



Home of the Tualatin River National Wildlife Refuge

Planning Commission Meeting Packet

FOR

**December 18, 2013
At 7 PM**

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



**City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
December 18, 2013 – 7:00 PM**

AGENDA

- 1. Call to Order/Roll Call**
- 2. Agenda Review**
- 3. Consent Agenda: None**
- 4. Council Liaison Announcements (Mayor Middleton)**
- 5. Staff Announcements (Brad Kilby)**
- 6. Community Comments**
- 7. New Business**
 - a. Public Hearing - PA 13-02 Brownstone Text Amendment and Zone Change (Michelle Miller)**

The Planning Commission will consider a zone change proposal from General Commercial to High Density Residential to Tax Lot 2S130CD13400 (located north of Meinecke Parkway near the roundabout at Cedar Brook Way and Meinecke Parkway) and forward a recommendation to the City Council.

- 8. Planning Commissioner Announcements**
- 9. Adjourn**

New Business Agenda

Item A

CITY OF SHERWOOD
Staff Report
Brownstone Text Amendment and Zone Change

Date: December 11, 2013
File No: PA 13-02

To: Planning Commission

FROM: Planning Department



Michelle Miller, AICP
Senior Planner

Proposal:

The applicant has requested a comprehensive plan and zone map amendment to change the zone from General Commercial (GC) to High Density Residential (HDR). Additionally, the applicant proposes to amend the planned unit development standards to remove the minimum lot size requirement of 5,000 square feet for residential developments. The property subject to the zone change is vacant. The applicant's proposed text amendment Code language is included as Exhibit A. The applicant's entire application packet is attached as Exhibit B.

I. BACKGROUND

- A. Applicant Brownstone Real Estate Group
P.O. Box 2375
Lake Oswego, OR
Contact: Randy Myers
- B. Applicant's Representative Cardno
5415 SW Westgate Drive, Suite 100
Portland OR 97221
- C. Location: Washington County Tax Map 2S130CD13400 The property is at the northeastern intersection of SW Cedar Brook Road and Meinecke Parkway
- D. Parcel Sizes: 5.77 acres total, including area for Cedar Brook Way extension
- E. Existing Development and Site Characteristics: The site is vacant with a vegetated corridor along the western and northern edges of the property line. The vegetated corridor is approximately fifty feet in most places and slopes to the western edge of the site into the vegetated corridor. Nine trees are to remain within this corridor. The rest of the site is vacant and level. SW Meinecke Parkway, a fully developed roadway extends to the roundabout at the intersection of SW Meinecke Parkway and SW Cedar Brook Way with curb tight sidewalks to the roundabout.
- F. Site History: The site was initially part of a three-lot minor land partition, Cedar Brook Way MLP (05-05), and was approved in 2005. When the Oregon Department of Transportation (ODOT), in cooperation with the City constructed the western extension of SW Meinecke Parkway

terminating in a traffic roundabout at SW Cedar Brook Way, tax lots 100 and 101 were physically created with the road separating them. The three lots were zoned General Commercial. Two of those lots have office buildings currently constructed on their property. This third lot is the subject of this zone change.

- G. Zoning Classification and Comprehensive Plan Designation: The site is zoned General Commercial (GC) and generally allows a wide range of commercial uses.
- H. Adjacent Zoning and Land Use: Land to the east is zoned High Density Residential (HDR) and developed with multifamily housing. Land to the south and across SW Meinecke is also zoned GC, and developed with two separate office buildings. To the west and across the vegetated corridor buffer, is a residential subdivision with single-family homes zoned low-density residential, planned unit development (LDR-PUD). The subdivision is Wydham Ridge.
- I. Review Process: Both the proposed text amendment and zone change require a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission will make a recommendation to the City Council who will make the final decision. There will be a twenty-one (21) day appeal period after the Council issues their decision. Any appeal of the City Council decision would go directly to the Oregon Land Use Board of Appeals (LUBA).
- J. Public Notice and Hearing: Notice of the application was mailed to property owners within 1,000 feet, posted on the property, and distributed in five locations throughout the City on November 25, 2013 in accordance with § 16.72.020 of the SZCDC. The notice was published in the Sherwood Gazette on December 1, 2013 and published in the Times on December 12, 2013 (a newspaper of general circulation) in accordance with § 16.72.020 of the SZCDC.
- K. Review Criteria: The required findings for the Plan Amendment are identified in § 16.80 (Plan Amendments), Comprehensive Plan Criteria: Chapter 2-Planning Process, Chapter 3-Growth Management, Chapter 4-Land Use, Metro Urban Growth Management Functional Plan: Title 1. Housing Capacity, Oregon Transportation Planning Rule: (OAR 660-012-0060), Statewide Planning Goals: Goal 1- Citizen Involvement, Goal 2- Land Use Planning, Goal 9-Economic Development, Goal 10-Housing

II. PUBLIC COMMENTS

Sally Robinson no address provided submitted an email to staff on December 2, 2013 indicating her concern with the proposal. She raised the issue of onsite parking as well as the additional traffic that could be generated with this high-density residential use. Her comments are attached as Exhibit C.

Staff Response: The parking standards are set based on a particular use within the zoning designation. The parking standards are not under review and any land use application regardless of the zoning designation will be required to meet or be conditioned to meet all community design standards found within the current Sherwood Zoning and Development Code.

With respect to traffic, residential uses generate less traffic than commercial uses as the traffic impact analysis indicates. This roadway and nearby signalized intersection are equipped to manage the capacity for the proposed residential use.

III. AGENCY COMMENTS

Staff e-mailed notice to affected agencies on November 24, 2013. The following is a summary of comments received as of this date.

ODOT Comments, dated December 9, 2013 and attached as Exhibit D.

ODOT has reviewed the traffic impact analysis submitted by the applicant which compares the reasonable highest trip generation for allowed land uses under the existing General Commercial zoning to the reasonable highest trip generation for the proposed High Density Residential zoning. Since the reasonable highest trip generation under the proposed zoning is less than the existing zoning, ODOT has determined there will not be a significant effect on state highway facilities with the proposed zone change.

Engineering Department Comments dated December 11, 2013 indicate that the zone change would not negatively impact the transportation system or other public infrastructure. The comments are attached as Exhibit E and discussed below.

Transportation Review

A Traffic Analysis Report, by Charbonneau Engineering LLC, dated October 2013, was submitted as part of the application. The report indicates that the proposed zoning change and code text amendment will result in fewer A.M. and P.M. peak hour trips. The report indicates that the development will experience LOS "D" or better and operate with a V/C ratio of 0.75 during both A.M. and P.M. peak hour traffic.

The development is proposing two access points to the development. One access point is located off the constructed extension of Cedar Brook Way, to the existing roundabout at the Meinecke Road intersection. The second access point is located approximately 180 feet east of the roundabout on Meinecke Road. City Engineering Design Standards indicates that a design spacing minimum of 400 feet is required for intersections on collector status streets. However, this access is proposed to be configured as a right-in/right-out intersection, in which case the 180-foot distance would be acceptable conditioned on meeting minimum sight distance requirements.

Storm System Review

There are no existing public storm water facilities that would be able to serve the site. The existing storm water quality facility located on Cedar Brook Way near Hwy 99W serves the Cedar Brook development and is not size for additional capacity. This storm water facility is located on land owned by the current property owner located on the north side of Cedar Brook Way.

The applicant could investigate the willingness of the existing storm water facility property owner to allow expansion of the facility. Regardless, the site will need to provide storm water quality treatment of impervious surface storm water runoff generated at the site to meet CWS standards. Discharge of treated storm water runoff would most likely be to the Cedar Creek tributary located to the west of the site.

Sanitary Sewer System Review

There is an existing public 8-inch sanitary sewer mainline located in Cedar Brook Way. This sewer main would need to be extended with the construction of Cedar Brook Way to be able to provide service to the site. The existing sanitary sewer system located in Cedar Brook Way has the capacity to handle the proposed development.

Water System Review

There is an existing 12-inch water mainline located in Cedar Brook Way. The water main would need to be extended with the construction of the extension of Cedar Brook Way to provide service to the site. The existing water system located in Cedar Brook Way has the capacity to handle the proposed development.

General Comments

The traffic analysis report depicts outdated roadway classifications in a reference table. This table shall be updated to reflect current City TSP roadway classifications. The reference chart also incorrectly indicates an existing Cedar Brook Way paved section with of 32 feet. This reference chart shall be updated to reflect a correct paved width of 36 feet. The proposed design road section extension for Cedar Brook Way shall conform to the existing road section of Cedar Brook Way.

Conclusion

The requested zoning change and code text amendment will not have a negative impact on adjacent public transportation systems, or the ability of public utility infrastructure to handle the additional demand made by the site development.

IV. PLAN AMENDMENT REQUIRED FINDINGS

16.80.030 - Map Amendment

This section states that an amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and A-D below.

The applicable Comprehensive Plan policies are discussed under Section V. below. Section 16.02.080 requires that all development adhere to all applicable regional, State and Federal regulations. Applicable Regional regulations are discussed under Section VI. and applicable State regulations are discussed under Section V.

FINDING: This is discussed in detail below.

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

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

B. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing

market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.

Zone Change

The applicant proposes to rezone property from commercial to high density residential. The proposed zoning designation allows for a variety of housing types from single-family to multi-family units such as townhomes, condominiums and apartments. Examples of HDR development in Sherwood range from the Sunfield Lake Apartments to Sherwood Village, a detached single family residential planned unit development. The housing density range for this zoning is 16.4 to 24 dwelling units per acre. There are approximately 121 acres of existing HDR properties within the City and fewer than 10 remaining acres that have yet to be developed. The applicant's Economic Analysis (EA) indicates that that HDR accounts for approximately 6% of the overall land supply of residentially zoned properties. The City owns the only comparable HDR property over 5 acres, but much of that is undevelopable due to slopes and the vegetated corridor buffer on the property. If approved, there is approximately 2.75 acres of developable land on this site and thus the density range for this development would be 46-66 dwelling units.

Specific site conclusions of the applicant's EA indicate that the site provides appropriate flexibility with regard to residential development feasibility, its proximity to other residential development and proximate access to Highway 99W and the amenities along the roadway. It is effectively "buried" behind adjacent development which limits its visibility and access from Highway 99W making it more ideal for residential over commercial uses where roadway visibility is key. The Cedar Creek natural area will provide a natural open space buffer providing privacy between the neighborhoods and thus increasing economic value to the property.

The applicant's EA contends that the site has disadvantages as a commercial property such as:

- limited visibility to Highway 99W
- adjoining and nearby residential properties would see additional traffic, noise and higher activity levels generated with a commercial property,
- a commercial use would not recognize the economic and community value from the Cedar Creek natural area.

This site is similar to other vacant commercial properties along Highway 99W. There are approximately nine vacant and underdeveloped commercially zoned properties along Highway 99W with varying lot sizes. These properties all have greater visibility along Highway 99W than the subject property and it may be challenging to develop this site commercially because it is not directly located on Highway 99W.

Commercial uses generate service and office jobs within a community and generally provide economic vitality to the community. The City has identified an overall jobs/ housing imbalance in the Economic Development Strategy (EDS) conducted in 2007. Sherwood is "housing rich and jobs poor" compared with the rest of Washington County. The jobs -to-population ratio is .30 in Sherwood compared to .40 for Washington County as a whole. The EDS found the employment levels for Sherwood to range from 3,992 to 4,315 jobs and nearly 85% of the workers who live in Sherwood, work outside of the City limits.

The applicant submitted a market analysis in the application materials addressing the need for additional residential zoning in Sherwood to meet the community's needs. Specifically, the market analysis for Sherwood showed that the price threshold is \$250,000 and higher for single-family detached units and 190,000-300,000 for attached ownership/townhomes. The applicant identifies that the proposed residential development on-site and economically feasible on land zoned HDR would be priced at \$ 195,000 to \$230,000 for attached townhomes and the price point for single-family development would be between \$250,000-350,000. According to the analysis, there is a demand of 670 units of this housing type in Sherwood over the next twenty years.

Minimum Lot Size Text Amendment

The current minimum lot size for all residential developments does not allow the flexible variety of housing types that a planned unit development would normally provide because of the strict adherence to the minimum 5,000 square foot lot size for detached dwelling units. The applicant proposes removal of the minimum lot size in its entirety to provide the greatest flexibility for all developments regardless of the residential zoning. The minimum and maximum density requirements would still need to be met, however. The applicant indicates that the smaller or zero lot housing type is gaining popularity allowing for detached single-family units on separate lots that would be otherwise unattainable under any of the City's existing zones, as well as in the current PUD standards. The Planning Commission and City Council will continue to have strong oversight for Planned Unit Developments and would continue to review the projects with the other planned unit developments standards unchanged.

FINDING: Based on the above analysis the applicant meets this criterion.

C. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.

The proposed amendment is both timely and consistent with the area's land use pattern. There is a very limited supply of vacant HDR properties available within the City's existing boundary. According to Metro RLS data, there are approximately 84 acres of undeveloped or vacant commercially zoned property, located primarily along on SW Tualatin Sherwood Road, SW Roy Rogers or along Highway 99W. The subject property does not have the benefit of the higher visibility that adjacency to these roadways provides and as a result may not develop until after these properties are developed.

Residential uses in the commercial zone are permitted so long as they are secondary to the commercial use. In 2008, the site received land use approval for an independent living facility for senior housing that was conditionally permitted in the GC zone. No other applications have been received or land use approvals granted concerning this property since it was originally partitioned in 2005.

The lack of available housing supply and available vacant commercial supply within the City limits while not dispositive can be seen as an indicator of availability and timing for the proposed

rezone. The adjacent commercial property has been constructed with two office buildings but has remained vacant for over five years whereas the adjoining multi-family residential development is at capacity.

Public infrastructure is available and utilities are able to be constructed to serve the site with the extension of Cedar Brook Way. The applicant has addressed the transportation system with the analysis conducted in their Exhibit G to ensure consistency with the Transportation Planning Rule. Based on that analysis and confirmed by the City's Engineering Department, the existing system can serve high density development on this property should the rezone be approved.

Minimum Lot Size Text Amendment

Although most high-density residential lots can achieve the density requirements if developed on one lot, the minimum lot size of 5,000 square feet precludes the development of single family homes that meet the minimum density requirements of the HDR zoning. The applicant contends and staff agrees that it limits the owner occupied housing type for detached dwelling units that are permitted within this zone. It limits the ability to provide small lot detached dwelling units in the Sherwood housing market that are available in other parts of the region. Because the applicant seeks to remove the minimum lot size, and if developed as a PUD, the community will have considerable oversight in the design and viability of each development.

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

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

The subject site is one of several vacant commercially zoned properties along Pacific Highway between Cedar Brook Way and SW Edy Road. There are no longer any properties within the city limits that are over five acres of land and zoned HDR. In fact, there is limited development potential within the HDR category for multi-family and single family development. Specifically there are less than 10 acres in total of developable HDR residential property within the City.

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

16.80.030 - Transportation Planning Rule (TPR) Consistency

- A. 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.**

The applicant has provided a transportation impacts analysis (TIA) that addressed the TPR consistency. The City's Engineering Department has reviewed the materials and determined that the rezone would have less impact on the transportation facilities.

- B. “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.**

Highway 99W is considered a principal arterial, SW Meinecke is a collector and the portion of Cedar Brook Way when fully constructed adjacent to this property is considered a local street. Because the traffic generated from this development will be less than expected from a property zoned GC, no significant changes can be shown that are inconsistent with the functional classification of a transportation facility or that reduce the level of service of the facility below the minimum identified on the Transportation System Plan.

- C. 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.**

FINDING: Based on the traffic analysis of submitted and the response from the City Engineer as well as ODOT, the zone change would not significantly affect a transportation facility because the average daily trips will be less than the number of trips anticipated with an already identified commercially zoned property.

V. APPLICABLE COMPREHENSIVE PLAN POLICIES

The applicable portions of the Comprehensive Plan include Chapter 3. Growth Management, Chapter 4, Land Use, Section E – Residential; and Section H - Economic Development, Section I - Commercial

Chapter 3. Growth Management

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

The property is located within the City limits and within the urban growth boundary. Adjacent properties have urban facilities such as adequate roadways, water, sanitary sewer and pedestrian connections. Development could improve the level of services occurring in this area and would provide improved connection and infrastructure within our City boundaries. Additionally, the properties will have direct access to SW Meinecke and SW Cedar Brook Way, both collectors south of this development.

The property is adjacent to a sloped wetland area and this would provide a green space amenity for the future residents, thereby improving livability. Since the City does not have a surplus of HDR properties, the higher density would be consistent with growth limits and population densities.

FINDING: Based on the above discussion, the proposal satisfies this policy.

Chapter 4, Section E - Residential Land Use

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

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

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

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

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

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

Zone Change

The applicant proposes a residential use adjacent to other residential areas, rather than a commercial area in between two residential developments. As discussed above, there is limited land available for high-density housing within the City and a disproportionate percentage of that land use designation within the City compared to the lower density housing. The applicant has identified an intention to bring a new single-family housing type within the city limits.

