



*Home of the Tualatin River National Wildlife Refuge*

# **CITY COUNCIL MEETING PACKET**

**FOR**

**Tuesday, May 17, 2022**

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

**5:30 pm City Council Work Session**

**7:00 pm City Council Regular Meeting**

**URA Board of Directors Meeting  
(Following the 7pm Regular City Council Meeting)**

**City Council Executive Session  
(ORS 192.660(2)(e), Real Property Transactions)  
(Following the URA Board of Directors Meeting)**

This meeting will be live streamed at  
<https://www.youtube.com/user/CityofSherwood>



**5:30 PM WORK SESSION**

1. **Sanitary & Storm Rate & SDC Update**  
(Craig Sheldon, Public Works Director)
2. **Hwy 99W Brookman & Chapman Roads Preliminary Study**  
(Erika Palmer, Planning Manager)
3. **Housing Amendments Review**  
(Joy Chang, Senior Planner)

**7:00 PM REGULAR SESSION**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CONSENT AGENDA**
  - A. **Approval of May 3, 2022 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
  - B. **Resolution 2022-024, Authorizing the City Manager to Purchase Vehicles and Equipment for Sherwood Broadband** (Craig Sheldon, Public Works Director)
  - C. **Resolution 2022-025, Authorizing the City Manager to Acquire Real Property**  
(Keith Campbell, City Manager)
  - D. **Resolution 2022-026, Declaring the Need to Acquire Real Property Interests to Construct and Thereafter Operate & Maintain Infrastructure Related to the SW Oregon Street Improvements Project** (Jason Waters, Civil Engineer)
6. **CITIZEN COMMENTS**
7. **PUBLIC HEARING**
  - A. **Ordinance 2022-004 Amending sections of the Sherwood Zoning and Community Development Code for New Housing Choices to comply with Oregon HB 2001**  
(Joy Chang, Senior Planner) *(Continued Hearing)*
  - B. **Ordinance 2022-005 Amending sections of the Transportation System Plan for Housing Choices** (Joy Chang, Senior Planner) *(First Hearing)*

**AGENDA**

**SHERWOOD CITY COUNCIL  
May 17, 2022**

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Sherwood, OR 97140**

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## AMENDED AGENDA, ITEM 11.A ADDED

### 8. CITY MANAGER REPORT

### 9. COUNCIL ANNOUNCEMENTS

### 10. ADJOURN TO URA BOARD OF DIRECTORS MEETING

### 11. CITY COUNCIL EXECUTIVE SESSION

#### A. ORS 192.660(2)(e), Real Property Transactions (Keith Campbell, City Manager and Josh Soper, City Attorney)

### 12. ADJOURN

**How to Provide Citizen Comments and Public Hearing Testimony:** Citizen comments and public hearing testimony may be provided in person, in writing, or by telephone. Written comments must be submitted at least 24 hours in advance of the scheduled meeting start time by e-mail to [Cityrecorder@Sherwoodoregon.gov](mailto:Cityrecorder@Sherwoodoregon.gov) and must clearly state either (1) that it is intended as a general Citizen Comment for this meeting or (2) if it is intended as testimony for a public hearing, the specific public hearing topic for which it is intended. To provide comment by phone during the live meeting, please e-mail or call the City Recorder at [Cityrecorder@Sherwoodoregon.gov](mailto:Cityrecorder@Sherwoodoregon.gov) or 503-625-4246 at least 24 hours in advance of the meeting start time in order to receive the phone dial-in instructions. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.

**How to Find out What's on the Council Schedule:** City Council meeting materials and agenda are posted to the City web page at [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov), generally by the Thursday prior to a Council meeting. When possible, Council agendas are also posted at the Sherwood Library/City Hall and the Sherwood Post Office.

**To Schedule a Presentation to the Council:** If you would like to schedule a presentation to the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or [Cityrecorder@Sherwoodoregon.gov](mailto:Cityrecorder@Sherwoodoregon.gov)

**ADA Accommodations:** If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or [Cityrecorder@Sherwoodoregon.gov](mailto:Cityrecorder@Sherwoodoregon.gov) at least 48 hours in advance of the scheduled meeting time.



**SHERWOOD CITY COUNCIL MEETING MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**May 3, 2022**

**WORK SESSION**

- 1. CALL TO ORDER:** Council President Rosener called the work session to order at 6:15 pm.
- 2. COUNCIL PRESENT:** Council President Tim Rosener, Councilors Kim Young, Renee Brouse, and Taylor Giles. Councilors Sean Garland and Doug Scott participated remotely. Mayor Keith Mays was absent.
- 3. STAFF PRESENT:** City Manager Keith D. Campbell, City Attorney Josh Soper, IT Director Brad Crawford, Police Chief Ty Hanlon, Community Development Director Julia Hajduk, Finance Director David Bodway, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.
- 4. TOPICS:**

**A. Park SDC Update**

Community Development Director Julia Hajduk introduced Doug Gabbard with FCS Group and explained that Mr. Gabbard was the project manager for the park SDC analysis and methodology. Mr. Gabbard presented the “Parks SDC Analysis” PowerPoint presentation (see record, Exhibit A) and provided an overview of the agenda for the SDC discussion. He stated that system development charges (SDCs) were one-time charges that were paid at the time of development. He reported that under Oregon law, SDCs were available for water, wastewater, stormwater, transportation, and parks. He stated that SDCs were for capital only, in both their calculation and in their use. He referred to the “Parks System Development Charge Methodology” document (see record, Exhibit B) and explained that the way SDCs were calculated also dictated how a city could spend their SDCs once they were collected. He stated that SDCs included both existing and planned future infrastructure cost components and SDCs were for system facilities, not local facilities. He explained that when someone paid SDCs, they were paying for a share of the total system and they were not paying for individual projects or assets. He stated that SDCs were heavily regulated by law. Council President Rosener clarified that SDCs were how cities paid for infrastructure and was one of the few ways cities could pay for projects due to the impacts of Measure 50 and Measure 5 and that SDCs were typically billed to the developer. Mr. Gabbard stated that SDCs were covered under ORS 223.297 – 314 and provided an overview of how SDCs were calculated. He explained that the charge for an SDC could consist of two layers of cost, a reimbursement fee and an improvement fee. He explained that a reimbursement fee was calculated by taking the existing assets and determining what portion of those assets had capacity available for future users. That portion of the asset cost was then segregated and divided by the expected growth during the planning period. The improvement fee was calculated by reviewing the project lists in the CIP and Master Plan and determining what portions of each project would provide capacity for future users. The portion that was for future users was the eligible portion and it was typical for most projects to have a

portion that was eligible and a portion that was ineligible. The sum of the eligible portions was then divided by the expected growth during the planning period. Community Development Director Hajduk clarified that a city could not charge new development to fix things that were already deficient, and that was why the improvement fee may not cover the entirety of the cost. Mr. Gabbard reported that there were two criteria to determine what part of a planned project was eligible. For the first criteria, it needed to be determined if the project would create new capacity. If the answer was yes, it had to be determined if the new capacity that was being created was needed for existing users. He provided an example of a street that was over capacity and needed to be widened in order to allow for the proper flow of traffic for current users. He explained that that was a deficiency and therefore a city could not make developers pay for deficiencies, cities could only charge developers for capacity that was for future use. Council President Rosener gave an example of a developer constructing a shopping center that would increase traffic problems, and asked if SDCs could cover the cost to address those anticipated issues? Mr. Gabbard replied SDCs were charged to cover the increase in demand and explained that charging SDCs and determining what parts of a project could go into the SDC cost basis were two different things. Ms. Hajduk added that if the shopping center was doing something that increased the capacity and were also completing the improvements that may add capacity, the developers would get credit for the difference. Mr. Gabbard commented that giving developers credits was something that varied from city to city. Ms. Hajduk explained that Sherwood gave SDC credits to developers when they went above and beyond what they had to do. Mr. Gabbard clarified that there was legal criteria to determine what counted as creditable. He provided an overview of Sherwood's current parks SDC rates on page 6 of the presentation and explained that the administration fee could be used to pay a consultant to develop an SDC methodology and help meet accounting requirements, and cities were legally permitted to charge SDCs to pay the cost of complying with the SDC laws. Mr. Gabbard stated that Sherwood's total cost basis of the eligible portion was \$68 million, which when divided by the 13,000 Residential Equivalents equaled an SDC per Resident Equivalent of \$5,249. He explained that the \$68 million figure was driven by the city's project list. Councilor Scott asked if \$68 million was the total cost of every project in the Parks Master Plan? Mr. Gabbard replied that \$68 million was the total eligible cost of every project. Ms. Hajduk clarified that they had reviewed the projects listed in the Parks Master Plan to determine which projects did not add capacity, and then removed those projects from the list for eligible costs. Councilor Giles voiced that he believed that the project list was a "wish list" of projects a city wanted to complete not a guarantee that the projects would happen. Ms. Hajduk stated that a project list was, "more than a wish list, less than a promise" and was an aspirational list of projects a city wanted to complete. Discussion occurred. Council President Rosener explained that this process was to determine what the SDC rates should be if the city wanted to do any of the projects in the future. He continued that if a city was confident in its growth, it could bond against those down the road. Mr. Gabbard advised that he did not recommend reducing the project list this early in the process because it was important to see the full number and see where a city was starting from. He explained that the project list was a statement of intent, not a promise, but if a city did not include a project on the list, a city could not spend SDC money on the project. He explained that a city did not have to charge the full SDC, but they could still leave all of the projects on the list, they just would not be able to fund all of them to the same level. He addressed the SDC per Residential Equivalent calculation of \$5,249 and explained that that number was then applied to the individual types of land uses a city would be charging. He explained that for residential land uses, they used local census data to estimate the number of residents per dwelling unit type. He reported that the calculated total maximum allowable SDC for a single-family dwelling unit was \$14,997 and explained that different dwelling types had different allowable SDCs. He explained that the "Employee" item listed in the table on page 7 was a per-employee charge that was charged based on the square footage of the type of building that was being constructed. Mr. Gabbard referred to the roughly 13,000 Residential Equivalents number and explained that because the city charged non-residential development, it had to figure out how to handle employees and determine what an employee's

demand was compared to the demands of a resident. He explained that the FCS Group had calculated the employee hours of availability to create potential demand (e.g. jogging in the park on a lunch break) versus a resident who would have greater opportunity to create demand (e.g. having access to the parks on weekends and evenings) and factored in census data to determine an Employee Residential Equivalent of 0.109 or 1/10<sup>th</sup> of a new resident. Council President Rosener asked what the difference was between the two "Residential Hours" column headers listed on page 8 of the presentation? Mr. Gabbard replied it was a clerical error and the right-hand column should be titled "Non-Residential Hours." He continued that determining that ten employees were equal to one resident allowed them to make direct comparisons and have one combined growth figure. He reported that he expected Sherwood's population to grow by 12,504 residents in the planning period from 2021 to 2040 with a proportional employment growth of 4,160 for a total Residential Equivalents of 12,958. He reported that all of the Master Plan projects were divided into two categories: expansion projects and infill projects. He explained that expansion projects were projects that added quantified capacity and the typical way to quantify capacity was acreage, with cities typically defining their level of service as acres per thousand residents. Mr. Gabbard reported that Sherwood had a New Quantity Needed figure of 40.68 acres and a Quantity Planned figure of 52.00 acres and explained that the city would be building slightly more park facilities than were technically needed for the level of service purposes, but not by a large margin. He continued that based on the Future Level of Service, there would be 86.48% Eligibility for all projects that added acreage. He referred to the four expansion projects listed in the table on page 10 of the presentation and stated that 86.48% of each project would be eligible to be included in the cost basis for a total of \$38,266,831 in Eligible Cost. He addressed infill projects and explained that infill projects were projects that did not add acreage but did add amenities. He referred to the infill projects listed on page 11 of the presentation and reported that all of the projects listed except one, had an eligibility of 37.89%. He explained that the 37.89% was the portion of Sherwood's future population that would be new and that the amenities that were being added in the infill projects were going to benefit both existing users and future users proportionately. Council President Rosener asked how they accounted for construction cost inflation? Mr. Gabbard replied that SDCs were easier than doing rates because with SDCs the project costs were not escalated like they were with rates, the SDC itself was escalated. Community Development Director Hajduk added that Sherwood already operated this way and explained that the escalation was based on a certain month or year average based on construction costs, a process that was passed via resolution a few years ago. Council President Rosener asked if the project cost quoted for the pedestrian undercrossing was accurate? Discussion occurred. Ms. Hajduk asked if newer, more accurate figures became available, how would that be factored into the list? Mr. Gabbard explained that Council would adopt the list as a part of this process, and he could work with staff if changes needed to be made to the numbers. Council President Rosener referred to the two pedestrian crossing projects listed and stated that they were not existing facilities that were being expanded, but were new facilities and asked if the SDCs could be charged at a higher eligibility rate since they would be servicing additional areas of Sherwood? Mr. Gabbard replied that that would be difficult to do because every SDC analysis was a snapshot in time looking forward and there was no respect for any intentions there were before or what the previous SDC methodology was. He explained that for any project listed, either expansion or infill, the city would collect SDCs and the projects would eventually begin construction over the years. After a few years, it would be time to complete another SDC analysis, and when the new analysis was conducted, those projects were no longer a future project but an existing asset that would then be analyzed from the perspective of what capacity was available for future users. He continued that for parks, the question was answered based on a level of service basis with acreage, and if a project contributed acreage where there was available capacity, then it was possible to put it into a reimbursement fee. He explained that the projects listed on the Infill Projects table were listed as such because they did not add acreage and that once any of the infill projects were started, he did not expect to see any of the projects included in the reimbursement fee as part of the existing asset cost basis. He

commented that it discouraged cities from counting on SDCs beyond one cycle of methodology and explained that the law allowed cities to pay for debt service under the same circumstances that they could pay cash project costs. When projects were in a city's improvement fee list, cities could spend improvement fee dollars on the actual construction out of their SDC account, but they could also pay debt service for construction up to the eligibility percentage for that project. He commented that the law cared about the project, not the method of financing. He added that if a city paid debt service and then redid their SDC calculations and the project fell off the improvement fee list, a city could no longer spend SDC dollars on that project. Mr. Gabbard addressed the Calculated Parks SDC table on page 12 of the presentation and reported that the total costs basis for the two project lists came to \$68 million and explained that if Sherwood implemented the full fee, it would put Sherwood on top of the list of park SDCs for comparable cities. He outlined that if Sherwood did charge the full SDC, the revenue would total \$68 million but the total project list totaled close to \$126 million, a difference of \$58 million. Councilor Scott commented it would be helpful to know when each of the comparable cities had last updated their SDC rates to help provide context. Discussion of comparison SDC rates occurred. Council President Rosener commented that he believed it was somewhat typical for the rates to differ greatly when going through an SDC rate update because the numbers were being updated from years ago. Mr. Gabbard expressed that it was common for cities to not adopt the highest rate they could and explained that cities were not legally required to charge the full SDC amount. Councilor Brouse commented that it was possible if they adopted the highest rate it may drive businesses away. Community Development Director Hajduk replied that it was less likely that businesses would be driven away given the smaller fee, but it would potentially drive away housing developers. Councilor Giles commented that he often heard how much people enjoy Sherwood's amenities and he expected that developers knew they would need to pay for access to those amenities. Council President Rosener commented that because of the property tax system, unless the city wanted to go out for a levy, this was one of the only ways to pay for infrastructure. Ms. Hajduk voiced that historically, Sherwood has had the highest SDC rates and over time other cities had caught up and surpassed Sherwood. Councilor Giles asked if it was legal for a city to charge the full SDC amount for housing development but only charge half the SDC rate for businesses? Ms. Hajduk replied that a city did not have to charge the full amount, but they had to charge everyone the same amount. Mr. Gabbard advised that Council should come to a consensus on if the equivalency was accurate or needed adjusting and see what the new rates would be, or determine if non-residential development was not a large driver of parks usage and then decide to not charge SDCs to non-residential development. He continued that if Council wished to charge non-residential, they needed to determine a reasonable equivalency and apply that number consistently. Mr. Gabbard provided an overview of the next steps and explained that Council would need to hold a public hearing during which they could decide to adopt the full SDC, adopt a phased-in SDC, adopt a discounted SDC, or not adopt the SDC. He explained that a phased-in adoption was a good compromise because it helped the development community with short-term projects that they may have but also preserved a city's revenue in the out years. Mr. Gabbard stated he recommended completing the annual process of cost indexing in order to hedge the price risk. Councilor Young asked how they would implement a phased-in SDC? Mr. Gabbard stated that there were many ways to do a phased-in approach and explained that implementation was based on two questions: How many years should the phase-in last (most were 3-5 years)? And, how high did you want to end up? (i.e. end up at the full SDC, 75% of the SDC, etc.). Discussion occurred. Council President Rosener commented he wanted an additional work session to discuss and strategize. Community Development Director Hajduk stated that she would work with Mr. Gabbard to bring Council different phase-in scenarios and asked for general direction from Council. Councilor Giles replied that he was interested in adopting the full SDC or the phased-in approach. Councilor Young and Council President Rosener commented they agreed. Councilor Young asked Ms. Hajduk to ask neighboring cities when they planned to update their SDCs or when they were last updated.

**5. ADJOURNED:**

Council President Rosener adjourned the work session at 7:01 pm.

**REGULAR SESSION**

**1. CALL TO ORDER:** Council President Rosener called the meeting to order at 7:08 pm.

**2. COUNCIL PRESENT:** Council President Tim Rosener, Councilors Kim Young, Renee Brouse, and Taylor Giles. Councilors Sean Garland and Doug Scott participated remotely. Mayor Keith Mays was absent.

**3. STAFF PRESENT:** City Manager Keith D. Campbell, City Attorney Josh Soper, Police Chief Ty Hanlon, Senior Planner Joy Chang, Finance Director David Bodway, IT Director Brad Crawford, Youth Services Librarian Jaime Thoreson, Library Manager Adrienne Doman Calkins, and City Recorder Sylvia Murphy.

**4. APPROVAL OF AGENDA:**

**MOTION: FROM COUNCILOR YOUNG TO APPROVE THE AGENDA. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (MAYOR MAYS WAS ABSENT).**

Council President Rosener addressed the next agenda item.

**5. CONSENT AGENDA:**

**A. Approval of April 19, 2022 City Council Meeting Minutes**

**B. Resolution 2022-023 Authorizing the City Manager to Sign the Public Library Network, Services, and Funding Intergovernmental Agreement with Washington County on behalf of Washington County Cooperative Library Services (WCCLS)**

**MOTION: FROM COUNCILOR BROUSE TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (MAYOR MAYS WAS ABSENT).**

Council President Rosener addressed the next agenda item.

**6. CITIZEN COMMENTS:**

Sherwood resident Dave Sweeney came forward to speak on his concerns about the trees at the end of Red Fern Drive in the "Flagpole" section of Cedar Creek Gardens (see record). He stated that the developer, Westwood Homes LLC, wanted to put two houses in the flagpole section. He stated that there were approximately 135 majestic, old growth Douglas Fir and cedar trees growing in the flagpole section and the developer wanted to cut down 115 of the 135 trees for two houses. He stated that the city had the authority to "determine that...certain trees or woodlands may be required to be retained" under Municipal Code 16.142.070 and that Section D.4.e of the code stated that along with a number of other reasons to retain certain trees, that they "otherwise merit retention because of their unusual size, the size of the tree stand, the trees had a historic association or species type, and there were habitat or wildlife preservation

considerations” and commented that the trees met all of those criteria. Mr. Sweeney cited the section for “Open Spaces” in the Sherwood 2040 Comprehensive Plan which stated that, “Access to nature is one of the key elements in the unique quality of life in Sherwood.” He commented that in the Healthy and Valued Ecosystem section of the Sherwood Parks and Recreation Master Plan, it stated that, “In 2040, Sherwood is a leader as a steward of its natural environment. Vegetated corridors are protected and weave through the city providing habitat, safe passage for wildlife, clean water and air, and a place for people to connect with nature. The city actively preserves mature trees and natural areas.” Mr. Sweeney stated he strongly suggested that Council make the open space of the flagpole section a part of the Sherwood Trail System by extending the Arbor Lane Community Trail which would allow the entire community to enjoy the natural area. He commented that children had enjoyed the trees for over 25 years and if the trees were cut down, it would “destroy a natural play area that’s been there for 25 years and some cherished, childhood memories along with it.” He asked that Council please protect and preserve the trees because they were a unique, historic and beautiful part of the community and well worth preserving. Mr. Sweeney referred to an issue of National Geographic magazine which focused on saving forests to help combat climate change.

Sherwood resident Neil Shannon came forward and stated he had a petition to present to Council with more than 200 signatures from Sherwood residents which asked Council to save the strip of forested land along the southern border of Sherwood behind SW Shady Grove Drive between SW Redfern Drive and Brookman Road (see record). He stated that the area was under threat as it may soon be included in an application for a subdivision request which stated that over 100 trees were to be cut down to construct two houses. He reported that the site was a part of the Cedar Creek Garden subdivision and was less than 60 feet wide and over 750 feet long. He stated that he did not object to the proposed layout of the primary area of the subdivision. He explained that the two proposed dwellings were located behind Shady Grove Drive and were isolated from the remainder of the development and required a private driveway connecting it to Brookman Road. He stated he found it ironic that, “we’re discussing the destruction of so much old growth forest while we are celebrating the international recognition of both Earth Day and Arbor Day.” He stated that Council had proclaimed their membership of Tree City USA since 2005 and in celebration of Arbor Day, called upon the citizens of Sherwood to, “protect our trees and woodlands.” He stated it was time to answer that call. He referred to the petition and reported that it clearly outlined how the objective met the core values of the City of Sherwood’s Mission Statement and the vision, goals, and objectives of the Comprehensive Plan. He voiced that over 80% of those who were approached signed the petition. He stated that if the strip of land could be saved, the best use for it would be to make it a pedestrian trail that connected Redfern Drive to Brookman Road and explained that this would be the first connection between the new developments in the Brookman Road Concept area and Sherwood proper. He outlined that it would divert pedestrians and bicycle traffic off of the major arterials of Brookman Road and Ladd Hill by moving them into neighborhood streets and trails on Redfern Drive and behind Archer Glen. He voiced that Council, “as stewards of our city have been provided the tools necessary to accomplish this task at hand.” Mr. Shannon read from the petition summary which stated that, “be it known by our signatures attached on the following pages that we the citizens and friends of Sherwood understand the value of the natural resources and urge the council to act with mutual cooperation of the parties involved or by ordinance to protect the unique and significant forest area described above.”

Sherwood resident Ian Frost came forward and stated he lived on Shady Grove Drive and had lived in Sherwood for four years and was an HOA board member. He stated that he felt that the two noncontiguous houses were unnecessary to the whole of the development. He stated he supported saving the trees and the natural habitat and commented that he had seen a great deal of wildlife, particularly deer, in that area. He referred to the proposed driveway for the two houses and stated that the developers had asked the county

to change the right-of-way on Brookman due to the driveway's alignment. He commented that it would be unsafe to do so. He reported there was a disagreement regarding the width of the strip of land in question and explained that some surveys showed that it was closer to 50 feet while other surveys showed it was closer to 60 feet. He outlined that if it was closer to 50 feet wide, it was not wide enough to construct the house, per city ordinance, but if it was closer to 60 feet, it was considered wide enough. Mr. Frost encouraged the city to adopt the strip of land into the trail system.

Council President Rosener thanked them for their comments and commented that they could discuss the issue more offline. He asked City Attorney Josh Soper to look into the ordinances and what amount of efficacy Council could have on the issue. Mr. Soper replied he would do so. Councilor Young voiced that Council had not seen the application yet and asked Community Development Director Julia Hajduk if the application had been submitted? Ms. Hajduk replied that the application was currently in the Planning Department and explained that the application was not yet complete. She explained that once it was complete, the application would go to the Hearings Officer with an appeal to the Planning Commission and commented that the application may never come to Council. She continued that the issues that were raised at this meeting should also be raised during the public comment period so that staff and the Hearings Officer could evaluate them. Councilor Young asked if there was an estimated timeline for the hearing? Ms. Hajduk replied that once the application was completed, a hearing was usually scheduled for four to eight weeks later. Councilor Young asked if there was a public comment period for the Hearings Officer? Ms. Hajduk replied that the city would send notice to property owners within 1,000 feet of the subject of the property, notices would be posted at the site, the four locations in town, and the website. She explained that the notices would also detail the meeting date and that people could submit comments prior to the meeting or at the hearing. Councilor Young encouraged residents to continue to voice their concerns at those meetings as well. Council President Rosener asked Community Development Director Hajduk to look into the statement of the application seeking to change the right-of-way on Brookman Road. Ms. Hajduk replied she would and explained that those things were investigated during the staff review and the hearing. She stated she strongly encouraged those who spoke or had comments about this topic to submit written comments so that they were included in the record.

Sherwood resident Robert Montgomery came forward and stated he also lived on Shady Grove Drive and asked if the application was public record? Community Development Director Hajduk replied that it was, and once the application was complete, it would be uploaded to the city's website. She commented that the application was not currently on the website as it was not yet complete, but she would speak with staff to determine if something could be put up sooner. She explained that applications were not uploaded to the website until they were complete because they were likely to change.

Sherwood resident Philip Wagner came forward and stated he lived on Redfern Drive and asked if the comments submitted at this meeting were included in the public comment records for the application? City Attorney Josh Soper replied that the comments submitted at this meeting were public comments but the Hearings Officer who was deciding on the application could only consider the comments that were submitted as a part of the public comment and hearing process for that decision. He continued that any comments made at this meeting could not be taken into consideration for that decision making process. Mr. Wagner asked how long people would have to submit comments on the application when it was complete? Community Development Director Hajduk replied that the Sherwood's noticing requirement allowed for 20 days before the hearing to submit public comment. She outlined that citizens could submit comments 20 days before the hearing and up to the hearing.

Council President Rosener addressed the next agenda item.

## 7. PRESENTATIONS:

### A. Recognition of TeenLab Graduate

Youth Services Librarian Jaime Thoreson and TeenLAB graduate Adrianna Petrone came forward. Ms. Thoreson stated that she wished to recognize Adrianna for her achievements in bettering the Sherwood community. Ms. Thoreson explained that Ms. Petrone attended library programs and was an “exceptional volunteer” as a member of the Teen Library Advisory Board (TeenLAB). She explained that TeenLAB gave teens the opportunity to see what librarians did in the library and how librarians worked to create a diverse and equitable experience for the community. Ms. Thoreson reported that Adrianna had been a part of the TeenLAB program since it began over six years ago. She provided an overview of the projects Ms. Petrone had assisted with during her time in the TeenLAB program which included constructing a cardboard rocket ship, created displays, assisted with weeding, judged the summer reading teen art contest, assembled craft kits for kids, among many other projects. Ms. Thoreson stated, “Audrey is dedicated, she’s kind, she’s a natural leader, she’s also funny and fun to be with.” She stated that Ms. Petrone was a senior and would soon move onto college and she wanted to publicly thank Adrianna for volunteering over 160 hours to the library and stated that she had, “helped make TeenLAB what it is today.” Ms. Thoreson presented Ms. Petrone with a certificate of recognition for her dedication to TeenLAB and her service to the library. Council President Rosener asked Ms. Petrone which college she would attend and what she planned to study. Adrianna replied that she would attend the University of Oregon to study biology. Councilor Brouse asked why she chose to volunteer for the library? Ms. Petrone replied that she became involved with the library programs in 6<sup>th</sup> grade when she joined the “Fiction Friends” book club, run by Jaime Thoreson. She explained that she joined TeenLAB in 7<sup>th</sup> grade and had continued with the program because she loved the library. Councilor Brouse asked what her most enjoyable experience had been? Ms. Petrone replied that she had made many friends at the TeenLAB meetings and commented that, “it was a fun little group of people that I always looked forward to coming back to at the start of the school year. I think the friends we get to make through the program is really special.” Council stated that the library would not function without its volunteers and thanked Ms. Petrone for her service. Council thanked Ms. Thoreson for her energy, enthusiasm, and devotion to the TeenLAB program. Councilor Scott commented that it was incredibly rare and impressive for anyone to dedicate the amount of years of service to volunteering to any cause, especially for someone in the formative years of their life. He continued that it was “incredibly impressive” and was something a lot of adults could learn from. Council thanked Ms. Petrone for her service and wished her good luck at college.

Council President Rosener addressed the next agenda item and the City Recorder read the public hearing statement.

