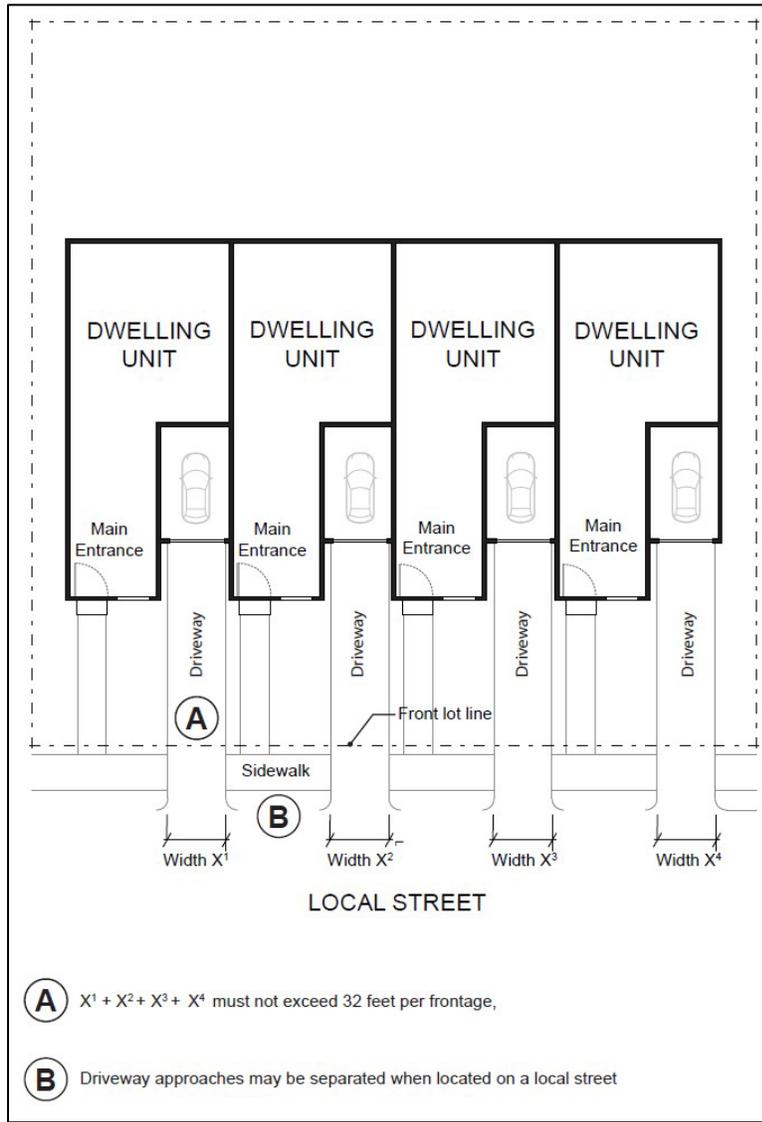
A. Driveway Approach.

Driveway approaches shall comply with the following:

1. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the property line. For lots or parcels with more than one frontage, see subsection (3) below.
2. Driveway approaches may be separated when located on a local street. If approaches are separated, they must meet applicable driveway spacing standards for local streets.
3. In addition, lots or parcels with more than one frontage must comply with the following:
 - a. Lots or parcels must access the street with the lowest classification. For lots or parcels abutting an alley, access must be taken from the alley.
 - b. Lots or parcels with frontages only on collectors and/or arterial streets must meet the applicable driveway access standards for collectors and/or arterials.
 - c. Triplexes and quadplexes on lots or parcels with frontages only on local streets may have either:
 - 1) Two driveway approaches not exceeding 32 feet in total width on one frontage; or
 - 2) One maximum 16-foot-wide driveway approach per frontage.

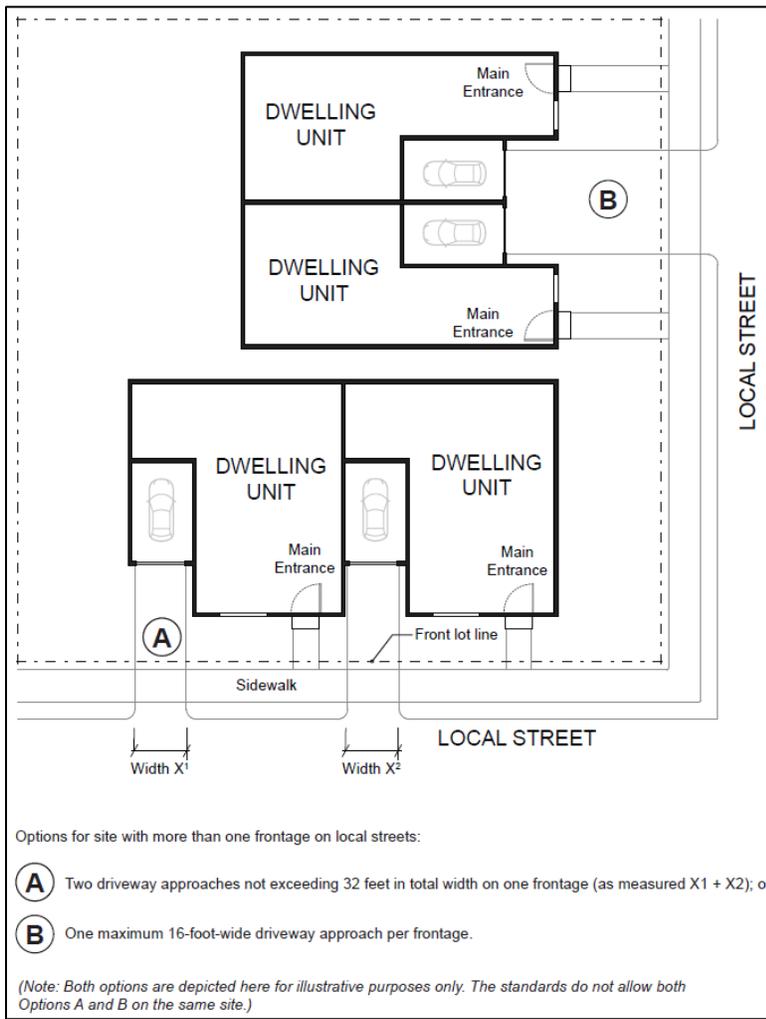
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Figure 11. Side-by-Side Triplex/Quadplex Driveway Approaches – Local Street



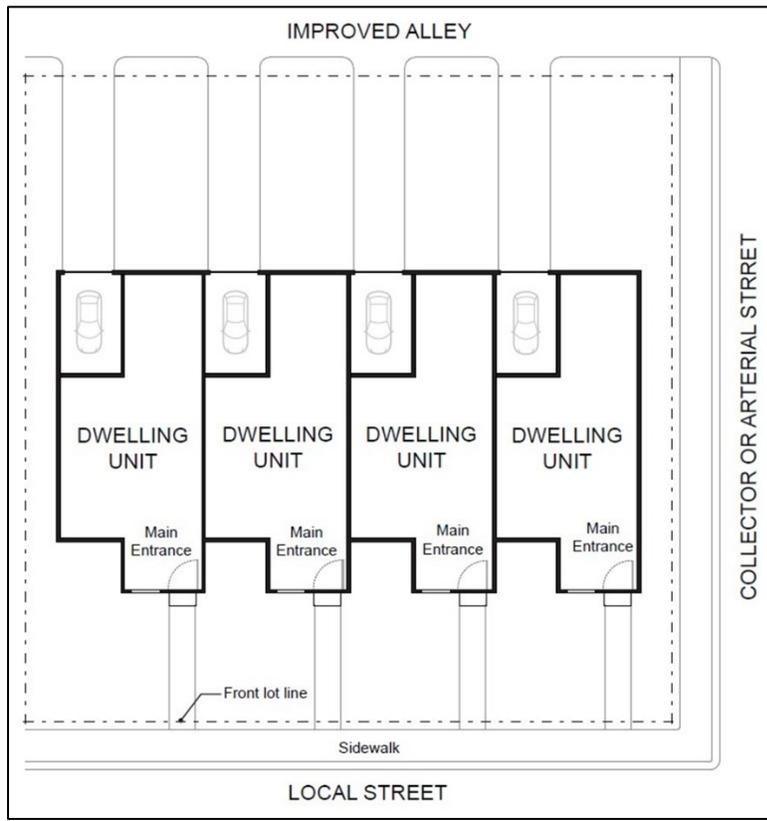
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Figure 12. Side-by-Side Triplex/Quadplex Driveway Approaches – More Than One Frontage



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Figure 13. Side-by-Side Triplex/Quadplex Driveway Approaches – Alley Access from Collector or Arterial Street



16.14.040 – Additional Cottage Cluster Development and Design Standards

A. Purpose

The purpose of these cottage cluster standards is to promote development of clusters of small homes that are designed around a common open space or courtyard. The cottage cluster is intended to provide opportunity for community gathering; pedestrian connections within the cluster and to surrounding streets; clustered parking that is located to the side or behind the cottages; and smaller homes that are oriented inward toward the common courtyard rather than the adjacent streets.