The policies identified above seek to encourage and balance a variety of housing types. By approving this zone change, the City will be providing housing opportunities that are intended to help achieve the policies above.

FINDING: Based on the analysis above, rezoning the property HDR would support the variety of housing types identified as a policy goal to insure that an adequate distribution of housing styles and tenures are available within the community.

Minimum Lot Size Text Amendment

The applicant has proposed a text amendment that would remove the 5,000 square foot minimum lot size requirement for residential properties if developed as a Planned Unit Development. Currently, the smallest lot size for all zones is 5,000 square feet with a 15 % reduction for infill lots so long as the average minimum lot size is met. If approved, this would encourage more of a variety of single-family housing types under the Planned Unit Development review process. The number of lots on a particular site would be based on the density requirement of the zoning designation rather than an applicant's ability to meet the minimum lot

size requirement. The Planning Commission and City Council would have the benefit of reviewing each proposal by following the Planned Unit Development standards providing for innovative developments over time and the flexibility that the market indicates.

The Comprehensive Plan policies encourage variety, style and price in the housing stock available within the City. By removing the minimum lot size requirement, the City would be encouraging the fundamentals of these policies by making housing more affordable and diverse.

FINDING: Based on the above analysis, the applicant meets the intention of the Comprehensive Plan housing policies.

Chapter 4. H. ECONOMIC DEVELOPMENT POLICIES AND STRATEGIES

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

Strategy:

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

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

FINDING: Based on this discussion, the zone change and text amendment would not hinder these economic development policies and strategies.

VI. APPLICABLE REGIONAL (METRO) STANDARDS

Staff Analysis: The only applicable Urban Growth Management Functional Plan criteria are found in Title 1 – Housing. The City of Sherwood is currently in compliance with the Functional Plan and any amendment to the Sherwood Plan & Zone Map must show that the community continues to comply. Table 3.01-7 of this Title indicates that Sherwood's dwelling unit capacity is 5,216 and the job capacity is 9,518.

FINDING: Based on staff's analysis, the proposed zone change is consistent with the Metro Functional Plan criteria and the City would continue to be in compliance if the zone change were approved.

VII. APPLICABLE STATE STANDARDS

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

Goal 1 (Citizen Involvement)

Staff utilized the public notice requirements of the Code to notify the public of this proposed plan amendment. The City's public notice requirements have been found to comply with Goal 1 and, therefore, this proposal meets Goal 1. A neighborhood meeting was held on August 6, 2013 prior to the applicant's submittal to the City. The application is being discussed and decided after a public hearing.

FINDING: Based on the above discussion, the applicant satisfies this planning goal.

Goal 2 (Land Use Planning)

FINDING: The proposed amendment, as demonstrated in this report is processed in compliance with the local, regional and state requirements.

Goal 3 (Agricultural Lands)

Goal 4 (Forest Lands)

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

Goal 6 (Air, Water and Land Resources Quality)

Goal 7 (Areas Subject to Natural Hazards)

Goal 8 (Recreational Needs)

FINDING: The Statewide Planning Goals 3-8 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

Goal 9 (Economic Development)

The proposal will change the zoning from GC to HDR. The applicant intends to provide smaller lot single-family homes to Sherwood. The applicant provided an Economic Opportunity Analysis that illustrated the current and future development trends for the urban area over the next twenty-year planning horizon. Buildable land inventory analysis shows that there is a limited supply of HDR as it compares to lower density residential as well as the abundance of commercial available properties in the general vicinity of the subject parcel.

FINDING: Based on the above discussion the zone change and text amendment are in compliance with this goal.

Goal 10 (Housing)

This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands,

project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

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

FINDING: Based on the analysis as discussed above, this Goal has been satisfied.

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

FINDING: As discussed earlier in this report, the proposed amendment is consistent with the "Transportation Planning Rule" which implements Goal 12.

Goal 13 (Energy Conservation)
Goal 14 (Urbanization)
Goal 15 (Willamette River Greenway)
Goal 16 (Estuarine Resources)
Goal 17 (Coastal Shorelands)
Goal 18 (Beaches and Dunes)
Goal 19 (Ocean Resources)

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

Staff assessment and recommendation on Plan Amendment:

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

VIII. ATTACHMENTS

- A. Proposed Text Amendment
- B. Applicant's submittal packet
- C. Susan Robinson Email dated November 29, 2013
- D. ODOT comments submitted December 9, 2013
- E. Engineering comments submitted December 11, 2013

Text to be removed is marked with a ~~double strike through~~

Text to be added is underlined

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. The PUD process allows creativity and flexibility in site design and review which cannot be achieved through a strict adherence to existing zoning and subdivision standards.
- B. The PUD district 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 shall be considered: a.) on sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of: natural features such as floodplains, wetlands, and extreme topography, or man-made features, such as parcel configuration and surrounding development; b.) on parcels of land within the Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or c.) in other areas deemed appropriated by Council during the adoption of a concept plan required by a Metro UGB expansion.

B. Content

The Preliminary Development Plan application shall include the following documentation:

1. Existing conditions map(s) showing: All properties, existing uses, and zoning districts within three hundred (300) feet, topography at five (5) foot intervals, floodplain, significant natural vegetation and features, private and public facilities including but not limited to utilities, streets, parks, and buildings, historic and cultural resources, property boundaries, lot lines, and lot dimensions and area.
2. Listing of all property owners adjacent to the PUD as per [Section 16.72.020](#), including names and addresses, and a listing of all persons, including names and addresses, with an interest in the property subject to the PUD application.
3. Proposal map(s) showing: Alterations to topography, floodplain, natural vegetation, trees and woodlands, and other natural features, all streets, utility alignments and easements, parks and open space, historic and cultural resources, other public and utility structures, and any other dedicated land features or structures, the parceling, lot consolidation, adjustments, or subdivision of land including basic parcel dimensions and areas, the phasing of the PUD, siting and orientation of proposed new structures, including an identification of their intended use.
4. Narrative describing: the intent of the PUD and how general PUD standards as per this Chapter are met, details of the particular uses, densities, building types and architectural controls proposed, form of ownership, occupancy and responsibility for maintenance for all uses and facilities, trees and woodlands, public facilities to be provided, specific variations from the standards of any underlying zoning district or other provisions of this Code, and a schedule of development.
5. If the PUD involves the subdivision of land, the proposal shall also include a preliminary subdivision plat and meet all requirements of [Chapter 16.122](#). The preliminary subdivision shall be processed concurrently with the PUD.
6. Architectural Pattern Book: A compendium of architectural elevations, details, and colors of each building type shall be submitted with any PUD application. The designs shall conform to the site plan urban design criteria in [Section 16.90.020\(G\)](#) or any other applicable standards in this Code. A pattern book shall act as the architectural control for the homeowner's association or the commercial owner. An Architectural Pattern Book shall address the following:
 - a. Illustrative areas within the development application covered by the pattern book.
 - b. An explanation of how the pattern book is organized, and how it is to be used.

- c. Define specific standards for architecture, color, texture, materials, and other design elements.
- d. Include a measurement or checklist system to facilitate review of the development for conformity with the pattern book.
- e. Include the following information for each building type permitted outright or conditionally proposed in the PUD:
 - (1) Massing, facades, elevations, roof forms, proportions, materials, and color palette.
 - (2) Architectural relevance or vernacular to the Pacific Northwest.
 - (3) Doors, windows, siding, and entrances, including sash and trim details.
 - (4) Porches, chimneys, light fixtures, and any other unique details, ornamentation, or accents.
 - (5) A fencing plan with details that addresses the relationship between public space and maintaining individual privacy subject to [Section 16.58.020](#)

C. Commission Review

The Commission shall review the application pursuant to [Chapter 16.72](#) and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their decision based on the following criteria:

- 1. The proposed development is in substantial conformance with the Comprehensive Plan and is eligible for PUD consideration per 16.40.020.A.
- 2. The preliminary development plans include dedication of at least 15 percent of the buildable portion of the site to the public in the form of usable open space, park or other public space, (subject to the review of the Parks & Recreation Board) or to a private entity managed by a homeowners association. Alternatively, if the project is located within close proximity to existing public spaces such as parks, libraries or plazas the development plan may propose no less than 5% on-site public space with a detailed explanation of how the proposed development and existing public spaces will together equally or better meet community needs.
- 3. That exceptions from the standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan.
- 4. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments, vernacular, and scale subject to review and approval in Subsection (B)(6).
- 5. That the system of ownership and the means of developing, preserving and maintaining parks and open spaces are acceptable.

6. That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district.
7. That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year from date of approval.
8. That adequate public facilities and services are available or are made available by the construction of the project.
9. That the general objectives of the PUD concept and the specific objectives of the various categories of the PUDs described in this Chapter have been met.
10. The minimum area for a Residential PUD shall be five (5) acres, unless the Commission finds that a specific property of lesser area is suitable as a PUD because it is unusually constrained by topography, landscape features, location, or surrounding development, or qualifies as "infill" as defined in [Section 16.40.050\(C\)\(3\)](#).

D. Council Action

Upon receipt of the findings and recommendations of the Commission, the Council shall conduct a public hearing pursuant to [Chapter 16.72](#). The Council may approve, conditionally approve, or deny the Preliminary Development Plan. A Council decision to approve the Preliminary Development Plan shall be by ordinance establishing a PUD overlay zoning district. The ordinance shall contain findings of fact as per this Section, state all conditions of approval, and set an effective date subject to approval of the Final Development Plan as per [Section 16.40.030](#).

E. Effect of Decision

Approval of the Preliminary Development Plan shall not constitute final acceptance of the PUD. Approval shall, however, be binding upon the City for the purpose of preparation of the Final Development Plan, and the City may require only such changes in the plan as are necessary for compliance with the terms of preliminary approvals.

(Ord. No. 2011-003, § 2, 4-5-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2008-015, § 1, 10-7-2008; Ord. 2001-1119, § 1; 98-1053; Ord. 86-851, § 3)

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 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.

B. Final Subdivision Plat

If the PUD involves the subdivision of land, a final plat shall be prepared and submitted for final approval, pursuant to [Chapter 16.124](#).

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

16.40.040 - General Provisions

A. 1. Phasing

a. The City may require that development be done in phases, if public facilities and services are not adequate to serve the entire development immediately.

b. Any PUD which requires more than twenty four (24) months to complete shall be constructed in phases that are substantially complete in themselves and shall conform to a phasing plan approved as part of the Final Development Plan.

2. Failure to Complete

a. When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission shall determine whether or not the PUD's continuation, in whole or in part, is in the public interest.

b. If continuation is found not to be in the public interest, the Commission shall recommend to the Council that the PUD be extinguished. The Council, after public hearing, may extend the PUD, extend with conditions, or extinguish the PUD.

B. Changes in Approved Plans

1. Major Changes

Proposed major changes in a Final Development Plan shall be considered the same as a new application, and shall be made in accordance with the procedures specified in this Chapter.

2. Minor Changes

Minor changes in a Final Development Plan may be approved by the Council without further public hearing or Commission review, provided that such changes do not increase densities, change boundaries or uses, or change the location or amount of land devoted to specific uses.

C. Multiple Zone Density Calculation

When a proposed PUD includes multiple zones, the density may be calculated based on the total permitted density for the entire project and clustered in one or more portions of the project, provided that the project demonstrates compatibility with the adjacent and nearby neighborhood(s) in terms of location of uses, building height, design and access.

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

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 attached dwellings, zero-lot line housing, row houses, duplexes, cluster units, 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. (Ord. 86-851, § 3)

B. Conditional Uses

A conditional use permitted in the underlying zone in which the PUD is located may be allowed as a part of the PUD upon payment of the required application fee and approval by the Commission as per Chapter 16.82. (Ord. 86-851, § 3)

C. Development Standards

1. Density

The number of dwelling units permitted in a Residential PUD shall be the same as that allowed in the underlying zoning district, except as provided in Subsection (C)(2), below or 16.40.040.C above.

2. Density Transfer

Where the proposed PUD site includes lands within the base floodplain, wetlands and buffers, or steeply sloped areas which are proposed for public dedication, and such dedication is approved as a part of the preliminary development plan, then a density transfer may be allowed adding a maximum of 20% to the overall density of the land to be developed.

3. Minimum Lot Size

~~The minimum lot size required for single family, detached dwellings is 5,000 square feet, unless the subject property qualifies as infill, defined as: parent parcel of 1.5 acres or less proposed for land division, where a maximum 15% reduction in lot size may be allowed from the minimum lot size. (Ord. 2001-1119 § 3; Ord. 86-851)~~

Lots created through a PUD shall not be subject to minimum lot sizes and shall supercede the standards within the base zone provided the applicant demonstrates that the proposal meets the purpose and intent of the Zoning and Development Code and the Sherwood Comprehensive Plan.

(Ord. No. 2008-015, § 1, 10-7-2008)

16.40.060 - Non-Residential (Commercial or Industrial) PUD

A. Permitted Uses

Any commercial, industrial or related use permitted outright in the underlying zoning district in which the PUD is located, may be permitted in a Non-Residential PUD, subject to Division VIII.

(Ord. 91-922, § 3; Ord. 86-851)

B. Conditional Uses

Conditional use permitted in the underlying zoning district in which the PUD is located may be allowed as part of the PUD upon payment of required application fee and approval by Commission.

(Ord. 86-851, § 3)

C. Development Standards

1. Floor Area

The gross ground floor area of principal buildings, accessory buildings, and future additions shall not exceed sixty percent (60%) of the buildable portion of the PUD.

2. Site and Structural Standards

Yard setback, type of dwelling unit, lot frontage and width and use restrictions contained in this Code may be waived for the Non-Residential PUD, provided that the intent and objectives of this Chapter are complied with in the Final Development Plan. Building separations shall be maintained in accordance with the minimum requirements of the Fire District.

3. Perimeter Requirements

Unless topographical or other barriers within the PUD provide reasonable privacy for existing uses adjacent to the PUD, the Commission shall require that structures located on the perimeter of the PUD be:

- a. Setback in accordance with provisions of the underlying zoning district within which the PUD is located and/or:
- b. Screened so as to obscure the view of structures in the PUD from other uses.

4. Height

Maximum building height is unlimited, provided a sprinkler system is installed in all buildings over two (2) stories, as approved by the Fire District, excepting that where structures are within one hundred (100) feet of a residential zone, the maximum height shall be limited to that of the residential zone.

5. Community Design Standards

For 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 and IX.

6. Density Transfer

Where the proposed PUD includes lands within the base floodplain, a density transfer may be allowed in accordance with Section 16.142.040.

7. Minimum Site Area

a. Commercial PUD

Minimum area for a Commercial PUD shall be five (5) acres.

Development of a Commercial PUD of less than five (5) acres may be allowed if the PUD can be developed consistent with the intent and standards of this Chapter, as determined by the Commission.

b. Industrial PUD

The minimum site area for an Industrial PUD shall be twenty (20) acres.

(Ord. 91-922, § 3; Ord. 86-851)

Brownstone Comprehensive Plan Map Amendment – Text Amendment and Zone Change

Sherwood, Oregon

An Application For:
Comprehensive Plan Amendment
Zoning Map Amendment

Submitted September 13, 2013

Applicant:
Brownstone Real Estate Group
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I. INTRODUCTION

GENERAL INFORMATION

Applicant: Brownstone Real Estate Group
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Contact: Michael Cerbone, AICP
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Tax Lot Information:	Map	Tax Lot
	2S1 30 CD	13400

Location: City of Sherwood, Oregon
Generally bounded Meinecke Parkway to the south,
the terminus of SW Cedar Brook Way to the
northeast and just west of Highway 99.

Current Zoning District: General Commercial (GC)

Project Site Area: +/- 5.77 acres

SUMMARY OF PROPOSAL

The applicant respectfully requests a comprehensive plan map amendment, text amendment and zone change for the subject site located at 2S130 CD, Tax Lot 13400 from General Commercial to High Density Residential (HDR). This application is for the comprehensive plan map amendment, text amendment and zone change. A separate application will be submitted for a 66-unit single-family planned unit development and associated public improvements. Sherwood zoning and community development code, Comprehensive Plan, Metro plans, transportation planning rule, and the Oregon Statewide Planning Goals are addressed within this narrative. As a Type V process, this application will include a public hearing before the Planning Commission. As required by the Sherwood code, this review includes a public notice and neighborhood meeting, which was held on August 6, 2013. A copy of the noticing and meeting materials is included with this narrative under Exhibit A.

Text Amendment

The City's current code precludes the ability to develop single family attached and detached product within the City's High Density Residential zones as it limits the ability to create lot size allow developments to attain the density requirements articulated with the zone. This effectively precludes the ability to design residential developments that can be owner occupied unless you utilize a condominium platting process. This limits the ability for the community to respond to market conditions and provide housing opportunities for individual home ownership. Without the ability to reduce the minimum lot size for higher density residential zones the City will continue to see proposals for apartments and condominiums, when townhomes single family detached products on smaller lots could also be a part of the housing mix. The requested amendment will only apply to proposed planned unit developments which cannot be approved without public notice and comment period provided as well as a public hearing before the planning commission. The applicant is proposing to amend the text so that proposed developments need to be in line with the intent of the underlining zoning or the property and comprehensive plan. This assures the community aspirations articulated within the comprehensive plan and zoning ordinance are adhered. A full copy of the proposed text amendment is included within Exhibit I.