## 8. PUBLIC HEARING:

### A. Ordinance 2022-004 Amending sections of the Sherwood Zoning and Community Development Code for New Housing Choices to comply with Oregon HB 2001 *(Second Hearing)*

Senior Planner Joy Chang recapped that Council held its first public hearing on the proposed ordinance on April 19<sup>th</sup> where staff provided a staff report and answered questions on the proposed amendments and no public testimony was received. She outlined that a second hearing on the ordinance was previously scheduled for this meeting, but Mayor Mays had stated he would not be able to attend the meeting and asked

that the hearing be continued to the May 17<sup>th</sup> meeting. Ms. Chang stated that staff therefore recommended that Council open the second hearing previously scheduled for this meeting, take public testimony, and then continue the hearing to the May 17<sup>th</sup> meeting. She reported that Mayor Mays had submitted written questions to staff prior to the first hearing that required further research and had also submitted additional questions to staff after the hearing. She stated that staff was preparing a memorandum answering each of the Mayor questions and would provide the memorandum to Council prior to the May 17<sup>th</sup> meeting. She asked that Council submit any additional questions on the proposed amendments to her no later than May 6<sup>th</sup> so they could be addressed in the memorandum. Ms. Chang offered to answer any questions from Council and reported that no written testimony had been received as of this meeting. Council President Rosener asked if the hearing could be scheduled for later than May 17<sup>th</sup> in order to allow Council to contemplate the answers provided in the memorandum and asked if an additional work session could be scheduled prior to the next public hearing? A councilor asked if there was a deadline that they needed to be aware of? Senior Planner Chang replied that HB 2001 required local jurisdictions to have an adopted ordinance by June 30<sup>th</sup>. City Attorney Soper clarified that if Council postponed the hearing more than two weeks, Council would have to adopt the ordinance on an emergency basis with unanimous approval to shorten the 30-day time period in order to have an effective date of June 30<sup>th</sup>. He continued that if the emergency approval was not granted then Council would have a window of time between June 30<sup>th</sup> and whenever it's effective where the Model Code would apply in the city. Councilor Young asked if the hearing could be continued to May 17<sup>th</sup> and if there were still lingering questions, could it be continued again? Senior Planner Chang replied yes. Councilor Young suggested that Council continue the hearing to May 17<sup>th</sup>, get their questions answered and commented that she did not want to push up against the emergency approval window. Council President Rosener asked City Attorney Soper what the rules were for declaring the emergency? City Attorney Soper replied that it required unanimous approval by City Council. Discussion occurred. Council stated they wished to continue the hearing to May 17<sup>th</sup>, review the answers provided by staff, and hold a work session if necessary. Councilor Brouse asked if staff felt that May 17<sup>th</sup> provided enough time to answer Council's questions about the proposed amendments? Senior Planner Chang replied that a May 17<sup>th</sup> hearing provided staff with sufficient time. Councilor Scott suggested holding a work session before the May 17<sup>th</sup> hearing. Council members agreed. Council President Rosener opened the public hearing and asked for public testimony on the proposed ordinance. Hearing none, Council President Rosener closed the public hearing and asked for a motion to continue the hearing to May 17<sup>th</sup>.

**MOTION: FROM COUNCILOR BROUSE TO CONTINUE THE DISCUSSION OF ORDINANCE 2022-004 AMENDING SECTIONS OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE FOR NEW HOUSING CHOICES TO COMPLY WITH OREGON HB 2001 TO THE MAY 17<sup>th</sup> CITY COUNCIL MEETING. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (MAYOR MAYS WAS ABSENT).**

Council President Rosener addressed the next agenda item.

## **9. CITY MANAGER REPORT:**

Police Chief Ty Hanlon reported that Coffee with the Force would be held on May 7<sup>th</sup> in the Dutch Bros. parking lot from 9:00 am-1:00 pm.

IT Director Brad Crawford reported that a mailer for Sherwood Broadband had been sent out this week that included information on the project and some frequently asked questions about the construction. He reported that follow-up materials would be sent out at a later date when the project moved closer into neighborhoods. He reported that they had been inundated with requests since the mailer had gone out and commented that

there had been 90 requests for service in the last three to four weeks. He reported he was working on marketing campaigns to help generate interest and offer pre-signups so neighborhoods could be prioritized.

Police Chief Ty Hanlon reported that there would be a shred event at the Police Department on May 7<sup>th</sup> from 9:00 am-1:00 pm.

Council President Rosener addressed the next agenda item.

## **10. COUNCIL ANNOUNCEMENTS:**

Councilor Brouse reported she attended the Library Advisory Board meeting and reported on recent and upcoming library events. She reported that Councilor Garland's wife, Madeline Garland, won second place in the Six Word Story contest. She reported the Senior Advisory Board would meet next week. She reported she attended the Trashapalooza event. She reported she attended a WEA event where they heard from two candidates running for county commissioner. She reported that the Sherwood Police Foundation Gala would be held on June 24<sup>th</sup> to help raise funds to help support police officers.

Councilor Giles reported that the Planning Commission reviewed and discussed the application for a storage center, and that the Planning Commission had welcomed two new members and commented he looked forward to working with them.

Councilor Garland reported that he attended the WIF meeting where they continued their review of ensuring the facility was protected from a Cascadia earthquake event, and that the project was on schedule and on budget. He reported that May 11<sup>th</sup> was City of Sherwood night at the Hillsboro Hops baseball game.

Councilor Young reported that the Police Advisory Board did not meet. She reported that she attended the WEA event where they heard from two candidates running for county commissioner. She stated that there were important issues on the Washington County ballots and asked that people vote. She reported she attended the LOC finance and taxation meeting where they discussed what they wanted the LOC to advocate for in the next session.

Council President Rosener reported he also attended the LOC finance and taxation meeting. He reported he met with the National League of Cities Information and Technology Committee where they discussed ways to ensure cities would be able to spend broadband money. He reported he attended the LOC Broadband Policy Committee meeting where they discussed how the state would disperse broadband funds to cities and rural areas.

## **11. ADJOURN:**

Council President Rosener adjourned the regular session at 7:55 pm and convened an executive session.

## **EXECUTIVE SESSION**

**1. CALL TO ORDER:** Council President Rosener called the executive session to order at 8:03 pm.

**2. COUNCIL PRESENT:** Council President Tim Rosener, Councilors Kim Young, Renee Brouse, and Taylor Giles. Mayor Keith Mays and Councilors Sean Garland and Doug Scott were absent.

3. **STAFF PRESENT:** City Attorney Josh Soper, City Manager Keith Campbell, Police Chief Ty Hanlon, and Attorney Steven Schuback.

4. **TOPICS**

A. **ORS 192.660(2)(d) Labor Negotiations**

5. **ADJOURN:**

Council President Rosener adjourned the executive session at 9:13 pm.

Attest:

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Sylvia Murphy, MMC, City Recorder

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Keith Mays, Mayor

Agenda Item: Consent Agenda

**TO:** Sherwood City Council

**FROM:** Craig Sheldon, Public Works Director  
**Through:** Keith D. Campbell, City Manager, Josh Soper, City Attorney and David Bodway, Finance Director

**SUBJECT: Resolution 2022-024, Authorizing the City Manager to Purchase Vehicles and Equipment for Sherwood Broadband**

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**Issue:**

Shall the City Council authorize the City Manager to purchase vehicles and equipment to support the growth of Sherwood Broadband in an amount totaling \$1,187,088?

**Background:**

The City continues to experience long lead times for commercial vehicles and equipment. Most vendors will not provide pricing until July 2022 and will not commit to delivery of vehicles for 6 to 8 months. Occasionally, vehicles and equipment that were ordered months ago, become available for immediate purchase, but they are gone almost as soon as they arrive, and it becomes a timing issue. We recently experienced this firsthand with a piece of equipment we attempted to purchase off the lot. It was sold the same day it became available, and we missed the opportunity to make the purchase.

This Resolution would authorize the City Manager to purchase vehicles and equipment for Sherwood Broadband in an amount up to \$1,187,088. At this time, staff anticipates that the purchased equipment will include six (6) vehicles (from a transit van to service trucks) in an amount totaling \$375,000.00 and various pieces of equipment (consisting of vac units, medium size drill, reel trailer, compressor, boom truck, and dump truck) in an amount totaling \$755,560.00, but the specific purchases are subject to change based on market conditions and the needs of the City. A 5% contingency has also been built into the total authorized amount. If the City exhausts the total authorized amount and additional vehicles and equipment are still needed to be purchased, staff will return to Council for additional purchasing authorization.

Purchasing this equipment will allow us to fully equip Team 3 (once fully hired) and will allow for purchase of additional vehicles and equipment for Team 4. Continued delays in purchasing vehicles and equipment will delay the Fiber to the Home Project.

**Financial Impacts:** The expenditures associated with these purchases will not exceed \$1,187,088 and will be funded from the July 2021 Broadband Debt Issuance.

**Recommendation:** Staff respectfully recommends City Council approval of Resolution 2022-024, Authorizing the City Manager to purchase vehicles and equipment for Sherwood Broadband.



**RESOLUTION 2022-024**

**AUTHORIZING CITY MANAGER TO PURCHASE SHERWOOD BROADBAND  
VEHICLES AND EQUIPMENT**

**WHEREAS**, the City of Sherwood's broadband utility, Sherwood Broadband, has a need to purchase vehicles and equipment to support its growth; and

**WHEREAS**, not purchasing vehicles and equipment at this time has the potential of delaying expansion of our broadband utility; and

**WHEREAS**, the City will need to purchase vehicles and equipment as soon as it becomes available, due to supply chain delays, for the expansion of our broadband utility.

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** The City Manager is hereby authorized to purchase needed vehicles and equipment for Sherwood Broadband in an amount not to exceed \$1,187,088.00. This authorization is in addition to any prior authorizations.

**Section 2.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 17th day of May 2022.**

\_\_\_\_\_  
Keith Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**Agenda Item: Consent Agenda**

**TO:** Sherwood City Council

**FROM:** Keith D. Campbell, City Manager

Through: Josh Soper, City Attorney

**SUBJECT: Resolution 2022-025, Authorizing the City Manager to Acquire Real Property**

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**Issue:**

Shall the City Council authorize the City Manager to acquire real property?

**Background:**

Previously, City Council authorized the City Manager to acquire real property within certain parameters pursuant to Resolution 2021-031 and subsequently renewed that authorization pursuant to Resolution 2021-090, which has since expired. This Resolution would extend that delegation of authority and eliminate the expiration date in order to avoid the need for further renewals in the future. The other terms of the Resolution would remain the same.

As with the prior resolutions, there is a need for this delegation of authority because, in the current market, it is necessary for the City to be able to respond to opportunities in a timely manner without the delay of requesting a meeting and seeking City Council approval. In order to do this, this Resolution would give the City Manager the authority and flexibility to negotiate, make offers, and acquire property that furthers the City's goals and priorities.

**Financial Impacts:**

The City Manager would be authorized to purchase one or more parcels of real property, provided, however, that the purchase price for any individual property may not exceed two million dollars (\$2,000,000).

**Recommendation:**

Staff respectfully recommends City Council approval of Resolution 2022-025, Authorizing the City Manager to Acquire Real Property.



**RESOLUTION 2022-025**

**AUTHORIZING THE CITY MANAGER TO ACQUIRE REAL PROPERTY**

**WHEREAS**, the City has a need to acquire real property for various purposes; and

**WHEREAS**, in order to successfully acquire such property, it is necessary for the City to be able to respond to opportunities in a timely manner; and

**WHEREAS**, City Council has therefore determined that it is necessary and appropriate to delegate authority to the City Manager in connection with such property acquisition, within certain parameters specified herein.

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** The City Manager is hereby authorized to purchase real property which the City Manager determines it is in the best interest of the City to acquire. This authorization includes the authority to make offers, negotiate purchase terms, execute related documents, make payment, and perform all other actions necessary to complete the acquisition of such real property for the City. Under the authority granted by this Resolution, the City Manager may purchase one or more parcels of real property, provided, however, that the purchase price for any individual property may not exceed two million dollars (\$2,000,000).

**Section 2.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 17<sup>th</sup> of May 2022.**

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Keith Mays, Mayor

Attest:

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Sylvia Murphy, MMC, City Recorder

**Agenda Item:** Consent Agenda

**TO:** Sherwood City Council

**FROM:** Jason Waters, P.E., Civil Engineer (Project Manager)

**Through:** Julia Hajduk, Community Development Director, Keith D. Campbell, City Manager, and Josh Soper, City Attorney

**SUBJECT: Resolution 2022-026, Declaring the Need to Acquire Real Property Interests to Construct and Thereafter Operate & Maintain Infrastructure Related to the SW Oregon Street Improvements Project**

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**Issue:**

Should the City Council declare the need to acquire certain interests in up to 38 properties to construct, operate, and maintain the SW Oregon Street Improvements Project between SW Murdock Rd and SW Langer Farms Parkway?

**Background:**

General Information on Eminent Domain Proceedings

In order for cities to initiate eminent domain proceedings for public uses and projects, the City Council must first formally declare there to be a need for the acquisitions and describe the purpose for which they are required. The Resolution must also identify each of the properties where acquisitions are needed.

State law requires that this authorization take place prior to entering negotiations to acquire the needed property interests. As noted in the Resolution, staff will pursue condemnation only if those negotiations fail.

Project Background and Status

Overall, the design team anticipates the SW Oregon St Improvements Project could impact up to 38 different properties, where the interests the City will need to acquire include temporary construction easements (TCEs), public utility easements (PUEs), stormwater easements, and right-of-way (ROW).

As of May 3<sup>rd</sup>, 2022, the road design is at 75% and the design team is in the midst of coordinating with the individual utility providers. The design will hit the 90% review phase in July, around the anticipated mid-point of the ROW acquisition phase. Overall, the ROW acquisition phase is anticipated to take about 4 months assuming there are no eminent domain proceedings and longer if condemnation is necessary. Therefore, the overall ROW acquisition phase has been programmed into the overall schedule with a 5-month duration from early May until late September 2022, after which final shovel-ready plans will be delivered within 60 days.

Property owners with questions or concerns about this project are encouraged to contact the project manager, Jason Waters.

**Financial Impacts:**

There are no direct financial impacts resulting from the adoption this resolution. This resolution allows ROW agents to begin the process to negotiate settlements based on fair market value as determined by certified appraisal or determinations of just compensation (i.e. Administrative Valuations) and lays the groundwork for eminent domain proceedings in the event those become necessary. Funds to settle all ROW acquisitions have been accounted for in the design project budget and these assumptions are re-evaluated each year based on market trends and the most current design plans.

**Recommendation:**

City staff respectfully recommends City Council adopt Resolution 2022-026 Declaring the Need to Acquire Real Property Interests to Construct and Thereafter Operate & Maintain Infrastructure Related to the SW Oregon Street Improvements Project.



## RESOLUTION 2022-026

### DECLARING THE NEED TO ACQUIRE REAL PROPERTY INTERESTS TO CONSTRUCT AND THEREAFTER OPERATE & MAINTAIN INFRASTRUCTURE RELATED TO THE SW OREGON ST IMPROVEMENTS PROJECT

**WHEREAS**, the Sherwood City Charter confers upon the City the authority to acquire real property, and interests therein, for all public purposes, including the establishment of public rights-of-way and easements for roadways and utilities; and

**WHEREAS**, the City is additionally authorized by ORS 223.005 & 223.105 to acquire, by condemnation if necessary, real property interests within or without its corporate limits for the construction, operation and maintenance of public or municipal uses, including transportation facilities and utility infrastructure as well as other similar or complementary public uses, for the benefit and use of the people of the City; and

**WHEREAS**, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Uniform Act") outlines the requirements for property acquisition on federally funded projects, including a requirement for local municipalities to declare publicly, by resolution, the need to acquire interests in specific real properties in order to institute eminent domain proceedings and file for condemnation if settlement cannot be reached with a property owner; and

**WHEREAS**, the SW Oregon Street Improvements Project will generally reconstruct the entire road along the length of the corridor, including the utility infrastructure within the existing right-of-way, and widening of the road in some areas, which is necessary due to limited existing right-of-way in some areas and to provide adequate facilities for all modes of travel, including compliance with the Americans with Disabilities Act; and

**WHEREAS**, the Sherwood City Council deems it necessary and in the public interest to acquire real property interests, specifically right-of-way, public utility easements, stormwater easements, and temporary construction easements, in the properties identified in Exhibits A, B, and C, attached hereto and incorporated herein by reference, for the purpose of constructing, owning, operating, and maintaining the transportation corridor and infrastructure installed by the SW Oregon Street Improvements Project between SW Langer Farms Parkway and SW Murdock Road; and

**WHEREAS**, it appears to City Council that the proposed use, improvement, or project as described above is planned or located in a manner which will be most compatible with the greatest public good and the least private injury; and

**WHEREAS**, the City anticipates commencing use of the above-described property within ten years of the date of adoption of this Resolution.

**NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** The Sherwood City Council hereby finds and declares that it is necessary and in the public interest that the City acquire right-of-way, public utility easements, stormwater easements, and temporary construction easements in the properties described in Exhibits A, B, and C, attached hereto and incorporated herein by reference, for the purpose of installing, operating, and maintaining transportation and utility infrastructure associated with the SW Oregon Street Improvements, which is a public or municipal use for the general benefit and use of the people of the City, as authorized by the City Charter and ORS 223.005-105.

**Section 2.** The Sherwood City Council further finds and declares that the proposed use described above is necessary and that the proposed use, improvement, or project described herein is planned, designed, and located, and will be constructed, in a manner that will be most compatible with the greatest public benefit and the least private injury or damage.

**Section 3.** The Sherwood City Council further finds and declares that the City anticipates commencing use of the above-described property within ten years of the date of adoption of this Resolution.

**Section 4.** The Sherwood City Council hereby authorizes the Sherwood City Manager, his designees, and the City Attorney, and his designees, to attempt to reach agreement with the owners and other persons with interest in the real property interests described herein as to the compensation to be paid for the acquisition of the property interests. In the event that no satisfactory agreement or settlement can be reached with such owners and interest holders, the City Attorney, or designee, is hereby directed and authorized to commence with condemnation and prosecute to final determination such proceedings as may be necessary to acquire the real property and interests therein. Upon the filing of such proceeding, including the advance deposit of the amount estimated to be the just compensation with the clerk of the circuit court, possession of the real property and interests therein may be taken immediately to the extent provided by law.

**Section 5.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 17<sup>th</sup> day of May, 2022.**

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Keith Mays, Mayor

Attest:

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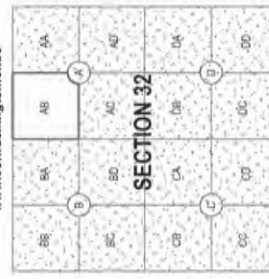
Sylvia Murphy, MMC, City Recorder

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| 4  | 1S129DC00600      |
| 5  | 2S129DC00500      |
| 6  | 2S129D000600      |
| 7  | 2S129D000602      |
| 8  | 2S128C000400      |
| 9  | 2S132AB01200      |
| 10 | 2S132AB00902      |
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| 13 | 2S132AB07200      |
| 14 | 2S132AB07500      |
| 15 | 2S132AB07600      |
| 16 | 2S132AB14500      |
| 17 | 2S132AB14600      |
| 18 | 2S132AB14800      |
| 19 | 2S132AB14700      |
| 20 | 2S132AB11700      |
| 21 | 2S132AB11800      |
| 22 | 2S132AB11900      |
| 23 | 2S132AB12000      |
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| 31 | 2S132AA00309      |
| 32 | 2S132AA00310      |
| 33 | 2S132AA06300      |
| 34 | 2S132AA03200      |
| 35 | 2S132AA10000      |
| 36 | 2S132AA10200      |
| 37 | 2S132AA09900      |
| 38 | 2S132AA06500      |

WASHINGTON COUNTY OREGON  
NW 1/4 NE 1/4 SECTION 32 T2S R1W W.M.  
SCALE 1" = 100'

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| 36 | 31 | 32 | 33 | 34 | 35 | 36 | 31 |
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FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
[www.co.washington.or.us](http://www.co.washington.or.us)



Cancelled Taxlots For: 2S132AB  
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100 111 1100 42 1500 1100 41

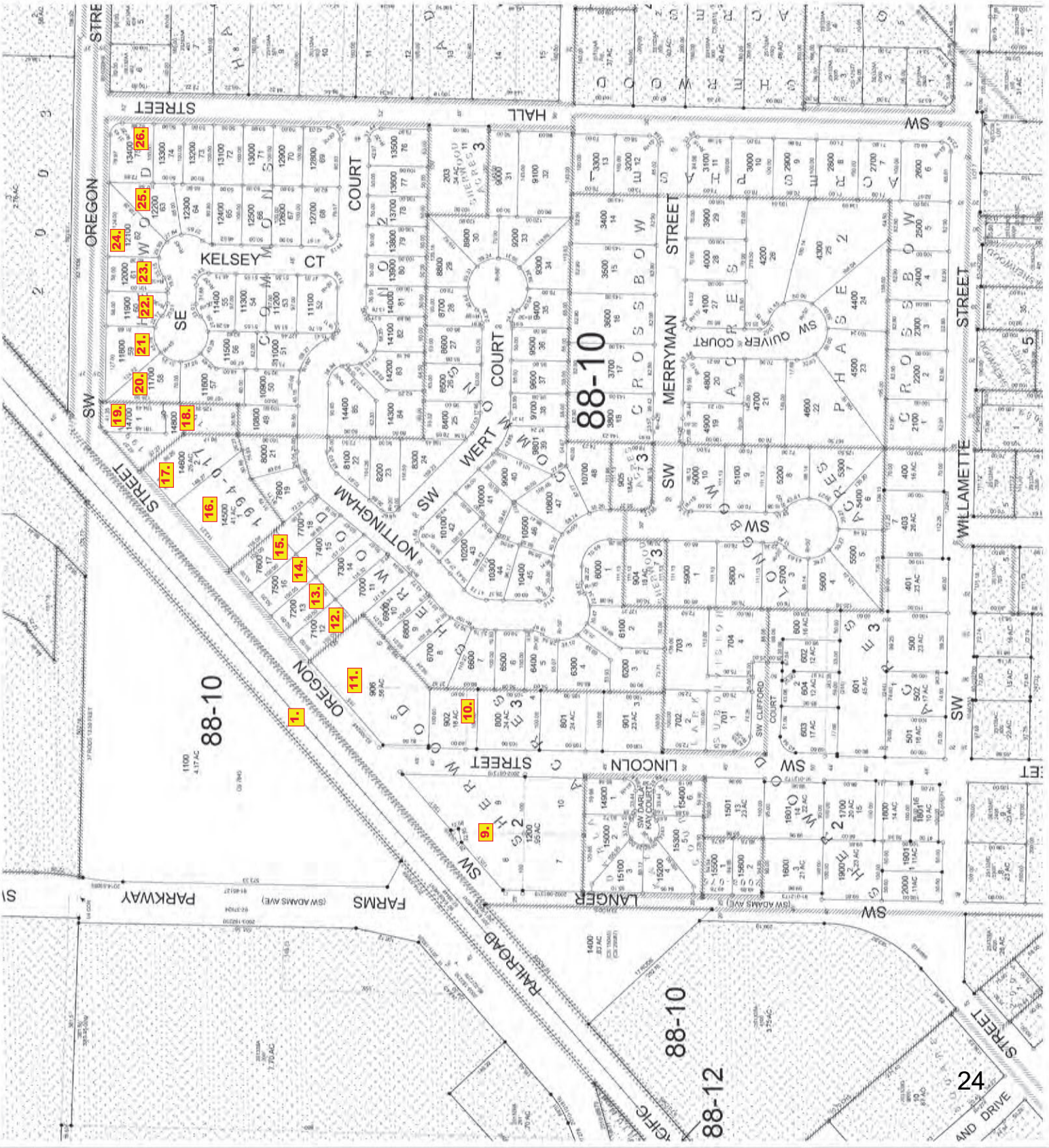
Feet  
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PLOT DATE: 2/23/2021

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

Map users are cautioned to verify the information shown on this map with the official records of the Washington County Assessor's Office.





WASHINGTON COUNTY OREGON  
NE 1/4 NE 1/4 SECTION 32 T2S R1W W.M.  
SCALE 1" = 100'

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| 36 | 31 | 32 | 33 | 34 | 35 | 36 | 31 |
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FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
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Cancelled Taxlots For: 2S132AA

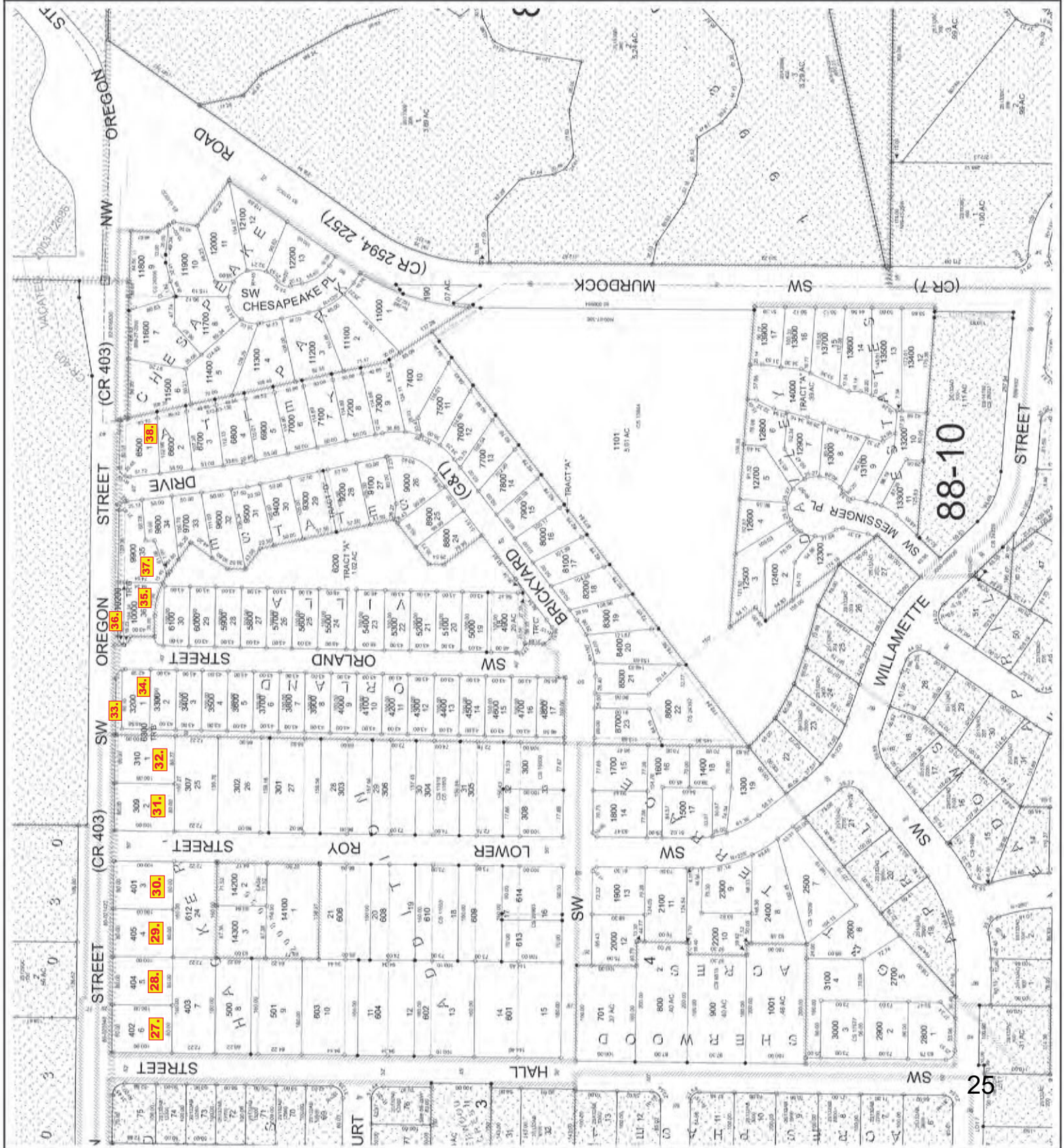
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PLOT DATE: 8/6/2019  
FOR ASSESSMENT PURPOSES  
ONLY - DO NOT RELY ON  
FOR OTHER USE

Map area is not intended to be used for any other purpose than for the purpose of assessment.



25 | 28C

SW 1/4 SECTION 28 T2S R1W W.M.