B. Development Standards

1. Cottage clusters must include at least 4 dwellings and may not contain more than 12 dwellings.
2. The footprint of individual cottage units within a cottage cluster is limited to 900 sq. ft. An attached garage or carport up to 200 sq. ft. may be exempted from the building footprint calculation.
3. The average floor area of dwellings within a cottage cluster is limited to 1,400 sq. ft. The average floor area calculation includes any community buildings.

C. Design Standards

1. Cottage Design. Cottages are subject to applicable design standards of Table 16.14-1 in addition to these standards.
2. Cottage Orientation. Cottages must be clustered around a common area/courtyard and must meet the following standards:
 - a. Each cottage within a cluster must either abut the common area/courtyard or must be directly connected to it by a pedestrian path.

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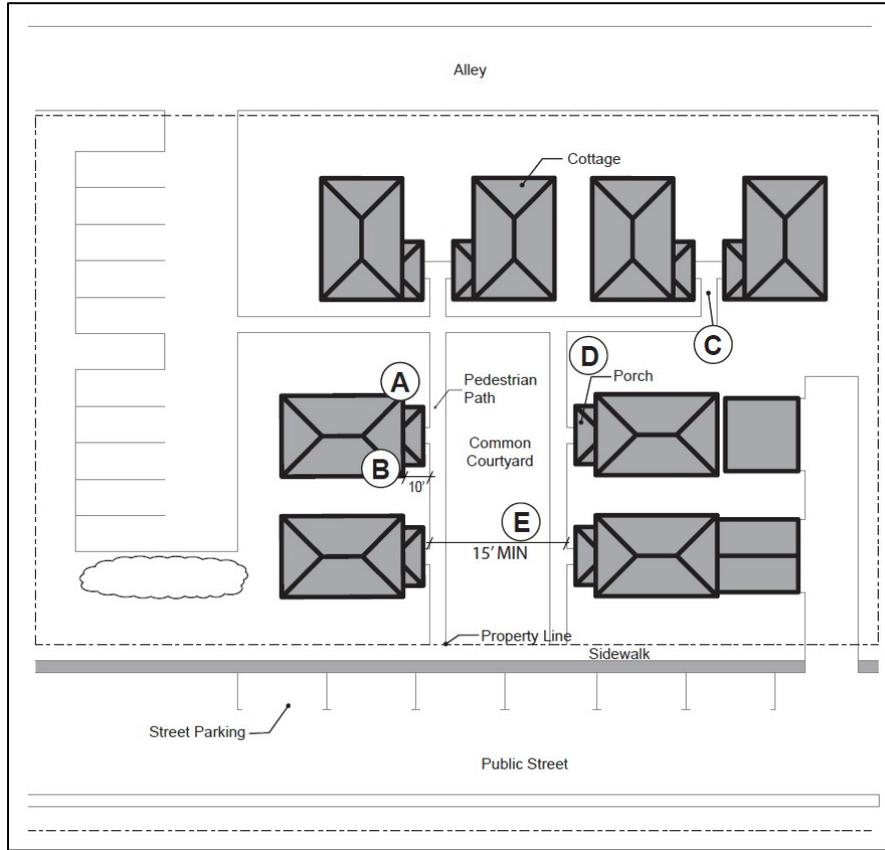
- b. A minimum of 50 percent of the total number of cottages within a cluster must be oriented to the common area/courtyard and must:
 - 1) Have a main entrance facing the common area;
 - 2) Be within 10 feet from the common area, measured from the façade of the cottage to the nearest delineation of the common area; and
 - 3) Be connected to the common area by a pedestrian path.
- c. Cottages within 20 feet of a street property line may have their entrances facing the street.
- d. Cottages not facing the common area or the street must have their main entrances facing a pedestrian path that is directly connected to the common area.
- 3. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard to provide a sense of openness and community for residents. Each cottage cluster as part of a cottage cluster development must have its own common courtyard. Common courtyards must meet the following standards:
 - a. The common space must be a single, contiguous area of land.
 - b. Cottages must abut the common area on at least two sides of the courtyard.
 - c. The common area must contain a minimum of 150 square feet per cottage within the associated cluster.
 - d. The common area must be a minimum of 15 feet wide at its narrowest dimension.
 - e. The common area shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, and/or paved courtyard area. Impervious elements of the common area shall not exceed 75 percent of the total common area.
 - f. Pedestrian paths qualify as part of a common area. Parking areas, required setbacks, and driveways do not qualify as part of a common area.
- 4. Community Buildings. Cottage cluster development may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
 - a. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to Subsection 16.14.040.B.2.
 - b. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.
 - c. Community Buildings must meet the design and development standards applicable to cottages within the development.
 - d. A community building is not considered an accessory structure.
- 5. Pedestrian Access.
 - a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - 1) The common courtyard;
 - 2) Shared parking areas;
 - 3) Community buildings; and

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2. If any of the standards are not met outright, a Planned Unit Development review process is applied per Chapter 16.40. For the Architectural Pattern Book in Section 16.40.020.B.6, direct reference shall be given to the Residential Design Standards in Table 16.14-1 of this section.

E. Condominium Process. Cottage Cluster condominium shall meet standards in Section 16.120.090 CONDOMINIUMS.

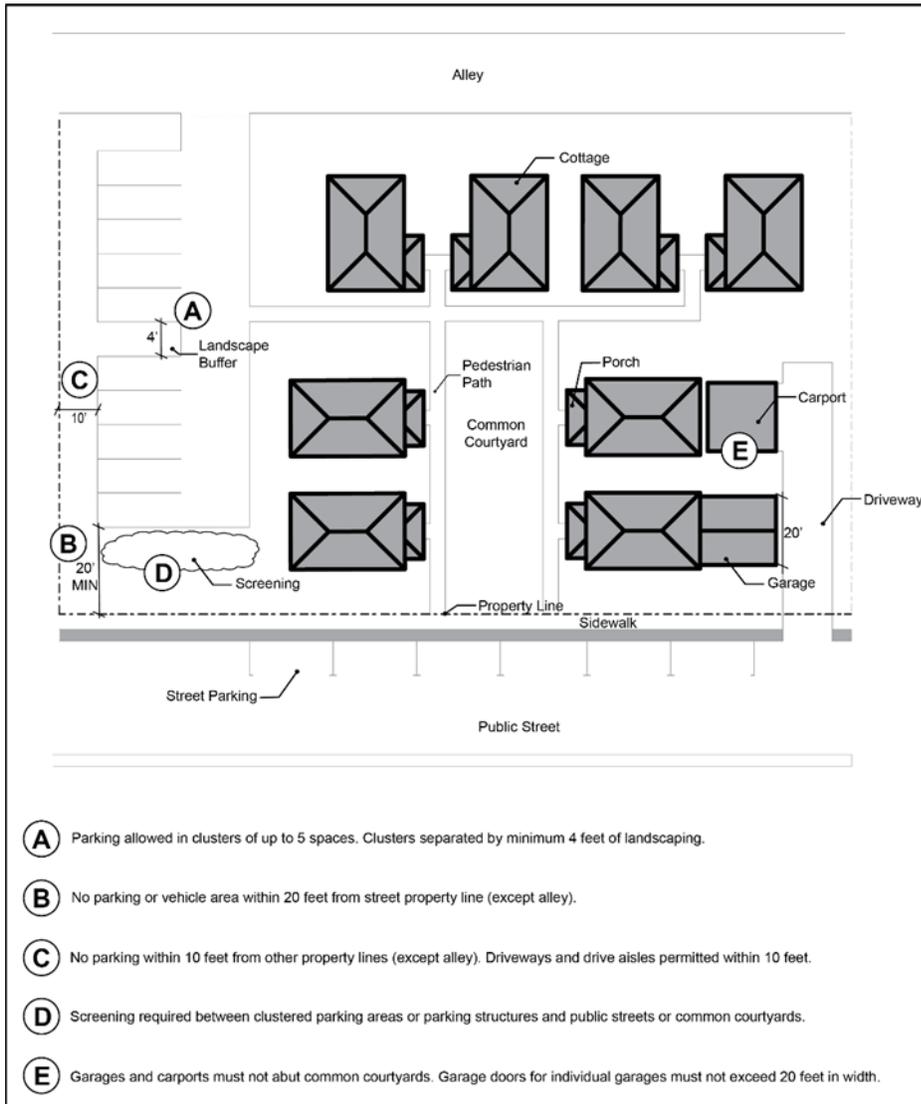
Figure 14. Cottage Cluster Orientation and Courtyard Design



- (A)** A minimum of 50% of cottages must be oriented to the common courtyard.
- (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C)** Cottages must be connected to the common courtyard by a pedestrian path.
- (D)** Cottages must abut the courtyard on at least two sides of the courtyard.
- (E)** The common courtyard must be at least 15 feet wide at its narrowest width.