Comprehensive Plan and Zoning Map Amendment

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



SURROUNDING USES

Table A: SURROUNDING LAND USE

Location	Zoning Designation	Land Use
North	Low Density Residential (LDR)	Single-family residential PUD Wyndham Ridge
South	General Commercial (GC)	Meinecke Parkway
East	High Density Residential (HDR)	Multi-family residential
West	Low Density Residential (LDR)	Single-family residential PUD Wyndham Ridge

II. ZONING AND COMMUNITY DEVELOPMENT CODE

CHAPTER 16.70 – GENERAL PROVISIONS

16.70.010 – Pre-Application Conference

Pre-application conferences are encouraged and shall be scheduled to provide applicants with the informational and procedural requirements of this Code; to exchange information regarding applicable policies, goals and standards of the Comprehensive Plan; to provide technical and design assistance; and to identify opportunities and constraints for a proposed land use action. An applicant may apply at one time for all permits or zone changes needed for a development project as determined in the pre-application conference.

Response: A Pre-Application Conference was conducted on July 1, 2013 for this Comprehensive Plan Map Amendment – Zone Change. A copy of the pre-application notes is included with this submittal package as Exhibit B.

16.70.020 – Neighborhood Meeting

- A. The purpose of the neighborhood meeting is to solicit input and exchange information about the proposed development.
- B. Applicants of Type III, IV and V applications are required to hold a meeting, at a public location for with adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject application, prior to submitting their application to the City. Affidavits of mailing, sign-in sheets and a summary of the meeting notes shall be included with the application when submitted. Applicants for Type II land use action are encouraged, but not required to hold a neighborhood meeting.

Response: A neighborhood meeting for this Comprehensive Plan Map Amendment, Text Amendment and Zone Change was conducted on August 6, 2013 at Laurel Ridge Middle School. Notice was sent via mail to property owners and recognized neighborhood organizations within 1,000 feet of the site. Copies of the affidavit of mailing, sign-in sheet and meeting summary are included with this application. Copies of the neighborhood meeting materials are included in this submittal as Exhibit A.

CHAPTER 16.80 – PLAN AMENDMENTS

16.80.010 - Initiation of Amendments

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

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

16.80.020 - Amendment Procedures

Zoning Map or Text Amendment

A. Application - An application for a Zoning Map or text amendment shall be on forms provided by the City and shall be accompanied by a fee pursuant to Section 16.74.010

Response: The applicant shall apply for the Zoning Map and Text Amendments on forms provided by the City. The appropriate fee is included with this application.

16.80.030 - Review Criteria

A. Text Amendment

An amendment to the text of the Comprehensive Plan shall be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment shall 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: This application is for a Comprehensive Plan Map Amendment, Zone Change and Text Amendment to the Sherwood Zoning and Community Development Code Planned Unit Development (PUD) standards. Sherwood Zoning and Community Development Code Title 16.40.050 – Residential PUD limits the minimum lot size required for single-family, detached dwellings to 5,000 square feet, unless the subject property is on an infill site in which case a 15% reduction in lot size may be allowed. The applicant proposes removing the minimum lot size requirement when a PUD is proposed to allow for greater flexibility and diversity of housing type. The full text of Chapter 16.40 – PLANNED UNIT DEVELOPMENT and the proposed changes are attached as Exhibit I. The proposed Text Amendment meets the intent of the Sherwood Comprehensive Plan, the Transportation System Plan, this Code, Metro’s Urban Growth Management Functional Plan, and Oregon Statewide Planning Goals.

B. Map Amendment

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

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

Response: This Comprehensive Map Amendment application proposes to change the zoning of the subject property from General Commercial (GC) to High Density Residential (HDR). This narrative will address the requirements of the Sherwood Comprehensive Plan, the Transportation System Plan and the zoning and development code.

2. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.

Response: An economic analysis is included in this application as Exhibit J that addresses the need for additional residential zoning in Sherwood to meet the community's needs.

3. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.

Response: This Comprehensive Map Amendment is timely as there is a potential shortage of housing in Sherwood. There is a high density residential development to the east of the site and low density residential development to the west. Cedar Brook Way, a dead end street, stubs into the property to the north and Meinecke Parkway stubs into the site on the south. Sanitary sewer is available within Cedar Brook Way to the north and along the greenway to the west. Storm sewer service and water service are available within Cedar Brook Way to the north and Meinecke Parkway to the south. Utilities can be extended to service the site with the extension of Cedar Brook Way. The applicant's analysis of the transportation system is included as Exhibit G which includes an analysis of the proposed rezone and redesignation and how it affects the system consistent with the Transportation Planning Rule. Based on the findings provided within the this study, no mitigation is required for the rezone and redesignation as the expected reasonable worst case scenario for the proposed zoning is less than that of the existing zoning.

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

Response: There are little to no alternative sites of this size that could accommodate the proposed density with access to public services in the City of Sherwood. More information concerning the lack of appropriate sites is detailed within Exhibit J.

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.

Response: A transportation impacts analysis (TIA) addressing TPR consistency is included with this application as Exhibit G.

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.

Response: Highway 99W is a principal arterial, Meinecke is a collector and Cedar Brook Way is a local street. The proposed Comprehensive Plan Map Amendment, Text Amendment, and Zone Change will not change the functional classification of an existing or planned transportation facility or reduce the level of service of any of the proposed roads below the minimum level identified in the Sherwood TSP. A detailed analysis demonstrating these findings is included within Exhibit G.

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.

Response: The proposed Comprehensive Plan Map Amendment, Text Amendment, and Zone Change will not significantly affect the transportation facilities in the area as described in the attached TIA (Exhibit G).

III. COMPREHENSIVE PLAN

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

CHAPTER 2 – PLANNING PROCESS

Response: Chapter 2 of the Sherwood Comprehensive Plan highlights citizen involvement, agency involvement, the plan development process, plan interpretation and plan amendments. As previously stated, a neighborhood meeting was completed for this application on August 6, 2013. Service providers from agencies outside of Sherwood have been contacted regarding this proposal. The Sherwood City

Council will have final decision-making authority in this Comprehensive Plan Map Amendment, Text Amendment, and Zone Change.

CHAPTER 3 – GROWTH MANAGEMENT

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

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

CHAPTER 4 – LAND USE

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

Response: The proposed Comprehensive Plan Map Amendment, Text Amendment and Zone Change would enable the site to be developed at higher densities to take advantage of existing infrastructure and other amenities, addressing one of the strategies related to this policy and addressing the City's need to provide residential development as detailed within Exhibit J.

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

Response: Wyndham Ridge to the west of the site includes single-family homes on lots between 5,000 to 7,000 square feet. To the east of the site is a higher density multi-family development. The proposed Comprehensive Plan Map Amendment, Text Amendment and Zone Change would provide another housing option for existing and future residents of Sherwood while increasing density in meeting the stated goal of maintaining a minimum overall density of six dwelling units per acre. As noted above this request will provide the City the opportunity to provide additional housing land and the text amendment will provide the City the opportunity to provide additional housing types by removing existing barriers to development of attached and detached single family homes that can be owner occupied.

CHAPTER 5 – ENVIRONMENTAL RESOURCES

A. ENVIRONMENTAL RESOURCES POLICY GOALS

Planning Goals: Energy Resources

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

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

B. NATURAL RESOURCES AND HAZARDS

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

Response: The proposed site is not within a flood plain. A tributary of Cedar Creek lies to the west of the site. This area will be protected to the greatest extent possible. A preliminary development plan is included as Exhibit C.

Policy 2 – Habitat friendly development shall be encouraged for developments with Regionally Significant Fish and Wildlife Habitats identified as Map V-2.

Response: The subject site is within a mapped Metro Title 13 area, Nature in Neighborhoods. Future development will be designed to conserve this area to the greatest extent feasible. A Significant Natural Resource Assessment is included with this application as Exhibit D.

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

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

C. ENVIRONMENTAL QUALITY

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

Response: The proposed Comprehensive Plan Amendment, Text Amendment, Zone Change, and subsequent PUD will protect the natural resource areas to the west of the site through erosion control measures.

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

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

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

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

D. RECREATIONAL RESOURCES

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

Response: The subsequent PUD plan will be linked to the existing open space area to the west via a pedestrian connection, where appropriate. The PUD will provide recreational opportunities.

E. ENERGY RESOURCES

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

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

CHAPTER 6 – TRANSPORTATION

Policy 1 – Open Space will be linked to provide greenway areas.

Response: The conversion of the site from commercial to residential will allow for a planned PUD that can provide additional open space and linkages to the existing open space area to the west via a pedestrian connection, where appropriate. The construction and dedication of the extension of Brookwood will result in remnant undevelopable land that can be added to the existing Creek Corridor.

Policy 2 – The City will maximize shared use of recreational facilities to avoid cost duplication.

Response: The subsequent PUD plan can make use of the passive recreation area to the west of the site.

CHAPTER 7 – COMMUNITY FACILITIES AND SERVICES

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

IV. METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

TITLE 1 – HOUSING CAPACITY

The Regional Framework Plan calls for a compact urban form and a “fair-share” approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to maintain or increase its housing capacity as provided in section 2.07.120.

Response: This Comprehensive Plan Map Amendment, Text Amendment, and Zone Change would increase Sherwood’s housing capacity and meet the Title 1 purpose by providing the opportunity for development of residentially zoned property with a compact form.

TITLE 3 – WATER QUALITY AND FLOOD MANAGEMENT

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

Response: According to Metro’s RLIS Database, Title 3 lands encroach on the western and northern edge of the site as shown on Exhibit E. Future development plans will

protect these areas to the greatest extent possible. A Significant Natural Resource Assessment is included with this application as Exhibit D.

TITLE 4 – INDUSTRIAL AND OTHER EMPLOYMENT AREAS

The Regional Framework Plan calls for a strong regional economy. To improve the economy, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of “clustering” to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region’s transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities. The Metro Council will evaluate the effectiveness of Title 4 in achieving these purposes as part of its periodic analysis of the capacity of the urban growth boundary.

Response: Metro’s RLIS Database indicates that the site is within a Title 4 area as shown on Exhibit E. However the site is not designated for industrial development and the rezone is therefore consistent with this designation.

TITLE 6 – CENTERS, CORRIDORS, STATION COMMUNITIES AND MAIN STREETS

The Regional Framework Plan identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro’s approval.

Response: The subject site is within an area that is classified as a Town Center in the Metro Urban Growth Management Functional Plan. The proposed Comprehensive Plan Amendment, Text Amendment, and Zone Change are in conformance with town center, compact, pedestrian scale development. The proposed amendments will allow the property to be developed at a residential density consistent with the intent of Title 6 while ensuring the resulting development is in line with the community values articulated within the comprehensive plan.

TITLE 13 – NATURE IN NEIGHBORHOODS

The purposes of this program are to (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams’ headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

Response: As shown on Exhibit E, nearly half the site is mapped as Title 13 lands in Metro’s RLIS Database. The corridor will be preserved to the greatest extent feasible. A Significant Natural Resource Assessment is included with this application as Exhibit D.

V. STATEWIDE PLANNING GOALS

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

GOAL 1 – CITIZEN INVOLVEMENT

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

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

GOAL 2 – LAND USE PLANNING

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

Response: The Sherwood Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals and provides goals, policies and procedures for reviewing and evaluating land use requests. The City's adopted Type V land use planning process provides for Plan Map Amendments and is consistent with Goal 2.

GOAL 3 – AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

Response: The subject property is comprised of land that is currently located within the Urban Growth Boundary (UGB) and fully within the City of Sherwood's Incorporated City limits. The Comprehensive Plan Map Amendment and Zone Change will only affect the subject site. Therefore, it will not have a direct impact on any Goal 3 Agriculture Lands; as such this Goal is not applicable. In accordance with the findings presented above, the plan proposed with Development Agreement is consistent with Goal 3.

GOAL 4 – FOREST LANDS

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

Response: The subject property is comprised of land that is currently located within the UGB and fully within the City of Sherwood's Incorporated City limits. The Comprehensive Plan Map Amendment and Zone Change will only affect the subject site. Therefore, it will not have a direct impact on any Goal 4 Forest Lands, and as such this Goal is not applicable. In accordance with the findings presented above, the plan proposed with the Development Agreement is consistent with Goal 4.

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

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

Response: The proposed Comprehensive Map Amendment, Text Amendment, and Zone Change would not affect or alter the natural resources in the area. According to Clean Water Services, Sensitive Areas potentially exist on-site or within 200 feet of the subject site. A natural resource assessment report has been completed by a biologist and is included in this application. The subsequent PUD will be designed to minimize the impact to natural resource areas onsite.

GOAL 6 - AIR, WATER AND LAND RESOURCES QUALITY

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

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

City sewer and water are readily available to the subject property as well as storm drainage facilities. The site will be designed and engineered to accommodate stormwater retention and drainage facilities as specified by the City's adopted design and engineering standards. The proposal does not threaten the availability of local or regional air, water, and land resources. In accordance with the findings presented above the proposed Comprehensive Plan Map Amendment, Text Amendment, and Zone Change is consistent with Goal 6.

GOAL 7 – AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

To protect people and property from natural hazards.

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

GOAL 8 – RECREATIONAL NEEDS

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

Response: The proposed Comprehensive Plan Map Amendment, Text Amendment, and Zoning Change will allow for the development of the subject site. The proposed development for the site will include the development of open space and natural areas to benefit the proposed dwelling units.

Upon approval of this application, a PUD development plan will be submitted to Sherwood. The proposed plan will include the construction of pedestrian walkways, sidewalks and trails to provide for pedestrian connections between all of the parks and open space proposed within the development. These improvements ensure the ability to be able to connect with other parks and open space areas that exist or that are planned within the City. The open space and parks that are proposed with the development of the property are adequate to attend to the recreational needs of the residents that will live within this development. Therefore, the proposed Comprehensive Plan Map Amendment, Text Amendment, and Zoning Change are in compliance with Goal 8 by providing opportunities consistent with guidelines identified in the Comprehensive Plan.

GOAL 9 – ECONOMIC DEVELOPMENT

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

Response: The proposed change will redesignate approximately 5.77 acres from General Commercial to High Density Residential. The intent is to provide single-family residential housing to the area. Data necessary to address this Goal in relation to the proposed change, as required by OAR 660-009-0015, is available in the Economic Opportunity Analysis (EOA) that is included in this application. The EOA provides the most recent and comprehensive data available for economic development trends and for the inventory of commercial and industrial land within the urban area for the 20-year planning period.

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

GOAL 10 - HOUSING

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

Response: The proposed change will redesignate approximately 5.77-acres from General Commercial to High Density Residential. The intent is to provide opportunities for the development of additional housing in Sherwood.

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

GOAL 11 – PUBLIC FACILITIES AND SERVICES

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

Response: The City maintains an infrastructure of public facilities and services to support urban development. The City has adopted a Transportation, Stormwater, Wastewater and Water master facility plans. These plans outline the public facilities and services needed to serve land within the UGB. The existing public services and facilities in the area and those required to serve the proposed development on the subject property, will be reviewed by the Public Works Department. In accordance with the findings presented above the plan proposed with the Development Agreement is consistent with Goal 11.

GOAL 12 - TRANSPORTATION

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

Response: The City of Sherwood's Transportation System Plan (TSP) is in compliance with the requirements of this Goal. The relationship of the proposal to the transportation system, and its impacts, have been set forth in detail in the Traffic Impact Analysis (TIA) included as Exhibit G. The Applicant has demonstrated that the identified amendments do not require mitigation to ensure that adopted operating standards will be met. The analysis has found that the traffic impacts of the project will not cause a change in the functional classification of any street or transportation facility, will not require or result in changes to the standards that implement the functional classifications system, will result in traffic volumes that are consistent with the functional classifications of the affected streets, and no mitigation will be required to assure that adequate level of service and the functionality of the transportation system is maintained. The proposed amendments are therefore in compliance with the Oregon Transportation Planning Rule, the Sherwood Transportation System Plan and the goals and policies contained within the Sherwood Comprehensive Plan. In accordance with the

findings presented above the proposed plan is consistent with Goal 12.

GOAL 13 – ENERGY CONSERVATION

To conserve energy.

Response: The design of the proposed development strives to provide an integration residential land uses resulting in a livable, connected community within the City of Sherwood. Inherent in the design is the ability to live in close proximity to other land uses allowing for less vehicle trips and miles traveled resulting in a reduction in the consumption of gasoline and associated emissions. The proposed layout of the site encourages the use of alternative modes of transportation both within and adjacent to the proposed development through the provision of greenways, parks and tree-lined pedestrian corridors.

The design of the transportation system in this area provides direct, efficient and convenient access. The proximity of the development to adjacent developed residential neighborhoods and employment areas will reduce the vehicle miles traveled to and from the subject property. The location and nature of the proposed development promotes the conservation of energy needed for transportation. For these reasons the proposal will help to conserve energy and be energy efficient, in keeping with the intent of this Goal.