WASHINGTON COUNTY OREGON

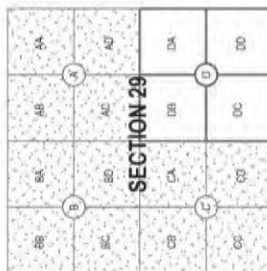
SCALE 1"=200'



SHERWOOD  
25 | 28C

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| 13 | 18 | 17 | 16 | 15 | 14 | 13 | 18 |
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| 36 | 31 | 32 | 33 | 34 | 35 | 36 | 31 |
| 1  | 6  | 5  | 4  | 3  | 2  | 1  | 6  |

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
[www.co.washington.or.us](http://www.co.washington.or.us)

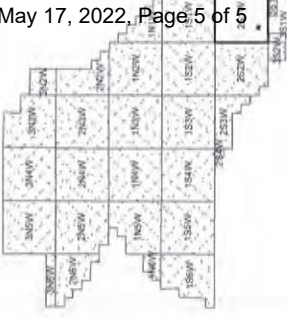


Cancelled Taxiots For: 2S129D  
401 402 500-A 104 200 400 403 501 101 102 500 700 800 900 1000  
1100 120 601



PLOT DATE: 2/18/2021  
 Rotation: 0  
 FOR ASSESSMENT PURPOSES  
 ONLY - DO NOT RELY ON  
 FOR OTHER USE  
 Map assets downloaded by either gray shading in a raster format or by  
 red outline and may not indicate the most current information. To view  
 the latest information, please visit the National Wetlands Inventory website.  
 For detailed information on the accuracy map for the most current information,





WASHINGTON COUNTY OREGON  
SW 1/4 SE 1/4 SECTION 29 T2S R1W W.M.  
SCALE 1" = 100'

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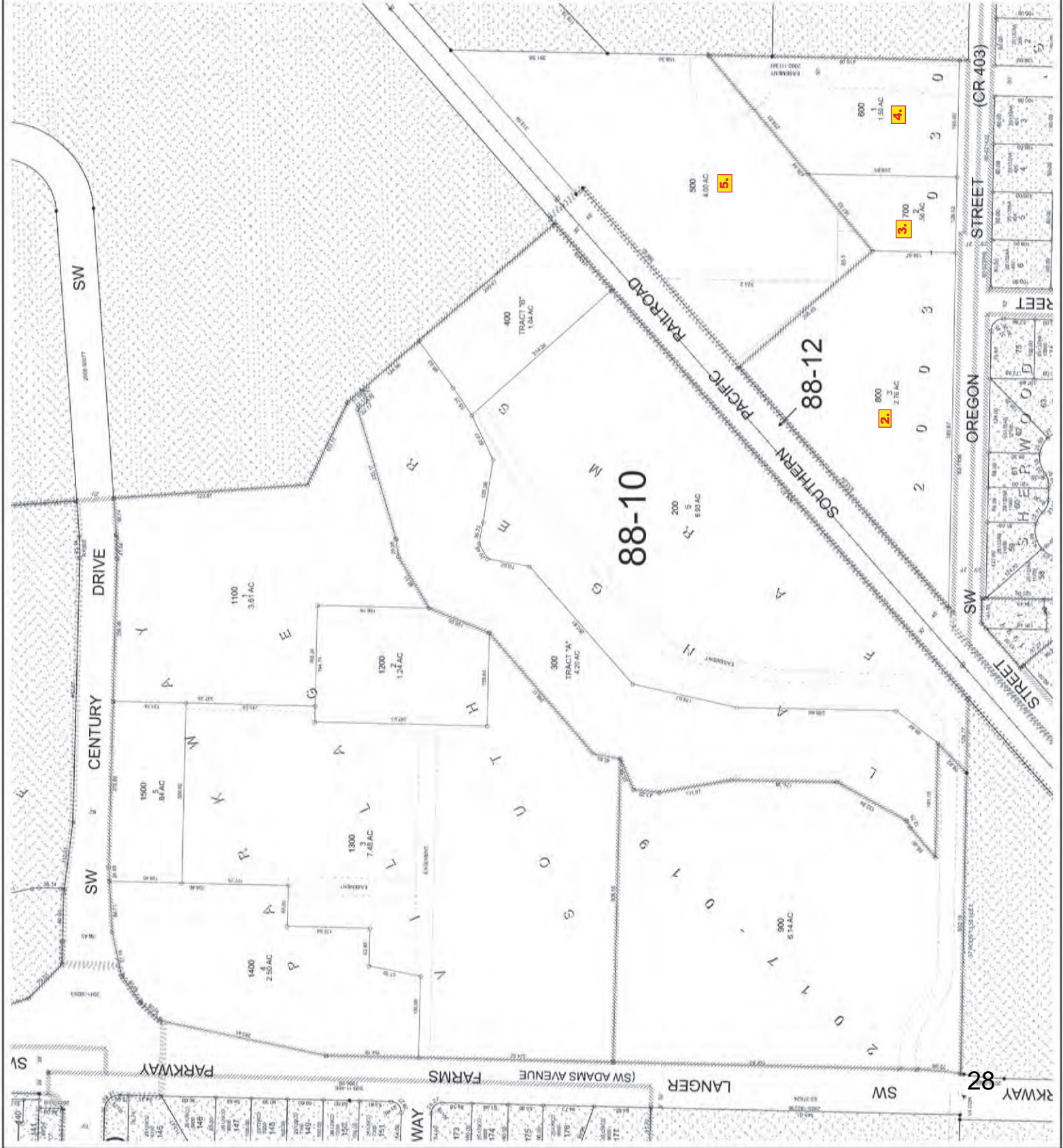


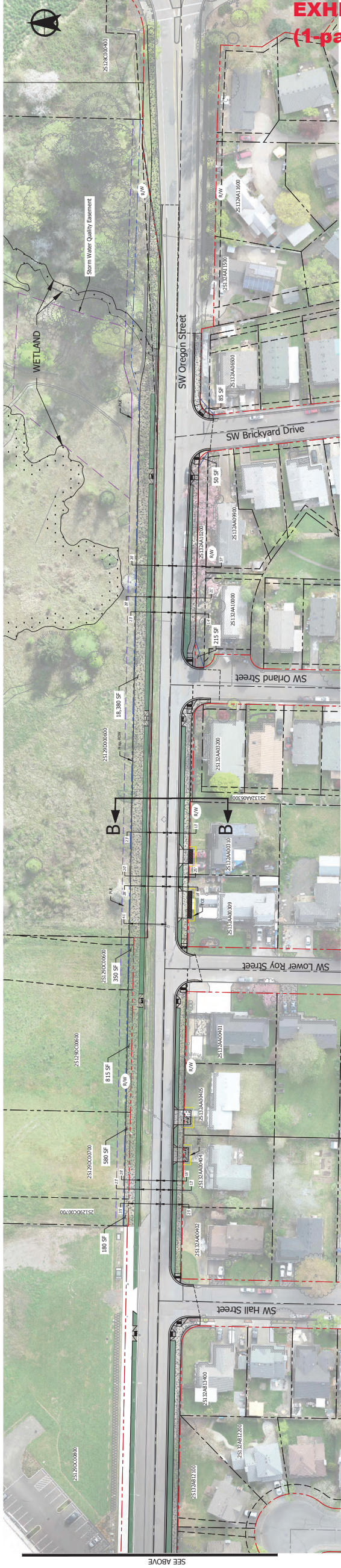
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EXHIBIT B  
(5-pages) 5 of 5





SECTION B-B

**Agenda Item:** Public Hearing (*Third Reading*)

**TO:** Sherwood City Council

**FROM:** Joy L. Chang, Senior Planner

**Through:** Erika Palmer, Planning Manager, Julia Hajduk, Community Development Director,  
Keith D. Campbell, City Manager, and Josh Soper, City Attorney

**SUBJECT:** **Ordinance 2022-004, Amending sections of the Sherwood Zoning and Community Development Code for New Housing Choices to Comply with Oregon HB 2001**  
(*Third Reading*)

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**Issue:**

Shall the City Council amend sections of the Sherwood Zoning and Community Development Code (SZCDC) for New Housing Choices?

**Background:** On April 19, 2022, City Council held its First Public Hearing on the proposed New Housing Choices. Staff provided a verbal staff report and answered questions on the proposed amendments. No public testimony was received. A second hearing was previously scheduled for May 3, 2022. The Mayor stated that he would not be able to attend that hearing and requested that it be continued to May 17, 2022. Council opened the second hearing, as previously scheduled, and continued the hearing to May 17, 2022. No public testimony was received. Council also requested a fourth work session briefing on the proposed amendments for May 17, 2022.

Staff is therefore recommending that Council open the third public hearing, take any public testimony that may be offered, and then close the hearing. Council may then (1) approve the proposed amendments as presented; (2) request modifications and continue the hearing to a date certain in order to allow staff time to incorporate those modifications; or (3) reject the proposed amendments.

The Planning Commission made a recommendation on the proposed amendments to Council on March 22, 2022. After Planning Commission's recommendation to Council, the code amendments were reviewed by the City Attorney and minor adjustments to the language were identified that did not change the purpose or intent of any proposed standard. The proposed amendments in Exhibit 1 to the ordinance and the redlines attached to this staff report reflect both the commission's recommendations and legal review.

**Financial Impacts:**

There is no specific financial impact associated with this change; the proposed amendments are for development standards that will allow for a variety of housing choices making it feasible for housing construction through clear and objective standards.

**Recommendation:**

Staff respectfully recommends City Council hold the third hearing on Ordinance 2022-004, amending sections of the Sherwood Zoning and Community Development Code for new Housing Choices.

**Attachment**

1. Planning Commission Recommendation to Council
2. Redlined code including legal review
3. Ordinance with Exhibit 1

## CITY OF SHERWOOD

Date: April 11, 2022

### Planning Commission Recommendation to the City Council New Housing Choices

File No: LU 2022-002 PA

#### Recommendation of the Planning Commission

The Sherwood Planning Commission held its first public hearing on March 8, 2022, took public testimony, considered the application (LU 2022-002 PA) and continued the hearing to March 22, 2022. The testimony received were in opposition on how we got here, home rule, parking, and infrastructure needs. Furthermore, Cottage Clusters designs related to no garages, one-story cottage structures, and the possibility of cottage units with adaptable designs (ADA) were requested. The Planning Commission continued the hearing to March 22<sup>nd</sup> to consider additional amendments, related to optimizing on-street parking and cottage clusters design standards, recommended by the City Council work session held on March 1, 2022.

On March 22, 2022, the Planning Commission held its second public hearing and consider the proposed amendments. With minor modifications to the proposed amendments, the Commission voted to close the hearing. After considering the application materials, the proposed amendments, and the findings in the staff report, the Planning Commission voted unanimously to recommend the proposed text amendments, as modified, to the City Council.



Joy L. Chang  
Senior Planner

**Proposal:** The City of Sherwood is proposing to adopt new Housing Choices (tri-plex, quad-plex, and cottage cluster housing types) to implement House Bill 2001 legislation. These new housing types will be allowed in all residential zones that allows for detached single-family dwellings.

**A. Applicant:** This is a city-initiated text amendment.

**B. Location:** The proposed amendments are to the text of the SZCDC and apply to all Residential Zoning Districts.

- Very Low Density Residential (VLDR)
- VLDR Planned Unit Development Density Standards
- Low Density Residential (LDR)
- Medium Density Residential (MDRL)
- Medium Density Residential High (MDRH)
- High Density Residential (HDR)

**C. Review Type:** The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission is scheduled to consider the matter on March 8, 2022. At the close of this hearing, the Planning

Commission will forward a recommendation to the City Council, who will consider the proposal and make the final recommendation whether to approve, modify, or deny the proposed language. The City Council public hearings are tentatively scheduled for April 19, 2022 and May 3, 2022. Any appeal of the City Council's final decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).

- D. **Public Notice and Hearing:** Notice of the March 8, 2022, Planning Commission hearing and tentative April 19, 2022, City Council hearing on the proposed amendment were published in *The Times* on February 17<sup>th</sup> and March 3<sup>rd</sup>, 2021. Notice was also posted in five public locations around town and on the website on February 16, 2022. Notice to the Oregon Department of Land Conservation and Development (DLCD) was submitted on February 2, 2022 and notice to agencies was sent via email on February 17, 2022. A courtesy email notice was also sent to the *House Bill 2001-Residential Design Standards Update* Email Subscription Listing on February 21, 2022.
- E. **Review Criteria:** The required findings for Plan Amendments are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC).
- F. **Background:** The 2019 House Bill (HB) 2001 requires cities within the Metro Boundary to allow for “middle-housing” within traditional single-family zones areas by June 30, 2022. The SZCDC allows for the typical single family detached dwelling, and some of the middle-housing types (duplexes and townhomes) in addition to the multi-family dwellings (apartments). HB 2001 allows for additional housing types within all residential zones, including plexes (duplex – quadplex), townhomes, and cottage clusters.

The proposed Housing Choices Plan Amendments would allow more middle-housing types (triplex, quadplex, and cottage clusters) in Sherwood's residential zones. The addition of these middle housing types adds more diversity of housing choices meeting the housing needs of many younger people, older people, and people who work hard but can't afford a large detached house of their own.

Last year, City Council approved Residential Design Standards (LU 2021-016 PA). The Residential Design Standards ensure that housing design maintains the context, scale, and compatibility with the Sherwood community. The standards focused on the following: entry location and orientation; garage and off-street parking areas; window coverage; minimum landscaping required in all residential zones; and other specific detail designs. The new Housing Choices will also be required to meet the new Residential Design Standards.

## II. PUBLIC COMMENTS

As of this writing, no public comments have been received.

## III. AGENCY COMMENTS

Notice to DLCD was sent on February 2, 2022, and an e-notice to Metro and agency partners was sent on February 17, 2022.

As of this writing, no comments have been received.

#### IV. REQUIRED FINDINGS FOR PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are SZCDC §16.80.030.A and §16.80.030.C

##### **SZCDC 16.80.030 - Review Criteria**

**A. Text Amendment: An amendment to the text of the Comprehensive Plan or the Zoning and Community Development Code must be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment must be consistent with the intent of the adopted Sherwood Comprehensive Plan, and with all other provisions of the Plan, the Transportation System Plan, and this Code, and with any applicable State or City statutes and regulations, including this Section.**

##### **Community Need**

The proposal seeks to amend chapters of the Sherwood Zoning and Community Development Code (SZCDC) to implement HB 2001 which was passed by the Oregon Legislature in 2019. HB 2001 aims to expand housing types in residential zones to include (duplexes, tri and quad plexes, townhomes, and cottage clusters). Oregon Land Conservation and Development Commission (LCDC) also adopted a set of Oregon Administrative Rules that outlined the minimum standards large-sized cities must apply to middle housing to comply with HB 2001. Sherwood is considered a large-size city because it is part of the Metro region. Large Cities must comply with House Bill 2001 and adopt standards to implement June 30, 2022

The specific text amendments do not include changes to the goals and policies within the Sherwood 2040 Comprehensive Plan; it would only amend the language of the Sherwood Zoning Community Development Code.

The 2040 Comprehensive Plan Vision for Attractive and Attainable Housing states the following:

*In 2040, Sherwood has a range of housing choices for a diversity of ages and income levels, providing community members the ability to live in Sherwood throughout all stages of life.*

*Sherwood's population growth and shifting demographics affect future housing growth and shape the changes in the City's housing market. While Sherwood's population has been growing relatively fast in recent years, the population has been aging while the community continues to attract younger people and more households with children. In addition, Sherwood's population is becoming more diverse. If all these trends continue, there will likely be changes in the types of housing demanded in Sherwood in the future.*

*The aging of the population is likely to result in increased demand for smaller single-family housing, multifamily housing, and senior living. The growth of younger and diversified households is likely to result in increased demand for a wider variety of housing that are affordable and appropriate for families with children, such as small*

*single-family housing, townhouses, duplexes, and multifamily housing. Changes in commuting patterns could affect future growth in Sherwood.*

*Currently, Sherwood's housing stock is predominantly single-family detached. Housing prices are higher in Sherwood than the regional averages, though the City's increasing homeownership costs are consistent with the upward national trend. Almost three quarters of Sherwood's residents own their homes. Sherwood households have relatively high income, which affects the type of housing that is affordable, particularly for young people and new families. Future housing affordability will depend on the relationship between income and housing price, and whether housing prices will continue to outpace income growth.*

**FINDING:** The proposed amendments will provide for a diversity of housing that can meet the needs of the Sherwood community and implement state legislation (HB 2001), by the statutory deadline of June 30, 2022.

### **Consistency with the Comprehensive Plan**

The recently adopted 2040 Comprehensive Plan, Attractive and Attainable Housing, has specific objectives and policies that are applicable to the proposed standards as discussed below:

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

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

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

*POLICY 3.3 Support a variety of housing types such as, but not limited to, townhomes, cottages, courtyard housing, accessory dwelling units, single story units, and extended family and multi-generational housing.*

*POLICY 3.4 Support housing affordable to Sherwood's residents and workers at businesses in Sherwood, including housing options for first-time homebuyers, new families, the elderly, and persons with disabilities.*

*POLICY 3.5 Support homeownership opportunities for all housing types by encouraging condominiums, cooperative housing, and other types of ownership methods.*

*POLICY 3.6 Collaborate with organizations to provide opportunities for development of lower cost housing and housing development incentives in areas with access to jobs, transportation, open spaces, schools, and supportive services and amenities.*

The proposed Housing Choices amendments are consistent with the 2040 Comprehensive Plan by providing a diversity of housing types (plexes and cottage clusters). The amendments also support housing affordability through the creation of smaller units through the Condominium process.

**FINDING:** All housing types will be subject to residential design standards, except for multi-family housing, which is reviewed through the city's site planning process. Based on the above discussion, the proposed text amendments are consistent with the Sherwood 2040 Comprehensive Plan by allowing additional housing types in residential zones.

#### **Consistency with the City's Transportation System Plan**

The proposed Housing Choices text amendments are not inconsistent with the City's Transportation System Plan. The proposal would not present any impacts to the existing City transportation system, the Transportation System Plan, or how the City analyzes future transportation impacts. At the time of land use application submittal and review, transportation impacts are analyzed and addressed.

**FINDING:** The proposed text amendments are not inconsistent with the City's Transportation System Plan.

#### **Consistency with other City Planning Documents**

The proposed text amendments impact only the Sherwood Zoning and Development Code and do not impact any other City Planning documents. Therefore, the proposed text amendments are consistent with other City Planning documents.

**FINDING:** As noted above, the proposed text amendments is consistent with other City Planning documents since amendments are only to the Sherwood Zoning and Development Code.

#### **Consistency with Oregon Statewide Planning Goals**

##### **Goal 1: Citizen Involvement**

It is the purpose of this Goal to develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

**Response:** There has been several public engagement activities that allowed citizen involvement as listed below:

- Online Visual Preference Survey –The visual preference survey was conducted to gather thoughts and opinions on residential design features (window coverage, building façade and articulation, parking, and landscaping) and housing choices. The survey received 219 responses.
- Virtual Public Open House/Workshop – An online Open House shared the status of the project and requested input from the community on the general direction of the

amendments. There were over 477 views of the virtual open house and 43 visitors responded to the questions raised. Generally, there was a high level of support for the proposed approach to the development code amendments.

- In-Person Public Open House – Two in-person Open Houses last July that showcased draft code language specific to Residential Design Standards and Housing Choices. Over 20 community members attended the open houses and provided input on residential design standards and the proposed housing choices.

In addition to the above public engagement efforts, the Planning Commission, acting as the Advisory Committee for this project, have been working diligently on the implementation of the Residential Design Standards and Housing Choices. Since December 8, 2020, there has been 17 Planning Commission work sessions on Residential Design Standards and the proposed Housing Choices with opportunity for public involvement. Furthermore, Sherwood City Council held three work session briefings on Residential Design Standards and the proposed Housing Choices also with the opportunity for public involvement.

The City of Sherwood's legislative amendment and hearing process provides numerous opportunities for citizens to be involved in all phases of the planning process. The amendments have been developed with the opportunity for public involvement and have been noticed in accordance with Sherwood Zoning and Community Development Code Chapter 16.72, Procedures for Processing Development Permits.

**FINDING:** The Visual Preference Survey, Open Houses, Planning Commission and City Council's work sessions on the proposed amendments and the City's development code legislative process ensure the opportunity for public engagement.

## **Goal 2: Land Use Planning**

It is the purpose of this Goal to establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

**Response:** The development of the proposed amendments has followed the City's established land use planning process and included public meetings, public outreach through information on the city's website, and opportunities for public comment. As stated above, the proposed Housing Choices amendments are to implement Middle Housing Choices per HB 2001. The state legislation requires the local jurisdiction to allow middle housing types, plexes and cottage clusters.

**FINDING:** The proposed text amendments are consistent with Goal 2 and provides for middle housing types as required by state legislation.

## **Goal 3: Agricultural Lands**

The purpose of this Goal is to identify farmland, designate it as such on the comprehensive plan map, and zone it exclusive farm use (EFU).

**FINDING:** This statewide land use goal is not applicable to the City of Sherwood.

#### **Goal 4: Forest Lands**

This Goal requires counties to identify forest land, designate it as such on the comprehensive plan map, and zone it consistently with state rules.

**FINDING:** This statewide land use goal is not applicable to the City of Sherwood.

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

It is the purpose of this Goal to protect natural resources and conserve scenic and historic areas and open spaces.

**Response:** The City of Sherwood downtown has been designated as historic area. Preservation of the historic downtown is through the creation of the Old Town (OT) Overlay District. The OT overlay zone recognizes the unique and significant characteristics of Old Town, and is intended to provide development flexibility with respect to uses, site size, setbacks, heights, and site design elements, in order to preserve and enhance the area's commercial viability and historic character. Furthermore, the OT District is divided into two distinct areas, the "Smockville" and the "Old Cannery Area," which have specific criteria or standards related to architectural design, height, and off-street parking. Since OT Overlay District has specific criteria or standards related to architectural design, the proposed Residential Design Standards would not apply to the OT Overlay District. Any residential housing types proposed in the OT Overlay District would be required to meet the design standards of the OT Overlay District. The proposed Housing Choices would be allowed within the Old Town Overlay District.

**FINDING:** Based on the analysis above, the proposed text amendments are not applicable to the protection and conservation of natural resources, historic areas and open spaces. Any residential housing types proposed in the OT Overlay District will be required to meet the design standards of the OT Overlay District.

#### **Goal 6: Air, Water and Land Resources Quality**

This Goal instructs local governments to consider the protection of air, water, and land resources from pollution and pollutants when developing comprehensive plans.

**FINDING:** The proposed text amendments are not applicable to goals and policies in the City's Comprehensive Plan pertaining to the protection of air, water, and land resources from pollution and pollutants.

#### **Goal 7: Natural Hazards:**

This Goal requires local comprehensive plans to address Oregon's natural hazards.

**FINDING:** The proposed text amendments are not applicable to identified natural hazards within the Sherwood community.

#### **Goal 8: Recreational Needs**

It is the purpose of this Goal to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities.

**FINDING:** The proposed text amendments are not applicable to recreational needs within the Sherwood community. The City has an adopted Parks and Recreation Master Plan.

### **Goal 9: Economic Development**

The purpose of Goal 9 planning is to make sure cities and counties have enough land available to realize economic growth and development opportunities.

**FINDING:** The proposed text amendments would allow more housing choices through the additional types of housing proposed (triplex, quadplex, and cottage clusters). The proposed text amendments create the opportunity for additional types of housing that support a better balance of jobs to housing within the City. Typically, economic growth and development opportunities are through commercial and industrial lands within the Sherwood community. The proposed text amendments are not in direct conflict with Goal 9.

### **Goal 10: Housing**

The purpose of this Goal is to make sure that a community has adequate housing supply for the twenty-year planning period through a range of densities to choose from and serves people at a variety of income levels.

**Response:** The City has an approved 2019-2039 Housing Needs Analysis (HNA), Ordinance 2020-010, that meets the requirements of State Land Use Goal 10, Housing and its Administrative Rule 660-007. The proposed amendments allow for a variety of housing choices (plexes and cottage housing) that can support the City's needed housing supply. The proposed amendments provide development standards for the additional types of housing permitted within residential zones that are clear and objective. The proposed amendments will not reduce the amount of land for residential housing or change the City's General Plan/Zoning Map affecting residential housing supply.

The City's adopted HNA *"demonstrates how the existing city zones provides for the needed housing types outline in ORS 197.303. The forecasted growth rate in the HNA 2019-2039 is 1.1% based on Metro's forecast. The HNA includes a Buildable Lands Inventory (BLI) for housing within Urban Growth Boundary. The BLI demonstrates that current land use designation provides an adequate short- and long-term land supply for housing development for meeting existing needs and 65% projected growth over the next 20-years. However, Sherwood has a deficit of land for 608 dwelling units."* The proposed text amendments will allow for a variety of housing choices that can support the City's needed housing supply. The proposed amendments will not change lot dimensional standards, residential densities, or change residential land use designations on the City's General Plan/Zoning Map. The City notes that further consideration is needed on the impacts of middle housing ordinances on land capacity in the next HNA, as required by House Bill 2003.

The HB 2001 legislation requires local governments to consider ways to increase the affordability of middle housing, including considerations related to System Development Charges, property tax exemptions, and construction taxes. Consideration of affordability and feasibility policies and

strategies that affect middle housing development will be deferred as part of the housing production strategy planning requirement of House Bill 2003.

**FINDING:** The proposed amendments would not decrease the supply of needed housing within Sherwood. Furthermore, the proposed amendments will allow for a variety of housing choices making it feasible for more housing construction through clear and objective standards. Therefore, the proposed amendments meet the intent of Goal 10, Housing.

#### **Goal 11: Public Facilities and Services**

It is the purpose of this Goal to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

**Response:** Staff has identified that the proposed middle housing development is or can be adequately served throughout the city. Only a small portion of the Old Town area has capacity concerns but can be accommodated through upsizing of existing infrastructure. New residential development consisting of Triplexes, Quadplexes, Townhouses, or Cottage Cluster development must demonstrate that "Sufficient Infrastructure" is available per OAR 660-046-0020 prior to issuance of a residential building permit.

**FINDING:** Based on the discussion above, the proposed amendments are consistent with the City's Comprehensive Plan and, therefore, this goal.

#### **Goal 12: Transportation**

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

**FINDING:** The City has an adopted Transportation System Plan (TSP) and the proposed amendments are not applicable.

#### **Goal 13: Energy**

This Goal requires local governments to consider the effects of its comprehensive planning decision on energy consumption.

**FINDING:** The proposed amendments are consistent with the City's Comprehensive Plan and, therefore, this goal.

#### **Goal 14: Urbanization**

The purpose of this goal is to ensure land inside a UGB, is considered urbanizable. A city must plan to include a twenty year supply of land for housing, employment, industry, open space and recreational needs. A UGB should also provide plans for transition from urban to rural land uses to avoid conflicts and encourage efficient use of the land to provide more livable, walkable, and densely built communities.

**FINDING:** The proposed amendments would affect all new residential development areas in Sherwood, land considered urbanizable. The proposed amendments are consistent with the City's Comprehensive Plan and, therefore, this goal.

**The following State Land Use Goals are not applicable to this proposal:**

**Goal 15: Willamette River Greenway,**

**Goal 16: Estuarine Resources,**

**Goal 17: Coastal Shorelands,**

**Goal 18: Beaches and Dunes; and**

**Goal 19: Ocean Resources**

### ***Metro's Regional Framework Plan***

The Functional Framework Plan Six Outcomes are statements adopted by the Metro Council that synthesize the 2040 Growth Concept and regional policies.

1. People live, work, and play in vibrant communities where their everyday needs are easily accessible.
2. Current and future residents benefit from the region's sustained economic competitiveness and prosperity.
3. People have safe and reliable transportation choices that enhance their quality of life.
4. The region is a leader in minimizing contributions to global warming.
5. Current and future generations enjoy clean air, clean water, and healthy ecosystems.
6. The benefits and burdens of growth and change are distributed equitably.

**Response:** The proposed amendments are consistent with the City's Comprehensive Plan; therefore, the amendment is consistent with the 2040 Growth Concept and regional policies.

### **SZCDC Review Criteria 16.80.030.C – Transportation Planning Rule Consistency**

**FINDING:** This amendment does not impact the state Transportation Planning Rule. The proposed amendment, as stated above, does not affect the City's Transportation Systems Plan.

## **V. RECOMMENDATION**

As proposed, the draft amendments to the Sherwood Zoning and Community Development Code (SZCDC), supports and meets the intent of City's Comprehensive Plan, and all applicable state and regional criteria.