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Figure 15. Cottage Cluster Parking Design



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Chapter 16.40 Commentary

Amendments to this section clarify that cottage cluster developments that are unable to meet the clear and objective standards of Chapter 16.14 are subject to PUD review, and to clarify that all single detached and middle housing types are permitted in PUDs as required by HB2001.

Subsection 16.40.050.C - Residential PUD, Development Standards is amended to include setback standards.

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Chapter 16.40 - PLANNED UNIT DEVELOPMENT (PUD)*

16.40.010 - Purpose

- A. PUDs integrate buildings, land use, transportation facilities, utility systems and open space through an overall site design on a single parcel of land or multiple properties under one or more ownerships. Applicants are not required to use the PUD process in this Chapter and can instead use the clear and objective processes available through other chapters of this Code. The PUD process is intended to be an alternative option an applicant may select in lieu of the clear and objective processes in order to allow creativity and flexibility in site design and review which cannot be achieved through a strict adherence to existing zoning and subdivision standards. As such, approval of a PUD is based on discretionary standards.
- B. The PUD process is intended to achieve the following objectives:
1. Encourage efficient use of land and resources that can result in savings to the community, consumers and developers.
 2. Preserve valuable landscape, terrain and other environmental features and amenities as described in the Comprehensive Plan or through site investigations.
 3. Provide diversified and innovative living, working or neighborhood shopping environments that take into consideration community needs and activity patterns.
 4. Achieve maximum energy efficiency in land uses.
 5. Promote innovative, pedestrian-friendly, and human scale design in architecture and/or other site features that enhance the community or natural environment.

(Ord. No. 2008-015, § 1, 10-7-2008; Ord. 2001-1119, § 1; Ord. 86-851, § 3)

16.40.020 - Preliminary Development Plan

A. Generally

A PUD Preliminary Development Plan shall be submitted for the review and approval in accordance with Chapter 16.72. PUDs may be considered only:

1. On sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of:
 - a. Natural features such as floodplains, wetlands, and extreme topography, or
 - b. Man-made features, such as parcel configuration and surrounding development, but not including man-made features on or resulting from other parcels owned by any owner of the property subject to the PUD application;
2. On parcels of land within an Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or
3. For cottage cluster development that is unable to meet the standards of Section 16.14.040; or
34. In other areas deemed appropriated by Council during the adoption of a concept plan required by a Metro UGB expansion.

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16.40.030 - Final Development Plan

A. Generally

Upon approval of the PUD overlay zoning district and preliminary development plan by the Council, the applicant shall prepare a detailed Final Development Plan as per this Chapter, for review and approval of the Commission. The Final Development Plan shall comply with all conditions of approval as per Section 16.40.020. In addition, the applicant shall prepare and submit a detailed site plan for any non-single-family dwelling structure or use not addressed under Section 16.40.020(B)(6), for review and approval, pursuant to the provisions of Chapter 16.90. The site plan shall be processed concurrently with the Final Development Plan.

[...]

16.40.050 - Residential PUD

A. Permitted Uses

The following uses are permitted outright in Residential PUD when approved as part of a Final Development Plan:

1. Varied housing types, including but not limited to single-family detached dwellings, middle housing dwelling types ~~duplexes, townhomes~~, zero-lot line housing, and multi-family dwellings.
2. Related NC uses which are designed and located so as to serve the PUD district and neighborhood.
3. All other uses permitted within the underlying zoning district in which the PUD is located.

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Chapter 16.50 Commentary

This section is lightly amended to reflect the new cottage cluster design and development standards of Chapter 16.40.

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Chapter 16.50 - ACCESSORY STRUCTURES, ARCHITECTURAL FEATURES AND DECKS

16.50.010 - Standards and Definition

A. Reserved

B. Generally

For uses located within a residential zoning district, accessory uses, buildings, and structures shall comply with all requirements for principal uses, buildings, and structures except where specifically modified below; and shall also comply with the City of Sherwood Building Code as amended. Where this Code and the Building Code conflict, the most stringent shall apply.

C. Dimension and Setback Requirements

1. Any accessory building shall have not more than six hundred (600) square feet of ground floor area and shall be no taller than 15 feet in height, except as specified for cottage cluster community buildings per 16.14.040.C.
2. No accessory building or structure over three (3) feet in height shall be allowed in any required front yard. Accessory buildings may be allowed in required side and rear building setbacks as described below.
3. When a Building Permit is not required and the structure is less than 100 square of ground floor area feet and less than six feet tall, no rear or side yard setbacks are required and the structure may abut the rear or side property line.
4. When a Building Permit is not required and the structure is over 100 square feet of ground floor area, but under 200 square feet and under ten (10) feet in height:
 - a. Detached accessory structures shall maintain a minimum 3-foot distance from any side or rear property line.
 - b. Attached accessory structures shall be setback a minimum of three (3) feet from any side property line and ten (10) feet from a rear property line.
5. When a Building Permit is required:
 - a. No accessory building or structure over three (3) feet in shall be located closer than five (5) feet to any side property line and ten (10) feet from any rear property line.
 - b. Any accessory building or structure attached by a common wall or permanent roof or foundation to the principal building or structure must comply with all setbacks for the principal building or structure.

D. No accessory building or structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way, including but not limited to streets, alleys, and public and/or private easements.

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Chapter 16.68 Commentary

These amendments update cross-references to other code sections and clarify that the floor area ratios (FARs) of this section do not apply to cottage clusters, which are subject to floor area maximums per HB2001.

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Chapter 16.68 - INFILL DEVELOPMENT STANDARDS*

[...]

5. The land division shall be conditioned, and a deed restriction recorded on each lot that contains less than the minimum lot size of the zone, requiring that building elevations and floor plans be submitted to the Planning Department for review and approval prior to issuance of a building permit on such lot, and such plans be binding on future building. Building plans required under this section shall meet the following standards as provided in Section 16.68.030;

(Ord. No. 2010-015, § 2, 10-5-2010)

16.68.030 - Building Design on Infill Lots

Structures exceeding twenty four (24) feet in height shall conform to the following standards:

- A. Floor Area: Floor area in any dwelling with a height greater than twenty four (24) feet shall not exceed the following floor area ratios, except that the first 200 square feet of floor area in a detached garage or other accessory structure shall be exempt, when the accessory structure is located behind a **single family** dwelling (dwelling is between accessory structure and abutting street), the lot is not a through lot, and the accessory structure does not exceed a height of eighteen (18) feet. Floor area shall not exceed:
 1. Low Density Residential (LDR): 50% of lot area
 2. Medium Density Residential Low (MDRL): 55% of lot area
 3. Medium Density Residential High (MDRH): 60% of lot area
 4. High Density Residential (HDR): 65% of lot area
 5. The floor area standards in this section do not apply to cottage clusters.

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Division III. - ADMINISTRATIVE PROCEDURES

February 15, 2022
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Chapter 16.72 Commentary

This section has been updated to include Middle Housing Land Divisions review process and appeal authority.

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Chapter 16.72 - PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 - Generally

A. Classifications

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

1. Residential Design Checklist Review

The Community Development Director, or designee, without public notice and without a public hearing, makes ministerial decisions through the Residential Design Checklist Review procedure. Ministerial decisions are those where City standards and criteria do not require the exercise of discretion (i.e., they are clear and objective standards).