GOAL 14 - URBANIZATION

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

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

GOAL 15 – WILLAMETTE RIVER GREENWAY

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Response: The subject property is not directly located within the Willamette River Greenway. However the property is within the Tualatin River Basin, a tributary of the Willamette River. This Comprehensive Plan Map Amendment and Zone Change commits to the protection of riparian corridors. The preservation of these areas will provide for the long term shading of the streams which will assist in improving

the water quality.

The design of the stormwater system will assist in reducing the sedimentation of the stream corridors by providing a mechanism that allows the sediment to fall-out of the runoff prior to reaching an approved point of disposal. The proposed Comprehensive Plan Map Amendment and Zone Change consider the effects of the interaction between the natural and urban environment and provide for stormwater facilities and natural areas to assist with the protection and enhancement of the Willamette River tributaries. The proposal conforms to Goal 15.

GOAL 16 – ESTUARINE RESOURCES

To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon’s estuaries.

Response: The subject property does not contain any Estuarine Resources therefore this Goal is not applicable to this review.

GOAL 17 – COASTAL SHORELANDS

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water- dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon’s coastal shorelands.

Response: The subject property does not contain any Coastal Shorelands therefore this Goal is not applicable to this review.

GOAL 18 – BEACHES AND DUNES

To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

Response: The subject property does not contain any Beaches or Dunes therefore this Goal is not applicable to this review.

GOAL 19 – OCEAN RESOURCES

To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

Response: The subject property is not located adjacent the Pacific Ocean therefore this Goal is not applicable to this review.

VI. CONCLUSION

As evidenced throughout this project narrative and associated documents, this Comprehensive Plan Map Amendment, Text Amendment, and Zone Change meets or exceeds any applicable development regulation and objective of the Sherwood Zoning and Community Development Code, Comprehensive Plan, Metro's Urban Growth Management Functional Plan, and the Oregon Statewide Planning Goals.



5415 SW Westgate Drive
Suite 100
Portland, Oregon 97221
USA

Phone (503) 419-2500
Fax (503) 419-2600

www.cardno.com

NOTICE OF NEIGHBORHOOD MEETING

July 23, 2013

A Neighborhood Meeting will be held on August 06, 2013 from 5:30 – 6:30 PM at Ridges Community Room located at Laurel Ridge Middle School, 21416 SW Copper Terrace, Sherwood, OR 97140. The meeting is to inform the community about our proposed comprehensive plan map amendment – zone change and planned unit development. Interested community members are encouraged to attend the open house. Please contact Michael Cerbone at 503-419-2500 or michael.cerbone@cardno.com for additional information.

Project Proposal

On behalf of Brownstone Real Estate Group, Cardno is proposing a comprehensive plan map amendment – zone change from the current General Commercial (GC) Zoning Designation to a High Density Residential (HDR) Zoning Designation. If the comprehensive plan map amendment – zone change is approved, Cardno is proposing an 84-unit single-family planned unit development.

Project Site Location



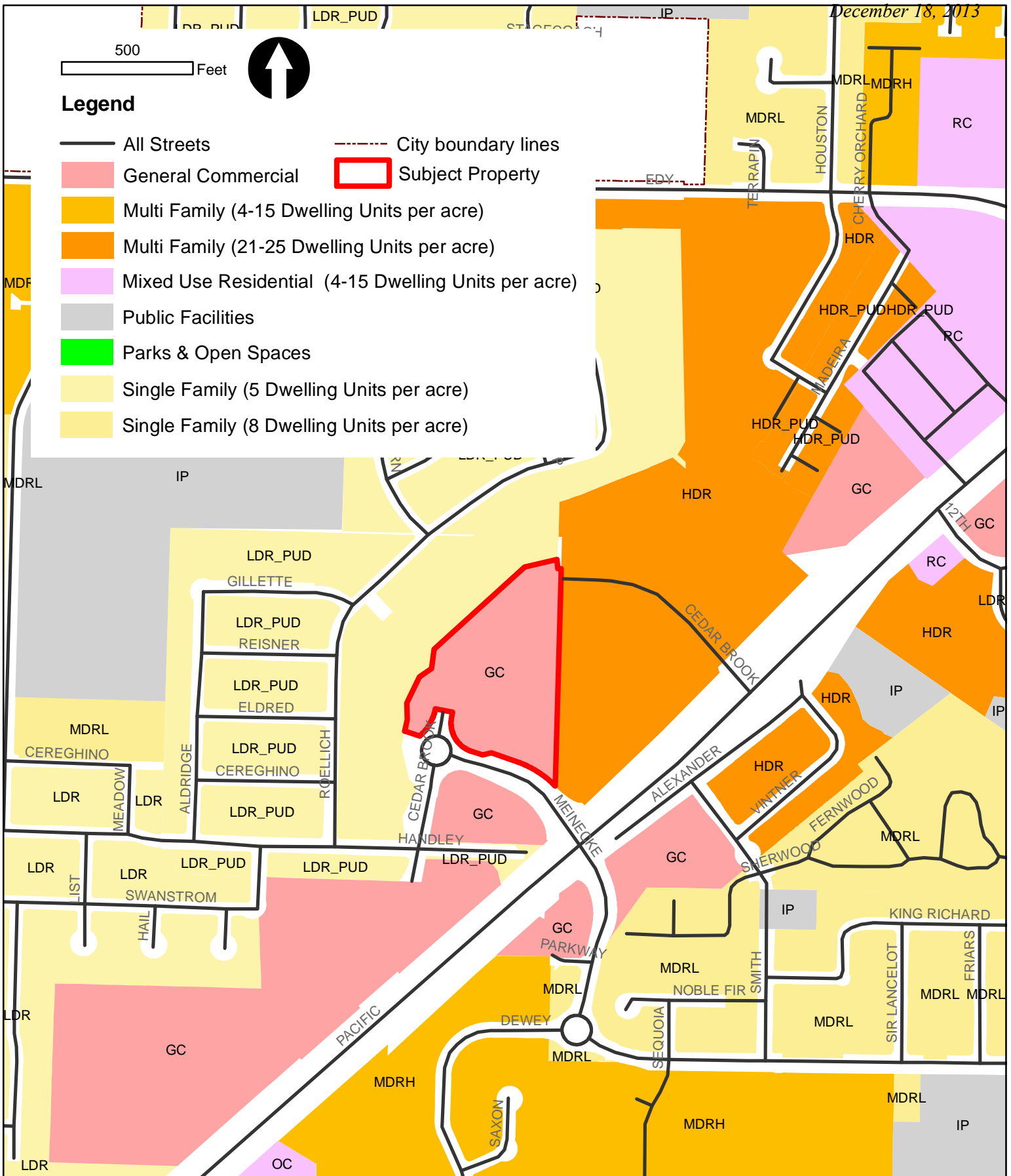
Open House Information

DATE: 8/6/2013

TIME: 5:30 – 6:30 PM

LOCATION: Sherwood High School, 16956 SW Meinecke Road

CONTACT: Michael Cerbone, Project Manager at Cardno, 503-419-2500



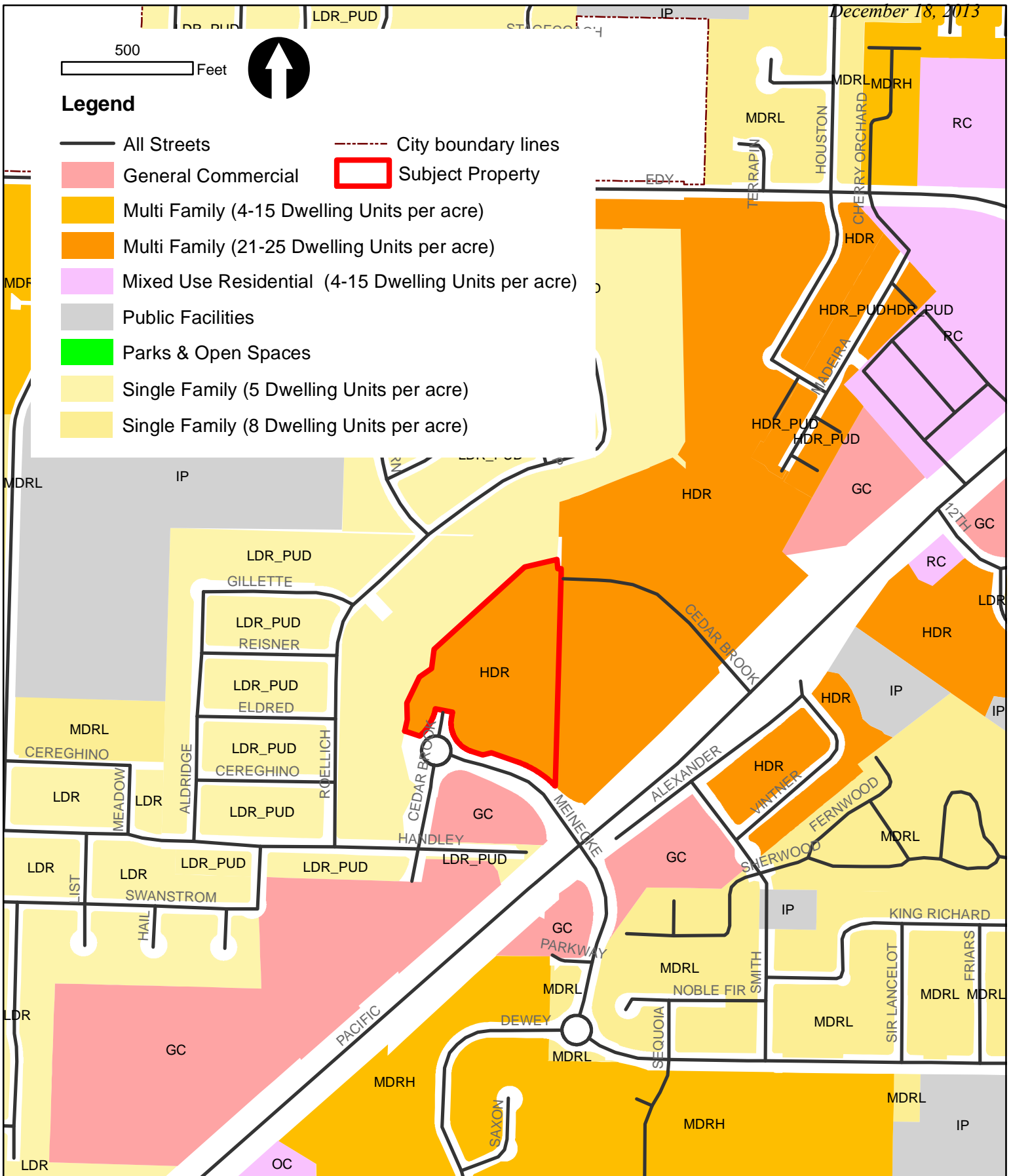
Brownstone Zone Change

Existing Zoning

Sherwood, Oregon



Shaping the Future



Brownstone Zone Change

Proposed Zoning

Sherwood, Oregon



Shaping the Future

MEMORANDUM



To:	City of Sherwood	5415 SW Westgate Drive Suite 100 Portland, Oregon 97221 USA
From:	Michael Cerbone, AICP Project Manager	
Date:	8-7-2013	Phone (503) 419-2500 Fax (503) 419-2600
Project:	Brownstone Comprehensive Plan, Zoning Map Amendment and Text Amendment	
Re:	Neighborhood Meeting Notes	www.cardno.com

Please accept this a summary of the meeting that occurred at 5:30 PM on August 6, 2013 at the Community Room located at the Laurel Ridge Middle School , 21416 SW Copper Terrace, Sherwood, Oregon 97140. Please find attached a copy of the notice that was sent, a copy of the sign in sheets, copies of the exhibits used at the hearings and pictures from the hearing. An summary is set forth below:

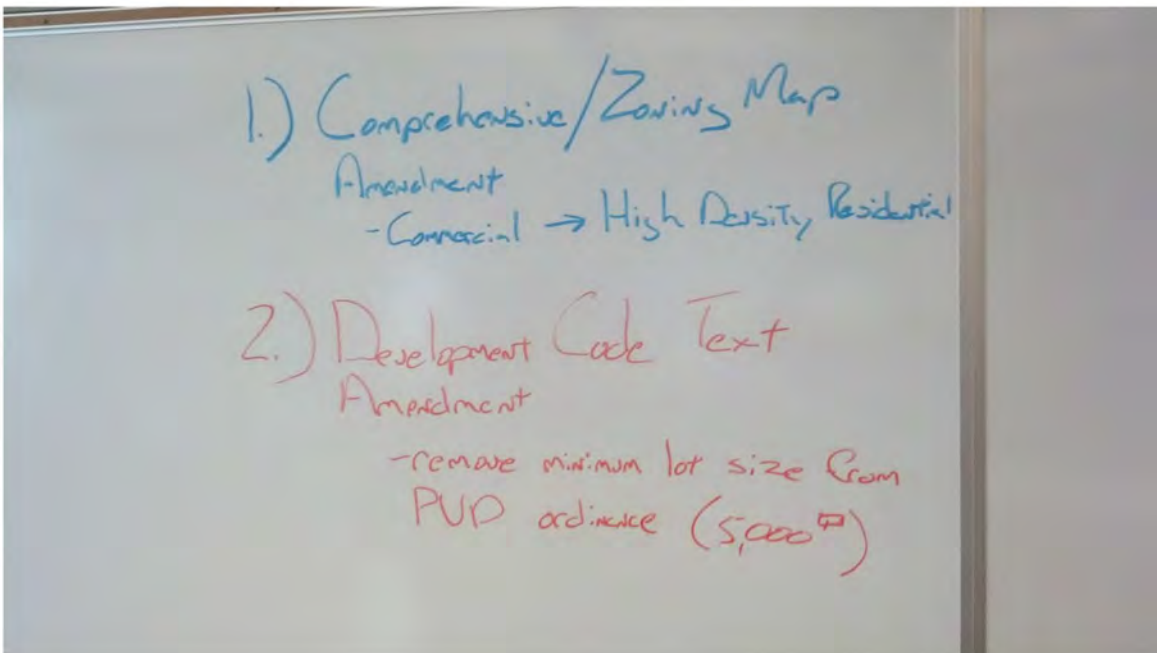
The meeting began at 5:30 PM. There were four (4) neighbors who attended. An overview of the proposed project was provided. Cardno explained that Brownstone desires to construct single family detached houses on the subject property. Cardno explained that the Brownstone would be requesting:

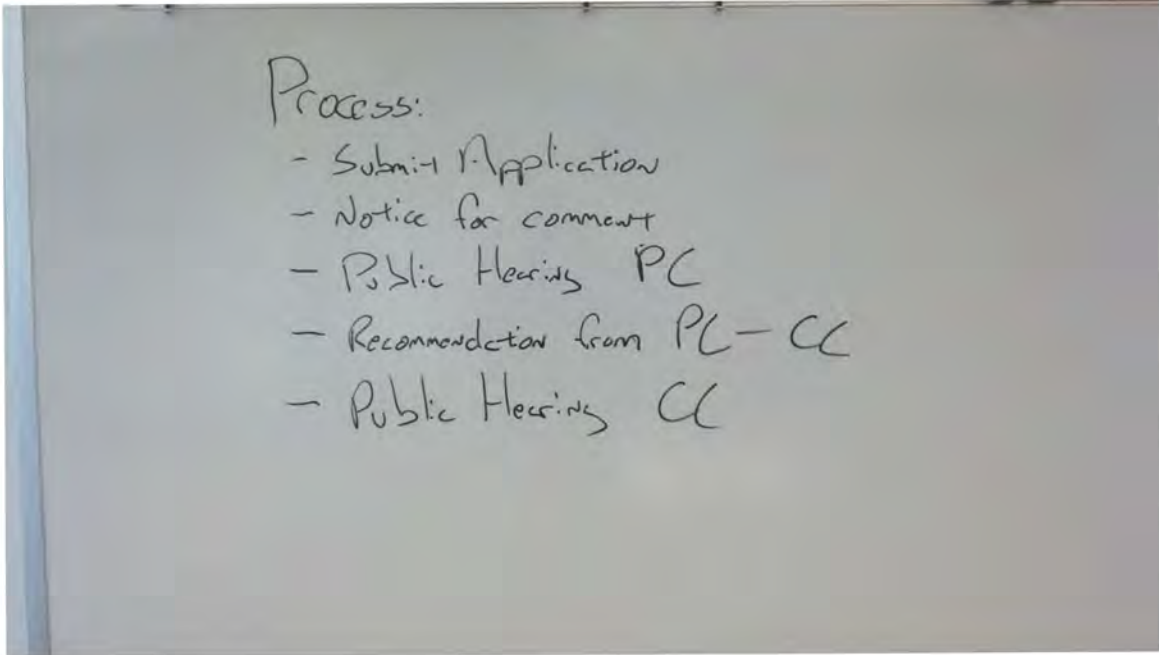
1. A comprehensive plan map and zoning amendment to rezone the property from commercial (COM) to high density residential (HDR).
2. A development code text amendment to remove the minimum lot size (5,000 sq ft) from the City of Sherwood Planned Unit Development ordinance.