### **PLANNING COMMISSION ALTERNATIVES**

1. Approve the findings in this staff report and recommend approval to City Council.

2. Modify the findings and approve the staff report as modified in compliance with all applicable criteria and recommend approval to City Council.
3. Modify the findings and deny the proposed amendments based on the Commission's findings, and recommend denial of the proposal to City Council; or
4. Continue the Public Hearing to a date certain if more information is needed.

#### **STAFF RECOMMENDATION**

Based on the above findings and applicable code criteria, staff recommends that the Planning Commission forward a recommendation of approval of the proposed text amendments to the Sherwood Zoning and Community Development Code, Case File LU 2022-002 PA, to the Sherwood City Council.

#### **VI. EXHIBITS**

- A. Proposed Code Amendments to the Sherwood Zoning and Community Development Code (Track Changes and Commentary)
- B. Proposed Code Amendments to the Sherwood Zoning and Community Development Code (Clean Version)

## 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

RED EDITS = LEGAL REVIEW and COUNCIL'S REQUEST

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.

**April 25, 2022**  
**Housing Choices Standards**

**Division I. - GENERAL PROVISIONS**

**April 25, 2022**  
**Housing Choices Standards**

**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.

**April 25, 2022**  
**Housing Choices Standards**

**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.

**April 25, 2022**  
**Housing Choices Standards**

**Chapter 16.10 Commentary**

New definitions are added to reflect the new middle housing types required by HB2001: triplex, quadplex, and cottage cluster. The definition for "Primary Use" is imbedded in Section 16.88 - INTERPRETATION OF SIMILAR USES. An amendment is proposed in this section by adding the definition of "Primary Use". This section also references to illustrative Figures in the TSP incorrection. Housekeeping amendments are proposed referencing back to the adopted TSP instead.

**April 25, 2022**  
**Housing Choices Standards**

**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.

**April 25, 2022**  
**Housing Choices Standards**

- **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.

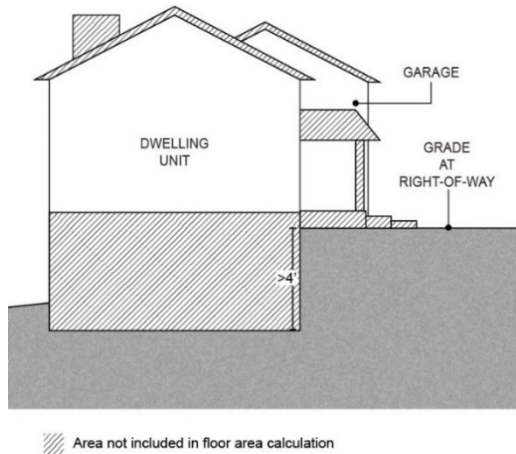
**Family:** Any-number of individuals living together regardless of familial or non-familial relationship.

**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.

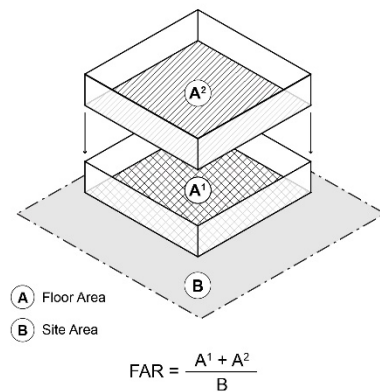
*Figure 1. Areas Excluded from Floor Area Calculation*

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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 the following 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.

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**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.

**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:

- 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]~~ See the adopted Transportation System Plan]
- 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]~~ See the adopted Transportation System Plan]
- 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 ~~(See the adopted Transportation System Plan 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.~~
- ~~ED.~~ 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. ~~[See the adopted Transportation System Plan]. Figure 8-4 of the Transportation System Plan illustrates collector cross-sections.]~~
- ~~FE.~~ Cul-de-Sac: A short street that terminates in a vehicular turnaround. See Section 16.108.060.
- ~~GE.~~ 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.
- ~~HG.~~ 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.]
- ~~H.~~ 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. ~~[See the adopted Transportation System Plan Figure 8-5a of the Transportation System Plan illustrates the cross-sections of a frontage or backage road.]~~

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- 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. [See the adopted Transportation System Plan 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. [See the adopted Transportation System Plan Figures 8-2 and 8-3b in the Transportation System Plan illustrates the principal arterial cross-section].
- L. Shared Court: An **street-area** 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-area** 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~~ and Cottage Cluster developments:

- Connection to a public sewer system capable of meeting ~~established~~ service levels established in the City Engineering Design and Standard Details Manual.
- Connection to a public water system capable of meeting ~~established~~ service levels established in the City Engineering Design and Standard Details Manual.
- Access to a city's public street system via public or private streets meeting ~~adopted~~ emergency vehicle access standards ~~to a city's public street system~~ established in the City Engineering Design and Standard Details Manual.
- Storm drainage facilities capable of meeting ~~established~~ service levels established in the City Engineering Design and Standard Details Manual 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.

**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      |
|-------------------------------------------------------------|-------------------------|-------------------------|-------------------------|----------|----------|
| <b>RESIDENTIAL</b>                                          |                         |                         |                         |          |          |
| • Single Family Detached Dwellings                          | P                       | P                       | P                       | P        | P        |
| • Duplex                                                    | <del>N</del> -P         | <del>N</del> -P         | 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                                                 | <del>N</del> - <u>P</u> | <del>N</del> - <u>P</u> | <del>N</del> - <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 <sup>1</sup>                                  | P                       | P                       | P                       | P        | P        |
| Whereas P=Permitted, C=Conditional, N=Not Allowed           |                         |                         |                         |          |          |

<sup>1</sup> 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**

1. 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.
2. 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.
3. Sufficient Infrastructure. Prior to submitting obtaining a residential building permit for construction of any new middle housing structure or division of an existing structure into middle housing, the applicant must submit a request for verification of Sufficient Infrastructure, together with any documentation requested by the City Engineer or designee, verification must be submitted and receive approved from the City Engineer or designee.

**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> |

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| Development Standard by Residential Zone-                                                                                | VLDR                                              | VLDR-PUD                                          | LDR                                               | MDRL                                              | MDRH                                              | HDR                                               |
|--------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|---------------------------------------------------|---------------------------------------------------|---------------------------------------------------|---------------------------------------------------|---------------------------------------------------|
| • <a href="#">Quadplex</a>                                                                                               | <a href="#">40,000</a>                            | <a href="#">10,000</a>                            | <a href="#">7,000</a>                             | <a href="#">7,000</a>                             | <a href="#">7,000</a>                             | <a href="#">7,000</a>                             |
| • <a href="#">Cottage Cluster</a>                                                                                        | <a href="#">40,000</a>                            | <a href="#">10,000</a>                            | <a href="#">7,000</a>                             | <a href="#">7,000</a>                             | <a href="#">7,000</a>                             | <a href="#">7,000</a>                             |
| • Townhome <sup>1</sup> :                                                                                                | Average of 1,500 SF per unit                      | Average of 1,500 SF per unit                      | Average of 1,500 SF per unit                      | Average of 1,500 SF per unit                      | Average of 1,500 SF per unit                      | Average of 1,500 SF per unit                      |
| • Multi-Family-Dwelling: for the first 2 units                                                                           | X                                                 | X                                                 | X                                                 | <del>10,000</del> 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 <sup>2</sup> : (in feet)                                                              |                                                   |                                                   |                                                   |                                                   |                                                   |                                                   |
| • Single Family Detached; Duplex; <a href="#">Triplex</a> ; <a href="#">Quadplex</a> and <a href="#">Cottage Cluster</a> | 60                                                | 60                                                | 60                                                | 50                                                | 50                                                | 50                                                |
| • Townhome                                                                                                               | 20                                                | 20                                                | 20                                                | 20                                                | 20                                                | 20                                                |
| • Multi-Family dwelling                                                                                                  | X                                                 | X                                                 | X                                                 | X                                                 | 60                                                | 60                                                |
| <a href="#">Minimum</a> Lot Depth                                                                                        | 80                                                | 80                                                | 80                                                | 80                                                | 80                                                | 80                                                |
| <a href="#">Maximum Height (in feet)</a> <sup>3</sup>                                                                    |                                                   |                                                   |                                                   |                                                   |                                                   |                                                   |
| • <a href="#">Cottage Clusters</a>                                                                                       | <a href="#">1.5 stories not to exceed 25 feet</a> | <a href="#">1.5 stories not to exceed 25 feet</a> | <a href="#">1.5 stories not to exceed 25 feet</a> | <a href="#">1.5 stories not to exceed 25 feet</a> | <a href="#">1.5 stories not to exceed 25 feet</a> | <a href="#">1.5 stories not to exceed 25 feet</a> |

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| Development Standard by Residential Zone-                                   | VLDR                 | VLDR-PUD             | LDR                  | MDRL                 | MDRH                   | HDR                  |
|-----------------------------------------------------------------------------|----------------------|----------------------|----------------------|----------------------|------------------------|----------------------|
| • All other dwelling types                                                  | 30 feet or 2 stories | 30 feet or 2 stories | 30 feet or 2 stories | 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                   |
| • Chimneys, Solar or Wind Devices, Radio and TV aerials <sup>4</sup>        | 50                   | 50                   | 50                   | 50                   | 55                     | 60                   |
| Setbacks (in feet)                                                          |                      |                      |                      |                      |                        |                      |
| • Front yard <sup>5</sup>                                                   | 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 <sup>6</sup>                                           |                      |                      |                      |                      |                        |                      |
| • Single-Family Detached; Duplex; <u>Triplex; Quadplex; Cottage Cluster</u> | 5                    | 5                    | 5                    | 5                    | 5                      | 5                    |
| • Townhome <sup>7</sup>                                                     | 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                   |

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| Development Standard by Residential Zone-                                                               | VLDR                                                                                                                                                                                           | VLDR-PUD                                                                                                                                                                                       | LDR                                                                                                                                                                                            | MDRL                                                                                                                                                                                           | MDRH                                                                                                                                                                                           | HDR                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| • <a href="#">Cottage Cluster</a>                                                                       | <a href="#">10</a>                                                                                                                                                                             | <a href="#">10</a>                                                                                                                                                                             | <a href="#">10</a>                                                                                                                                                                             | <a href="#">10</a>                                                                                                                                                                             | <a href="#">10</a>                                                                                                                                                                             | <a href="#">10</a>                                                                                                                                                                             |
| • Multi-Family Dwelling                                                                                 | X                                                                                                                                                                                              | X                                                                                                                                                                                              | X                                                                                                                                                                                              | X                                                                                                                                                                                              | 20                                                                                                                                                                                             | 30                                                                                                                                                                                             |
| • Rear yard                                                                                             | 20                                                                                                                                                                                             | 20                                                                                                                                                                                             | 20                                                                                                                                                                                             | 20                                                                                                                                                                                             | 20                                                                                                                                                                                             | 20                                                                                                                                                                                             |
| • <a href="#">Rear yard – Cottage Clusters only</a>                                                     | <a href="#">10</a>                                                                                                                                                                             | <a href="#">10</a>                                                                                                                                                                             | <a href="#">10</a>                                                                                                                                                                             | <a href="#">10</a>                                                                                                                                                                             | <a href="#">10</a>                                                                                                                                                                             | <a href="#">10</a>                                                                                                                                                                             |
| <a href="#">Floor Area</a>                                                                              |                                                                                                                                                                                                |                                                                                                                                                                                                |                                                                                                                                                                                                |                                                                                                                                                                                                |                                                                                                                                                                                                |                                                                                                                                                                                                |
| <a href="#">Cottage Cluster</a>                                                                         | <a href="#">1<sup>st</sup> floor building foot print less than 900 sq. ft.</a><br><br><a href="#">2<sup>nd</sup> floor shall not exceed 50% of square footage of the 1<sup>st</sup> floor.</a> | <a href="#">1<sup>st</sup> floor building foot print less than 900 sq. ft.</a><br><br><a href="#">2<sup>nd</sup> floor shall not exceed 50% of square footage of the 1<sup>st</sup> floor.</a> | <a href="#">1<sup>st</sup> floor building foot print less than 900 sq. ft.</a><br><br><a href="#">2<sup>nd</sup> floor shall not exceed 50% of square footage of the 1<sup>st</sup> floor.</a> | <a href="#">1<sup>st</sup> floor building foot print less than 900 sq. ft.</a><br><br><a href="#">2<sup>nd</sup> floor shall not exceed 50% of square footage of the 1<sup>st</sup> floor.</a> | <a href="#">1<sup>st</sup> floor building foot print less than 900 sq. ft.</a><br><br><a href="#">2<sup>nd</sup> floor shall not exceed 50% of square footage of the 1<sup>st</sup> floor.</a> | <a href="#">1<sup>st</sup> floor building foot print less than 900 sq. ft.</a><br><br><a href="#">2<sup>nd</sup> floor shall not exceed 50% of square footage of the 1<sup>st</sup> floor.</a> |
| 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.
- 6-7. [Townhomes side yard setbacks shall be based on the length of the townhome block; a minimum setback to the property line on the end of each "townhome block" shall be provided relative to the size of the block, as follows: a. 100 feet to 150 feet, 6 feet minimum; b. less than 100 feet, 5 feet minimum.](#)

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(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.<br>Double Door – 16 ft. |

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)

## **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

On December 2021, Residential Design Standards were approved and applicable to all residential zones. These Residential Design Standards also applies to the proposed Housing Choices, plexes and cottage clusters. Furthermore, additional standards are also applicable to plexes and cottages as reflected in proposed section 16.14.030 (plexes) and 16.14.040 (Cottage Clusters).

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, it can be achieved 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
- Footprint of less than 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 a maximum of 8 cottages per shared common courtyard. Allowing 12 cottages per cottage clusters per shared common courtyard would provide compliance with HB2001. Proposed language exceeds the minimum requirements of 8 dwellings per cottage cluster shared common courtyard.

The proposed amendments require a footprint of less than 900 sq. ft. per cottage. With discussion on number of stories that cottages should have based on the consideration of ageing in place, it was suggested that cottages should be limited to one and half stories to allow the possibility for a loft. The definition for "half story" as codified is

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*Story, Half: A story under a gable, hip, or gambrel roof, the wall plates of which, on at least two exterior walls, are not more than three feet above the floor of such story.*

Through the Commission direction, it was also recommended that the master bedroom must be located on main floor and the square footage of 2nd floor cannot exceed 50% of square footage of the 1st floor.

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. In response to the Planning Commission direction, community buildings will be allowed but limited to one story with a maximum size of 1,800 sq. ft.

In response to the City Council direction, garages for cottages will not be allowed.

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

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- 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<br>(Objective Process)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Design Guideline<br>(Discretionary Process: Residential Design Review)                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A. Entry location and orientation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                            |
| <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"> <li>1. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit.</li> <li>2. The entrance must either: <ol style="list-style-type: none"> <li>a. Face the street; or</li> <li>b. Be at an angle of up to 45 degrees from the street; or</li> <li>c. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or</li> <li>d. Open onto a porch. If the entrance opens onto a porch, the porch must: <ol style="list-style-type: none"> <li>1) Be at least 25 square feet in area with a minimum four-foot depth;</li> <li>2) Have at least one porch entry facing the street;</li> <li>3) Have a roof that is no more than 12 feet above the floor of the porch; and</li> <li>4) Have a roof that covers at least 30% of the porch area.</li> </ol> </li> </ol> </li> </ol> | <p>Building elevations facing streets, <del>and</del> shared courts, <del>and common greens</del> 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>B. Garages and Off-Street Parking Areas</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                            |
| <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"> <li>1. The front elevation of the garage(s) may not extend in front of the longest, street-facing elevation of the primary dwelling structure.</li> <li>2. The width of all garages on the street-facing elevation shall not exceed 60 percent of the total width of that</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <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<br>(Objective Process)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Design Guideline<br>(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"> <li>a. Garage trellis or pergola extending at least 12 inches from the building face</li> <li>b. Windows on 15 percent of the garage door</li> <li>c. Natural wood finish</li> <li>d. A recess of at least three (3) feet behind the primary dwelling</li> <li>e. Use of multiple materials finish or colors</li> </ul>                                                                                                                                                                |                                                                                                                                                                                                                                                      |
| Additional provisions:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>16.14.020 – Additional Townhome Design Standards</p> <p><a href="#">16.14.030 – Additional Triplex and Quadplex Design Standards</a></p>                                                                                                          |
| <b>C. Windows and Doors</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                      |
| <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, <u>or common courtyard elevations</u> 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, <u>and</u> shared courts, <u>and common greens</u> 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                                                                                                                                                                                                                                                 |
| <b>D. Detailed design<sup>1</sup></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                      |
| <p>1. All single detached dwellings, <del>and</del> duplexes, <u>triplexes and quadplexes</u> 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, <u>and</u> shared courts, <u>and common greens</u> should include pedestrian oriented design elements and other design features that provide articulation, variety, interest and quality.</p>    |

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| <b>Design Standard</b><br><b>(Objective Process)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Design Guideline</b><br><b>(Discretionary Process: Residential Design Review)</b> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <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"> <li>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.</li> <li>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.</li> <li>iii. Offset on the building face of at least 16 inches from one exterior wall surface to the other.</li> <li>iv. Balcony that is at least three (3) feet deep, five (5) feet wide, and accessible from an interior room.</li> </ul> <p>b. Roof elements:</p> <ul style="list-style-type: none"> <li>i. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.</li> <li>ii. Roof line offsets of at least two (2) feet from the top surface of one roof to the top surface of the other.</li> <li>iii. Any roofing materials other than asphalt shingles.</li> <li>iv. Gable roof, hip roof, shed roof, or gambrel roof design.</li> <li>v. Dormer that is at least four (4) feet wide.</li> <li>vi. Decorative eave braces.</li> </ul> |                                                                                      |

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

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| Design Standard<br>(Objective Process)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Design Guideline<br>(Discretionary Process: Residential Design Review) |                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Additional provisions:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                        | None                                                                                                                                                                   |
| E. Building Materials                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                        |                                                                                                                                                                        |
| Prohibited building materials include:<br><br>1. Aluminum<br><br>2. Vinyl<br><br>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 <a href="#">and 16.14.030</a> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                        | 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. <a href="#">It does not apply to cottage clusters.</a><br><br>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.<br><br>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.<br><br>a. For this standard a townhome block is the entire structure of attached townhome units.<br><br>b. This standard does not apply to individual units within the townhome block.<br><br>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.<br><br>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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| <b>Design Standard</b><br><b>(Objective Process)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Design Guideline</b><br><b>(Discretionary Process: Residential Design Review)</b>                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <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> |                                                                                                                                             |
| <p style="text-align: right;">Additional provisions:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>16.14.020 – Additional Townhome Design Standards</p> <p><a href="#">16.14.030 – Additional Triplex and Quadplex Design Standards</a></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.

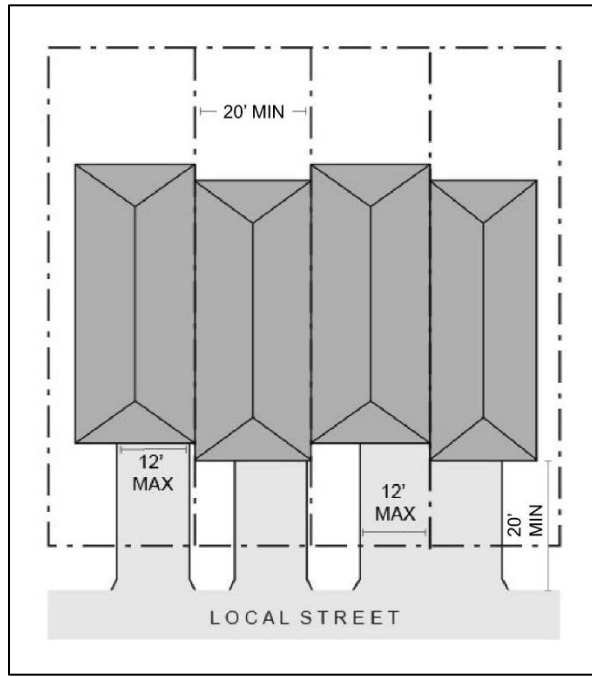
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D. Illustrations

16.14.020 – Additional Townhome Design Standards

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Figure 10. Townhome Garages



16.14.030 – Additional Triplex and Quadplex Design Standards

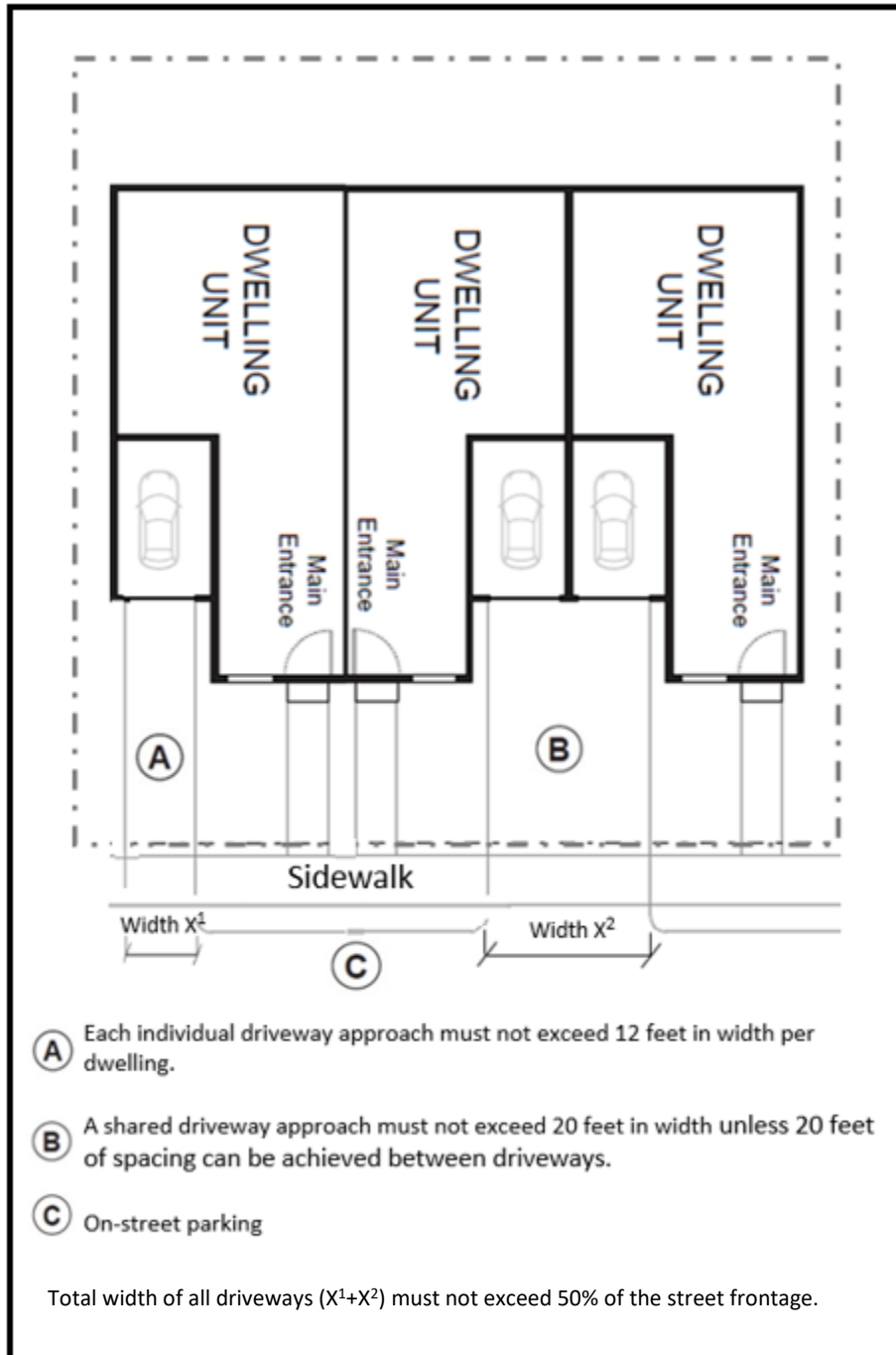
A. Driveway Approach.

Driveway approaches shall comply with the following:

1. Each individual driveway approach must not exceed 12 feet in width per dwelling served by the driveway. For lots or parcels with more than one frontage, see subsection (5) below.
2. Total width of all driveways shall not exceed 50 percent of the lot width-street frontage.
3. To maximize on-street parking opportunities, one shared driveway for every two units is required. shared driveways are required, unless access is obtained from a public alley. A shared driveway is a single driveway serving two units. Developments with an odd number of units are permitted one (1) single unit driveway. A shared driveway approach must not exceed 20 feet in width unless a minimum of 20 feet of spacing can be achieved between driveways.
4. Driveway approaches must meet applicable driveway spacing standards for local streets.
5. 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. If classifications are identical, access can be taken from either or both, subject to the other requirements of this code.
  - 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.