The Community Development Director, or designee, reviews proposals for all residential housing types, except for multi-dwelling development that are subject to Section 16.90, requiring a clear and objective review using the Residential Design Checklist. The Residential design Checklist is a preliminary review that is intended to ensure a project proposal meets the basic requirements of Chapter 16.14 before more detailed plans are prepared and before the City authorizes the Building Official to issue a building permit.

2. Type I

[...]

3. Type II

The following administrative actions shall be subject to a Type II review process:

- a. Land Partitions (creation of 3 or fewer lots within 1 calendar year)
- b. Expedited Land Divisions and Middle Housing Land Divisions - The Community Development Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Community Development Director if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.
- c. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to a Conditional Use Permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.A.4.
- d. "Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.D.6.d.
- e. Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in Section 16.90.020.D.7.b.

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- f. Homeowner's association street tree removal and replacement program extension.
- g. Class B Variance
- h. Street Design Modification
- i. Subdivisions between 4—10 lots
- j. Medical marijuana dispensary permit
- k. Residential Design Checklist Review with Class B Variance

[...]

B. Hearing and Appeal Authority

1. The Hearing and Appeal Authorities shall be as follows:

- a. The Residential Design Checklist review authority is the Community Development Director or their designee. The decision is final on the date it is signed by the Community Development Director. It is not a land use decision as defined by ORS 197.015, and therefore is not subject to local appeal or appeal to the state Land Use Board of Appeals (LUBA).
- b. The Type I Hearing Authority is the Community Development Director and the Appeal Authority is the Planning Commission.
 - (1) The Community Development Director 's decision shall be made without public notice or public hearing. Notice of the decision shall be provided to the applicant.
 - (2) The applicant may appeal the Community Development Director's decision.
- c. The Type II Hearing Authority is the Community Development Director and the Appeal Authority is the Planning Commission. [Expedited Land Divisions and Middle Housing Land Division Appeal Authority is the Hearings Officer.](#)
 - (1) The Community Development Director 's decision shall be made without a public hearing, but not until at least fourteen (14) days after a public notice has been mailed to the applicant and all property owners within 1,000 feet of the proposal. Any person may submit written comments to the Community Development Director which address the relevant approval criteria of the Zoning and Development Code. Such comments must be received by the Planning Department within fourteen (14) days from the date of the notice.
 - (2) Any person providing written comments may appeal the Community Development Director 's decision.
- d. The Type III Hearing Authority is the Hearings Officer and the Appeal Authority is the Planning Commission.
 - (1) The Hearings Officer shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.
 - (2) Any person who testified before the Hearings Officer at the public hearing or submitted written comments prior to the close of the record may appeal the Hearings Officer's decision.
- e. The Type IV Hearing Authority is the Planning Commission and the Appeal Authority is the City Council.
 - (1) The Planning Commission shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.

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- (2) Any person who testified before the Planning Commission at the public hearing or submitted written comments prior to the close of the record may appeal the Planning Commission's decision.
- f. The Type V Hearing Authority is the City Council, upon recommendation from the Planning Commission and the Appeal Authority is the Land Use Board of Appeals (LUBA).
- g. Review by Council
 - (1) Review of a decision by a Hearing Authority may be initiated by the City Council when the Council determines that:
 - a. The matter involves important issues of policy; and
 - b. The original decision likely involves errors of law or was not supported by substantial evidence.
 - (2) Review by Council must be initiated by resolution of the City Council within fourteen (14) calendar days after the date of mailing of the final written decision of the Hearing Authority. Any City Council resolution calling a decision up for review shall specify whether the City Council will review the decision called up on the record or de novo and whether it intends to limit the issues on review to certain specified issues.
 - (3) Approval of such a resolution shall stay the original decision until the decision on review has become final. No right or benefit accorded by the original decision may be exercised until the decision on review has become final.
 - (4) Review shall include a public hearing conducted by the City Council. Except as otherwise provided in this Section, the public notice and hearing procedures shall be the same as the procedures used in initially taking the action which is being reviewed.
 - (5) The City Council may act to affirm, reverse, remand, or amend the action being reviewed. The action of the City Council shall be the final City of Sherwood action on the application, unless remanded to the Hearing Authority. Upon remand, the decision of the Hearing Authority shall be the final City of Sherwood action. The decision upon Council review shall become final on the date when written notice of the decision is mailed to persons entitled to notice of the decision.
2. Each quasi-judicial development permit application shall potentially be subject to two (2) levels of review, with the first review by a Hearing Authority and the second review, if an appeal is filed, by an Appeal Authority. The decision of the Hearing Authority shall be the City's final decision, unless an appeal is properly filed within fourteen (14) days after the date on which the Hearing Authority took final action. In the event of an appeal, the decision of the Appeal Authority shall be the City's final decision.
3. Each Type V legislative land use action shall be reviewed at a public hearing by the Planning Commission with a recommendation made to the City Council. The City Council shall conduct a public hearing and make the City's final decision.

[...]

Division IV. - PLANNING PROCEDURES

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Chapter 16.88 Commentary

This chapter is revised to include new middle housing residential use types, and to clarify how cottage cluster development and townhome development are classified.

Because middle housing types now include quadplexes per HB2001, multi-dwelling thresholds increase from 3 dwelling units on one lot to 5 dwelling units on one lot.

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Chapter 16.88 - INTERPRETATION OF SIMILAR USES

[...]

16.88.040 - Uses

This chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. The use categories provide a systematic basis for assignment of present and future uses to zones. The decision to allow or prohibit the use categories in the various zones is based on the goals and policies of the Comprehensive Plan. Uses are assigned to the category whose description most closely describes the nature of the primary use. A primary use is the activity, or combination of activities of chief importance on the site, and the main purposes for which the land or structures are intended, designed, or ordinarily used. Accessory uses are uses or activities which are a subordinate part of a primary use and are clearly incidental to a primary use on site.

A. Residential Use Types

1. Residential uses are intended for habitation by one (1) or more individuals on a wholly or primarily non-transient basis. These uses usually include accommodations for cooking, sleeping, bathing, and similar common areas typically associated with habitation. Residential uses include, but are not limited to the following housing types:
 - (1) Single-family detached - A structure consisting of a single dwelling unit which is for occupancy by one (1) or more persons on a single parcel or lot. Cottage clusters are a type of single detached housing when each cottage is located on a single lot.
 - (2) Single-family attached - A structure consisting of one (1) or more attached single dwelling unit which is for occupancy by one (1) or more persons on separate parcels or lots. Examples include but are not necessarily limited to townhomes.
 - (3) Duplex - A structure consisting of two (2) dwelling units on the same parcel or lot. Two (2) family homes are commonly referred to as a duplex.
 - (4) Triplex – Three (3) attached dwelling units, in any configuration, located on a single lot or parcel.
 - (5) Quadplex – Four (4) attached dwelling units, in any configuration, located on a single lot or parcel.
 - ~~(4)~~ (6) Multi-Family dwelling - A structure consisting of five (5) or more dwelling units on the same parcel or lot. Multi-Family-dwelling homes include, but are not limited to garden apartments, apartments, condominiums. Multi-dwellings do not include townhomes, which are located on individual lots.
 - ~~(5)~~ Institutional and residential care facilities — A facility licensed by or under the authority of the Department of Health and Human Services under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Examples include residential care homes, group homes, halfway homes, etc.

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Chapter 16.89 Commentary

This is a new chapter and a new procedure that is applicable specifically to single detached and middle housing development.

There are four review types for new residential development that is subject to the design standards of Chapter 16.14:

- Ministerial Residential Design Checklist Review
- Type I Residential Design Checklist Review with Adjustment
- Type II Residential Design Checklist Review with Class B Variance
- Type IV Residential Design Review

No Type III review option is proposed; Type III review is a Hearings Officer review and the Planning Commission indicated a desire to review Residential Design applications against the applicable design guidelines. Planning Commission review is a Type IV review.

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Chapter 16.89 - RESIDENTIAL DESIGN CHECKLIST AND RESIDENTIAL DESIGN REVIEW

16.89.010 – Purpose and Intent

A. Purpose

The Residential Design Checklist Review and Residential Design Review are intended to provide an opportunity for the City of Sherwood to encourage development of a variety of housing types while providing for a review process that encourages traditional forms commonly found in Sherwood while providing for a variety of design and site-specific situations for these housing types.