Cardno provided an overview of the process that would occur and explained the next steps are:

- Brownstone will prepare an application and submit it to the City for review
- Once the application is deemed complete, the City will notices the project and provide an opportunity for comment
- A public hearing will be held before the Planning Commission
- The Planning Commission will make a formal recommendation to the City Council
- The City Council will hold a public hearing
- The City Council will either approve or deny the application

Comment forms were provided at the meeting, no formal written comments were received. Participants asked questions about the timing of the project, the layout of the proposed homes and whether an HOA would be part of the development. Brownstone agreed to follow-up with an e-mail to the participants identifying locations where the housing type proposed on the site could be viewed in the metropolitan area.





NEIGHBORHOOD MEETING SIGN UP SHEET
August 6, 2013

Name	Address: Street, Zip	Phone Number	E-Mail Address
Dawn Clenny	21487 SW Roellish Ave	503-984-1841	dawnclenny@comcast.net
Lea Ennis	21544 SW Roellish Ave	503-999-2718	LEennis@OregonPUD.org
Joe + Maria Broadhurst	99W 28440 SW Ladd Hill Rd	503-625-3988	jbroadhurst@aol.com

Brownstone
Sherwood, Oregon

Affidavit of Mailing

DATE:

STATE OF OREGON)
)
Washington County)

I, Michael Cerbone, representative for the Brownstone Real Estate proposed development project do hereby certify that the attached notice to adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject project, was placed in a U.S. Postal receptacle on July 23, 2013



Representatives Name: Michael Cerbone, AICP
Name of the Organization: Cardno

21304280



Home of the Tualatin River National Wildlife Refuge

Pre-Application Conference Notes

PAC 13-05

Meeting Date: July 1, 2013

Planning Staff Contact: Michelle Miller

503-625-4242 or millerm@sherwoodoregon.gov

Comprehensive Plan Map Amendment - Zone Change, Code Amendments and Subdivision

PLEASE NOTE: The conference and notes cannot cover all Code requirements and aspects related to site planning that should apply to the development of your proposal. Failure of the staff to provide information required by the Code shall not constitute a waiver of the applicable standards or requirements. It is recommended that a prospective applicant either obtain and read the Community Development Code or ask any questions of City staff relative to Code requirements prior to submitting an application.

Proposed project name: Brownstone Development

PROPOSAL DESCRIPTION: Proposal to change the zoning from General Commercial to High Density Residential (HDR) in order to construct 92 alley loaded single-family homes.

OWNER: Pacific Continental Bank
911 Main St. #100
Vancouver WA 98660
503-358-4460

Applicant: Brownstone Real Estate Group
P. O. Box 2375
Lake Oswego, OR
Contact: Randy Myers 503-3584460

PROPERTY LOCATION: 22015 SW Pacific Hwy

Identified potential constraints/issues (wetlands, steep slopes, easements, etc?) wetland, steep slopes
verify easement locations

Based on the information provided, NECESSARY APPLICATIONS: Plan Amendment,
Subdivision, possible PUD?

PROPOSED ZONING DISTRICT DIMENSIONAL REQUIREMENTS (Refer to Code Section 16.12 Residential Land Use Districts) would need to Use PUD standards if requesting single family homes as they require 5,000 sq. ft. minimum. Given the housing type, the applicant would need to request a to amend the minimum lot sizes for single-family homes within the HDR district. The Information below is based on multi-family (attached) rather than detached. May want to consider proposing a new cottage home lot size and setback set of standards.

Density is calculated by the number of dwelling units per NET buildable acre HDR density is between 16.8 and 24 DU per acre

MINIMUM LOT SIZE: 5,000 sq. ft.

LOT WIDTH AT FRONT PROPERTY LINE: 25 ft

LOT WIDTH AT BUILDING LINE: 50 ft.

MINIMUM LOT DEPTH: 80 ft.

MAXIMUM HEIGHT: 40 ft. or three stories

Setbacks: Front 20 ft. Side 5-7 ft.(depends on height) Rear 20 ft. Corner Side 15 ft.

NARRATIVE
The applicant shall submit a narrative which provides findings based on the applicable approval standards. Failure to provide a narrative or adequately address criteria would be reason to consider an application incomplete and delay review of the proposal. The applicant should review the code for applicable criteria. This housing type is an entirely new concept for Sherwood, and standards would need to be addressed through the code amendment.

CLEAN WATER SERVICES SERVICE PROVIDER LETTER
The applicant shall submit a CWS Service Provider Letter at time of application submittal. An application will not be deemed complete without a CWS Service Provider Letter or a CWS prescreening noting that a Service Provider Letter is not required.

Code Provisions

16.40.020 - Preliminary Development PUD

A. Generally

A PUD Preliminary Development Plan shall be submitted for the review and approval in accordance with Chapter 16.72. PUDs shall be considered: a.) on sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of: natural features such as floodplains, wetlands, and extreme topography, or man-made features, such as parcel configuration and surrounding development; b.) on parcels of land within the Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or c.) in other areas deemed appropriated by Council during the adoption of a concept plan required by a Metro UGB expansion.

B. Content

The Preliminary Development Plan application shall include the following documentation:

1. Existing conditions map(s) showing: All properties, existing uses, and zoning districts within three hundred (300) feet, topography at five (5) foot intervals, floodplain, significant natural vegetation and features, private and public facilities including but not limited to utilities, streets, parks, and buildings, historic and cultural resources, property boundaries, lot lines, and lot dimensions and area.
2. Listing of all property owners adjacent to the PUD as per Section 16.72.020, including names and addresses, and a listing of all persons, including names and addresses, with an interest in the property subject to the PUD application.
3. Proposal map(s) showing: Alterations to topography, floodplain, natural vegetation, trees and woodlands, and other natural features, all streets, utility alignments and easements, parks and open space, historic and cultural resources, other public and utility structures, and any other dedicated land features or structures, the parceling, lot consolidation, adjustments, or subdivision of land including basic parcel dimensions and areas, the phasing of the PUD, siting and orientation of proposed new structures, including an identification of their intended use.
4. Narrative describing: the intent of the PUD and how general PUD standards as per this Chapter are met, details of the particular uses, densities, building types and architectural controls proposed, form of ownership, occupancy and responsibility for maintenance for all uses and facilities, trees and woodlands, public facilities to be provided, specific variations from the standards of any underlying zoning district or other provisions of this Code, and a schedule of development.
5. If the PUD involves the subdivision of land, the proposal shall also include a preliminary subdivision plat and meet all requirements of Chapter 16.122. The preliminary subdivision shall be processed concurrently with the PUD.
6. Architectural Pattern Book: A compendium of architectural elevations, details, and colors of each building type shall be submitted with any PUD application. The designs shall conform to the site plan urban design criteria in Section 16.90.020(G) or any other applicable standards in this Code. A pattern book shall act as the architectural control for the homeowner's association or the commercial owner. An Architectural Pattern Book shall address the following:

C. Commission Review

The Commission shall review the application pursuant to Chapter 16.72 and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their decision based on the following criteria:

1. The proposed development is in substantial conformance with the Comprehensive Plan and is eligible for PUD consideration per 16.40.020.A.
2. The preliminary development plans include dedication of at least 15 percent of the buildable portion of the site to the public in the form of usable open space, park or other public space, (subject to the review of the Parks & Recreation Board) or to a private entity managed by a homeowners association. Alternatively, if the project is located within close proximity to existing public spaces such as parks, libraries or plazas the development plan may propose no less than 5% on-site public space with a detailed explanation of how the proposed development and existing public spaces will together equally or better meet community needs.
3. That exceptions from the standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan.
4. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments, vernacular, and scale subject to review and approval in Subsection (B)(6).
5. That the system of ownership and the means of developing, preserving and maintaining parks and open spaces are acceptable.

6. That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district.
7. That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year from date of approval.
8. That adequate public facilities and services are available or are made available by the construction of the project.
9. That the general objectives of the PUD concept and the specific objectives of the various categories of the PUDs described in this Chapter have been met.
10. The minimum area for a Residential PUD shall be five (5) acres, unless the Commission finds that a specific property of lesser area is suitable as a PUD because it is unusually constrained by topography, landscape features, location, or surrounding development, or qualifies as "infill" as defined in Section 16.40.050(C)(3).

D. Council Action

Upon receipt of the findings and recommendations of the Commission, the Council shall conduct a public hearing pursuant to Chapter 16.72. The Council may approve, conditionally approve, or deny the Preliminary Development Plan. A Council decision to approve the Preliminary Development Plan shall be by ordinance establishing a PUD overlay zoning district. The ordinance shall contain findings of fact as per this Section, state all conditions of approval, and set an effective date subject to approval of the Final Development Plan as per Section 16.40.030.

E. Effect of Decision

Approval of the Preliminary Development Plan shall not constitute final acceptance of the PUD. Approval shall, however, be binding upon the City for the purpose of preparation of the Final Development Plan, and the City may require only such changes in the plan as are necessary for compliance with the terms of preliminary approvals.

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 attached dwellings, zero-lot line housing, row houses, duplexes, cluster units, 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. (Ord. 86-851, § 3)

SITE PLANNING (16.90)

Site Plan Review Design Criteria

Except for single and two family uses, and manufactured homes located on individual residential lots, but including manufactured home parks, no building permit shall be issued for a new building or structure, or for the substantial alteration of an existing structure or use, and no sign permit shall be issued for the erection or construction of a sign relating to such building or structure until the proposed development has been reviewed.

No site plan approval shall 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 of the provisions of Divisions V, VI, VIII and IX.
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 feasible extent, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive land), 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 a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), **Retail Commercial (RC)**, General Commercial (GC), Light Industrial (LI), and **General Industrial (GI) zones**, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section **16.106.070 Highway 99W Capacity Allocation Program**, unless excluded herein.
6. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant shall provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate for impacts attributable to the project. The determination of impact or effect and the scope of the impact study shall be coordinated with the provider of the affected transportation facility.
7. The proposed commercial, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:
 - a. Primary, front entrances shall be 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 shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
 - c. The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding shall be prohibited. Street facing elevations shall 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 shall be installed unless other architectural elements are provided for similar protection, such as an arcade.

LANDSCAPING (16.92)

All areas not covered by buildings, required parking and/or circulation drives shall be landscaped with plants native to the Pacific Northwest. Perimeter and parking lot landscaping is required. A landscaping plan must be submitted with every development proposal application.

PARKING AND CIRCULATION (16.94 and 16.96)

No building permits shall be issued until plans are approved providing for off-street parking and loading space as required by this Code. An off-street parking and loading plan shall accompany requests for building permits or site plan approvals.

Improved hard surface driveways are required in all commercial, industrial and multi-family developments.

Ingress and egress shall be shown from existing or planned local or collector streets, consistent with the Transportation System Plan and Section VI of the Community Development Plan. Joint ingress/egress is strongly encouraged.

The minimum number of bicycle parking spaces for this development is based on the minimum required bicycle parking in section 16.94.020. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance

A private pathway/sidewalk system extending throughout the development site shall be required to connect to existing development, to public rights-of-way with or without improvements, to parking and storage areas, to all building entrances in the development, to transit facilities within 500 feet of the site, to future phases of development and to parks and open spaces.

ON-SITE STORAGE (16.98)

External material storage must be approved as part of a site plan. Storage areas must be designated and screened appropriately. **Garbage and recycling facilities are required to meet the standards of Pride Disposal.**

SIGNS (16.102)

A separate permit is required for all permanent signs. Sign permits may be applied for through the Sherwood Building Department. Banner sign permits are issued through the Sherwood Planning Department.

PUBLIC IMPROVEMENTS (16.104) CAREFULLY REVIEW ENGINEERING COMMENTS FOR THESE SPECIFIC REQUIREMENTS.

TRANSPORTATION FACILITIES (16.106)

SANITARY SEWER (16.110)

Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains.

WATER (16.112)

Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains or shall construct new mains appropriately sized and located in accordance with this Code, the Water System Master Plan, the City Design and Construction Manual, and with other applicable City standards and specifications, in order to adequately serve the proposed development and allow for future extensions.

STORM WATER (16.114)

Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage systems consistent with the Comprehensive Plan and the requirements of the Clean Water Services water quality regulations contained in their Design and Construction Standards R&O 04-0, or its replacement.

FIRE (16.116)

All developments are required to comply with the regulations of Tualatin Valley Fire & Rescue. TVF&R regulations can be found on their website at: www.tvfr.com/Dept/fm/const/index.html.

OVERHEAD UTILITIES (16.118)

All existing and proposed utilities must be placed underground, unless specifically authorized for above ground installation, because the points of connection to existing utilities make underground installation impractical, or for other reasons deemed acceptable by the Commission.

ENVIRONMENTAL RESOURCES (16.132). The applicant will need to confirm that CWS does not have any environmental resources on or near the site through the provision of a Service Provider Letter.

STREET TREES (16.142.060) Minimum spacing based on canopy spread and based on the tree selected

TREES ON PRIVATE PROPERTY (16.142.070)

New developments are required to achieve minimum canopy requirements, and may be required to inventory any existing trees. 30 % for multi family and 40% single family

APPLICABLE CODE CRITERIA

(These sections **must** be addressed in the narrative submitted with the land use application)

<input checked="" type="checkbox"/> Division II (Zoning Districts)	<input checked="" type="checkbox"/> 16.92 (Landscaping)	<input type="checkbox"/> 16.122 (Land Partitions)
<input checked="" type="checkbox"/> 16.40 (Planned Unit Development)	<input checked="" type="checkbox"/> 16.94 (Off-Street Parking and Loading)	<input type="checkbox"/> 16.124 (Property Line Adjustments)
<input type="checkbox"/> 16.44 (Townhomes)	<input checked="" type="checkbox"/> 16.96 (On-Site Circulation)	<input checked="" type="checkbox"/> 16.128. (Land Division Design Standards)
<input type="checkbox"/> 16.46 (Manufactured Homes)	<input checked="" type="checkbox"/> 16.98 (On-Site Storage)	<input checked="" type="checkbox"/> 16.142 (Parks and Open Space)
<input type="checkbox"/> 16.48 (Non-Conforming Uses)	<input checked="" type="checkbox"/> 16.102 (Signs)	<input checked="" type="checkbox"/> 16.146 (Noise)
<input type="checkbox"/> 16.50 (Accessory Uses)	<input checked="" type="checkbox"/> 16.106 (Transportation Facilities)	<input checked="" type="checkbox"/> 16.148 (Vibrations)
	<input checked="" type="checkbox"/> 16.106.030(D) (Additional Setbacks)	
	<input checked="" type="checkbox"/> 16.108.040.D (Clear Vision Areas)	<input checked="" type="checkbox"/> 16.150 (Air Quality)
<input checked="" type="checkbox"/> 16.80 (Plan Amendments)	<input checked="" type="checkbox"/> 16.110 (Sanitary Sewers)	<input checked="" type="checkbox"/> 16.152 (Odors)

<input type="checkbox"/> 16.82 (Conditional Uses)	<input checked="" type="checkbox"/> 16.112 (Water Supply)	<input checked="" type="checkbox"/> 16.154 (Heat and Glare)
	<input checked="" type="checkbox"/> 16.114 (Storm Water)	<input type="checkbox"/> 16.162 (Old Town Overlay District)
<input type="checkbox"/> 16.86 (Variances)	<input checked="" type="checkbox"/> 16.116 (Fire Protection)	<input type="checkbox"/> 16.166 (Landmark Designation)
<input type="checkbox"/> 16.88 (Interpretation of Similar Uses)	<input checked="" type="checkbox"/> 16.118 (Private Improvements)	<input type="checkbox"/> 16.168 (Landmark Alteration)
<input checked="" type="checkbox"/> 16.90 (Site Planning)	<input checked="" type="checkbox"/> 16.120 (Subdivisions)	

ADDITIONAL CONCERNS OR COMMENTS:

Subdivision:

Over 50 Lots is a Type IV process.

5% of area is required for open space (more if a PUD or considered multi-family)

PUD Open space:

Plan Amendment Criteria

Map Amendment:

The proposal must be consistent with the applicable provisions of the Comprehensive Plan, the Transportation System Plan, the Transportation Planning Rule, and the Sherwood Development Code.

1. Must be consistent with the provisions of these documents.
2. Demonstrate the need for the uses and zoning proposed taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.
3. Amendment is timely considering the pattern of development in the area surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment and the availability of utilities and services to serve uses
4. Other lands are unavailable or unsuitable for immediate development due to location size or other factors.

Transportation Planning Rule Consistency

1. Review for effect on facilities
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.

NOTE: Not all of these fees will apply, but wanted to make you aware.

Estimated fees for initial land use application

Map amendment - \$5,330

Subdivision - \$6,222 plus \$20 per lot

possible PUD - \$2,205

Type III and IV \$6,222 (Additional \$100 for every 10,000 sq. ft. or portion thereof over the first 15,000 sq. ft.;

Publication/distribution of Notice Type 3 & 4 \$466 **CONFIRM FEES WITH STAFF PRIOR TO SUBMITTAL. WE WILL HELP YOU TO CALCULATE THE FEES.**

PROCEDURE

Hearing Authority is the Planning Commission AND City Council

Type III- Public hearing before the Hearings Officer, Planning Commission for any appeals.