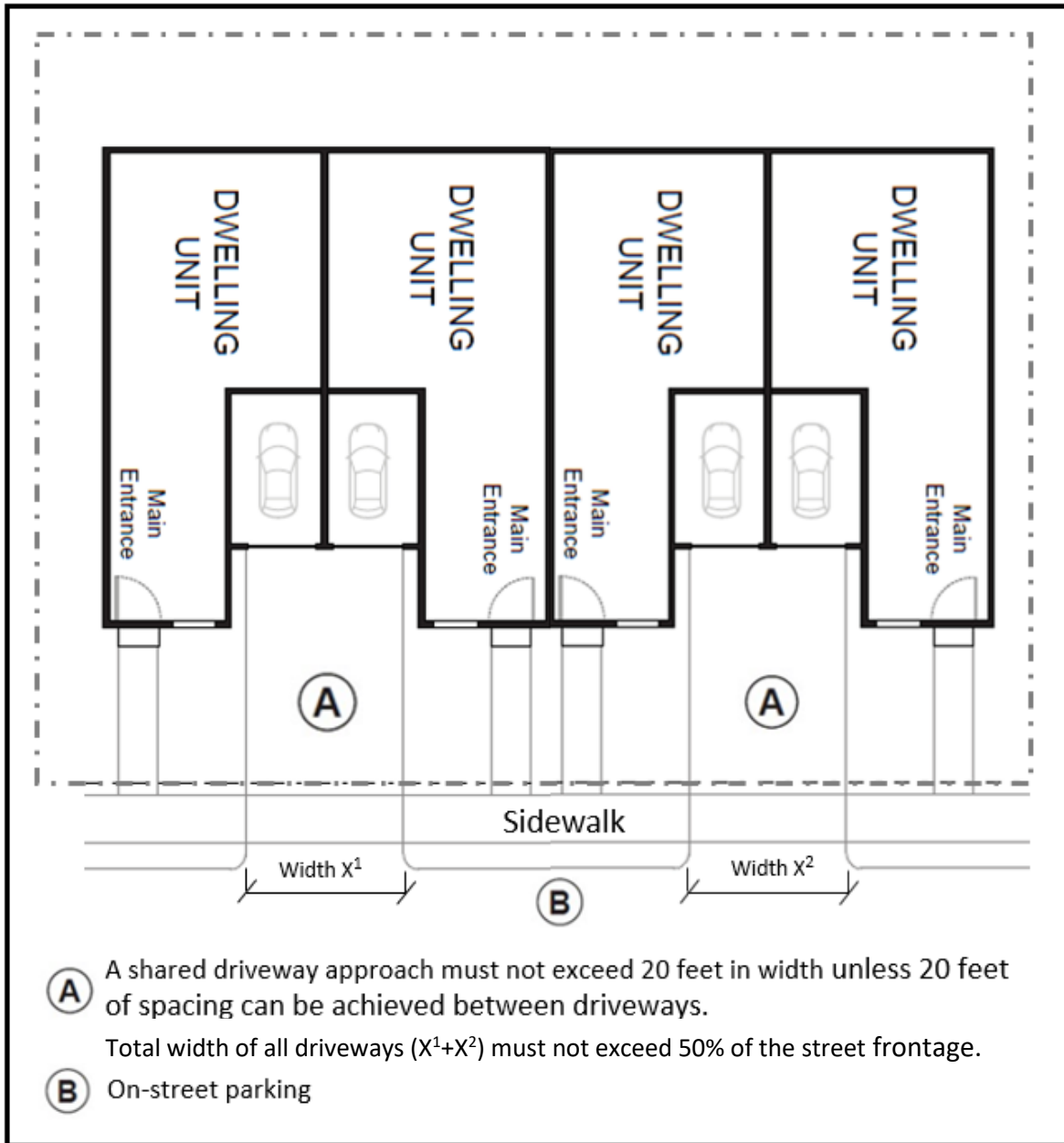
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*Figure 11-A. Side-by-Side Triplex/Quadplex Driveway Approaches – Local Street*



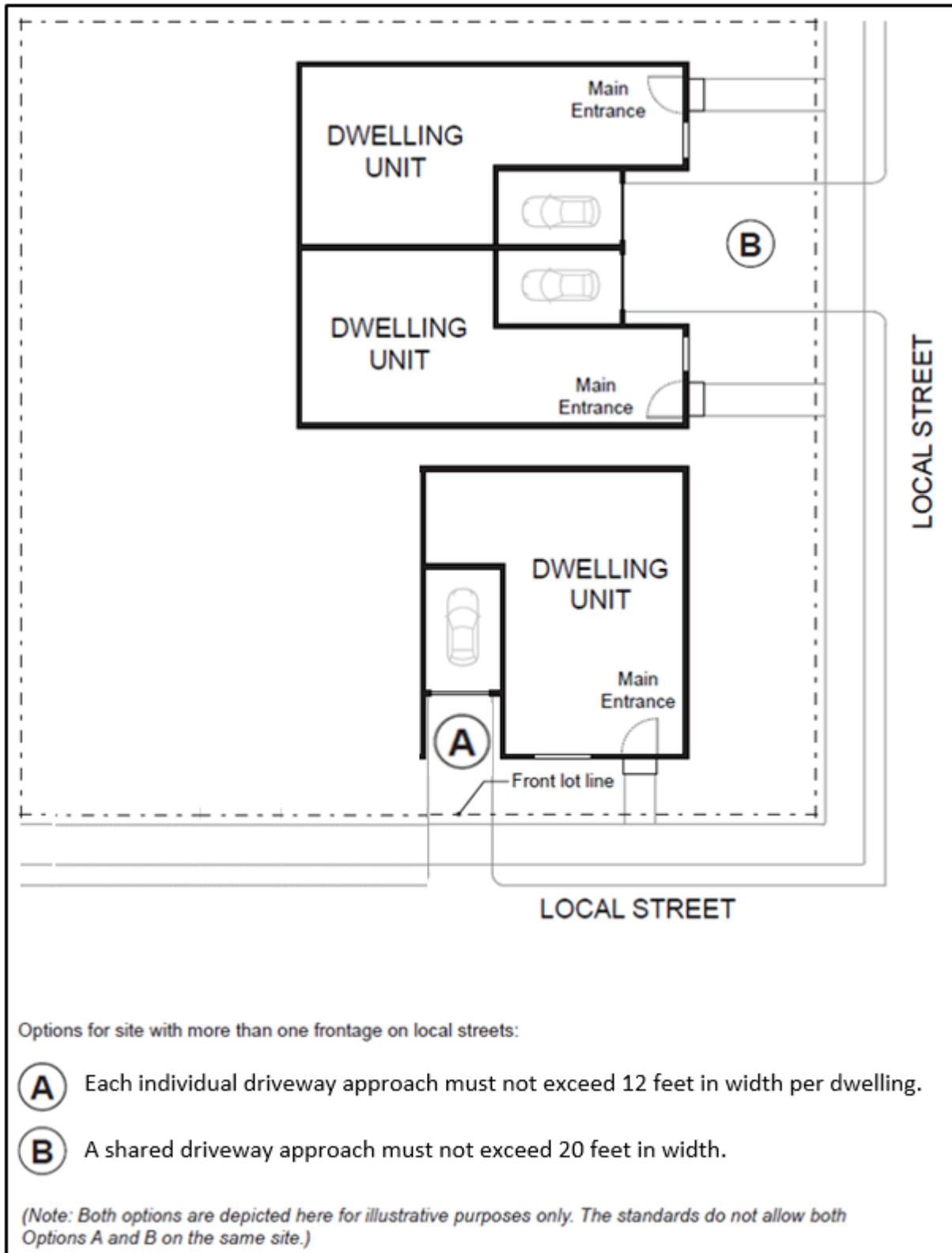
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*Figure 11-B. Side-by-Side Triplex/Quadplex Driveway Approaches – Local Street*



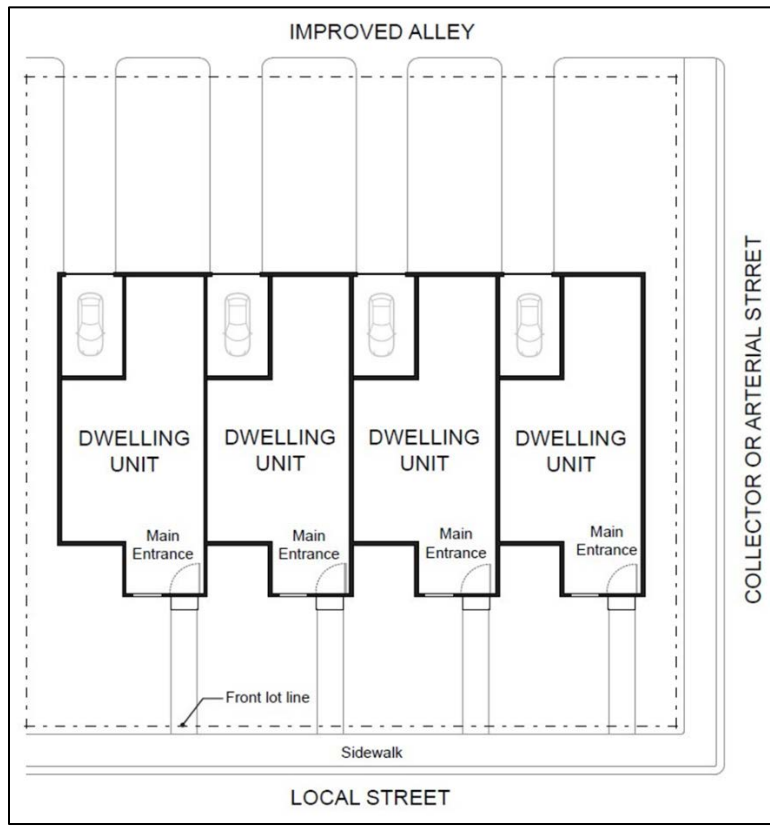
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*Figure 12. Side-by-Side Triplex/Quadplex Driveway Approaches – More Than One Frontage*



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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. A cottage cluster development may consists of one or more clusters. A cluster is a group of cottages sharing a single common courtyard.
- ~~1.2.~~ Cottage clusters must include at least 4 dwellings and no more than 12 dwellings are allowed to share a single common courtyard.
- ~~2.3.~~ The footprint of individual cottage units within a cottage cluster must be less than 900 sq. ft. An attached carport up to 200 sq. ft. may be exempted from the building footprint calculation.
- ~~3.4.~~ Garages are not allowed in Cottage Cluster development.

**C. Design Standards**

1. Cottage Design. Cottages are subject to applicable design standards of Table 16.14-1 in addition to these standards.
2. Each cottage shall have the master bedroom located on the main floor.

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3. The second floor of each cottage cannot exceed 50 percent of the square footage of the first floor.
4. 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.~~
  - ~~b.a.~~ A minimum of 50 percent of the total number of cottages within a cluster must be oriented to the common ~~area~~/courtyard and must, defined as meeting all of the following requirements:
    - 1) Have a main entrance facing the common ~~area~~ courtyard;
    - 2) Be within 10 feet from the common ~~area~~ courtyard, measured from the façade of the cottage to the nearest delineation of the common ~~area~~ courtyard; 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.b.~~ Cottages not facing the common ~~area~~ courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common ~~area~~ courtyard or, only if the entrance to the cottage is located within 20 feet of a street property line, may have their main entrances facing the street.
5. 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~~ courtyard must be a single, contiguous area of land.
  - b. Cottages must abut the common ~~area~~ courtyard on at least two sides of the courtyard.
  - c. The common ~~area~~ courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.
  - d. The common ~~area~~ courtyard must be a minimum of 15 feet wide at its narrowest dimension ~~for these areas to be counted towards the minimum requirement.~~
  - e. The common ~~area~~ courtyard 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~~ courtyard shall not exceed 75 percent of the total ~~common~~ area.
  - f. Pedestrian paths qualify as part of a common ~~area~~ courtyard. Parking areas, required setbacks, and driveways do not qualify as part of a common ~~area~~ courtyard.
6. Community Buildings. Cottage cluster developments 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. One single-story community building ~~is allowed per cottage cluster development~~ that has a maximum of 1,800 square feet ~~is allowed per cottage cluster development.~~
  - b. The primary use for the community building is not a primary residence and long-term rental is not allowed.
  - 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.
7. Pedestrian Access.

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- 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) Any cCommunity buildings; and
  - 4) Sidewalks in public rights-of-way abutting the site, or roadways if there are no sidewalks.
- b. The pedestrian path must be hard-surfaced and a minimum of five (5) feet wide.
- 8. Windows. Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single family detached dwellings in the same zone must meet the window standards per Table 16.14-1 Residential Design Standards.
- 9. Parking Design.
  - a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
    - i. Cottage cluster developments are permitted parking clusters of not more than six (6) contiguous spaces.
    - ii. Parking clusters must be separated from other parking spaces by at least four (4) feet of landscaping.
    - iii. Clustered parking areas may be covered.
  - b. Off-street parking spaces and vehicle maneuvering areas (other than driveways and drive aisles) shall not be located:
    - 1) Within of 20 feet from any street property line, except alley property lines;
    - 2) Between a street property line, except alley property lines, and cottages abutting the street property line.
  - c. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
  - d. Screening. Landscaping or architectural screening at least 3 feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
  - e. Carports
    - 1) Carports (whether shared or individual) must not abut common courtyards.
    - 2) Individual attached carports up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
    - 3) Individual detached carports must not exceed 400 square feet in floor area.
- 10. Vehicular Access – a public alley can be utilized for vehicular access.
- 11. Accessory Structures. Accessory structures in cottage cluster developments must not exceed 400 square feet in floor area and are subject to the standards of Chapter 16.50.
- 12. Existing Structures. On a lot or parcel to be used for a cottage cluster project development, a pre-existing detached single family detached dwelling may remain within the cottage cluster project development area under the following conditions:
  - a. The existing dwelling may be nonconforming with respect to the requirements of this code.
  - b. Existing dwellings may be expanded up to the maximum height or footprint allowed or required by this code; however, existing dwellings that exceed the maximum height, footprint, and/or unit size of this code may not be expanded.

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c. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection 16.14.040.C.4.1-b.

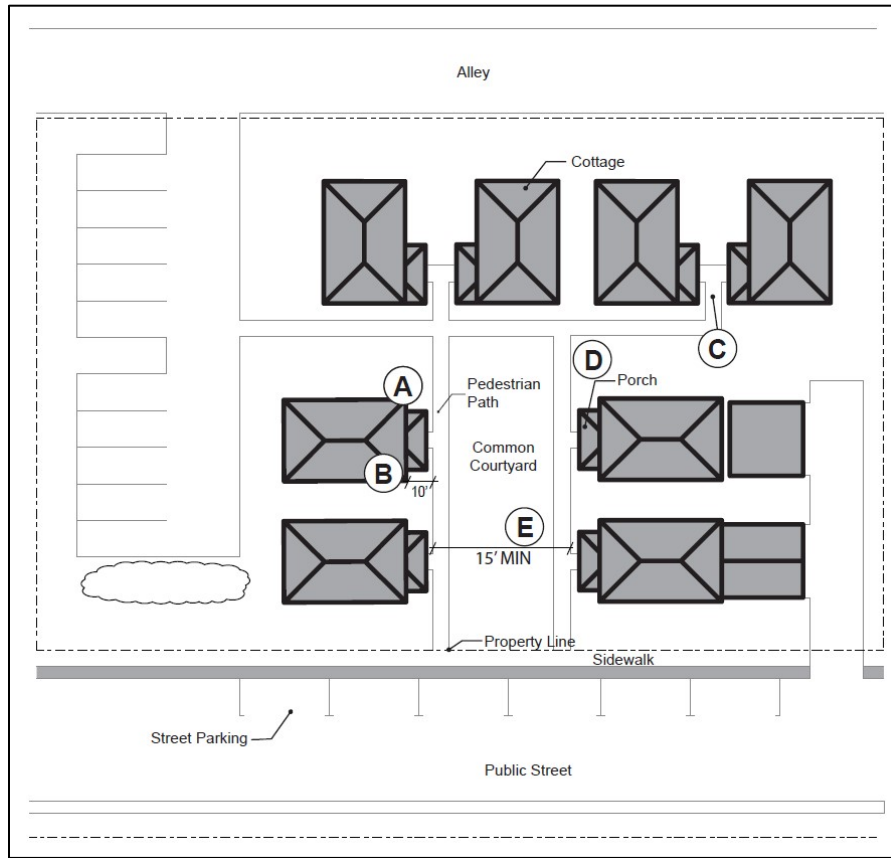
D. Review Process. The following review processes shall be used to review a cottage cluster development. The applicable review process depends on the level of compliance with the clear and objective standards in this section.

1. If all applicable standards from this section are met, a Residential Design Checklist review is applied per Chapter 16.89.
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 required under Section 16.40.020.B.6, direct~~ reference shall be given to shall comply with the Residential Design Standards in Table 16.14-1 of this section.

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

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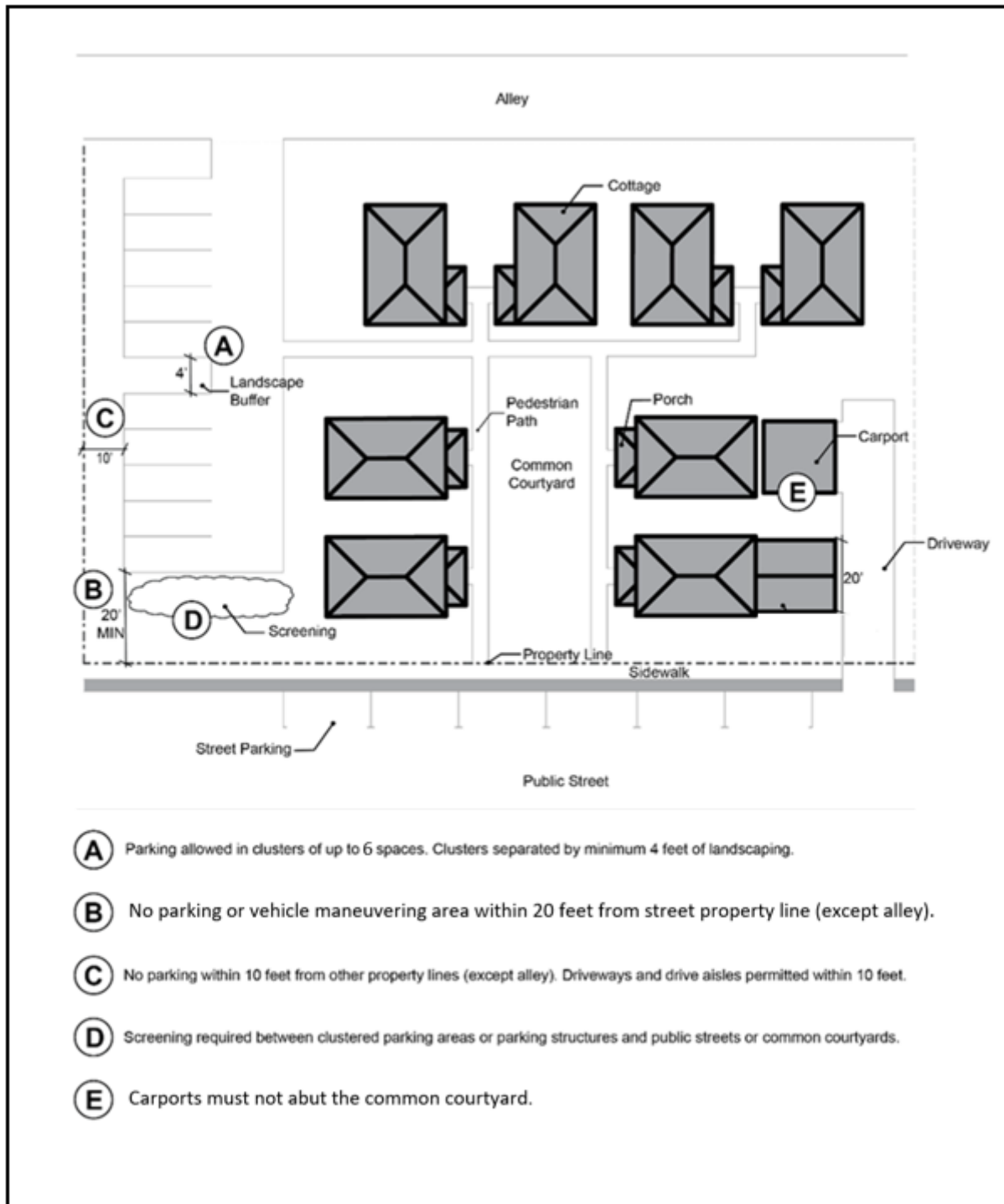
*Figure 14. Cottage Cluster Orientation and Courtyard Design*



- 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 a 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.

An amendment to the hieght of accessory structure to 15 feet instead of 18 feet was made for consistenancy in other parts of the Code.

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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-fifteen~~ (1518) 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.

### **Division III. - ADMINISTRATIVE PROCEDURES**

## **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.

## 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 family 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-family dwellings do not include townhomes, which are located on individual lots.
  - (5) (7) 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.

**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 <sup>1</sup> | Maximum Permitted Parking Zone B <sup>2</sup> |
|----------------------------------------------------------------------------|---------------------------------------------------|-----------------------------------------------|-----------------------------------------------|
| Accessory Dwelling Unit                                                    | None                                              | None                                          | None                                          |
| Single Family detached and manufactured home on lot <sup>3</sup>           | 1 per dwelling unit                               | None                                          | None                                          |
| Duplex                                                                     | 1 space per dwelling unit (total of 2 per duplex) | None                                          | None                                          |
| <u>Triplex</u>                                                             |                                                   |                                               |                                               |
| • <u>Lot area less than 3,000 SF</u>                                       | <u>1 space total</u>                              | <u>None</u>                                   | <u>None</u>                                   |
| • <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>                                   |
| • <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>                                                            |                                                   |                                               |                                               |
| • <u>Lot area less than 3,000 SF</u>                                       | <u>1 space total</u>                              | <u>None</u>                                   | <u>None</u>                                   |
| • <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"> <li><u>Lot area equal to or greater than 5,000 SF and less than 7,000 SF</u></li> </ul> | <u>3 spaces total</u>                                                        |             |             |
| <ul style="list-style-type: none"> <li><u>Lot area equal to or greater than 7,000 SF</u></li> </ul>                        | <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 <sup>4</sup>                                                                                         | 1 per unit under 500 sf<br>1.25 per 1 bdr<br>1.5 per 2 bdr<br>1.75 per 3 bdr | None        | None        |

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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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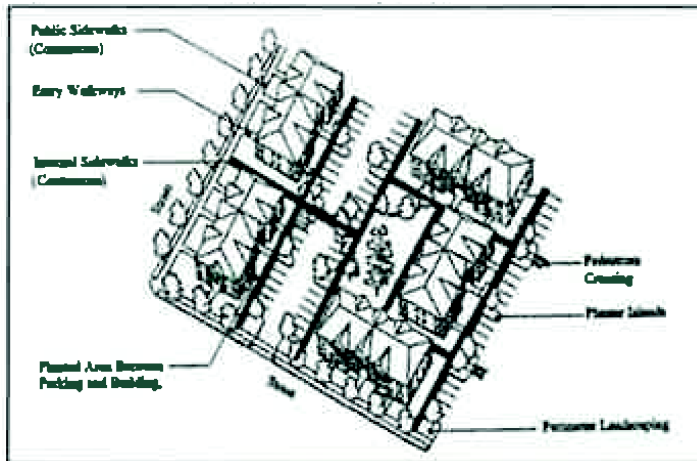
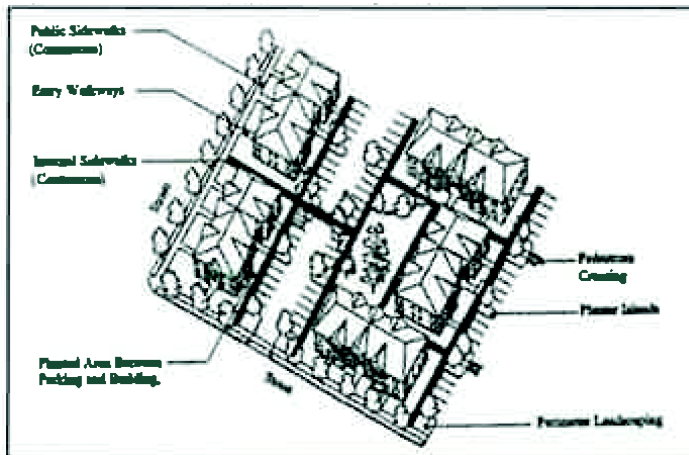
**Chapter 16.96 - ON-SITE CIRCULATION**

**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 other than cottage clusters 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

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driveway ingress or egress from Highway 99W and arterial roadways. 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.
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.

54. 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             |

56. 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.

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**2. Multi-Family-Dwelling:**

- 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)

**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<sup>[46]</sup>**

[...]

**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.

[...]

**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<sup>[51]</sup>**

[...]

**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 structures, 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).

**C. Public Improvements**

1. An applicant must demonstrate a Adequate water, sanitary sewer and other public facilities exist to support the proposed condominium development as determined by the City and are in compliance with City standards. For the purposes of this section:

a. Adequate water service shall mean: Ability to connect Connection to the City water supply system and the City water supply system has the capacity to provide service in compliance with City standards shall be deemed to be adequate water service.

b. Adequate sanitary sewer service shall mean: Ability to connect Connection to the City sanitary sewer system -and the City sanitary sewer system has the capacity to provide service in compliance with City standards, shall be deemed to be adequate sanitary sewer service if City sanitary sewer lines are located within three-hundred (300) feet of any point of the lot lines the partition of the lot proposed for condominiums or if the lots created are less than 15,000 square feet in area.

b-c. Installation of private on-site septic sewage disposal facilities shall be deemed adequate on when the lot proposed for condominiums iss of 15,000 square feet or more if the private on-site septic system is

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permitted by Washington County Health and City sewer lines are not located within three-hundred (300) feet of any point of the lot lines of the lot proposed for condominiums.

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

2. An applicant must demonstrate that aAll public improvements required for the condominium development have been installed and approved by the City Engineer or appropriate service provider (e.g., road authority). Alternatively, the developer has provided a performance guarantee in accordance with § 16.120.070.

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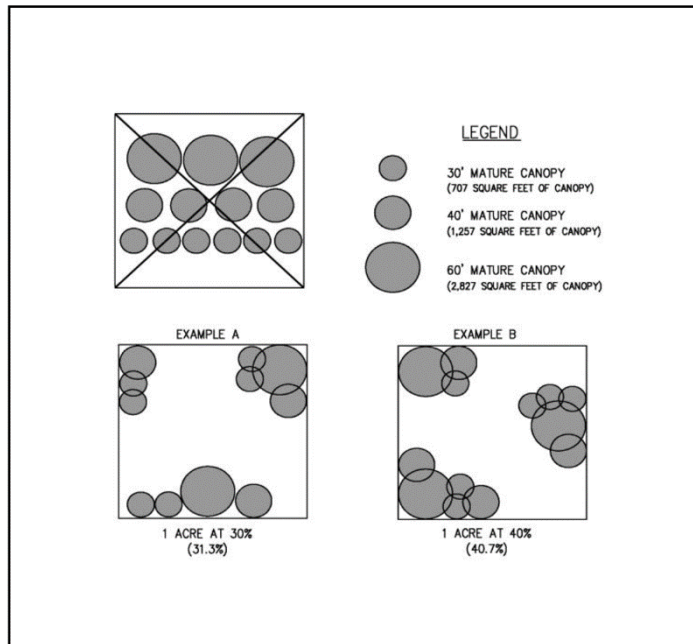
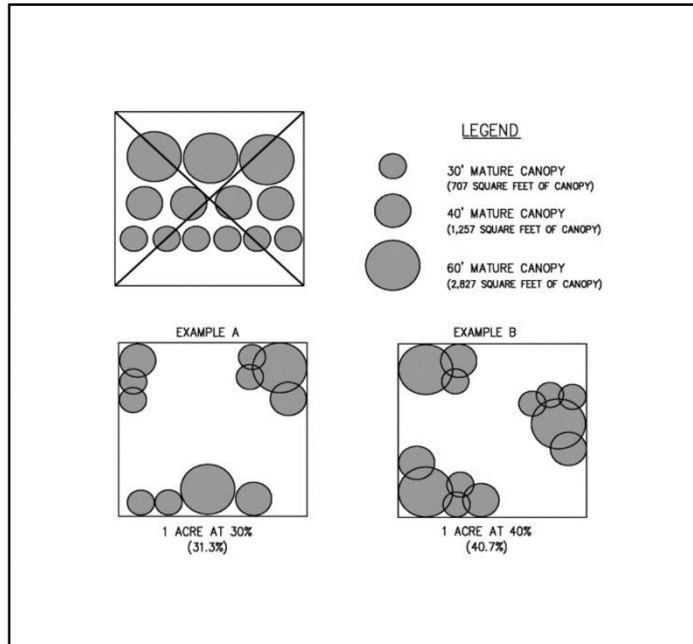
equation  $\pi r^2$  to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.

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 & <del>duplex</del> and middle housing developments) subject to Residential Design Checklist or Type I review | Residential (single family detached & <del>duplex</del> 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<br>x2                                                                                                             | N/A                            | Yes<br>x2                                                              |
| Planting new trees onsite                                                                                                                                                                                                                                                                                                                         | N/A                                                                                                                                               | Yes                                                                                                                   | N/A                            | Yes                                                                    |
| <p>Mature Canopy in Square Feet Equation <math>\pi r^2</math> or <math>(3.14159 * \text{radius}^2)</math> (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**

[Removed from draft]



## ORDINANCE 2022-004

### AMENDING SECTIONS OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE FOR NEW HOUSING CHOICES TO COMPLY WITH OREGON HB 2001

**WHEREAS**, Oregon House Bill 2001 (2019) aims to expand housing types in residential zones to include duplexes, tri and quad plexes, townhomes, and cottage clusters; and

**WHEREAS**, the Oregon Land Conservation and Development Commission adopted a set of Oregon Administrative Rules (OARs) that outlined the minimum standards large-sized cities must apply to middle housing to comply with HB 2001; and

**WHEREAS**, Sherwood is considered a large-size city because it is part of the Metro region, and Large Cities must comply with House Bill 2001 and adopt standards to implement it by the statutory deadline of June 30, 2022; and

**WHEREAS**, the proposed Housing Choices amendments, attached hereto as Exhibit 1, comply with the minimum standards identified in the OARs and will provide for housing choices that can meet the needs of the Sherwood community; and

**WHEREAS**, the proposed Housing Choices amendments are consistent with the 2040 Comprehensive Plan by providing a diversity of housing types; and

**WHEREAS**, the proposed amendments will allow for a variety of housing choices making it feasible for housing construction through clear and objective standards; and

**WHEREAS**, the Planning Commission has conducted 17 work sessions on Residential Design Standards and the proposed Housing Choices amendments; and

**WHEREAS**, the City Council held four work session briefings on Residential Design Standards and the proposed Housing Choices amendments; and

**WHEREAS**, at its meeting on March 22, 2022, the Planning Commission conducted a public hearing, considered proposed Housing Choices development standards, and recommended that the City Council adopt the proposed amendments; and

**WHEREAS**, the City Council held the first public hearing on the proposed amendments on April 19, 2022, a second public hearing on May 3, 2022, and the third and final public hearing on the proposed amendments on May 17, 2022.

**NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

**Section 1.** After full and due consideration of the application, the Planning Commission recommendation, the record, and evidence presented at the public hearings, the City Council adopts the findings of fact contained in the Planning Commission recommendation, which is included as Attachment 1 to the staff report for this Ordinance, finding that the text of the indicated sections of the Sherwood Zoning and Community Development Code shall be amended to read as documented in Exhibit 1, attached to this Ordinance.

**Section 2.** The proposed amendments to the Sherwood Zoning and Community Development Code in Exhibit 1, attached to this Ordinance, are hereby **APPROVED**.

**Section 3.** This Ordinance shall become effective June 30, 2022.

**Duly passed by the City Council this May 17, 2022.**

\_\_\_\_\_  
Keith Mays, Mayor

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

|         | <u>AYE</u> | <u>NAY</u> |
|---------|------------|------------|
| Giles   | _____      | _____      |
| Scott   | _____      | _____      |
| Brouse  | _____      | _____      |
| Young   | _____      | _____      |
| Garland | _____      | _____      |
| Rosener | _____      | _____      |
| Mays    | _____      | _____      |

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**Title 16**  
**ZONING AND COMMUNITY DEVELOPMENT CODE**

**Proposed Amendments**

This document presents the “Clean” copy of the proposed Residential Design Standards code amendments.