This process is designed to provide a streamlined review process to encourage development of housing at a variety of types and scales. The Residential Design Checklist Review is a clear and objective review process and will be implemented at time of Residential Building Permit submittal. For projects seeking additional flexibility, the Residential Design Checklist Review may be paired with either a concurrent Type I Adjustment or Type II Class B Variance process referenced in Section 16.84.030.

For residential projects seeking the highest level of flexibility, the Residential Design Review is a Type IV discretionary review. Projects subject to Residential Design Review are to be reviewed against the design guidelines rather than against the degree of departure from the standard.

B. Intent

The following standards are intended to create walkable residential neighborhoods that are visually interesting, compatible with existing development, and avoid monotony in design. Should the Residential Design Review process be applied, see the design guidelines in Table 16.14-1, Residential Design Standards for design intent for each standard.

16.89.020 – Residential Design Checklist Review or Residential Design Review Required

- A. When Required. Residential Design Checklist Review or Residential Design Review is required prior to new residential development, expansions or conversions that are subject to the design standards of 16.14, or any substantial change to a site or use and is required prior to issuance of building permits for a new residential dwelling, or for substantial alteration of an existing residential dwelling or use. Exemptions noted below.

Either a Residential Design Checklist Review or a Residential Design Review is required for the following housing types (multi-family dwellings are subject to Section 16.90 review):

1. Accessory Dwelling Unit
2. Single detached dwelling
3. Duplex
4. Townhouse
5. [Triplex](#)
6. [Quadplex](#)
7. [Cottage Cluster development](#)

- B. Applicability. For the purposes of Section 16.89.020, the terms "substantial change" and "substantial alteration" mean any development activity as defined by this Code that generally requires a building permit and exhibits one or more of the following characteristics:

1. Construction of new residential dwelling(s).

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2. The activity involves changes in the use of a structure, building, or property from a non-residential to a residential use listed above.
 3. The activity involves non-conforming uses as defined in Chapter 16.48.
 4. The activity is identified as an expansion or conversion per 16.14.010.C.2
- C. Exemption to Residential Design Checklist Review Requirement
1. Residential accessory structure subject to Chapter 16.50.
- D. Required Standards
1. For the Residential Design Checklist Review application, all of the following are to be met:
 - a. All of the design standards noted in Subsection 16.14.010, Subsection 16.14.040, and/or Chapter 16.52 Accessory Dwelling Units
 - b. For a stand-alone Accessory Dwelling Unit, the standards and criteria in 16.52.020.H shall apply
 2. If the standards listed in Subsection D above cannot be met outright, there are two concurrent options with the Residential Design Checklist Review:
 - a. Adjustment. See Section 16.84.030 for a Type I Adjustment for up to 5 percent modifications of the design standards associated with Table 16.14-1, Residential Design Standards, A-C. Applying the Adjustment provision creates a concurrent review that is no longer clear and objective.
 - b. Variance. See Section 16.84.030 for a Type II Class B Variance for 5 to 10 percent modifications of the design standards associated with Table 16.14-1, Residential Design Standards, A-C. Applying the Variance provision, creates a concurrent review that is no longer clear and objective.
- E. Time Limits

Residential Design Checklist approvals are void after one (1) year unless construction on the site has begun, as determined by the City. The City may extend approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010.

16.89.030 - Residential Design Review.

As an alternative to meeting the clear and objective standards in Sections 16.89.020.A, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the design guidelines of Section 16.14.010.B, Table 16.14-1:

- A. Intent. The intent of this Review is to provide a flexible option for projects which implement the design guidelines rather than the design standards.
- B. Approval Criteria:
 1. The proposed development demonstrates conformance with the applicable design guidelines of Section 16.14.010.B, Table 16.14-1.
 2. The proposed development meets applicable zoning district standards and standards in Division II, and all applicable provisions of Divisions V, VI, VIII and IX unless revised through the Adjustment or Variance process
 3. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications
- C. Time Limits

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Residential Design Review approvals are void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010.

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Division V. - COMMUNITY DESIGN

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Chapter 16.90 Commentary

The new Chapter 16.89 will apply to new single detached and middle housing residential development. As a result, the applicability of Chapter 16.90 is revised to apply to multi-dwelling residential development (5 or more dwelling units), commercial, multi-family dwelling, institutional or mixed-use development. A new list of applicable development types has been added to make this application explicit.

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Chapter 16.90 - SITE PLANNING*

[...]

16.90.020 - Site Plan Review

A. Site Plan Review Required

Site Plan review is required prior to any substantial change to a site or use that is not subject to Residential Design Checklist or Residential Design Review, does not meet the criteria of a minor or major modification per 16.90.030, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use. Exemptions noted below.

Site Plan Review is required for the following development:

1. Multi-dwelling
2. Commercial
3. Industrial
4. Mixed-use

For the purposes of Section 16.90.020, the terms "substantial change" and "substantial alteration" mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

1. The activity alters the exterior appearance of a structure, building or property and is not considered a modification.
2. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial and is not considered a modification.
3. The activity involves non-conforming uses as defined in Chapter 16.48.
4. The activity constitutes a change in a City approved plan, per Section 16.90.020 and is not considered a modification.
5. The activity is subject to site plan review by other requirements of this Code.
6. The activity increases the size of the building by more than 100% (i.e. the building more than doubles in size), regardless of whether it would be considered a major or minor modification.

B. Exemption to Site Plan Requirement

1. Single Family detached **and middle housing** developments are exempt from Site Plan Review but are required to complete either a Residential Design Checklist or Residential Design Review per Chapter 16.89, unless otherwise noted.
2. Manufactured homes located on individual residential lots per Section 16.46.010, and including manufactured home parks.

C. Reserved

D. Required Findings

No site plan approval will be granted unless each of the following is found:

1. The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.

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2. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.
3. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.
4. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.
5. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant must provide adequate information, such as a traffic impact analysis (TIA) or traffic counts, to demonstrate the level of impact to the surrounding transportation system. The developer is required to mitigate for impacts attributable to the project, pursuant to TIA requirements in Section 16.106.080 and rough proportionality requirements in Section 16.106.090. The determination of impact or effect and the scope of the impact study must be coordinated with the provider of the affected transportation facility.
6. The proposed commercial, multi-family dwelling, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards include the following:
 - a. Primary, front entrances are located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.
 - b. Buildings are located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
 - c. The architecture of buildings are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding are prohibited. Street facing elevations have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.
 - d. As an alternative to the standards in Section 16.90.020.D.6.a—c, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.a—c. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.

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Chapter 16.94 Commentary

HB2001 establishes maximum parking requirements for duplex, triplex, quadplex, townhome, and cottage cluster development. HB2001 allows for 3 required parking spaces for triplexes on parcels greater than 5,000 sq. ft., and 4 required parking spaces for quadplexes on parcels equal to or greater than 7,000. Other middle housing types can be required to provide one space per dwelling unit. All amended and new parking standards comply with HB2001/OAR 660-046.

No revisions are proposed to the City's existing single detached or multi-dwelling parking standards.

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Chapter 16.94 - OFF-STREET PARKING AND LOADING

[...]

16.94.020 - Off-Street Parking Standards

A. Generally

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off - street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.

Table 1: Minimum and Maximum Parking Standards

(Metro spaces are based on 1 per 1,000 sq ft of gross leasable area; ADU standards are per OAR Division 46)

	Minimum Parking Standard	Maximum Permitted Parking Zone A ¹	Maximum Permitted Parking Zone B ²
Accessory Dwelling Unit	None	None	None
Single Family detached and manufactured home on lot ³	1 per dwelling unit	None	None
Duplex	1 space per dwelling unit (total of 2 per duplex)	None	None
<u>Triplex</u>			
<ul style="list-style-type: none"> <u>Lot area less than 3,000 SF</u> 	<u>1 space total</u>	<u>None</u>	<u>None</u>
<ul style="list-style-type: none"> <u>Lot area equal to or greater than 3,000 SF and less than 5,000 SF</u> 	<u>2 spaces total</u>	<u>None</u>	<u>None</u>
<ul style="list-style-type: none"> <u>Lot area equal to or greater than 5,000 SF</u> 	<u>3 spaces total</u>	<u>None</u>	<u>None</u>
<u>Quadplex</u>			
<ul style="list-style-type: none"> <u>Lot area less than 3,000 SF</u> 	<u>1 space total</u>	<u>None</u>	<u>None</u>
<ul style="list-style-type: none"> <u>Lot area equal to or greater than 3,000 SF and less than 5,000 SF</u> 	<u>2 spaces total</u>	<u>None</u>	<u>None</u>

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<ul style="list-style-type: none"> <u>Lot area equal to or greater than 5,000 SF and less than 7,000 SF</u> 	<u>3 spaces total</u>		
<ul style="list-style-type: none"> <u>Lot area equal to or greater than 7,000 SF</u> 	<u>4 spaces total</u>	<u>None</u>	<u>None</u>
Townhome	1 space per unit	None	None
<u>Cottage Cluster</u>	<u>1 space per unit</u>	<u>None</u>	<u>None</u>
Multi-Family-dwelling ⁴	1 per unit under 500 sf 1.25 per 1 bdr 1.5 per 2 bdr 1.75 per 3 bdr	None	None

¹ Parking Zone A reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone A areas include those parcels that are located within one-quarter (¼) mile walking distance of bus transit stops, one-half (½) mile walking distance of light rail station platforms, or both, or that have a greater than twenty-minute peak hour transit service.