Type IV- Public hearing before the Planning Commission, City Council for any appeals.

 x

Type V- Public hearing before the Planning Commission with the Commission making a recommendation on the proposal to the City Council. An additional public hearing shall be held by the City Council. Any appeals shall be heard by the Land Use Board of Appeals (LUBA).

Notes:

This could proceed in a couple of different ways depending on the desires of the applicant. If the applicant wants SF homes on individual lots, this may be a very large hurdle because of the minimum lot size requirements for single family homes (5k). If successful in rezone, may want to consider other changes in language that support this concept ie.

Applicant could consider a PUD where everything is on one lot and they are SF dwelling units-come up with standards for separation and areas of open space.

APPLICATION SUBMITTAL PROCESS

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

- 3 * copies of Application Form** completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- Copy of Deed** to verify ownership, easements, etc.
- CWS Service Provider Letter.**
- At least 3 * folded sets of plans**
- At least 3 * sets** of narrative addressing application criteria
- Fee** (along with calculations utilized to determine fee if applicable)

- Signed checklist** verifying submittal includes specific materials necessary for the application process
- PDF Electronic version of all submittal items broken down by item on a disc. Not a single PDF**

* **Note** that the required number of copies must be submitted when the application is deemed complete; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, required number of copies and one updated full electronic copy will be required to be submitted.

The Planning Department will perform a preliminary review of the application and will determine whether an application is complete within 30 days of the counter submittal. Staff will notify the applicant if additional information or additional copies of the submitted materials are required.

The administrative decision or public hearing will typically occur approximately 45 to 60 days after an application is deemed complete by the Planning Department. Applications involving difficult or protracted issues or requiring review by other jurisdictions may take additional time to review. Written recommendations from the Planning staff are issued seven (7) days prior to the public hearing. A 14-day public appeal period follows all land use decisions.

Information/Handouts provided at Pre-app:

- Application form
- CWS pre-screen form
- Copy of CAP worksheet
- Copy of maps including: __Sanitary lines, __Storm lines
- Other **Neighborhood Meeting Packet, Notes from Building Official, Engineering, ODOT and TVFR.**

Service Provider Contacts

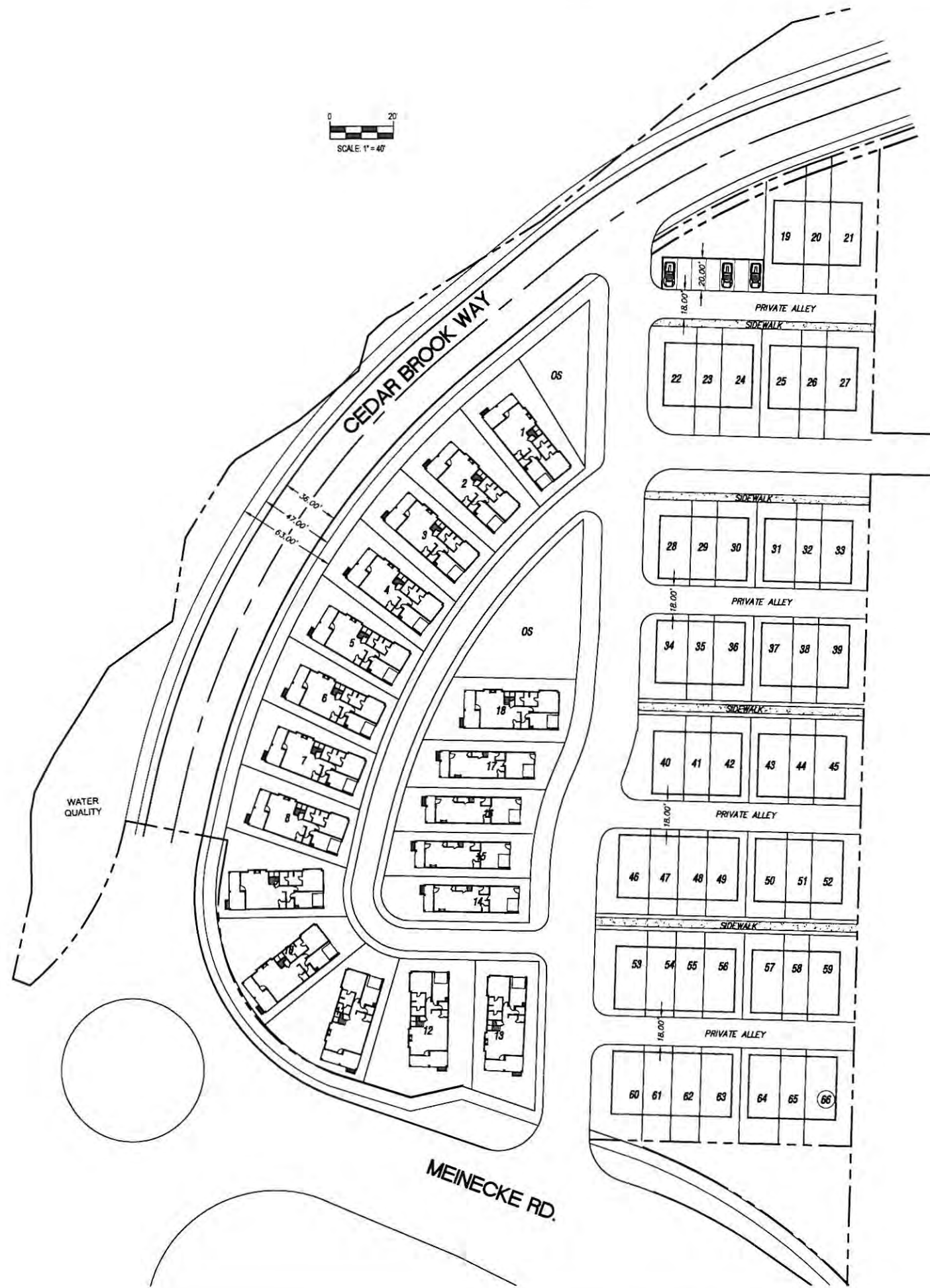
Electric: PGE

Cable: Comcast/Verizon/Century Link

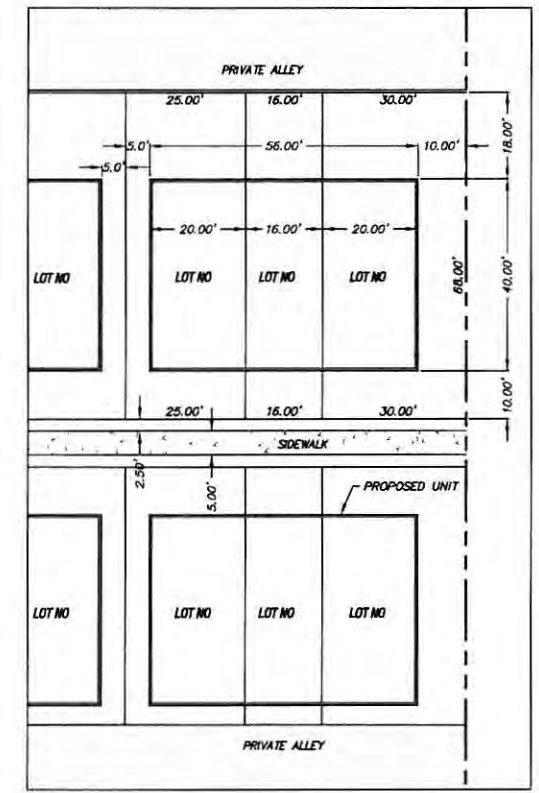
Telephone: Comcast/Verizon/Century Link

Trash and Recycling: Pride Disposal

Planning Staff Contact: Brad Kilby, AICP (503)625-4206 – kilbyb@sherwoodoregon.gov



TYPICAL DETAIL FOR THE PROPOSED UNIT



SCALE: 1"=20'

BROWN STONE PROPERTY
SHERWOOD - MEINECKE ROAD
OPTION 2

NO.	DATE	REVISIONS	DESCRIPTION

EMERIO
Design
6107 SW MURRAY BLVD. SUITE 147
BEAVERTON, OREGON 97008
PH: (503) 515-5528



SCHOTT & ASSOCIATES
Ecologists & Wetlands Specialists

21018 NE Hwy 99E • P.O. Box 589 • Aurora, OR 97002 • (503) 678-6007 • FAX: (503) 678-6011

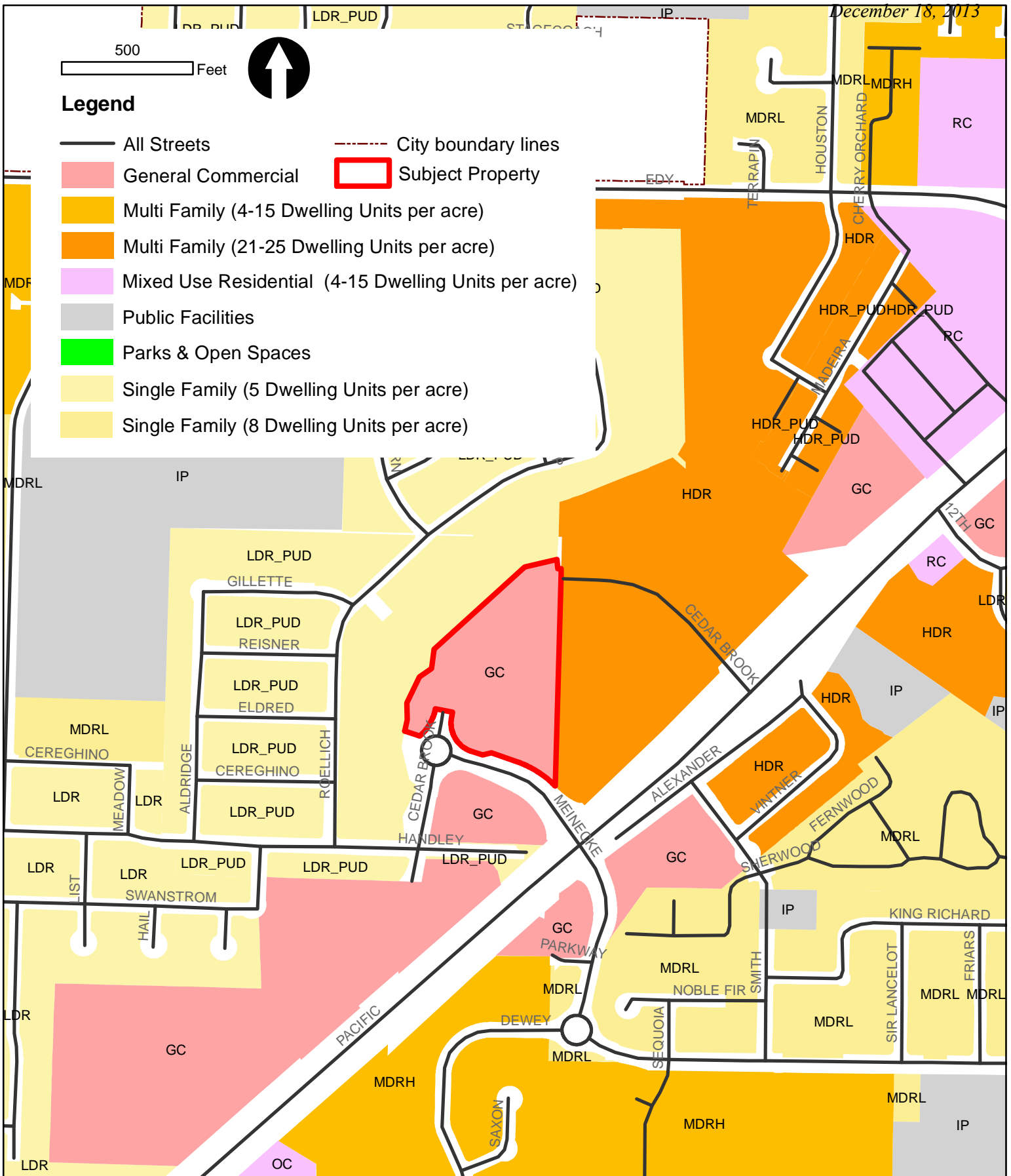
SENSITIVE LANDS REPORT
FOR
KENNEDY COURT

Prepared For:
Randy Myers
Brownstone Real Estate Group
PO Box 2375
Lake Oswego, OR 97035