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.

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**Division I. - GENERAL PROVISIONS**

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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 - 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.

## April 25, 2022 Housing Choices Standards

- **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.

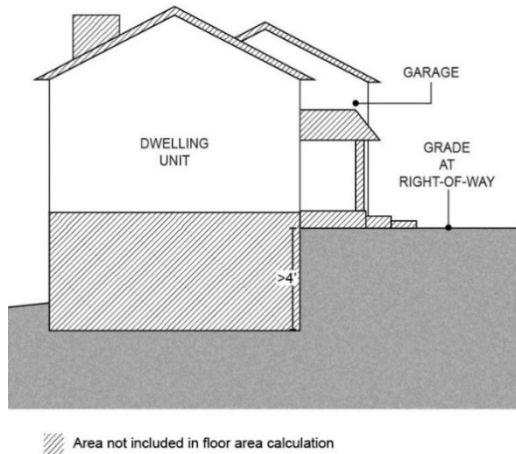
**Family:** Any-number of individuals living together regardless of familial or non-familial relationship.

**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.

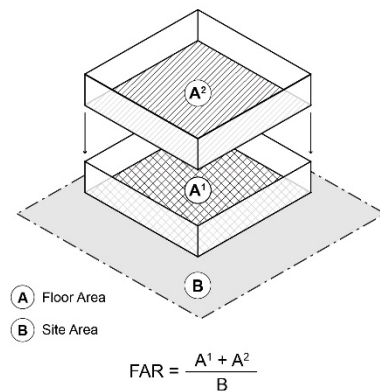
*Figure 1. Areas Excluded from Floor Area Calculation*

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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 the following residential uses: 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.

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**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.

**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:

- A. **Alley:** A narrow street, typically abutting to the rear lot or property line. [See the adopted Transportation System Plan]
- B. **Arterial:** Arterial streets provide connectivity at a regional level, but are not State routes. [See the adopted Transportation System Plan]
- 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 (See the adopted Transportation System Plan).
- D. **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. [See the adopted Transportation System Plan].
- E. **Cul-de-Sac:** A short street that terminates in a vehicular turnaround. See Section 16.108.060.
- F. **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.
- G. **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.]
- H. **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. [See the adopted Transportation System Plan.]
- I. **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. [See the adopted Transportation System Plan.]
- J. **Principal Arterial:** Principal arterials are streets that provide connectivity at a regional level, and are typically State routes. [See the adopted Transportation System Plan].
- K. **Shared Court:** An area 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

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indicate that the entire area 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. 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, and Cottage Cluster developments:

- Connection to a public sewer system capable of meeting service levels established in the City Engineering Design and Standards Details Manual.
- Connection to a public water system capable of meeting service levels established in the City Engineering Design and Standards Details Manual.
- Access to a city's public street system via public or private streets meeting emergency vehicle access standards established in the City Engineering Design and Standards Details Manual.
- Storm drainage facilities capable of meeting service levels established in the City Engineering Design and Standards Details Manual 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 - 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 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.

  - 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 |
|-------------------------------------------------------------|------|-----|------|------|-----|
| <b>RESIDENTIAL</b>                                          |      |     |      |      |     |
| • Single Family Detached Dwellings                          | P    | P   | P    | P    | P   |
| • Duplex                                                    | P    | P   | P    | P    | P   |
| • Triplex and Quadplex                                      | P    | P   | P    | P    | P   |
| • Cottage Cluster                                           | P    | P   | P    | P    | P   |
| • Multi-Family Dwellings                                    | N    | N   | N    | P    | P   |
| • Townhomes                                                 | P    | P   | P    | 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 <sup>1</sup>                                  | P    | P   | P    | P    | P   |
| Whereas P=Permitted, C=Conditional, N=Not Allowed           |      |     |      |      |     |

<sup>1</sup> 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.

#### 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

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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

1. 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.
2. Creation of new lots or parcels as part of a townhome or cottage cluster developments are subject to the applicable land division or Planned Unit Development approval process.
3. Sufficient Infrastructure. Prior to obtaining a residential building permit for construction of any new middle housing structure or division of an existing structure into middle housing, the applicant must submit a request for verification of Sufficient Infrastructure, together with any documentation requested by the City Engineer or designee, and receive approval from the City Engineer or designee.

#### 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 |
| • Triplex                                 | 40,000 | 10,000   | 7,000 | 5,000 | 5,000 | 5,000 |
| • Quadplex                                | 40,000 | 10,000   | 7,000 | 7,000 | 7,000 | 7,000 |

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| Development Standard by Residential Zone-                               | VLDR                              | VLDR-PUD                          | LDR                               | MDRL                              | MDRH                              | HDR                               |
|-------------------------------------------------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| • Cottage Cluster                                                       | 40,000                            | 10,000                            | 7,000                             | 7,000                             | 7,000                             | 7,000                             |
| • Townhome <sup>1</sup> :                                               | Average of 1,500 SF per unit      | Average of 1,500 SF per unit      | Average of 1,500 SF per unit      | Average of 1,500 SF per unit      | Average of 1,500 SF per unit      | Average of 1,500 SF per unit      |
| • Multi-Family-Dwelling: for the first 2 units                          | X                                 | X                                 | X                                 | 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 <sup>2</sup> : (in feet)             |                                   |                                   |                                   |                                   |                                   |                                   |
| • Single Family Detached; Duplex; Triplex; Quadplex and Cottage Cluster | 60                                | 60                                | 60                                | 50                                | 50                                | 50                                |
| • Townhome                                                              | 20                                | 20                                | 20                                | 20                                | 20                                | 20                                |
| • Multi-Family dwelling                                                 | X                                 | X                                 | X                                 | X                                 | 60                                | 60                                |
| Minimum Lot Depth                                                       | 80                                | 80                                | 80                                | 80                                | 80                                | 80                                |
| <u>Maximum Height (in feet) <sup>3</sup></u>                            |                                   |                                   |                                   |                                   |                                   |                                   |
| • Cottage Clusters                                                      | 1.5 stories not to exceed 25 feet | 1.5 stories not to exceed 25 feet | 1.5 stories not to exceed 25 feet | 1.5 stories not to exceed 25 feet | 1.5 stories not to exceed 25 feet | 1.5 stories not to exceed 25 feet |

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| Development Standard by Residential Zone-                            | VLDR                 | VLDR-PUD             | LDR                  | MDRL                 | MDRH                   | HDR                  |
|----------------------------------------------------------------------|----------------------|----------------------|----------------------|----------------------|------------------------|----------------------|
| • All other dwelling types                                           | 30 feet or 2 stories | 30 feet or 2 stories | 30 feet or 2 stories | 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                   |
| • Chimneys, Solar or Wind Devices, Radio and TV aerials <sup>4</sup> | 50                   | 50                   | 50                   | 50                   | 55                     | 60                   |
| Setbacks (in feet)                                                   |                      |                      |                      |                      |                        |                      |
| • Front yard <sup>5</sup>                                            | 30                   | 20                   | 20                   | 14                   | 14                     | 14                   |
| • Front yard – Cottage Clusters only                                 | 10                   | 10                   | 10                   | 10                   | 10                     | 10                   |
| • Face of garage                                                     | 35                   | 20                   | 20                   | 20                   | 20                     | 20                   |
| • Interior side yard <sup>6</sup>                                    |                      |                      |                      |                      |                        |                      |
| • Single-Family Detached; Duplex; Triplex; Quadplex; Cottage Cluster | 5                    | 5                    | 5                    | 5                    | 5                      | 5                    |
| • Townhome <sup>7</sup>                                              | 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; Triplex; Quadplex; Townhome        | 20                   | 20                   | 20                   | 15                   | 15                     | 15                   |

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| Development Standard by Residential Zone-                                                               | VLDR                                                                                                                          | VLDR-PUD                                                                                                                      | LDR                                                                                                                                                               | MDRL                                                                                                                                                              | MDRH                                                                                                                                                              | HDR                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| • Cottage Cluster                                                                                       | 10                                                                                                                            | 10                                                                                                                            | 10                                                                                                                                                                | 10                                                                                                                                                                | 10                                                                                                                                                                | 10                                                                                                                                                                |
| • Multi-Family Dwelling                                                                                 | X                                                                                                                             | X                                                                                                                             | X                                                                                                                                                                 | X                                                                                                                                                                 | 20                                                                                                                                                                | 30                                                                                                                                                                |
| • Rear yard                                                                                             | 20                                                                                                                            | 20                                                                                                                            | 20                                                                                                                                                                | 20                                                                                                                                                                | 20                                                                                                                                                                | 20                                                                                                                                                                |
| • Rear yard – Cottage Clusters only                                                                     | 10                                                                                                                            | 10                                                                                                                            | 10                                                                                                                                                                | 10                                                                                                                                                                | 10                                                                                                                                                                | 10                                                                                                                                                                |
| Floor Area                                                                                              |                                                                                                                               |                                                                                                                               |                                                                                                                                                                   |                                                                                                                                                                   |                                                                                                                                                                   |                                                                                                                                                                   |
| Cottage Cluster                                                                                         | 1st floor building foot print less than 900 sq. ft.<br><br>2nd floor shall not exceed 50% of square footage of the 1st floor. | 1st floor building foot print less than 900 sq. ft.<br><br>2nd floor shall not exceed 50% of square footage of the 1st floor. | 1 <sup>st</sup> floor building foot print less than 900 sq. ft.<br><br>2 <sup>nd</sup> floor shall not exceed 50% of square footage of the 1 <sup>st</sup> floor. | 1 <sup>st</sup> floor building foot print less than 900 sq. ft.<br><br>2 <sup>nd</sup> floor shall not exceed 50% of square footage of the 1 <sup>st</sup> floor. | 1 <sup>st</sup> floor building foot print less than 900 sq. ft.<br><br>2 <sup>nd</sup> floor shall not exceed 50% of square footage of the 1 <sup>st</sup> floor. | 1 <sup>st</sup> floor building foot print less than 900 sq. ft.<br><br>2 <sup>nd</sup> floor shall not exceed 50% of square footage of the 1 <sup>st</sup> floor. |
| 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. Townhomes side yard setbacks shall be based on the length of the townhome block; a minimum setback to the property line on the end of each "townhome block" shall be provided relative to the size of the block, as follows: a. 100 feet to 150 feet, 6 feet minimum; b. less than 100 feet, 5 feet minimum.

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(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.<br>Double Door – 16 ft. |

- 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 - 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<br>(Objective Process)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Design Guideline<br>(Discretionary Process: Residential Design Review)                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A. Entry location and orientation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                  |
| <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"> <li>1. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit.</li> <li>2. The entrance must either: <ol style="list-style-type: none"> <li>a. Face the street; or</li> <li>b. Be at an angle of up to 45 degrees from the street; or</li> <li>c. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or</li> <li>d. Open onto a porch. If the entrance opens onto a porch, the porch must: <ol style="list-style-type: none"> <li><u>1)</u> Be at least 25 square feet in area with a minimum four-foot depth;</li> <li><u>2)</u> Have at least one porch entry facing the street;</li> <li><u>3)</u> Have a roof that is no more than 12 feet above the floor of the porch; and</li> <li><u>4)</u> Have a roof that covers at least 30% of the porch area.</li> </ol> </li> </ol> </li> </ol> | <p>Building elevations facing streets and shared courts 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>B. Garages and Off-Street Parking Areas</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                  |
| <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"> <li>1. The front elevation of the garage(s) may not extend in front of the longest, street-facing elevation of the primary dwelling structure.</li> <li>2. The width of all garages on the street-facing elevation shall not exceed 60 percent of the total width of that</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <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<br>(Objective Process)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Design Guideline<br>(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"> <li>a. Garage trellis or pergola extending at least 12 inches from the building face</li> <li>b. Windows on 15 percent of the garage door</li> <li>c. Natural wood finish</li> <li>d. A recess of at least three (3) feet behind the primary dwelling</li> <li>e. Use of multiple materials finish or colors</li> </ul>                                                                                                                                                         |                                                                                                                                                                                                                    |
| <p style="text-align: right;">Additional provisions:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>16.14.020 – Additional Townhome Design Standards</p> <p>16.14.030 – Additional Triplex and Quadplex Design Standards</p>                                                                                        |
| <b>C. Windows and Doors</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                    |
| <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 and shared courts should include ample levels of glazing to ensure articulation on the façade, daylighting of interior spaces and visibility into the public realm.</p> |
| <p style="text-align: right;">Additional provisions:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>None</p>                                                                                                                                                                                                        |
| <b>D. Detailed design<sup>1</sup></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                    |
| <p>1. All single detached dwellings, 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 and shared courts should include pedestrian oriented design elements and other design features that provide articulation, variety, interest and quality.</p>    |

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| <b>Design Standard</b><br><b>(Objective Process)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Design Guideline</b><br><b>(Discretionary Process: Residential Design Review)</b> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <p>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.</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"> <li>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.</li> <li>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.</li> <li>iii. Offset on the building face of at least 16 inches from one exterior wall surface to the other.</li> <li>iv. Balcony that is at least three (3) feet deep, five (5) feet wide, and accessible from an interior room.</li> </ul> <p>b. Roof elements:</p> <ul style="list-style-type: none"> <li>i. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.</li> <li>ii. Roof line offsets of at least two (2) feet from the top surface of one roof to the top surface of the other.</li> <li>iii. Any roofing materials other than asphalt shingles.</li> <li>iv. Gable roof, hip roof, shed roof, or gambrel roof design.</li> <li>v. Dormer that is at least four (4) feet wide.</li> <li>vi. Decorative eave braces.</li> </ul> |                                                                                      |

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

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| Design Standard<br>(Objective Process)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Design Guideline<br>(Discretionary Process: Residential Design Review)                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Additional provisions:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | None                                                                                                                                                                          |
| E. Building Materials                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                               |
| Prohibited building materials include:<br><br>1. Aluminum<br><br>2. Vinyl<br><br>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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                               |
| <p>This standard applies to new residential subdivisions and townhome developments only. It does not apply to cottage clusters.</p> <p>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.</p> <p>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.</p> <p>a. For this standard a townhome block is the entire structure of attached townhome units.</p> <p>b. This standard does not apply to individual units within the townhome block.</p> <p>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.</p> <p>3. Materials. The plans specify different exterior cladding materials, a different combination of materials, or different dimensions, spacing, or arrangement of the</p> | <p>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.</p> |

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| Design Standard<br>(Objective Process)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Design Guideline<br>(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.

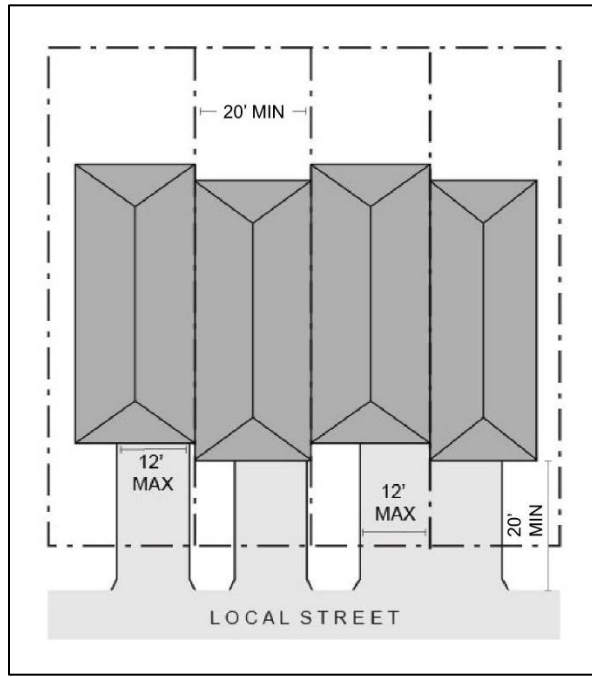
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D. Illustrations

16.14.020 – Additional Townhome Design Standards

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*Figure 10. Townhome Garages*



16.14.030 – Additional Triplex and Quadplex Design Standards

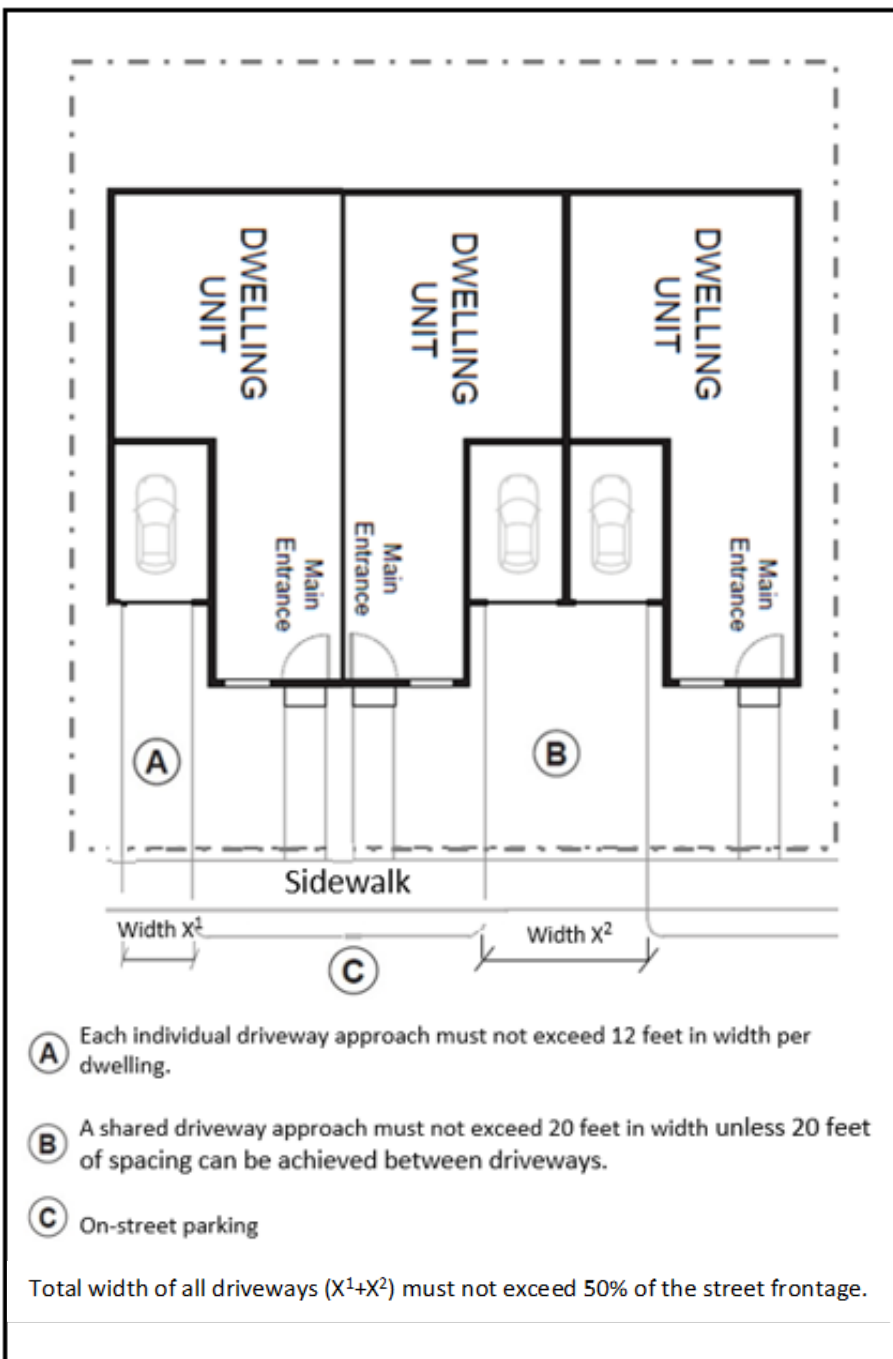
A. Driveway Approach.

Driveway approaches shall comply with the following:

1. Each individual driveway approach must not exceed 12 feet in width per dwelling served by the driveway.
2. Total width of all driveways shall not exceed 50 percent of the street frontage.
3. To maximize on-street parking opportunities, shared driveways are required, unless access is obtained from a public alley. A shared driveway is a single driveway serving two units. Developments with an odd number of units are permitted one (1) single unit driveway. A shared driveway approach must not exceed 20 feet in width unless a minimum of 20 feet of spacing can be achieved between driveways.
4. Driveway approaches must meet applicable driveway spacing standards for local streets.
5. 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. If classifications are identical, access can be taken from either or both, subject to the other requirements of this code.
  - 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.

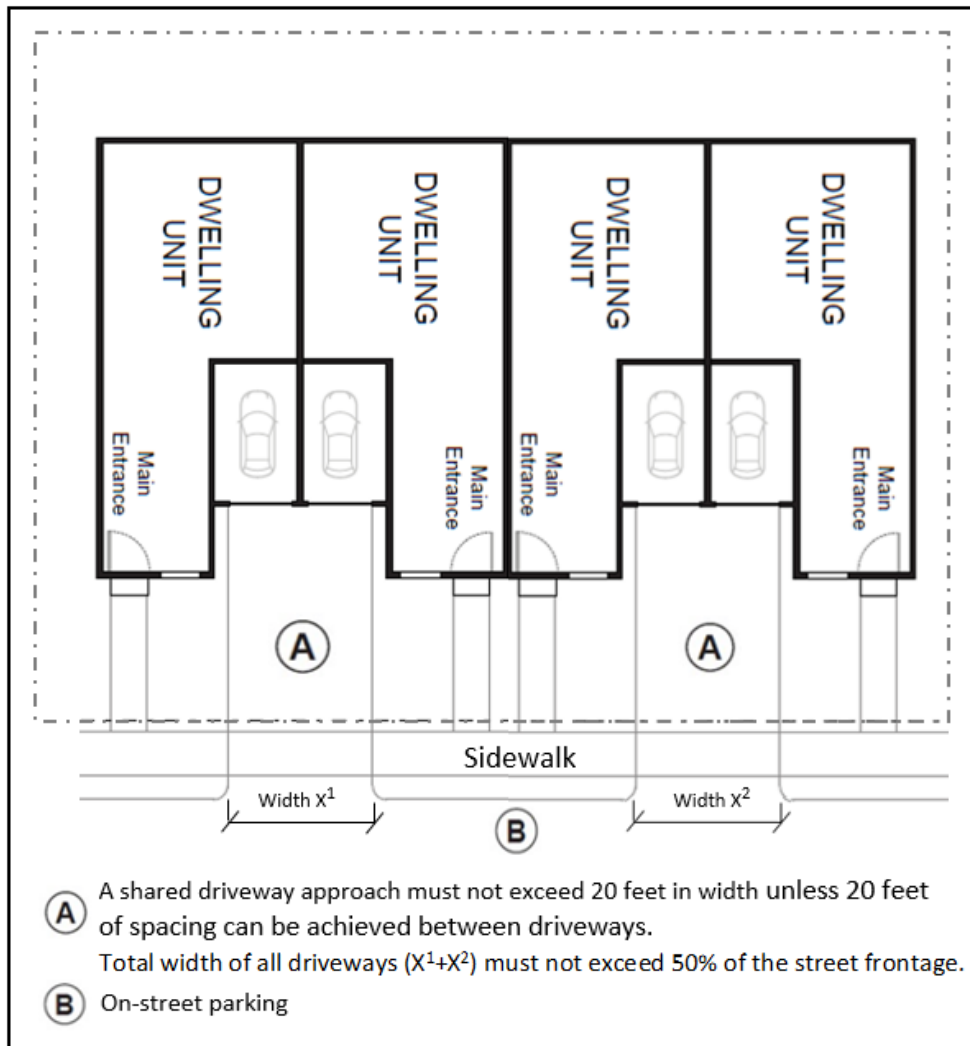
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Figure 11-A. Side-by-Side Triplex/Quadplex Driveway Approaches – Local Street



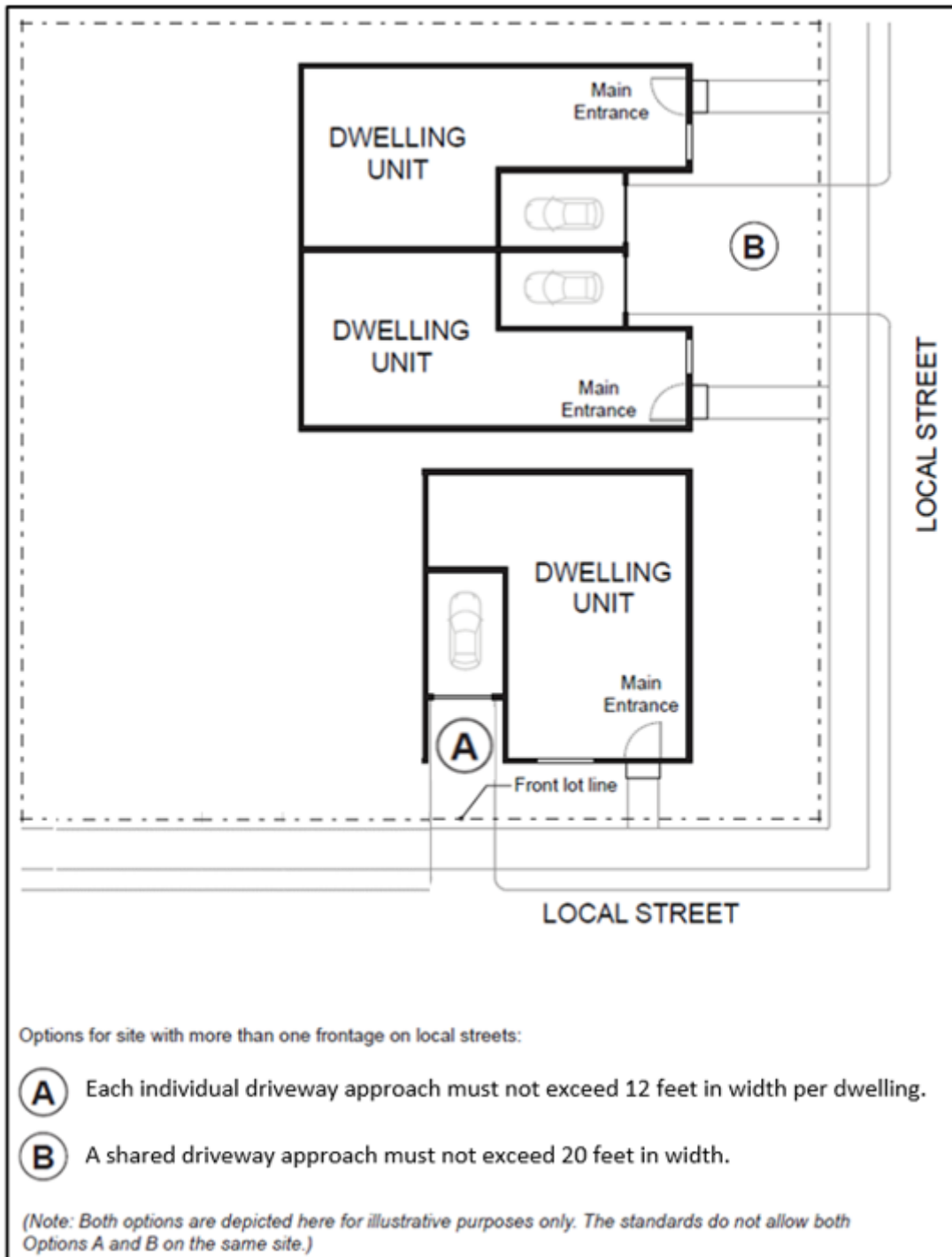
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Figure 11-B. Side-by-Side Triplex/Quadplex Driveway Approaches – Local Street



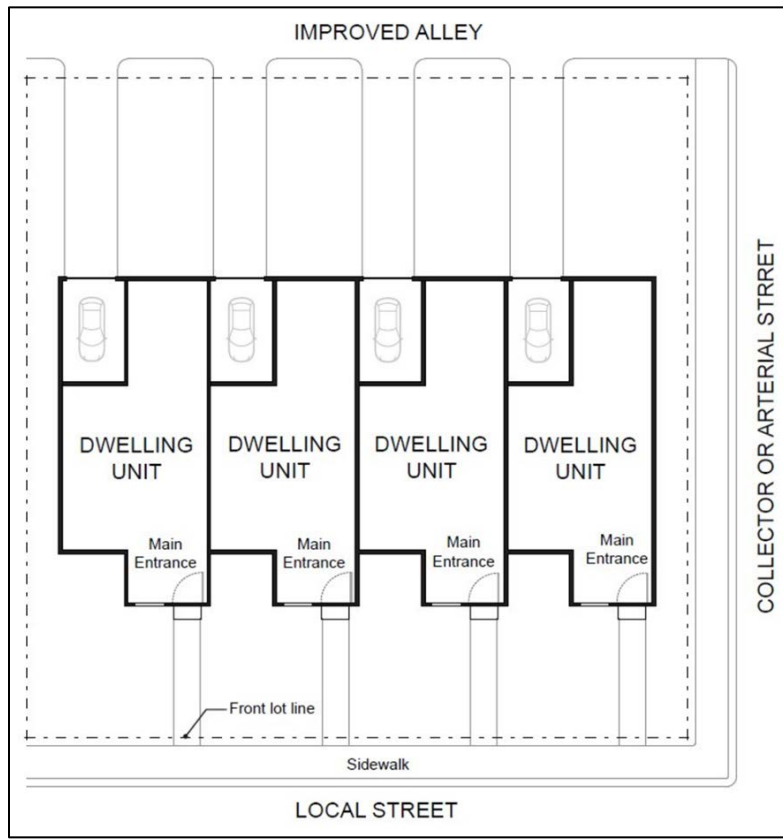
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Figure 12. Side-by-Side Triplex/Quadplex Driveway Approaches – More Than One Frontage



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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. A cottage cluster development may consists of one or more clusters. A cluster is a group of cottages sharing a single common courtyard.
2. Cottage clusters must include at least 4 dwellings and no more than 12 dwellings are allowed to share a single common courtyard.
3. The footprint of individual cottage units within a cottage cluster must be less than 900 sq. ft. An attached carport up to 200 sq. ft. may be exempted from the building footprint calculation.
4. Garages are not allowed in Cottage Cluster development.