² Parking Zone B reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone B areas include those parcels that are located at a distance greater than one-quarter (¼) mile walking distance of bus transit stops, one-half (½) mile walking distance of light rail station platforms, or both.

³ If the street on which the house has direct access does not permit on-street parking or is less than twenty-eight (28) feet wide, two (2) off-street parking spaces are required per single-family-detached dwelling (includes a manufactured home on an individual lot) if the abutting street is twenty-eight (28) feet or wider, one (1) standard (9 ft. x 20 ft.) parking space is required.

⁴ Visitor parking in residential developments: Multi-Family dwelling units with more than ten (10) required parking spaces shall provide an additional fifteen (15) percent of the required number of parking spaces for the use of guests of the residents of the development. The spaces shall be centrally located or distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.

B. Dimensional and General Configuration Standards

1. Dimensions For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five (25) percent of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.

[...]

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Chapter 16.96 Commentary

The revisions to this section clarify that middle housing types are exempt from requirements that do not apply to detached single housing, per HB2001.

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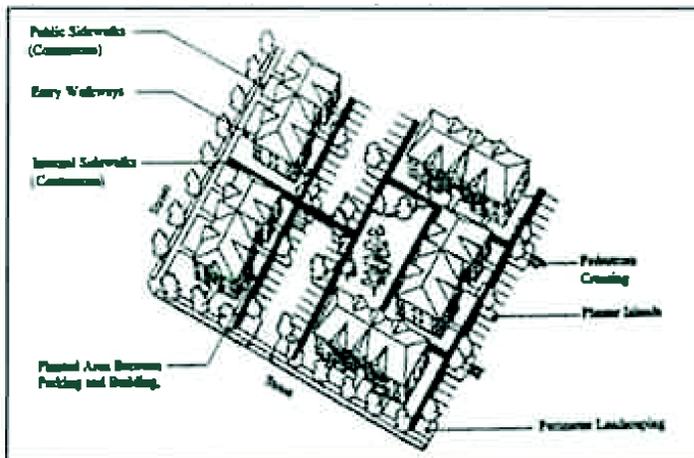
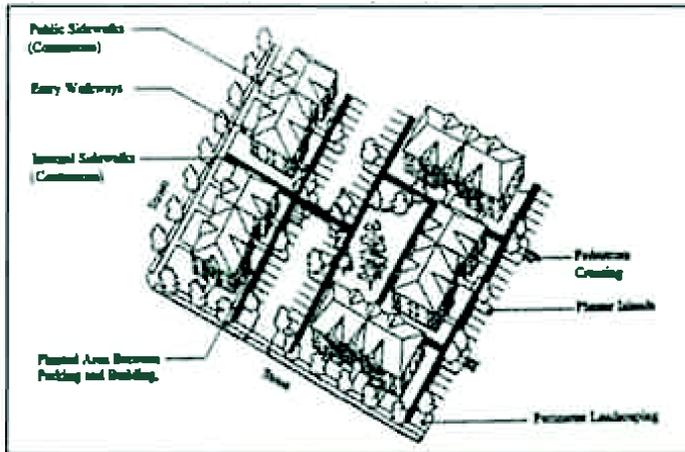
Chapter 16.96 - ON-SITE CIRCULATION

16.96.010 - On-Site Pedestrian and Bicycle Circulation

A. Purpose

On-site facilities shall be provided that accommodate safe and convenient pedestrian access within new subdivisions, multi-family dwelling developments, planned unit developments, shopping centers and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one-half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers. All new development, (except single-family detached and middle housing types housing), shall provide a continuous system of private pathways/sidewalks.

On-Site Circulation System (Multi-Family-Dwelling Example)



[...]

F. Access to Major Roadways

Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Appendix C of the Community Development Plan, Part II, shall be limited as follows:

1. Single Family Detached homes, Duplex, Townhomes, middle housing types, and Manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W and arterial roadways. If alternative public access is not

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available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.

2. Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress.
3. All site plans or Residential Design Checklists for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.

G. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.

(Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, § 6; Ord. 86-851)

16.96.020 Minimum - Residential standards

Minimum standards for private, on-site circulation improvements in residential developments:

A. Driveways

1. ADU/Single-Family-Detached: One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%.
2. Duplex: One (1) shared driveway improved with hard surface pavement with a minimum width of twenty (20) feet; or two (2) driveways improved with hard surface pavement with a minimum width of ten (10) feet each.
3. Townhome: A maximum of one (1) driveway per unit improved with hard surface pavement with a minimum width of ten (10) feet. See also the provisions of 16.14.020.D.

4. Triplex and Quadplex: See the provisions of 16.14.030.A.

5. Multi-Family-Dwelling: Improved hard surface driveways are required as follows:

Number of Units	Number of Driveways	One Way Drive Width (Pair)	Two Way Drive Width
5—49	1	15 feet	24 feet
50 or more	2	15 feet	24 feet

5. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.

B. Sidewalks, Pathways and Curbs

1. Single Family Detached, Duplex, Triplex, Quadplex, Townhome, Cottage Cluster, and Manufactured Home on Individual Residential Lot: on-site sidewalks and curbs are not required when part of a proposed partition or subdivision. For cottage clusters, on-site pedestrian pathways are required consistent with Section 16.14.040.
2. Multi-Family-Dwelling:

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- a. A system of private pedestrian sidewalks/pathways extending throughout the development site shall connect each dwelling unit to vehicular parking areas, common open space, storage areas, recreation facilities, adjacent developments, transit facilities within five hundred (500) feet of the site, and future phases of development. Main building entrances shall also be connected to one another.
- b. Required private pathways/sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators, on one (1) side of approved driveways connecting to the public sidewalk or curb of the public street that provides required ingress and egress. Curbs shall also be required at a standard approved by the Review Authority.
- c. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, brick/masonry pavers, or other durable surface, at least five (5) feet wide and conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump).
- d. Exceptions Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

(Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, §§ 5, 8; 91-922)

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Division VI. - PUBLIC INFRASTRUCTURE

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Chapter 16.104 Commentary

Language regarding Sufficient Infrastructure has been added for compliance with HB2001 and to clarify that the City can continue to require sufficient infrastructure to support middle housing development.

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Chapter 16.104 - GENERAL PROVISIONS^[46]

[...]

16.104.030 - Improvement Procedures

Except as otherwise provided, all public improvements shall conform to City standards and specifications found in the Engineering Design Manual and installed in accordance with Chapter 16.108. The Council may establish additional specifications to supplement the standards of this Code and other applicable ordinances. Except for public projects constructed consistent with an existing facility plan, a public improvements shall not be undertaken until land use approval has been granted, a public improvement plan review fee has been paid, all improvement plans have been approved by the City, and an improvement permit has been issued.

The City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a middle housing development application.

(Ord. No. 2011-011, § 1, 10-4-2011)

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Chapter 16.106 Commentary

Additional language has been added to clarify that where single detached dwellings are exempt from requirements, middle housing dwellings are also exempt per HB2001.

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Chapter 16.106 - TRANSPORTATION FACILITIES

16.106.040 - Design

[...]

M. Vehicular Access Management

[...]

2. Roadway Access

No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.

[...]

b. Neighborhood Routes:

Minimum spacing between driveways (Point "C" to Point "C") shall be fifty (50) feet with the exception of single family detached dwellings, ~~duplex, and townhomes~~ and middle housing dwellings on residential lots in a recorded subdivision. Such lots shall not be subject to a minimum spacing requirement between driveways (Point "C" to Point "C"). In all instances, access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than fifty (50) feet.