Prepared by:
Martin Schott, Ph.D., PWS

Project #: 2270

October 2013



Brownstone Zone Change

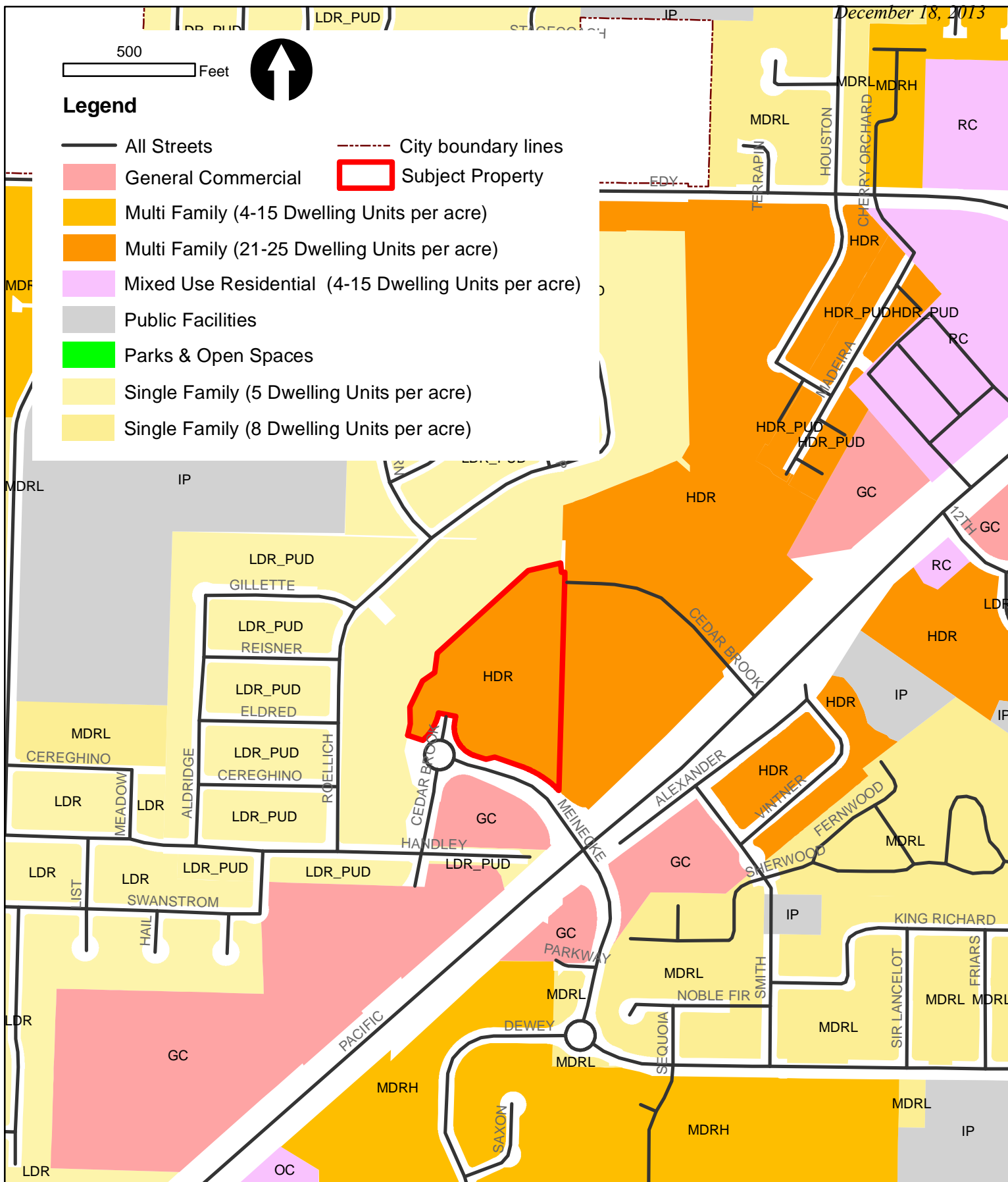
Existing Zoning

Sherwood, Oregon



Cardno
WRG

Shaping the Future



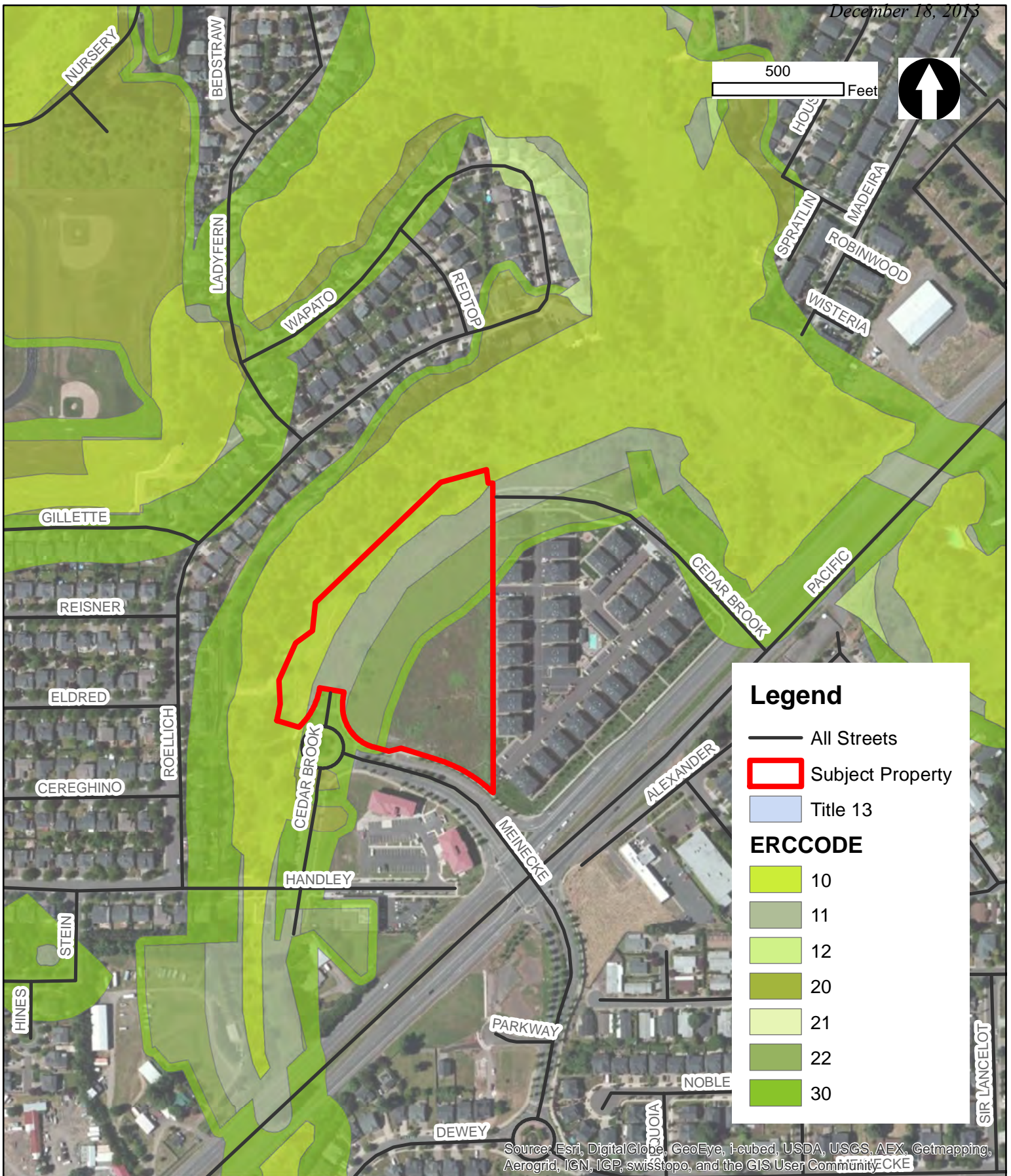
Brownstone Zone Change

Proposed Zoning

Sherwood, Oregon



Shaping the Future



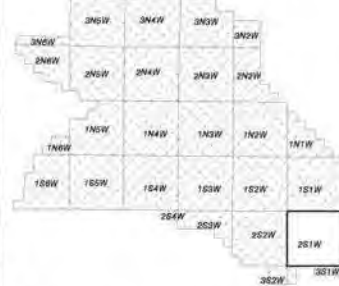
Brownstone

Title 13 Nature in Neighborhoods

Sherwood, Oregon



Shaping the Future



WASHINGTON COUNTY OREGON
SE 1/4 SW 1/4 SECTION 30 T2S R1W W.M.
SCALE 1" = 100'

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
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

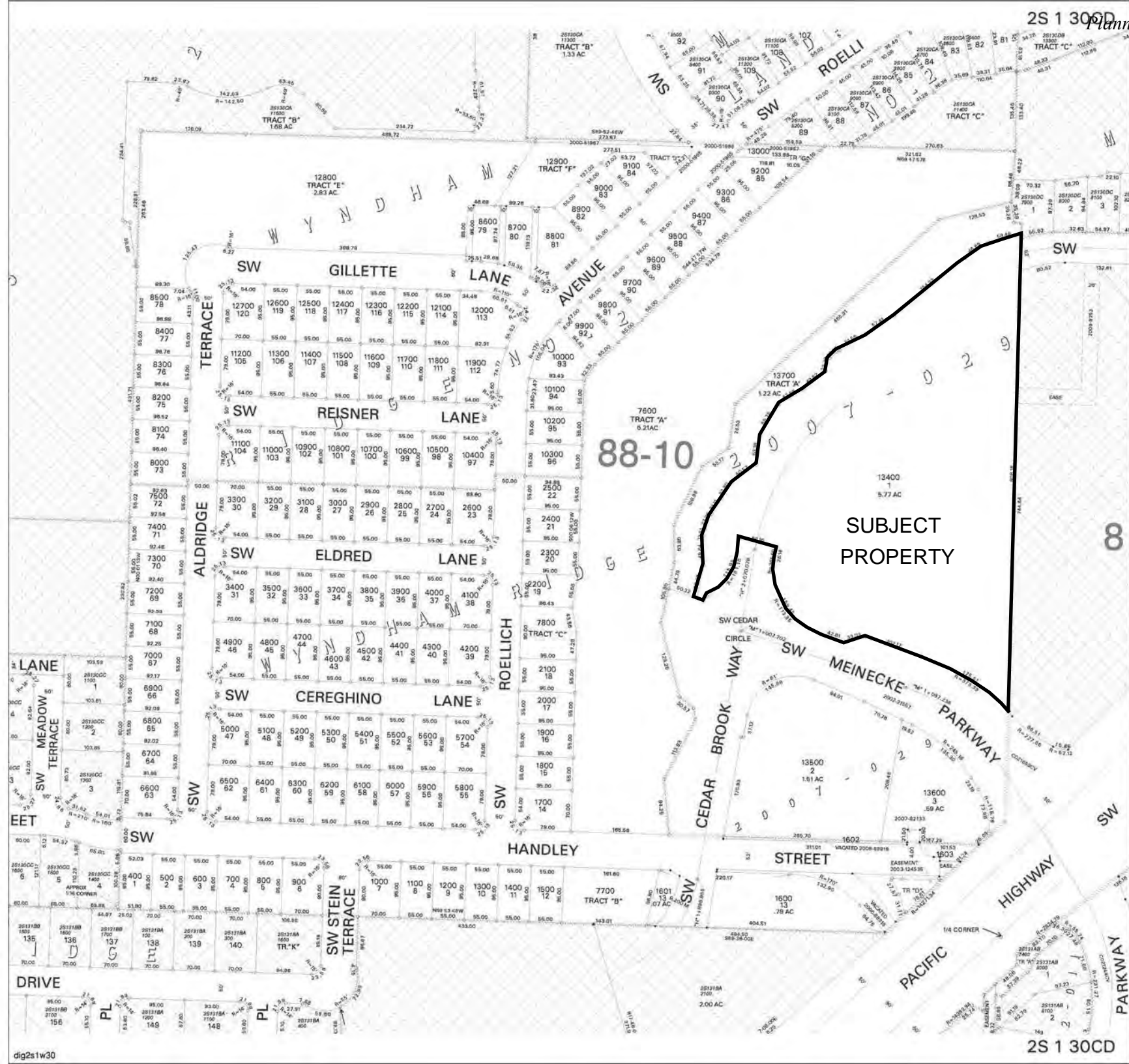


Cancelled Taxlots For: 2S130CD
300,13300,7900,100,101,13100,13200,1650,1651,200,



PLOT DATE: June 04, 2013
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE

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



88-10

SUBJECT
PROPERTY

8

TRAFFIC ANALYSIS REPORT

FOR

BROWNSTONE DEVELOPMENT

CEDAR BROOK WAY

CITY OF SHERWOOD

SUBMITTED BY



October 2013

Project 13-19



WASHINGTON COUNTY
Dept. of Land Use & Transportation
Development Services Division
Current Planning Section
155 N. 1st Avenue, #350-13
Hillsboro, OR 97124
Ph. (503) 846-8761 Fax (503) 846-2908
http://www.co.washington.or.us

**Request For Statement Of Service
Availability (Service Provider Letter)**

- WATER DISTRICT: _____
- FIRE DISTRICT: _____
- CITY OF: _____
- CLEAN WATER SERVICES (Sanitary Sewer)

Additionally, you'll need our separate, individual request forms titled:

- ◆ Clean Water Services (Surface Water Mgmt.)
- ◆ Tri-Met
- ◆ School
- ◆ Sheriff / Police
- ◆ Tualatin Hills Park & Recreation District

PROPOSED PROJECT NAME: Brownstone PUD

PROPOSED DEVELOPMENT ACTION: (DEVELOPMENT REVIEW, SUBDIVISION, MINOR PARTITION, SPECIAL USE)

Planned Development / Subdivision

EXISTING USE: Vacant

PRE-APPLICATION DATE: _____

Service Provider: PLEASE RETURN THIS FORM TO:
APPLICANT:

COMPANY: Cardno

CONTACT: Mark Person

ADDRESS: 5415 SW Westgate #100
Portland, OR 97221

PHONE: 503-419-2500

OWNER(S):

NAME: Brownstone Real Estate

ADDRESS: PO Box 2375
Lake Oswego

PHONE: _____

Property Desc.: Tax Map(s): 25130 CD Lot Number(s): 13400

23

Site Size: 5.77 ac

Site Address: _____

Nearest cross street (or directions to site):
W Leineweber + 99 W

IF RESIDENTIAL:
NO. OF DWELLING UNITS: 84
SINGLE FAM. MULTI-FAM. _____

IF INDUSTRIAL/COMMERCIAL:
TYPE OF USE: _____
NO. OF SQ. FT. (GROSS FLOOR AREA) _____

IF INSTITUTIONAL:
NO. SQ. FT. _____
NO. STUDENTS/EMPLOYEES/MEMBERS: _____

*****ATTENTION SERVICE PROVIDER*****

- PLEASE INDICATE THE LEVEL OF SERVICE AVAILABLE TO THE SITE (ADEQUATE OR INADEQUATE).
- RETURN THIS COMPLETED FORM TO THE APPLICANT AS LISTED ABOVE.
- (Do NOT return this form to Washington County. The applicant will submit the completed form with their Land Development Application submittal).

SERVICE LEVEL IS ADEQUATE TO SERVE THE PROPOSED PROJECT. (Use additional sheets if necessary.)
Please indicate what improvements, or revisions to the proposal are needed for you to provide adequate service to this project.

SIGNATURE: _____ POSITION: _____ DATE: _____

SERVICE LEVEL IS INADEQUATE TO SERVICE THE PROPOSED PROJECT.
Please indicate why the service level is inadequate.

SIGNATURE: _____ POSITION: _____ DATE: _____

Service Pro General 10/20/10



Clean Water Services File Number

13-002074

Sensitive Area Pre-Screening Site Assessment

1. Jurisdiction: Sherwood

2. Property Information (example 1S234AB01400)
Tax lot ID(s): 2S130CD13400

Site Address: _____
City, State, Zip: Sherwood, Oregon
Nearest Cross Street: Meinecke Parkway

3. Owner Information
Name: Randy Myers
Company: Brownstone Real Estate Group
Address: PO Box 2375
City, State, Zip: Lake Oswego, Oregon
Phone/Fax: _____
E-Mail: _____

4. Development Activity (check all that apply)
 Addition to Single Family Residence (rooms, deck, garage)
 Lot Line Adjustment Minor Land Partition
 Residential Condominium Commercial Condominium
 Residential Subdivision Commercial Subdivision
 Single Lot Commercial Multi Lot Commercial
Other Planned Unit Development and Comprehensive Plan Amendment/Zone Change

5. Applicant Information
Name: Mark Person
Company: Cardno
Address: 5145 SW Westgate Drive, Suite 100
City, State, Zip: Portland, OR 97221
Phone/Fax: 503-419-2500
E-Mail: mark.person@cardno.com

6. Will the project involve any off-site work? Yes No Unknown
Location and description of off-site work _____

7. Additional comments or information that may be needed to understand your project _____

This application does NOT replace Grading and Erosion Control Permits, Connection Permits, Building Permits, Site Development Permits, DEQ 1200-C Permit or other permits as issued by the Department of Environmental Quality, Department of State Lands and/or Department of the Army COE. All required permits and approvals must be obtained and completed under applicable local, state, and federal law.

By signing this form, the Owner or Owner's authorized agent or representative, acknowledges and agrees that employees of Clean Water Services have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related to the project site. I certify that I am familiar with the information contained in this document, and to the best of my knowledge and belief, this information is true, complete, and accurate.

Print/Type Name Mark Person Print/Type Title Planner
Signature [Signature] Date 7-25-13

FOR DISTRICT USE ONLY

- Sensitive areas potentially exist on site or within 200' of the site. **THE APPLICANT MUST PERFORM A SITE ASSESSMENT PRIOR TO ISSUANCE OF A SERVICE PROVIDER LETTER.** If Sensitive Areas exist on the site or within 200 feet on adjacent properties, a Natural Resources Assessment Report may also be required.
- Based on review of the submitted materials and best available information sensitive areas do not appear to exist on site or within 200' of the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider letter as required by Resolution and Order 07-20, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, State, and federal law.
- Based on review of the submitted materials and best available information the above referenced project will not significantly impact the existing or potentially sensitive area(s) found near the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect additional water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider letter as required by Resolution and Order 07-20, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, state and federal law.
- This Service Provider Letter is not valid unless _____ CWS approved site plan(s) are attached.
- The proposed activity does not meet the definition of development or the lot was platted after 9/9/95 ORS 92.040(2). NO SITE ASSESSMENT OR SERVICE PROVIDER LETTER IS REQUIRED.

Reviewed by [Signature] Date 07/29/13

2S 1 30CD

WASHINGTON COUNTY OREGON
SECTION 30 T2S R1W W3AB
SCALE 1" = 100'

29	31	32	33	34	35	36	37	38	39	40
1	2	3	4	5	6	7	8	9	10	11
12	13	14	15	16	17	18	19	20	21	22
23	24	25	26	27	28	29	30	31	32	33
34	35	36	37	38	39	40	41	42	43	44

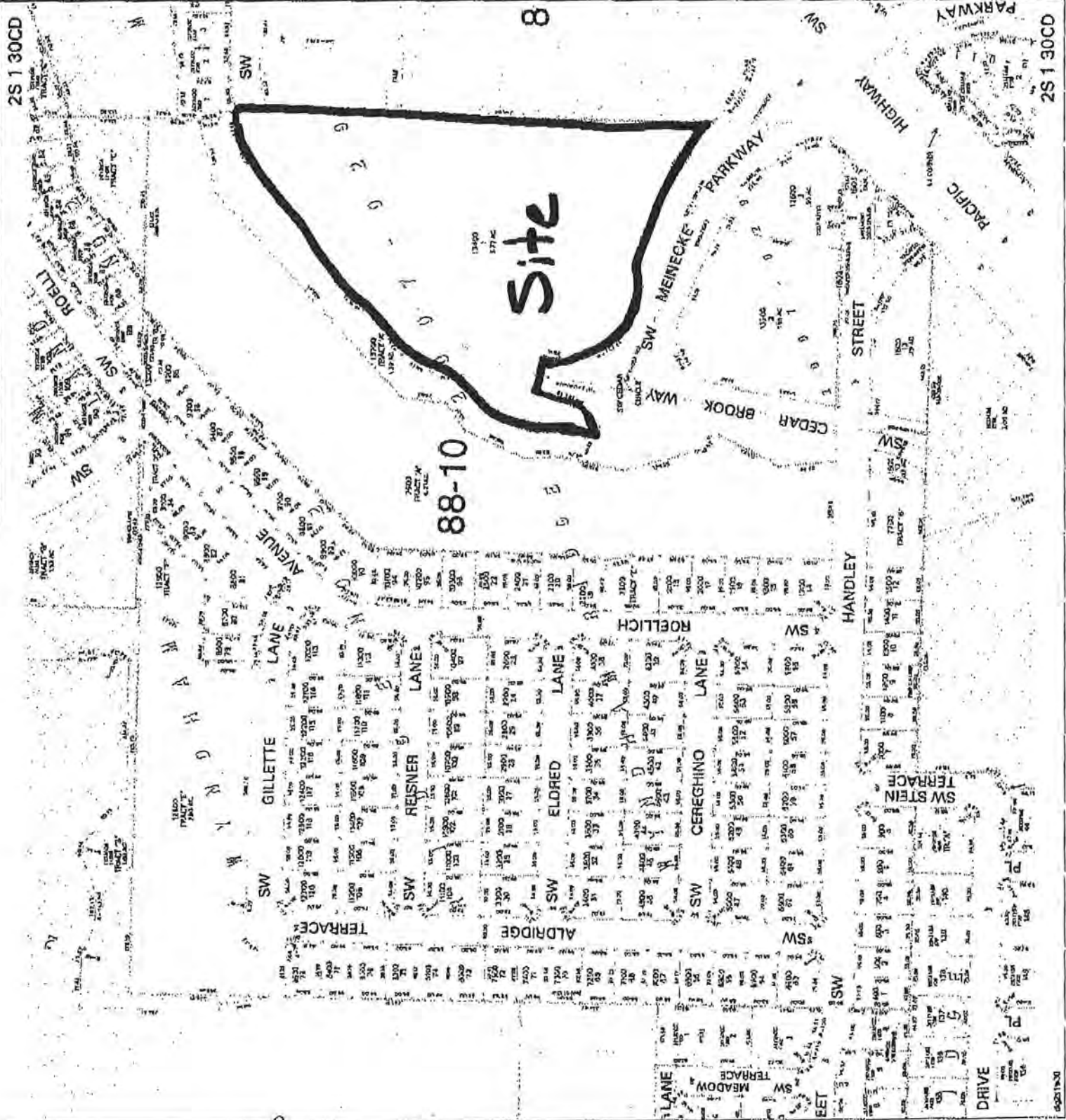
FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
WWW.WRGDDESIGN.COM