**C. Design Standards**

1. Cottage Design. Cottages are subject to applicable design standards of Table 16.14-1 in addition to these standards.
2. Each cottage shall have the master bedroom located on the main floor.

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3. The second floor of each cottage cannot exceed 50 percent of the square footage of the first floor.
4. Cottage Orientation. Cottages must be clustered around a common courtyard and must meet the following standards:
  - a. A minimum of 50 percent of the total number of cottages within a cluster must be oriented to the common courtyard, defined as meeting all of the following requirements:
    - 1) Have a main entrance facing the common courtyard;
    - 2) Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest delineation of the common courtyard; and
  - b. Cottages not facing the common courtyard must have their main entrances facing a pedestrian path that is directly connected to the common courtyard or, only if the entrance to the cottage is located within 20 feet of a street property line, may have their main entrances facing the street.
5. 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 courtyard must be a single, contiguous area of land.
  - b. Cottages must abut the common courtyard on at least two sides of the courtyard.
  - c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.
  - d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
  - e. The common courtyard 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 courtyard shall not exceed 75 percent of the total area.
  - f. Pedestrian paths qualify as part of a common courtyard. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
6. Community Buildings. Cottage cluster developments 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. One single-story community building that has a maximum of 1,800 square feet is allowed per cottage cluster development.
  - b. The primary use for the community building is not a primary residence and long-term rental is not allowed.
  - 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.
7. 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) Any community buildings; and

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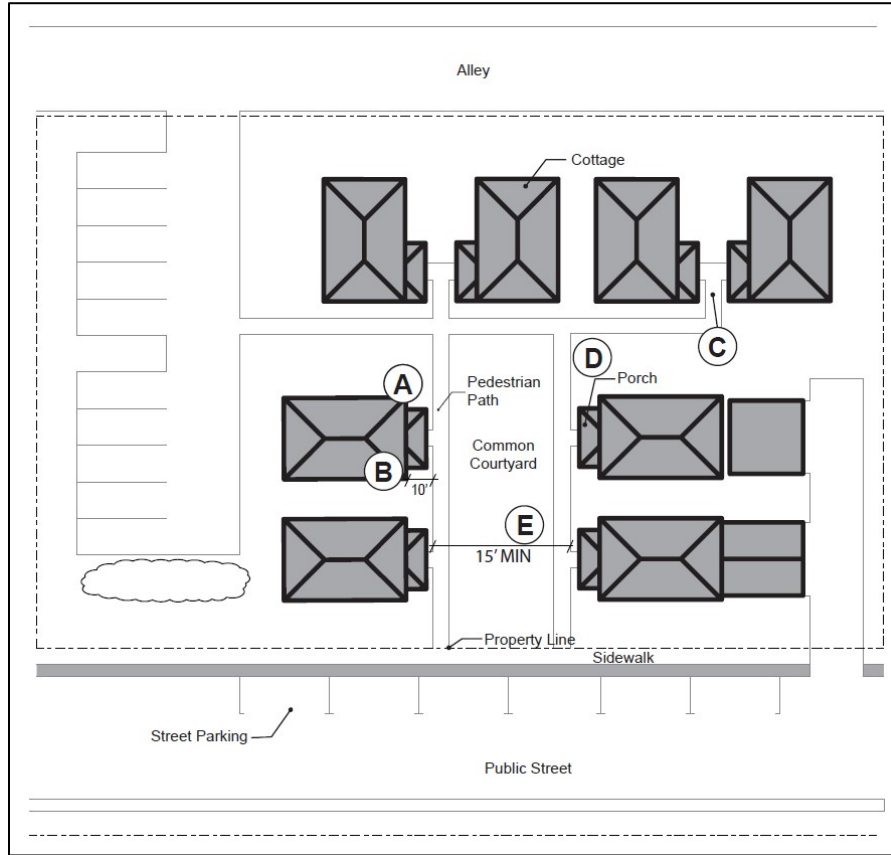
- 4) Sidewalks in public rights-of-way abutting the site, or roadways if there are no sidewalks.
  - b. The pedestrian path must be hard-surfaced and a minimum of five (5) feet wide.
8. Windows. Cottages must meet the window standards per Table 16.14-1 Residential Design Standards.
9. Parking Design.
  - a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
    - i. Cottage cluster developments are permitted parking clusters of not more than six (6) contiguous spaces.
    - ii. Parking clusters must be separated from other parking spaces by at least four (4) feet of landscaping.
    - iii. Clustered parking areas may be covered.
  - b. Off-street parking spaces and vehicle maneuvering areas (other than driveways and drive aisles) shall not be located:
    - 1) Within of 20 feet from any street property line, except alley property lines;
    - 2) Between a street property line, except alley property lines, and cottages abutting the street property line.
  - c. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
  - d. Screening. Landscaping or architectural screening at least 3 feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
  - e. Carports
    - 1) Carports (whether shared or individual) must not abut common courtyards.
    - 2) Individual attached carports up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
    - 3) Individual detached carports must not exceed 400 square feet in floor area.
10. Vehicular Access – a public alley can be utilized for vehicular access.
11. Accessory Structures. Accessory structures in cottage cluster developments must not exceed 400 square feet in floor area and are subject to the standards of Chapter 16.50.
12. Existing Structures. On a lot or parcel to be used for a cottage cluster development, a pre-existing single family detached dwelling may remain within the cottage cluster development area under the following conditions:
  - a. The existing dwelling may be nonconforming with respect to the requirements of this code.
  - b. Existing dwellings may be expanded up to the maximum height or footprint allowed or required by this code; however, existing dwellings that exceed the maximum height, footprint, and/or unit size of this code may not be expanded.
  - c. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection 16.14.040.C.4.
- D. Review Process. The following review processes shall be used to review a cottage cluster development. 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, a Residential Design Checklist review is applied per Chapter 16.89.

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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. The Architectural Pattern Book required under Section 16.40.020.B.6, shall comply with the Residential Design Standards in Table 16.14-1.

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

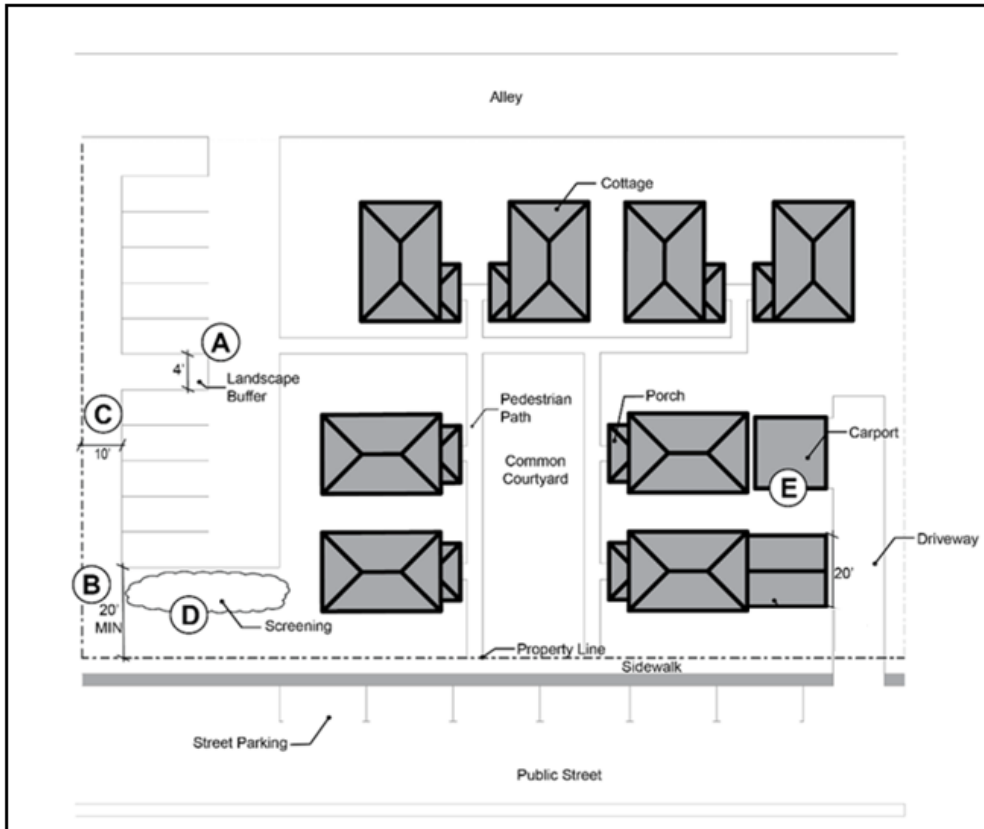
*Figure 14. Cottage Cluster Orientation and Courtyard Design*



- 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



- (A)** Parking allowed in clusters of up to 6 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Carports must not abut the common courtyard.

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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 a cottage cluster development that is unable to meet the standards of Section 16.14.040; or
4. 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, 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 - 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 - 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 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 fifteen (15) 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 IV. - PLANNING PROCEDURES**

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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 family 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.
  - (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-family dwellings do not include townhomes, which are located on individual lots.
  - (7) 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 - 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 - 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 - 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 <sup>1</sup> | Maximum Permitted Parking Zone B <sup>2</sup> |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|-----------------------------------------------|-----------------------------------------------|
| Accessory Dwelling Unit                                                                                             | None                                              | None                                          | None                                          |
| Single Family detached and manufactured home on lot <sup>3</sup>                                                    | 1 per dwelling unit                               | None                                          | None                                          |
| Duplex                                                                                                              | 1 space per dwelling unit (total of 2 per duplex) | None                                          | None                                          |
| Triplex                                                                                                             |                                                   |                                               |                                               |
| <ul style="list-style-type: none"> <li>Lot area less than 3,000 SF</li> </ul>                                       | 1 space total                                     | None                                          | None                                          |
| <ul style="list-style-type: none"> <li>Lot area equal to or greater than 3,000 SF and less than 5,000 SF</li> </ul> | 2 spaces total                                    | None                                          | None                                          |
| <ul style="list-style-type: none"> <li>Lot area equal to or greater than 5,000 SF</li> </ul>                        | 3 spaces total                                    | None                                          | None                                          |
| Quadplex                                                                                                            |                                                   |                                               |                                               |
| <ul style="list-style-type: none"> <li>Lot area less than 3,000 SF</li> </ul>                                       | 1 space total                                     | None                                          | None                                          |
| <ul style="list-style-type: none"> <li>Lot area equal to or greater than 3,000 SF and less than 5,000 SF</li> </ul> | 2 spaces total                                    | None                                          | None                                          |

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

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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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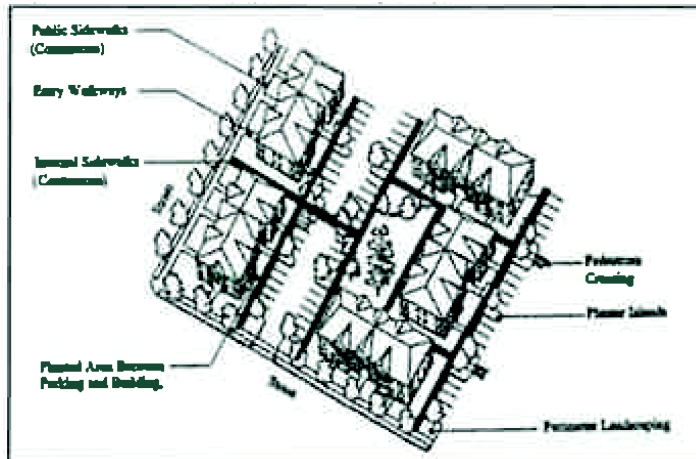
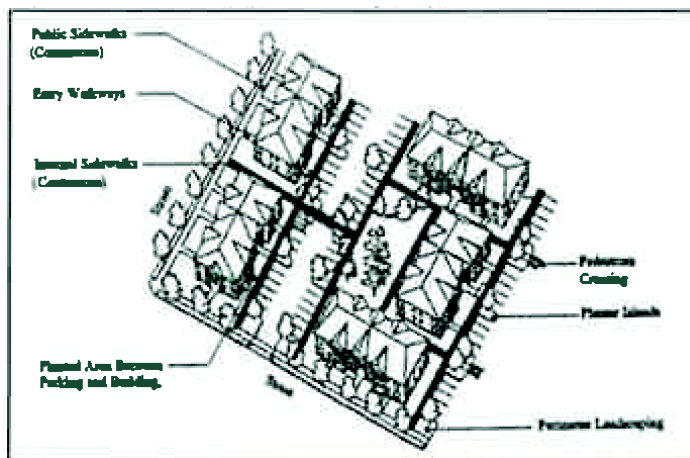
**Chapter 16.96 - ON-SITE CIRCULATION**

**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 other than cottage clusters), 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, 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

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egress from Highway 99W and arterial roadways. 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.
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.

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**2. Multi-Family-Dwelling:**

- 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 - GENERAL PROVISIONS<sup>[46]</sup>**

[...]

**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 - 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 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, 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').
  - (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.

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- (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 - SUBDIVISIONS<sup>[51]</sup>**

[...]

**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 structures, 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).

**C. Public Improvements**

1. An applicant must demonstrate adequate water, sanitary sewer and other public facilities exist to support the proposed condominium development. For the purposes of this section:
  - a. Adequate water service shall mean: Ability to connect to the City water supply system and the City water supply system has the capacity to provide service in compliance with City standards.
  - b. Adequate sanitary sewer service shall mean: Ability to connect to the City sanitary sewer system and the City sanitary sewer system has the capacity to provide service in compliance with City standards, if City sanitary sewer lines are location within three-hundred (300) feet of any point of the lot lines of the lot proposed for condominiums.
  - c. Installation of private on-site septic sewage disposal facilities shall be deemed adequate when the lot proposed for condominiums is 15,000 square feet or more if the private on-site septic system is permitted by Washington County Health and City sewer lines are not located within three-hundred (300) feet of any point of the lot lines of the lot proposed for condominiums.
  - d. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.

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2. An applicant must demonstrate that all public improvements required for the condominium development have been installed and approved by the City Engineer or appropriate service provider (e.g., road authority). Alternatively, the developer has provided a performance guarantee in accordance with § 16.120.070.

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**Housing Choices Standards**

**Division VIII. - ENVIRONMENTAL RESOURCES**

**April 25, 2022**  
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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  $\pi r^2$  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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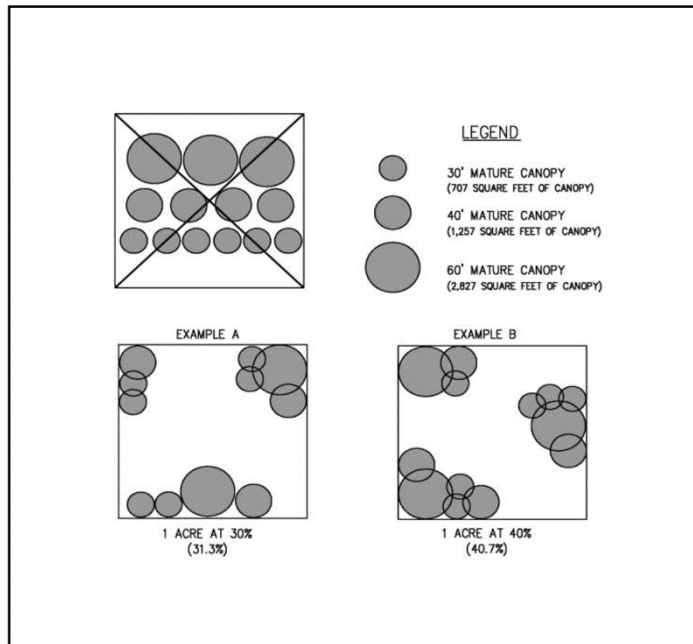
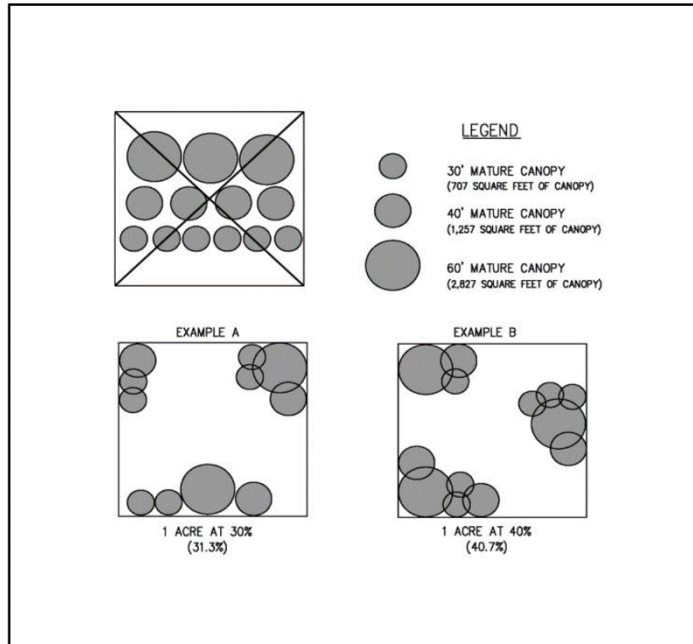
equation  $\pi r^2$  to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.

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 and middle housing developments) subject to Residential Design Checklist or Type I review | Residential (single family detached 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 <math>\pi r^2</math> or <math>(3.14159 * \text{radius}^2)</math> (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 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 - 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**

[Removed from draft]

**TO:** Sherwood City Council

**FROM:** Joy L. Chang, Senior Planner

**Through:** Erika Palmer, Planning Manager, Julia Hajduk, Community Development Director, Keith D. Campbell, City Manager and Josh Soper, City Attorney

**SUBJECT:** **Ordinance 2022-005, Amending sections of the Transportation System Plan for Housing Choices** (*First Reading*)

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**Issue:**

Shall the City Council amend sections of the Transportation System Plan (TSP) by increasing the residential street standard width from 28-feet to 36-feet and adding a new public alleyway cross section standard?

**Background:** The TSP went through its last major update in 2014. With the implementation of the 2019 House Bill, (HB) 2001 Middle Housing, it was identified that a cross section detail for a Public Alley was missing from the adopted 2014 TSP. An amendment to the 2014 TSP, Volume 1, Section 8: The Standards, Figure 16: Cross Sections, is required to include the new Public Alley cross section detail (new Figure 16 G of the TSP). The proposed amendments provide clear and objective standards for residential and public alleyway street design.

At the City Council work session of March 1, 2022, Council identified that the proposed pedestrian street light for alley streets should be the same as the typical street light height of 20-feet due to potential damage by utility vehicles. Furthermore, the street lighting fixtures should be decorative. At the Planning Commission hearing of March 8, 2022, the Commission discussed possible light intrusion to neighboring properties with the typical 20-foot light fixture and requested staff to provide additional data. The Commission also agreed that a decorative lighting fixture was appropriate.

Staff has provided a revised public alley street cross section reflecting pedestrian scale lighting that is 16-feet in height with a Westbrooke decorative light fixture. A note was also added to the alley cross section that indicates parking on a public alley right-of-way is not allowed.

City Council, Planning Commission, and the Sherwood community has identified that safety and on-street parking are valued benefits to the Sherwood Community. The existing 28-foot Residential Standard cross section only allows for parking on one side of the street. Staff proposes a 36-foot Residential Standard cross section that would allow parking on both sides of the street as desired by the Sherwood community (an update to Figure 16 D of the TSP). Furthermore, the new residential street standard will allow for safe emergency vehicle travel, efficient travel for vehicles, and will continue to accommodate convenient pedestrian and bicycle circulation.

The Sherwood Planning Commission held its first public hearing on March 8, 2022, took public testimony, considered the application (LU 2022-003 PA), and continued the hearing to April 12, 2022. At the March 8, 2022, Planning Commission hearing, one individual did testify in favor of the proposed amendment that would include the new 36-foot Residential Standards cross section that allows for parking on both sides of the roadway. Concerns that the height of the public alley pedestrian light could possibly damage utility vehicles was also heard. Since the March 8, 2022, Planning Commission hearing, the height of the pedestrian lighting in the public alley has been increased from the original proposed height of 12 feet to 16 feet.

On April 12, 2022, the Planning Commission held its second public hearing to consider the proposed amendments. The following items were discussed:

- The Planning Commission determined that Goal 9 (Economic Development), Goal 10 (Housing), and Goal 11 (Public Facilities and Services) are not applicable to this TSP Plan Amendment, and therefore, findings should be deleted from the Staff Report.
- The proposed new 36-foot Residential Standards transportation findings were also requested to be modified to include pedestrian safety and efficient use of our roadways in the findings.
- Staff proposal to amend rear-yard setback, for public alley loaded development, has been removed, due to procedural error and additional research requested. The Planning Commission may consider this as a future amendment to the Code.

With modifications to the proposed amendments reflected above, the Commission voted to close the hearing. After considering the application materials, the proposed amendments, and the findings in the staff report, the Planning Commission voted unanimously to recommend the proposed text amendments, as modified, to the City Council.

**Financial Impacts:**

There is no specific short-term financial impact associated with these changes. The proposed change to increase the residential street width may have future financial impacts due to increased maintenance costs.

**Recommendation:**

Staff respectfully recommends City Council hold the first hearing on Ordinance 2022-005, Amending sections of the Transportation System Plan for Housing Choices. If needed, a second hearing on this Ordinance has been scheduled for June 7, 2022.

**Attachments**

1. Planning Commission Recommendation to Council
2. Ordinance with Exhibit 1

## CITY OF SHERWOOD

**Date: May 10, 2022**

### **Planning Commission Recommendation to the City Council TSP Amendment for Housing Choices**

**File No: LU 2022-003- PA**

#### Recommendation of the Planning Commission

The Sherwood Planning Commission held its first public hearing on March 8, 2022, took public testimony, considered the application (LU 2022-003 PA), and continued the hearing to April 12, 2022. At the March 8, 2022, Planning Commission hearing, one individual did testify in favor of the proposed amendment that would include the new 36-foot Residential Standards cross section that allows for parking on both sides of the roadway. Concerns that the height of the public alley pedestrian light could possibly damage utility vehicles was also heard. Since the March 8, 2022, Planning Commission hearing, the height of the pedestrian lighting in the public alley has been increased from the original proposed height of 12 feet to 16 feet.

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- The Planning Commission determined that Goal 9 (Economic Development), Goal 10 (Housing), and Goal 11 (Public Facilities and Services) are not applicable to this TSP Plan Amendment and, therefore, findings should be deleted in the Staff Report.
- The proposed new 36-foot Residential Standards transportation findings were also requested to be modified to include pedestrian safety and efficient use of our roadways in the findings.
- Staff proposal to amend rear-yard setback, for public alley loaded development, has also been removed, due to procedural error and additional research requested. The Planning Commission may consider this as a future amendment to the Code.

With modifications to the proposed amendments reflected above, the Commission voted to close the hearing. After considering the application materials, the proposed amendments, and the findings in the staff report, the Planning Commission voted unanimously to recommend the proposed text amendments, as modified, to the City Council.



Joy L. Shang  
Senior Planner

**Proposal:** An amendment to the Sherwood Transportation System Plan (TSP) is proposed to assist in implementing the city's Housing Choices project, case file LU 2022-002 PA. A new Public Alley cross section detail and a new 36-foot Residential roadway design standard are proposed for consideration.

- A. **Applicant:** This is a city-initiated amendment to the City TSP.
- B. **Location:** The City's TSP is a long-term guide for the City's transportation system and applies city wide.
- C. **Review Type:** The proposed TSP amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission considered the matter on March 8, 2022, and continued the hearing to April 12, 2022. At the close of this hearing, the Planning Commission will forward a recommendation to the City Council, who will consider the proposal and decide whether to approve, modify, or deny the proposed amendment. The City Council public hearings are tentatively scheduled for May 17, 2022, and June 7, 2022. Any appeal of the City Council's final decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).
- D. **Public Notice and Hearing:** Notice of the March 8, 2022, Planning Commission hearing and tentative April 19, 2022, City Council hearing on the proposed amendment were published in *The Times* on February 17<sup>th</sup> and March 3<sup>rd</sup>, 2021. Notice was also posted in five public locations around town and on the website on February 16, 2022. Notice to the Oregon Department of Land Conservation and Development (DLCD) was submitted on February 2, 2022, and notice to agencies was sent via email on February 17, 2022.
- E. **Review Criteria:** The required findings for Plan Amendments are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC). In addition, the amendment must be consistent with Goals 1, 2, and 12 of the Statewide Planning Goals and Coordinated and Connected Infrastructure Section of the 2040 Comprehensive Plan.
- F. **Background:** The TSP went through its last major update in 2014. With the implementation of the 2019 House Bill, (HB) 2001 Middle Housing, it was identified that a cross section detail for a Public Alley was missing from the adopted 2014 TSP. An amendment to the 2014 TSP, Volume 1, Section 8: The Standards, Figure 16: Cross Sections, is required to include the new Public Alley cross section detail (new Figure 16 G of the TSP). See attached Exhibit A.

At the City Council work session of March 1, 2022, Council identified that the proposed pedestrian street light for alley streets should be the same as the typical street light height of 20-feet due to potential damage by utility vehicles. Furthermore, the street lighting fixtures should be decorative. At the Planning Commission hearing of March 8, 2022, the Commission discussed possible light intrusion to neighboring properties with the typical 20-foot light fixture and requested staff to provide additional data. The Commission also agreed that a decorative lighting fixture was appropriate.

Staff has provided a revised public alley street cross section reflecting a pedestrian scale lighting that is 16-feet in height with a Westbrooke decorative light fixture. A note was also added to the alley cross section that indicates parking on a public alley right-of-way is not allowed. Light intrusion and potential utility vehicle damage are addressed below in Agency Comments.

The Sherwood City Council, Planning Commission, and community have identified that safety and on-street parking are valued benefits to the Sherwood Community. The existing 28-foot Residential Standard cross section is more congested and less safe for allowing parking on one side of the street. Staff proposes a 36-foot Residential Standard cross section that would

allow parking on both sides of the street as desired by the Sherwood community (an update to Figure 16 D of the TSP). See attached Exhibit B.

## **II. PUBLIC COMMENTS**

At the March 8, 2022 Planning Commission hearing, one individual, Mr. Shannon, did testify in favor of the proposed amendment that would include the new 36-foot Residential Standards cross section that allows for parking on both sides of the roadway. Mr. Shannon testified that a 28-foot street impacts safety and efficiency. He also had concerns that the height of the public alley pedestrian light could possibly damage utility vehicles. As noted above, the height of the pedestrian lighting has been increased from the original proposed height of 12 feet to 16 feet and is further discussed below.