[...]

d. Arterials and Highway 99W - Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Figure 1 of the Community Development Plan, Part II, shall be limited as follows:

- (1) Single family-detached dwellings, ~~duplex, townhomes,~~ middle housing dwellings, and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W or arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.
- (2) Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress. Alternatives include shared or crossover access agreement between properties, consolidated access points, or frontage or backage roads. When alternatives do not exist, access shall comply with the following standards:
 - (a) Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').

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- (b) The access to Highway 99W will be considered temporary until an alternative access to public right-of-ways is created. When the alternative access is available the temporary access to Highway 99W shall be closed.
- (3) All site plans or Residential Design Checklists for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local, neighborhood route or collector streets, including frontage or backage roads, consistent with the Transportation Plan Map and Chapter 6 of the Community Development Plan.

[...]

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**Division VII. - LAND DIVISIONS, SUBDIVISIONS, PARTITIONS, LOT LINE
ADJUSTMENTS AND MODIFICATIONS**

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Chapter 16.120 Commentary

One of the concepts that was identified at the Planning Commission work session was to provide an option for subdividing cottage clusters, so cottages can be on their own lots without going through a Planned Unit Development Review. Community comments received from the open house also expressed a need for more affordable options for first-time homebuyers and generally supported the characteristics of cottage cluster housing. Enabling individual ownership of cottage lots ("fee-simple" ownership), in addition to condominium ownership of cottages on a shared lot, provides a wider range of homeownership options.

A definition and procedure for Condominiums is added.

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Chapter 16.120 - SUBDIVISIONS^[51]

[...]

16.120.080 Filing and Recording of Final Subdivision Plat

A. County Review

When the City determines that the plat conforms to all requirements, the plat shall be authorized for review by the County.

B. Recording the Plat

After approval, the City shall authorize the transmittal of the final map, tracing, and other data to the County, to determine that there has been compliance with all provisions of State and local statutes. Approval of the final plat shall be null and void if the plat is not recorded within sixty (60) days after the date of the last required approving signatures have been obtained.

C. Effective Date

Subdivision approval shall become final upon the recording with the County of the approved subdivision plat or partition map together with any required documents. Development permits may be issued only after final approval, except for activities at the preliminary plat phase, specifically authorized by this Code.

(Ord. No. 2011-011, § 1, 10-4-2011)

16.120.090 CONDOMINIUMS

A. Definition

A condominium is a building, or group of buildings, in which units are individually owned, and the shared structure, common areas and facilities are owned by all of the unit owners on a proportional, undivided basis.

B. Procedure

A proposal for new construction of a condominium or conversion of existing units into condominiums is reviewed through the procedure applicable to the housing type (e.g., multi-family development or middle housing). All condominium proposals must meet the appropriate requirements of ORS Chapter 100 (Condominiums).

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Chapter 16.128 Commentary

Because cottage clusters are required to be oriented to a common open space, and may be served by a private street, alley, or pathway, provisions were added to this section to allow cottage cluster lots to abut a public street, private street, shared open space, or a shared pathway.

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Chapter 16.128 - LAND DIVISION DESIGN STANDARDS

[...]

16.128.030 - Lots

A. Size and Shape

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

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

B. Access

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

1. Cottage cluster lots shall abut a public street, private street, alley, shared open space, or a shared pathway.

[...]

Division VIII. - ENVIRONMENTAL RESOURCES

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Chapter 16.142 Commentary

A cross-reference to the cottage cluster open space requirements of 16.14.040 has been added, and the applicability of the previous single-family and duplex residential subdivision open space requirements has been extended to triplex, quadplex, and townhome developments.

The current provisions of 16.142.070 apply only to residential developments subject to Type II-IV land use review. Per HB2001, single detached and middle housing development is subject to Residential Design Checklist review, Type I review with Adjustment, Type II review with Class B Variance, or Type IV Design Review. This means that a residential development that meets all applicable development and design standards would not be subject to the tree retention provisions.

Additional language has been added to the text and table to clarify that residential developments are subject to these requirements based on the level of land use review required.

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Chapter 16.142 - PARKS, TREES AND OPEN SPACES

[...]

16.142.030 – All Residential Subdivisions

- A. A minimum of five percent (5%) of the net buildable site (after exclusion of public right-of-way and environmentally constrained areas) shall be maintained as "open space". Open space must include usable areas such as public parks, swimming and wading pools, grass areas for picnics and recreational play, walking paths, and other like space. Cottage cluster development is subject to the open space requirements of 16.14.40 and not to the requirements of this section. The following may not be used to calculate open space:
1. Required yards or setbacks.
 2. Required visual corridors.
 3. Required sensitive areas and buffers.
 4. Any area required to meet a standard found elsewhere in this code.
- B. Enhanced streetscapes such as "boulevard treatments" in excess of the minimum public street requirements may count toward a maximum of 10,000 square feet of the open space requirement.
1. Example: if a 52-foot-wide right-of-way [ROW] is required for a 1,000 foot-long street and a 62-foot wide ROW with 5-foot additional plantings/meandering pathway is provided on each side of the street, the additional 10-foot-wide area x 1,000 linear feet, or 10,000 square feet, counts toward the open space requirement.
- C. The open space shall be conveyed in accordance with one of the following methods:
1. By dedication to the City as public open space (if acceptable to the City). Open space proposed for dedication to the City must be acceptable to the City Manager or the Manager's designee with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities;
 2. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association or other legal entity, with the City retaining the development rights to the open space. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.
- D. The density of a residential subdivision shall be calculated based on the net buildable site prior to exclusion of open space per this Section.
1. Example: a 40,000 square foot net buildable site would be required to maintain 2,000 square feet (5%) of open space but would calculate density based on 40,000 square feet.
- E. If a proposed residential subdivision contains or is adjacent to a site identified as "parks" on the Acquisition Map of the Parks Master Plan (2006) or has been identified for acquisition by the Sherwood Parks and Recreation Board, establishment of open space shall occur in the designated areas if the subdivision contains the park site, or immediately adjacent to the parks site if the subdivision is adjacent to it.
- F. If the proposed residential subdivision does not contain or is not adjacent to a site identified on the Parks Master Plan map or otherwise identified for acquisition by the Parks and Recreation Board, the applicant may elect to convey off-site park/open space.
- G. This standard does not apply to a residential partition provided that a development may not use phasing or series partitions to avoid the minimum open space requirement. A partition of land that was part of an approved partition within the previous five (5) years shall be required to provide the minimum five percent (5%) open space in accordance with subsection (A) above.

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- H. The value of the open space conveyed under Subsection (A) above may be eligible for Parks System Development Charges (SDCs) credits based on the methodology identified in the most current Parks and Recreation System Development Charges Methodology Report.

[...]

D. Required Yard

Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited within the required visual corridor.

[...]

16.142.070 - Trees on Property Subject to Certain Land Use Applications

A. Generally

The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of trees and woodlands within the City. This Section is intended to help protect the scenic beauty of the City; to retain a livable environment through the beneficial effect of trees on air pollution, heat and glare, sound, water quality, and surface water and erosion control; to encourage the retention and planting of tree species native to the Willamette Valley and Western Oregon; to provide an attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time.

B. Applicability

All applications including a Type II - IV land use review, shall be required to preserve trees or woodlands, as defined by this Section to the maximum extent feasible within the context of the proposed land use plan and relative to other codes, policies, and standards of the City Comprehensive Plan.

[...]

D. Retention requirements

1. Trees may be considered for removal to accommodate the development including buildings, parking, walkways, grading etc., provided the development satisfies of D.2 or D.3, below.
2. Required Tree Canopy – All Residential Developments subject to Type II-V land use review.

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of canopy for each tree. The expected mature canopy is counted for each tree regardless of an overlap of multiple tree canopies.

The canopy requirement can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist or other qualified professional shall provide the estimated tree canopy of the proposed trees to the planning department for review.

3. Required Tree Canopy - Non-Residential and Multi-Family Dwelling Developments

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the

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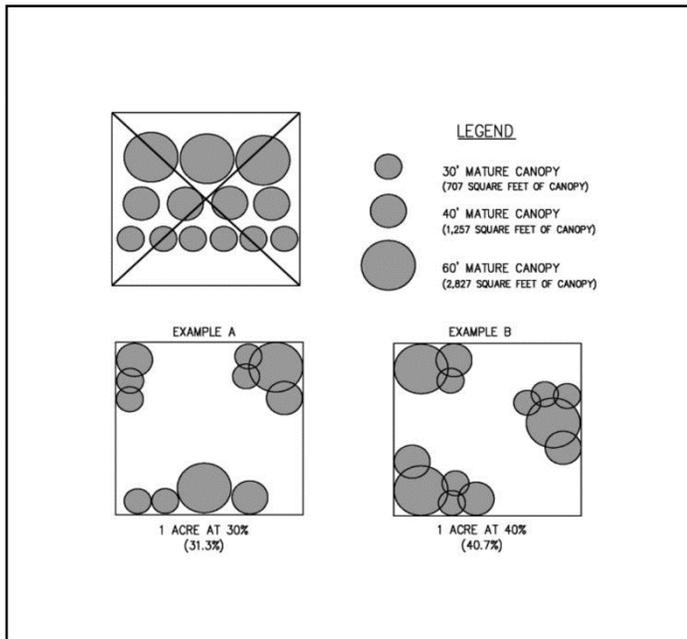
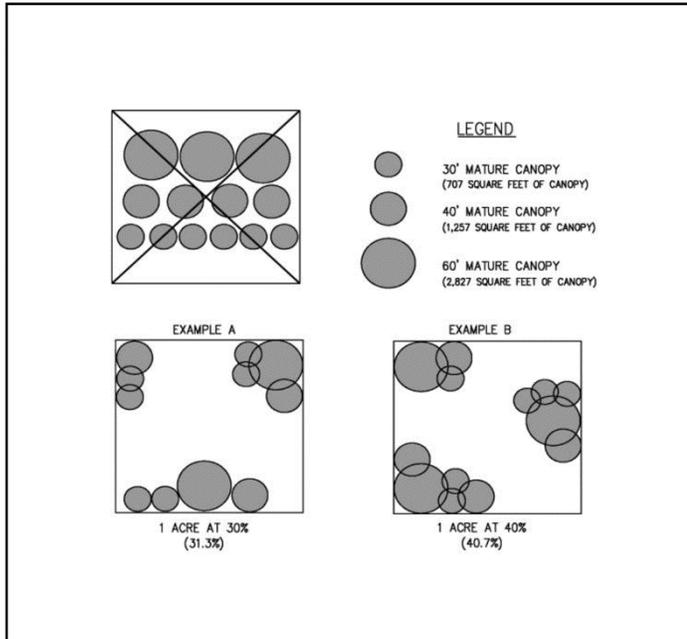
equation πr^2 to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.

The canopy requirement can be achieved by retaining existing trees or planting new trees. Required landscaping trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the required canopy cover. A certified arborist or other qualified professional shall provide an estimated tree canopy for all proposed trees to the planning department for review as a part of the land use review process.

	Residential (single family detached & duplex and middle housing developments) subject to Residential Design Checklist or Type I review	Residential (single family detached & duplex and middle housing developments) subject to Type II-IV review	Old Town & Infill developments	Commercial, Industrial, Institutional Public and Multi-Family dwelling
Canopy Requirement	N/A	40%	N/A	30%
Counted Toward the Canopy Requirement				
Street trees included in canopy requirement	N/A	Yes	N/A	No
Landscaping requirements included in canopy requirement	N/A	N/A	N/A	Yes
Existing trees onsite	N/A	Yes x2	N/A	Yes x2
Planting new trees onsite	N/A	Yes	N/A	Yes
<p>Mature Canopy in Square Feet Equation πr^2 or $(3.14159 * \text{radius}^2)$ (This is the calculation to measure the square footage of a circle.</p> <p>The Mature Canopy is given in diameter. In gardening and horticulture reference books, therefore to get the radius you must divide the diameter in half.</p>				

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Canopy Calculation Example: Pin Oak
Mature canopy = 35'
 $(3.14159 * 17.5^2) = 962$ square feet



4. The City may determine that, regardless of D.1 through D.3, that certain trees or woodlands may be required to be retained. The basis for such a decision shall include; specific findings that retention of

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said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:

- a. Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or
 - b. A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or
 - c. Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Clean Water Services stormwater management plans and standards of the City Comprehensive Plan, or
 - d. Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or
 - e. Otherwise merit retention because of unusual size, size of the tree stand, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.
5. Tree retention requirements for properties located within the Old Town Overlay or projects subject to the infill standards of Chapter 16.68 are only subject to retention requirements identified in D.4. above.
 6. The Notice of Decision issued for the land use applications subject to this Section shall indicate which trees and woodlands will be retained as per subsection D of this Section, which may be removed or shall be retained as per subsection D of this Section and any limitations or conditions attached thereto.
 7. All trees, woodlands, and vegetation located on any private property accepted for dedication to the City for public parks and open space, greenways, Significant Natural Areas, wetlands, floodplains, or for storm water management or for other purposes, as a condition of a land use approval, shall be retained outright, irrespective of size, species, condition or other factors. Removal of any such trees, woodlands, and vegetation prior to actual dedication of the property to the City shall be cause for reconsideration of the land use plan approval.

[...]

16.142.080 - Trees on Private Property — not subject to a land use action

A. Generally

In general, existing mature trees on private property shall be retained unless determined to be a hazard to life or property. For the purposes of this section only, existing mature trees shall be considered any deciduous tree greater than ten (10) inches diameter at the breast height (dbh) or any coniferous tree greater than twenty (20) inches dbh.

B. Residential (Single Family Detached and ~~Duplex-Middle Housing~~) Standards

In the event a property owner determines it necessary to remove existing mature trees on their property that are not a hazard, they may remove the trees as described below;

1. Removal of up to five (5) trees, or up to 10 percent of the number of trees on site, whichever is greater, within a twelve month period. No review or approval required provided that trees are not located within a wetland, floodplain or protected through prior land use review per section 3.b. (1.) - (5.) below, that the planning department is notified in writing 48 hours prior to removing the tree, including the property address, property owner name and contact information, and provided with the type and size

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of the tree. Failure to notify the Planning Department shall not result in a violation of this code unless it is determined that the tree removal is located within a wetland, floodplain or protected through prior land use review per section 3.b. (1.) - (5.) below, or in excess of that permitted outright.

2. Removal of six (6) or more trees, or more than 10 percent of the number of trees on site, whichever is greater, within a twelve month period except as allowed in subsection 1, above.
 - a. The applicant shall submit the following;
 - (1.) A narrative describing the need to remove the tree(s),
 - (2.) A statement describing when and how the Homeowner's Association (HOA) was informed of the proposed tree cutting and their response. If there is not an active HOA, the applicant shall submit as statement indicating that there is not a HOA to contact.
 - (3.) A plan showing the location of the tree and
 - (4.) The applicant shall submit a replacement tree plan. Half of the number of trees removed shall be replaced on site with native trees within six months from the date of removal.

[...]

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Chapter 16.156 Commentary

A new applicability statement has been added to clarify that these standards do not apply to single detached or middle housing residential development.

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Chapter 16.156 - ENERGY CONSERVATION*

Sections:

16.156.010 - Purpose

This Chapter and applicable portions of Chapter 5 of the Community Development Plan provide for natural heating and cooling opportunities in new development. The requirements of this Chapter shall not result in development exceeding allowable densities or lot coverage, or the destruction of existing trees.

(Ord. 91-922, § 3)

16.156.020 – Applicability

The standards in this Chapter shall apply to any new uses or changes to existing uses in multi-dwelling, commercial, industrial and institutional zones. The standards in this Chapter do not apply to accessory dwelling unit or single detached, or middle housing development in residential zones.

16.156.030 - Standards

- A. Building Orientation - The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 AM and 3:00 PM, Pacific Standard Time on December 21st.
- B. Wind - The cooling effects of prevailing summer breezes and shading vegetation shall be accounted for in site design. The extent solar access to adjacent sites is not impaired vegetation shall be used to moderate prevailing winter wind on the site.

(Ord. 91-922, § 3)

16.156.040 - Variance to Permit Solar Access

Variances from zoning district standards relating to height, setback and yard requirements approved as per Chapter 16.84 may be granted by the Commission through a Type IV review where necessary for the proper functioning of solar energy systems, or to otherwise preserve solar access on a site or to an adjacent site.

(Ord. 91-922, § 3)

END OF PROPOSED AMENDMENTS

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DEVELOPMENT CODE CROSS REFERENCES TABLE

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