## **III. AGENCY COMMENTS**

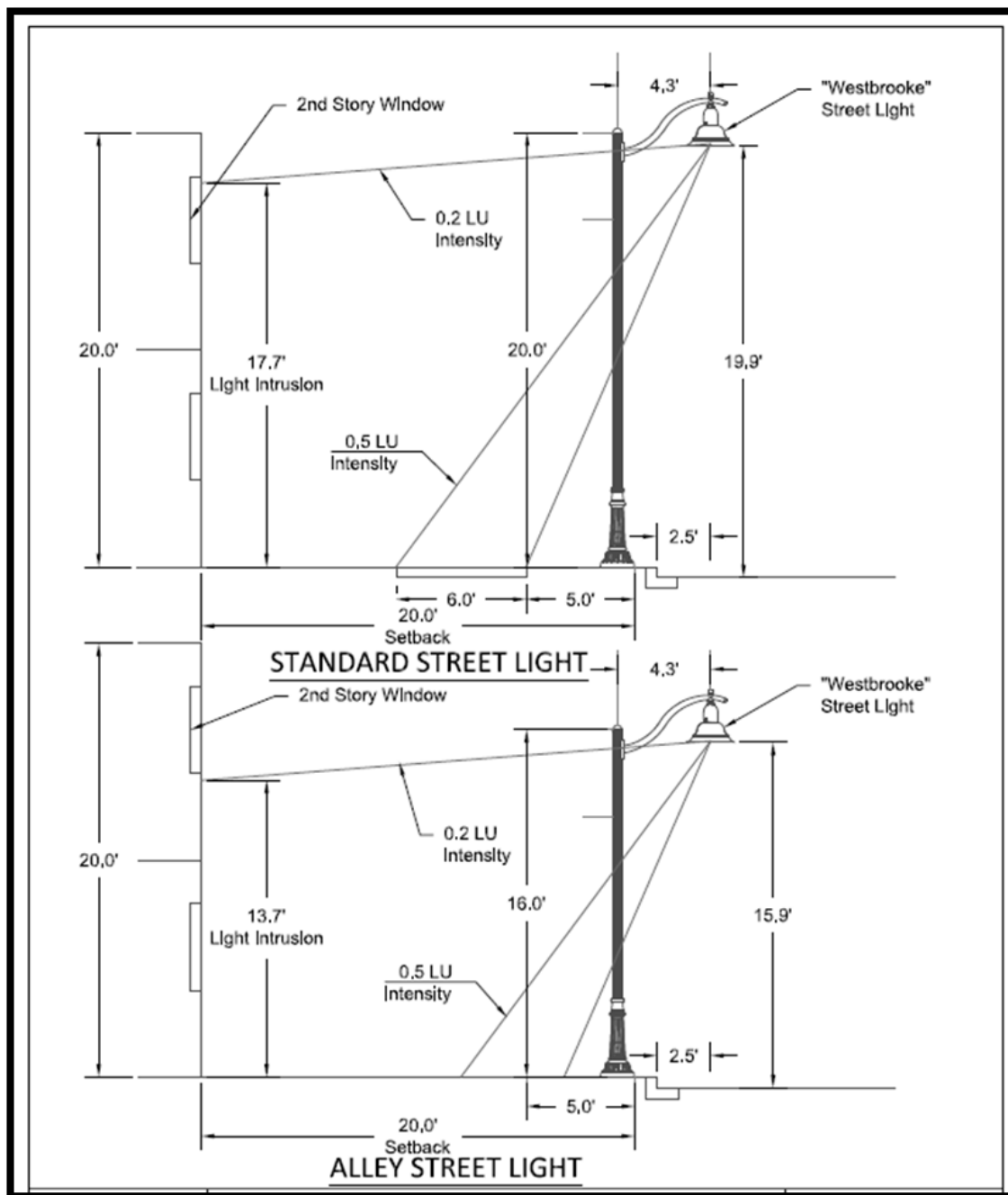
Notice to DLCD was sent on February 2, 2022, and an e-notice to Metro and agency partners was sent on February 17, 2022. Since the March 8, 2022, Planning Commission hearing, staff have requested additional information from Pride Disposal and City of Sherwood Engineering Department to answer questions tied to utility vehicle and light intrusion.

### Pride Disposal

Kristen Tabscott, through email correspondence, has informed staff the Pride Disposal utility trucks would not clear a 12-foot high light pole. Their utility trucks are approximately 12-13 feet tall. A 16-foot high light pole is acceptable for Pride Disposal. Staff has modified the public alley light pole height standards from 12 feet to 16 feet.

### City of Sherwood Engineering

Bob Galati, City of Sherwood Engineer, has provided the light intrusion image below. A standard street light with a height of 20-feet would create light intrusion of 17.7 feet and impact second story windows of neighboring properties. A 16-foot high light pole would create light intrusion of 13.7 feet and would avoid impacting second story windows of neighboring properties.



#### IV. REQUIRED FINDINGS FOR PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are SZCDC §16.80.030.A and §16.80.030.C

##### SZCDC 16.80.030 - Review Criteria

**A. Text Amendment:** An amendment to the text of the Comprehensive Plan or the Zoning and Community Development Code must be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment must be consistent with the intent of the adopted Sherwood Comprehensive Plan, and with all other provisions

**of the Plan, the Transportation System Plan, and this Code, and with any applicable State or City statutes and regulations, including this Section.**

**Response:** The last major Transportation System Plan update for Sherwood occurred in 2014. The 2014 update became a priority for the City to address growing transportation needs. The update was funded through an Oregon Department of Transportation -Transportation and Growth Management grant. In addition to addressing local needs, the plan is intended to be consistent with state and regional policies, such as the Oregon Transportation Planning Rule (TPR), Metro's Regional Transportation Plan (RTP), Metro's Regional Transportation Functional Plan (RTFP), and the Washington County TSP.

#### Residential Neighborhood Street Amendment & Alleyway Cross Section Standard

The proposed amendments to the TSP Volume I are intended to provide consistency in references and text between the Sherwood Zoning and Community Development Code. City Council, Planning Commission, and the community have expressed the need for neighborhood streets that are wide enough to allow for parking on both sides of the roadway. The proposed amendment shown in Exhibit B has been identified as a community need by the Planning Commission, City Council, and the community. The proposed amendment provides for safe and efficient street connectivity and parking on both sides of the street that has been identified as a community concerns through city surveys, outreach efforts and previous issues to the Land Use Board of Appeals (LUBA).

As shown in Exhibit A, the proposed alleyway cross section standard has been identified as a need because one did not exist within the TSP.

#### Metro's Regional Transportation Plan (RTP) & Regional Transportation Functional Plan (RTFP)

Collector and local streets are general access facilities that provide for community and neighborhood circulation are not usually part of the regional transportation system except when located within designated Metro 2040 areas such as town centers and regional mobility corridors or when they are a part of the Regional Bicycle Network or Regional Pedestrian Network. Sherwood's adopted Town Center Plan emphasizes improving bicycle and pedestrian connections within the existing central residential neighborhoods in this plan.

The proposed residential street amendment would eliminate the 28' Standard Residential Street and replace it with a 36' Standard Residential Street. The vehicle speed on local streets will remain the same and serve both bicyclists and pedestrians. Local street spacing requirements and cul-de-sac street length will remain the same and consistent with the Regional Transportation Functional Plan requirements.

The proposed alleyway cross section identifies the standard for an alley, including pedestrian lighting. An alleyway local street cross section is missing in the existing TSP.

The proposed amendments to the local neighborhood street cross sections in the TSP do not conflict with policies outlined in Metro's RTP or RTFP.

### Washington County TSP

The Washington County TSP does not set local standards for residential streets; therefore, the amendments are consistent with this plan. Sherwood's TSP was coordinated with Washington County and therefore is consistent with the county's TSP.

Oregon Land Use Goal 12, Transportation & Oregon Transportation Planning Rule (TPR) Oregon Administrative Rules (OAR) Chapter 660 Division 12, Transportation Planning, implements Statewide Planning Goal 12, Transportation. Statewide Planning Goal 12, Transportation, aims to provide and encourage a safe, convenient, and economic transportation system. The purpose of Division 12 is to direct transportation planning in coordination with land use planning to:

- (a) Promote the development of transportation systems adequate to serve statewide, regional and local transportation needs and the mobility needs of the Transportation disadvantaged;
- (b) Encourage and support the availability of a variety of transportation choices for moving people that balance vehicular use with other transportation modes, including walking, bicycling and transit in order to avoid principal reliance upon any one mode of Transportation;
- (c) Provide for safe and convenient vehicular, transit, pedestrian, and bicycle access and circulation;
- (d) Facilitate the safe, efficient and economic flow of freight and other goods and services within regions and throughout the state through a variety of modes including road, air, rail and marine Transportation;
- (e) Protect existing and planned transportation facilities, corridors and sites for their identified functions;
- (f) Provide for the construction and implementation of transportation facilities, improvements and services necessary to support acknowledged comprehensive plans;
- (g) Identify how transportation facilities are provided on rural lands consistent with the goals;
- (h) Ensure coordination among affected local governments and transportation service providers and consistency between state, regional and local transportation plans; and
- (i) Ensure that changes to comprehensive plans are supported by adequate planned transportation facilities.

The proposed amendments are not in conflict with the purpose of OAR Chapter 660, Division 12, Transportation Planning.

### OAR 660-12-0045, Implementation of the Transportation System Plan

OAR 660-12-0045(7) states, "local governments shall establish standards for local streets and accessways that minimize pavement width and total right-of-way consistent with the operational needs of the facility. The intent of this requirement is that local governments consider and reduce excessive standards for local streets and accessways in order to reduce the cost of construction, provide for more efficient use of urban land, provide for emergency vehicle access while discouraging inappropriate traffic volumes and speeds, and which accommodate convenient pedestrian and bicycle circulation."

The proposed residential street cross section as shown in Exhibit B, will increase the total pavement width of the local street by 8 feet to accommodate two lanes of travel for vehicular use and parking on both sides of the roadway. This proposed amendment increases each vehicle lane by an additional 4 feet for a total of 8 feet to accommodate parking on both sides of the roadway. The sidewalk standard will remain at 6 feet in width. As proposed, the residential street cross section standard is the minimum pavement width that will allow for two lanes for travel and parking on both sides of the roadway, consistent with the facility's operational needs. The traffic volume (<1,000 vehicles per day) and roadway speed (25 miles per hour) will remain the same. The additional 8 feet of pavement will increase construction costs; however, it will allow for safe emergency vehicle travel, efficient connectivity for vehicle travel, and will continue to accommodate convenient and safe pedestrian and bicycle circulation. The proposed amendment is not excessive and provides the minimum additional width needed to accommodate and optimize parking on both sides of the roadway.

The proposed amendment to the alleyway cross section is not excessive and provides for the minimum width for travel, utilities, and lighting. This amendment is not in conflict with the Transportation Planning Rule.

**FINDING:** As described above, the proposed amendments are consistent with regional, county, and state policies. The proposed amendment to the residential street cross section will allow for safe and efficient street connectivity. The proposed amendments are in compliance and support the RTP, RTFP and TPR.

### **C. Transportation Planning Rule Consistency**

**1. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.**

**2. "Significant" means that the transportation facility would change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification, allow types of land use, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility, or would reduce the level of service of the facility below the minimum level identified on the Transportation System Plan.**

**3. Per OAR 660-12-0060, Amendments to the Comprehensive Plan or changes to land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:**

- a. Limiting allowed uses to be consistent with the planned function of the transportation facility.**

- b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses.**
- c. Altering land use designations, densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes.**

The TPR requires that the City inventory the existing system, identify deficiencies that would negatively affect state facilities, and identify alternatives to address those deficiencies. The proposed amendments to the TSP, do not affect the existing inventory of the existing transportation system. The proposed amendment to the residential street cross section in Exhibit B, is intended to address community needs that will allow for safe emergency vehicle travel, efficient connectivity for vehicular travel, and parking on both sides of a neighborhood street.

The alleyway cross section in Exhibit A, is intended to maintain policy consistency between the TSP and the city's Development Code. The proposed changes do not affect land use regulations which significantly affect a transportation facility. For these reasons noted, the proposed amendments are consistent with the TPR.

The City sent notice of the proposed TSP amendment to the State Department of Land Conservation and Development (DLCD), the Oregon Department of Transportation (ODOT), and Washington County.

**FINDING:** As noted above, the proposed amendments would make minor changes to the City's TSP for plan consistency and to meet the community's needs. The addition of a public alleyway cross section detail and amending the existing 28-foot Residential street standards to 36-feet does not significantly change the TSP and any existing land use plan policies. Therefore, City's TSP document remains consistent with the Transportation Planning Rule.

#### **Consistency with the Comprehensive Plan**

The recently adopted 2040 Comprehensive Plan, Coordinated and Connected Infrastructure, has specific objectives and policies that are applicable to the proposed standards as discussed below:

**Goal 1- Plan and implement a transportation system that is forward-looking, responsive and innovative to maximize capacity and ensure safety, efficiency and retention of Sherwood's livability and small-town character.**

**Goal 4 - Ensure reliable, safe, affordable and adequate public facilities to meet Sherwood's existing and future needs.**

**FINDING:** The existing transportation goals will remain intact from the last major TSP adoption in 2014. The proposed amendments are minor in nature and are intended to provide consistency, removing conflicts within the existing TSP document and the city's Development Code, while meeting the community's needs. The addition of the Public Alley cross section detail will provide

the opportunity for a different classification of roadway. A Public Alley can assist with affordability of certain types of development.

As stated in the adopted TSP document, *“The projected growth in housing and employment is likely to lead to increased activity and person-trips in Sherwood. Even with enhancements to pedestrian and bicycle opportunities, and an increase in jobs near residential areas, and progress towards non-driving trips, there is projected to be an increase of approximately 65% weekday peak hour vehicle trips in Sherwood by 2035. Along with this growth, the total vehicle distance travelled in Sherwood is projected to increase, even though the distanced travelled per person is projected to decrease. This increased overall vehicle travel will place additional strain on Sherwood’s streets.”* The proposed 36-foot roadway standard in Exhibit B, will provide two lanes of vehicular travel and on-street parking that meets Sherwood’s existing and future needs for safe, efficient and well connected streets. The proposed amendments are consistent and support the community’s Comprehensive Plan.

### **Consistency with other City Planning Documents**

The proposed text amendment impact only the TSP and does not impact any other City Planning documents. Therefore, the proposed text amendments are consistent with other City Planning documents.

**FINDING:** As noted above, the proposed text amendments are consistent with other City Planning documents since the amendments are to the TSP and the Development Code.

### **Consistency with Oregon Statewide Planning Goals**

#### **Goal 1: Citizen Involvement**

It is the purpose of this Goal to develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

**FINDING:** Staff utilized the public notice requirements of the Code to notify the public of the proposed plan amendments. The City’s public notice requirements have been found to comply with Goal 1 and, therefore, this proposal meets Goal 1.

#### **Goal 2: Land Use Planning**

It is the purpose of this Goal to establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

**FINDING:** The proposed amendments are being processed in compliance with the local, regional and state requirements. The proposed amendments do not alter any goals and policies in the Comprehensive Plan. The proposed amendments deliver consistency within the TSP and the Development Code.

**Goal 3: Agricultural Lands**

**Goal 4: Forest Lands**

**Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**

**Goal 6: Air, Water and Land Resources Quality**

**Goal 7: Natural Hazards**

**Goal 8: Recreational Needs**

**Goal 9: Economic Development**

**Goal 10: Housing**

**Goal 11: Public Facilities and Services**

**FINDING:** The Statewide Planning Goals 3-11 do not apply to the proposed plan amendments. There is no evidence to suggest that the proposal conflicts with these goals.

**Goal 12: Transportation**

This Goal requires cities, counties, and the state to create a transportation system plan that considers all relevant modes of transportation: mass transit, air, water, rail, highway, bicycle, and pedestrian.

**Response:** As discussed throughout this report, the proposed amendments are relatively minor in nature. The vast majority of Sherwood residents travel outside of the city for employment, and other transportation options are extremely limited. Sherwood has just two bus lines, neither offering frequent service and neither serving a significant portion of our residential areas nor connecting our residential areas to services. The bus lines move people in and out of Sherwood to Tigard/Portland and Tualatin. In contrast, the majority of our residents are employed outside of Sherwood in communities without convenient transit services from Sherwood, such as Beaverton, Hillsboro, and Wilsonville. As stated above in this report, projected growth in housing and employment is likely to lead to increased activity of in-person trips in Sherwood and this increase in overall vehicle travel will place additional strain on Sherwood's streets. Increasing the street width allows for a wider street to accommodate two lanes of efficient travel movement, efficient street connectivity, and on-street parking on both sides of the street. In addition, public safety vehicles such as fire trucks will be able to maneuver and deploy equipment safely and comfortably within a wider street width.

Per the American Community Survey, 2010-2019, at 1.97 vehicles per household, Sherwood has an 8% higher rate of car ownership than Washington County as a whole (1.83 vehicles per household), and a 33% higher rate than Portland (1.48 vehicles per household). The increased paved roadway width will allow for additional on-street parking that is consistent with the operational needs of the Residential street facility. Throughout the City's comprehensive planning process, residents indicated in surveys that additional on-street parking is needed. In Sherwood, in some of our neighborhoods with the greatest parking issues, we have seen neighbors become less neighborly and less civil towards one another. Increasing the paved width of the local residential street standard is not inconsistent with the City's adopted Comprehensive Plan or TSP. The updated Residential street standard in addition to the goals and policies within the City's TSP

will still provide for efficient use of our roadways, and safe and convenient pedestrian, bicycle, and vehicular circulation consistent with access management standards.

The city's TSP will remain consistent with the TPR, which implements Goal 12.

**FINDING:** Specific findings of Development Code compliance with TPR Section 660-12-0045 are provided in the TSP, Volume II, Section H, which were adopted in 2014. The proposed amendments to the TSP are warranted by the community, are minor in nature and provide consistency with planning documents. No goals, policies, street classifications, or new regulatory language is being proposed. For these reasons noted, these amendments are consistent with the TPR.

**Goal 13: Energy**

**Goal 14: Urbanization**

**Goal 15: Willamette River Greenway,**

**Goal 16: Estuarine Resources,**

**Goal 17: Coastal Shorelands,**

**Goal 18: Beaches and Dunes; and**

**Goal 19: Ocean Resources**

**FINDING:** The Statewide Planning Goals 13-19 do not specifically apply to this proposed plan amendments; nor do the proposed amendments conflict with the stated goals.

***Metro's Regional Framework Plan***

The Functional Framework Plan Six Outcomes are statements adopted by the Metro Council that synthesize the 2040 Growth Concept and regional policies.

1. People live, work, and play in vibrant communities where their everyday needs are easily accessible.
2. Current and future residents benefit from the region's sustained economic competitiveness and prosperity.
3. People have safe and reliable transportation choices that enhance their quality of life.
4. The region is a leader in minimizing contributions to global warming.
5. Current and future generations enjoy clean air, clean water, and healthy ecosystems.
6. The benefits and burdens of growth and change are distributed equitably.

**Response:** The proposed amendments are consistent with the City's Comprehensive Plan; therefore, the amendments are consistent with the 2040 Growth Concept and regional policies.

## **V. RECOMMENDATION**

As proposed, the draft amendment to the TSP and SZCDC, supports and meets the intent of City's Comprehensive Plan, and all applicable state and regional criteria.

### **PLANNING COMMISSION ALTERNATIVES**

1. Approve the findings in this staff report and recommend approval to City Council.
2. Modify the findings and approve the staff report as modified in compliance with all applicable criteria and recommend approval to City Council.
3. Modify the findings and deny the proposed amendment based on the Commission's findings, and recommend denial of the proposal to City Council; or
4. Continue the Public Hearing to a date certain if more information is needed.

### **STAFF RECOMMENDATION**

Based on the above findings and applicable code criteria, staff recommends that the Planning Commission forward a recommendation of approval of the proposed text amendment to the Sherwood TSP and SZCDC, Case File LU 2022-003 PA, to the Sherwood City Council.

## **VI. EXHIBITS**

- A. Proposed Public Alley Cross Section Detail
- B. Proposed 36-foot Residential Standard Detail



## ORDINANCE 2022-005

### AMENDING SECTIONS OF THE TRANSPORTATION SYSTEM PLAN FOR HOUSING CHOICES

**WHEREAS**, the proposed amendments are minor in nature and are intended to provide consistency, removing conflicts between the existing Transportation System Plan (TSP) document and the City's Development Code, and better meet the community's needs; and

**WHEREAS**, the proposed 36-foot roadway residential standard will allow for two lanes for travel and provide adequate on-street parking that meets Sherwood's existing and future needs; and

**WHEREAS**, the proposed 36-foot roadway residential standard will allow for safe emergency vehicle travel, efficient travel for vehicles, and will continue to accommodate convenient pedestrian and bicycle circulation; and

**WHEREAS**, the addition of the Public Alley cross section detail will provide consistency between the development code and the city's adopted TSP; and

**WHEREAS**, the proposed Public Alley cross section detail is not excessive and provides for the minimum width for travel, utilities, and lighting; and

**WHEREAS**, on April 12, 2022, the Planning Commission conducted a public hearing, considered the proposed increase of residential street width from 28-feet to 36-feet and a new public alleyway standard, and recommended that the City Council adopt the proposed amendments; and

**WHEREAS**, the City Council held the first public hearing on the proposed amendments on May 17, 2022.

### NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

**Section 1.** After full and due consideration of the application, the Planning Commission recommendation, the record, and evidence presented at the public hearings, the City Council adopts the findings of fact contained in the Planning Commission recommendation, which is included as Attachment 1 to the staff report for this Ordinance, finding that the text of the Transportation System Plan shall be amended as follows:

1. Volume 1, Section 8: The Standards, Figure 16: Cross Sections, shall be amended to add a new Public Alley cross section detail (new Figure 16 G) as depicted in Exhibit A, attached hereto.
2. Volume 1, Section 8: The Standards, Figure 16: Cross Section, shall be amended to delete the current 28' Standard Residential in Figure 16 D and replace it with a new 36' Standard Residential in Figure 16 D as depicted in Exhibit B, attached hereto.

**Section 2.** The proposed amendments to the Transportation System Plan in Exhibits A and B, attached to this Ordinance, are hereby **APPROVED**.

**Section 3.** This Ordinance shall become effective 30 days from its adoption

**Duly passed by the City Council this 17<sup>th</sup> of May, 2022.**

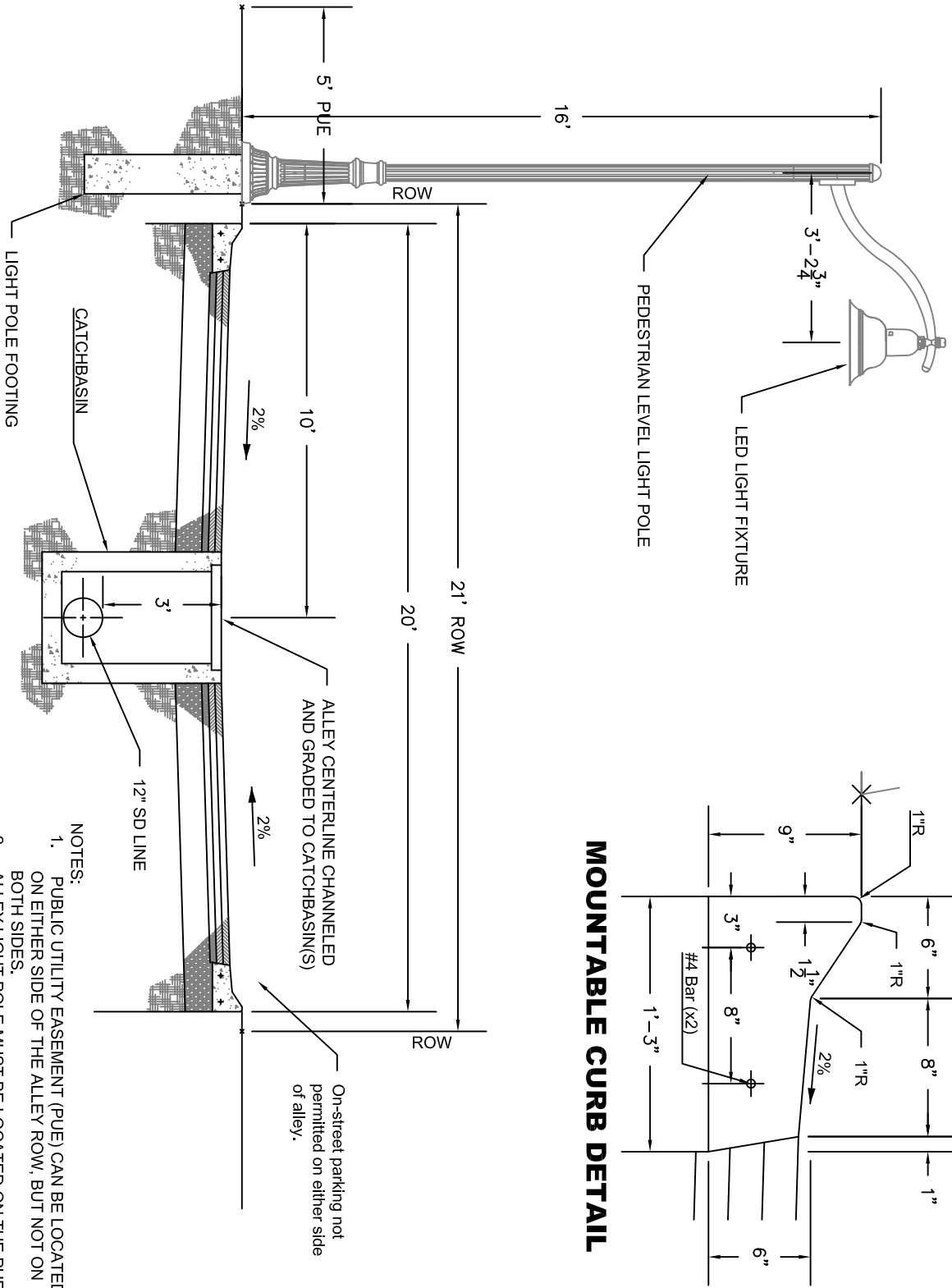
\_\_\_\_\_  
Keith Mays, Mayor

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

|         | <u>AYE</u> | <u>NAY</u> |
|---------|------------|------------|
| Giles   | _____      | _____      |
| Scott   | _____      | _____      |
| Brouse  | _____      | _____      |
| Young   | _____      | _____      |
| Garland | _____      | _____      |
| Rosener | _____      | _____      |
| Mays    | _____      | _____      |



PUBLIC ALLEY CROSS SECTION

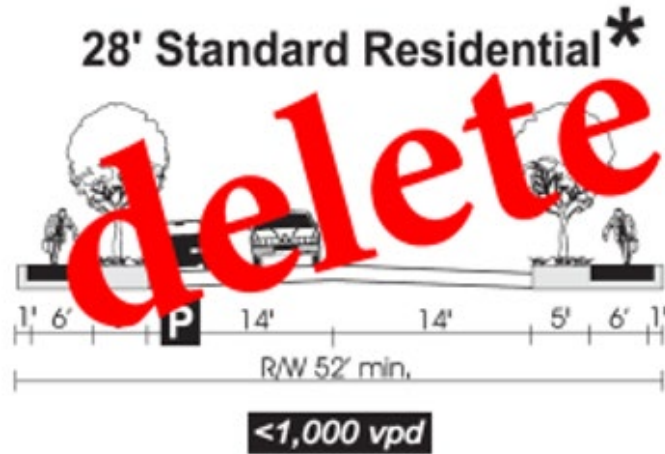
MOUNTABLE CURB DETAIL

NOTES:

- 1. PUBLIC UTILITY EASEMENT (PUE) CAN BE LOCATED ON EITHER SIDE OF THE ALLEY ROW, BUT NOT ON BOTH SIDES.
- 2. ALLEY LIGHT POLE MUST BE LOCATED ON THE PUE SIDE OF THE ALLEY ROW.
- 3. ALLEY LIGHTING FIXTURE STYLE MUST BE COMPLIANT WITH PGE STANDARDS AND ACCEPTABLE TO THE CITY.
- 4. On-Street parking is not permitted on either side of the alley.

| STANDARD DRAWING TITLE                                                                                                                                                                                      |        | DRAWING NUMBER |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|----------------|
| PUBLIC ALLEY CROSS SECTION DETAIL                                                                                                                                                                           |        | X-XX           |
|  <div>Any alteration of this drawing may not be associated in any way with the City of Sherwood Standard Drawings.</div> | SCALE  | DATE           |
|                                                                                                                                                                                                             | N.T.S. | MON' YY 217    |

Remove the “28’ Standard Residential” Cross Section and replace it with “36’ Standard Residential Cross Section that allows for parking on both sides of the street as reflected below.



## **NEW 36' Standard Residential**