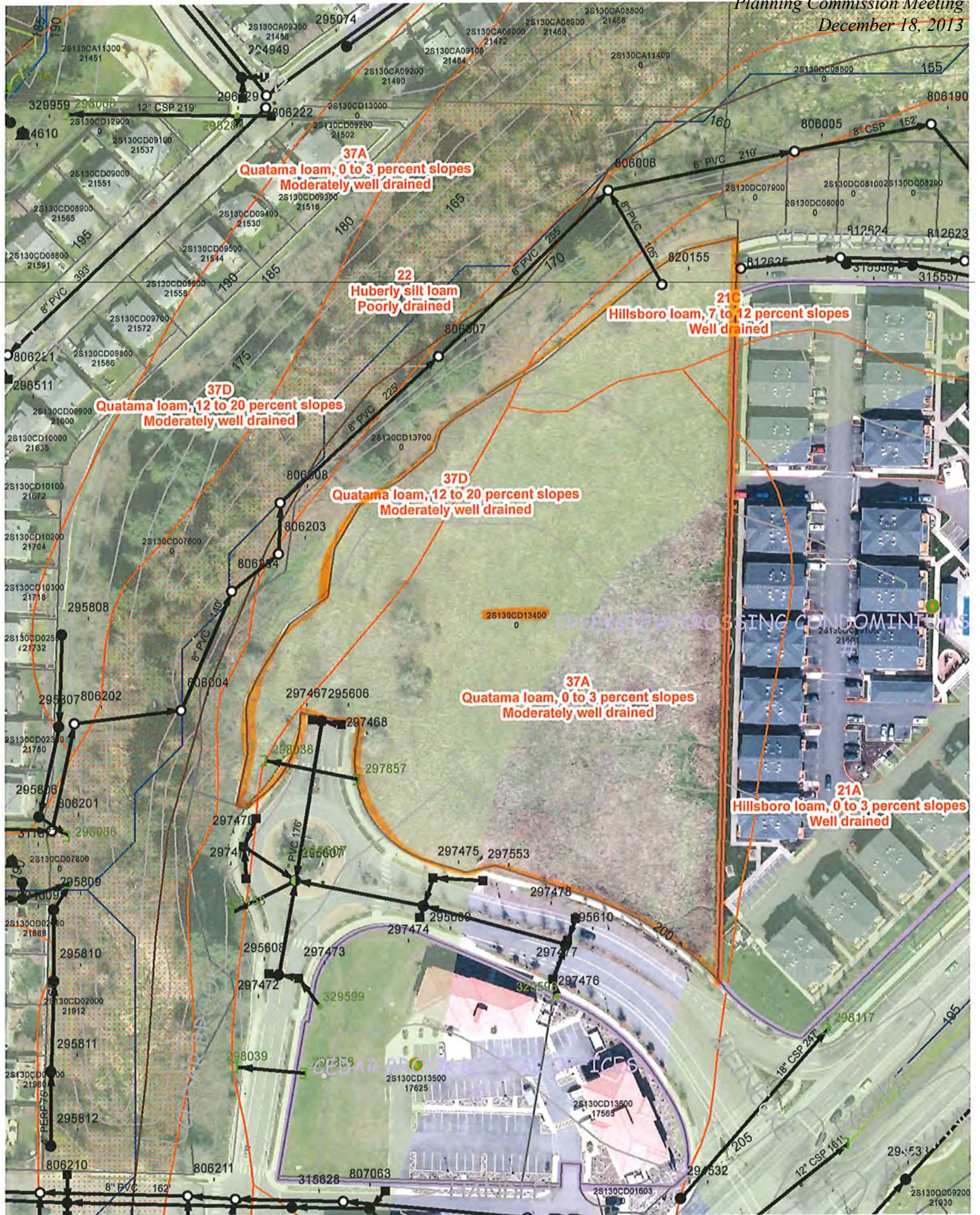
SECTION 30
CB CA CD CE CF
CG CH CI CJ CK CL
CM CN CO CP CQ CR CS CT

CARTOGRAPHY

PLOT DATE: June 04, 2013
FOR ASSESSMENT PURPOSES
ONLY. NOT FOR CONSTRUCTION
OR FOR OTHER USE

SHERWOOD 2S 1 30CD





Text to be removed is marked with a ~~double strike through~~

Text to be added is underlined

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. The PUD process allows creativity and flexibility in site design and review which cannot be achieved through a strict adherence to existing zoning and subdivision standards.
- B. The PUD district 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 shall be considered: a.) on sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of: natural features such as floodplains, wetlands, and extreme topography, or man-made features, such as parcel configuration and surrounding development; b.) on parcels of land within the Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or c.) in other areas deemed appropriated by Council during the adoption of a concept plan required by a Metro UGB expansion.

B. Content

The Preliminary Development Plan application shall include the following documentation:

1. Existing conditions map(s) showing: All properties, existing uses, and zoning districts within three hundred (300) feet, topography at five (5) foot intervals, floodplain, significant natural vegetation and features, private and public facilities including but not limited to utilities, streets, parks, and buildings, historic and cultural resources, property boundaries, lot lines, and lot dimensions and area.
2. Listing of all property owners adjacent to the PUD as per [Section 16.72.020](#), including names and addresses, and a listing of all persons, including names and addresses, with an interest in the property subject to the PUD application.
3. Proposal map(s) showing: Alterations to topography, floodplain, natural vegetation, trees and woodlands, and other natural features, all streets, utility alignments and easements, parks and open space, historic and cultural resources, other public and utility structures, and any other dedicated land features or structures, the parceling, lot consolidation, adjustments, or subdivision of land including basic parcel dimensions and areas, the phasing of the PUD, siting and orientation of proposed new structures, including an identification of their intended use.
4. Narrative describing: the intent of the PUD and how general PUD standards as per this Chapter are met, details of the particular uses, densities, building types and architectural controls proposed, form of ownership, occupancy and responsibility for maintenance for all uses and facilities, trees and woodlands, public facilities to be provided, specific variations from the standards of any underlying zoning district or other provisions of this Code, and a schedule of development.
5. If the PUD involves the subdivision of land, the proposal shall also include a preliminary subdivision plat and meet all requirements of [Chapter 16.122](#). The preliminary subdivision shall be processed concurrently with the PUD.
6. Architectural Pattern Book: A compendium of architectural elevations, details, and colors of each building type shall be submitted with any PUD application. The designs shall conform to the site plan urban design criteria in [Section 16.90.020\(G\)](#) or any other applicable standards in this Code. A pattern book shall act as the architectural control for the homeowner's association or the commercial owner. An Architectural Pattern Book shall address the following:
 - a. Illustrative areas within the development application covered by the pattern book.
 - b. An explanation of how the pattern book is organized, and how it is to be used.

- c. Define specific standards for architecture, color, texture, materials, and other design elements.
- d. Include a measurement or checklist system to facilitate review of the development for conformity with the pattern book.
- e. Include the following information for each building type permitted outright or conditionally proposed in the PUD:
 - (1) Massing, facades, elevations, roof forms, proportions, materials, and color palette.
 - (2) Architectural relevance or vernacular to the Pacific Northwest.
 - (3) Doors, windows, siding, and entrances, including sash and trim details.
 - (4) Porches, chimneys, light fixtures, and any other unique details, ornamentation, or accents.
 - (5) A fencing plan with details that addresses the relationship between public space and maintaining individual privacy subject to [Section 16.58.020](#)

C. Commission Review

The Commission shall review the application pursuant to [Chapter 16.72](#) and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their decision based on the following criteria:

- 1. The proposed development is in substantial conformance with the Comprehensive Plan and is eligible for PUD consideration per 16.40.020.A.
- 2. The preliminary development plans include dedication of at least 15 percent of the buildable portion of the site to the public in the form of usable open space, park or other public space, (subject to the review of the Parks & Recreation Board) or to a private entity managed by a homeowners association. Alternatively, if the project is located within close proximity to existing public spaces such as parks, libraries or plazas the development plan may propose no less than 5% on-site public space with a detailed explanation of how the proposed development and existing public spaces will together equally or better meet community needs.
- 3. That exceptions from the standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan.
- 4. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments, vernacular, and scale subject to review and approval in Subsection (B)(6).
- 5. That the system of ownership and the means of developing, preserving and maintaining parks and open spaces are acceptable.

6. That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district.
7. That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year from date of approval.
8. That adequate public facilities and services are available or are made available by the construction of the project.
9. That the general objectives of the PUD concept and the specific objectives of the various categories of the PUDs described in this Chapter have been met.
10. The minimum area for a Residential PUD shall be five (5) acres, unless the Commission finds that a specific property of lesser area is suitable as a PUD because it is unusually constrained by topography, landscape features, location, or surrounding development, or qualifies as "infill" as defined in [Section 16.40.050\(C\)\(3\)](#).

D. Council Action

Upon receipt of the findings and recommendations of the Commission, the Council shall conduct a public hearing pursuant to [Chapter 16.72](#). The Council may approve, conditionally approve, or deny the Preliminary Development Plan. A Council decision to approve the Preliminary Development Plan shall be by ordinance establishing a PUD overlay zoning district. The ordinance shall contain findings of fact as per this Section, state all conditions of approval, and set an effective date subject to approval of the Final Development Plan as per [Section 16.40.030](#).

E. Effect of Decision

Approval of the Preliminary Development Plan shall not constitute final acceptance of the PUD. Approval shall, however, be binding upon the City for the purpose of preparation of the Final Development Plan, and the City may require only such changes in the plan as are necessary for compliance with the terms of preliminary approvals.

(Ord. No. 2011-003, § 2, 4-5-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2008-015, § 1, 10-7-2008; Ord. 2001-1119, § 1; 98-1053; Ord. 86-851, § 3)

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 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.

B. Final Subdivision Plat

If the PUD involves the subdivision of land, a final plat shall be prepared and submitted for final approval, pursuant to [Chapter 16.124](#).

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

16.40.040 - General Provisions

A. 1. Phasing

a. The City may require that development be done in phases, if public facilities and services are not adequate to serve the entire development immediately.

b. Any PUD which requires more than twenty four (24) months to complete shall be constructed in phases that are substantially complete in themselves and shall conform to a phasing plan approved as part of the Final Development Plan.

2. Failure to Complete

a. When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission shall determine whether or not the PUD's continuation, in whole or in part, is in the public interest.

b. If continuation is found not to be in the public interest, the Commission shall recommend to the Council that the PUD be extinguished. The Council, after public hearing, may extend the PUD, extend with conditions, or extinguish the PUD.

B. Changes in Approved Plans

1. Major Changes

Proposed major changes in a Final Development Plan shall be considered the same as a new application, and shall be made in accordance with the procedures specified in this Chapter.

2. Minor Changes

Minor changes in a Final Development Plan may be approved by the Council without further public hearing or Commission review, provided that such changes do not increase densities, change boundaries or uses, or change the location or amount of land devoted to specific uses.

C. Multiple Zone Density Calculation

When a proposed PUD includes multiple zones, the density may be calculated based on the total permitted density for the entire project and clustered in one or more portions of the project, provided that the project demonstrates compatibility with the adjacent and nearby neighborhood(s) in terms of location of uses, building height, design and access.

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

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 attached dwellings, zero-lot line housing, row houses, duplexes, cluster units, 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. (Ord. 86-851, § 3)

B. Conditional Uses

A conditional use permitted in the underlying zone in which the PUD is located may be allowed as a part of the PUD upon payment of the required application fee and approval by the Commission as per Chapter 16.82. (Ord. 86-851, § 3)

C. Development Standards

1. Density

The number of dwelling units permitted in a Residential PUD shall be the same as that allowed in the underlying zoning district, except as provided in Subsection (C)(2), below or 16.40.040.C above.

2. Density Transfer

Where the proposed PUD site includes lands within the base floodplain, wetlands and buffers, or steeply sloped areas which are proposed for public dedication, and such dedication is approved as a part of the preliminary development plan, then a density transfer may be allowed adding a maximum of 20% to the overall density of the land to be developed.

3. Minimum Lot Size

~~The minimum lot size required for single family, detached dwellings is 5,000 square foot, unless the subject property qualifies as infill, defined as: parent parcel of 1.5 acres or less proposed for land division, where a maximum 15% reduction in lot size may be allowed from the minimum lot size. (Ord. 2001-1119 § 3; Ord. 86-851)~~

Lots created through a PUD shall not be subject to minimum lot sizes and shall supercede the standards within the base zone provided the applicant demonstrates that the proposal meets the purpose and intent of the Zoning and Development Code and the Sherwood Comprehensive Plan.

(Ord. No. 2008-015, § 1, 10-7-2008)

16.40.060 - Non-Residential (Commercial or Industrial) PUD

A. Permitted Uses

Any commercial, industrial or related use permitted outright in the underlying zoning district in which the PUD is located, may be permitted in a Non-Residential PUD, subject to Division VIII.

(Ord. 91-922, § 3; Ord. 86-851)

B. Conditional Uses

Conditional use permitted in the underlying zoning district in which the PUD is located may be allowed as part of the PUD upon payment of required application fee and approval by Commission.

(Ord. 86-851, § 3)

C. Development Standards

1. Floor Area

The gross ground floor area of principal buildings, accessory buildings, and future additions shall not exceed sixty percent (60%) of the buildable portion of the PUD.

2. Site and Structural Standards

Yard setback, type of dwelling unit, lot frontage and width and use restrictions contained in this Code may be waived for the Non-Residential PUD, provided that the intent and objectives of this Chapter are complied with in the Final Development Plan. Building separations shall be maintained in accordance with the minimum requirements of the Fire District.

3. Perimeter Requirements

Unless topographical or other barriers within the PUD provide reasonable privacy for existing uses adjacent to the PUD, the Commission shall require that structures located on the perimeter of the PUD be:

- a. Setback in accordance with provisions of the underlying zoning district within which the PUD is located and/or:
- b. Screened so as to obscure the view of structures in the PUD from other uses.

4. Height

Maximum building height is unlimited, provided a sprinkler system is installed in all buildings over two (2) stories, as approved by the Fire District, excepting that where structures are within one hundred (100) feet of a residential zone, the maximum height shall be limited to that of the residential zone.

5. Community Design Standards

For 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 and IX.

6. Density Transfer

Where the proposed PUD includes lands within the base floodplain, a density transfer may be allowed in accordance with Section 16.142.040.

7. Minimum Site Area

a. Commercial PUD

Minimum area for a Commercial PUD shall be five (5) acres.

Development of a Commercial PUD of less than five (5) acres may be allowed if the PUD can be developed consistent with the intent and standards of this Chapter, as determined by the Commission.

b. Industrial PUD

The minimum site area for an Industrial PUD shall be twenty (20) acres.

(Ord. 91-922, § 3; Ord. 86-851)

Brownstone Residential Market Analysis

Sherwood, Oregon

To Support:
Comprehensive Plan Amendment
Zoning Map Amendment

Submitted August 30, 2013

Applicant:
Brownstone Real Estate Group
P.O. Box 2375
Lake Oswego, Oregon
Phone: (503) 358-4460
Contact: Randy Myers

Prepared by:
Cardno
5415 SW Westgate Drive, Suite 100
Portland, Oregon 97221
Phone: 503-419-2500
Fax: 503-419-2600

21304280

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IX. SHERWOOD LAND SUPPLY AND DEMAND RECONCILIATION17

I. INTRODUCTION

GENERAL INFORMATION

Applicant: Brownstone Real Estate Group
P.O. Box 2375
Lake Oswego, Oregon
Phone: (503) 358-4460
Contact: Randy Myers

Applicant's Representative Cardno
5415 SW Westgate Drive; Suite 100
Portland, Oregon 97221
(503) 419-2500 phone
(503) 419-2600 fax
Contact: Michael Cerbone, AICP
michael.cerbone@cardno.com

Tax Lot Information:	Map	Tax Lot
	2S1 30 CD	13400

Location: City of Sherwood, Oregon
Generally bounded Meinecke Parkway to the south,
the terminus of SW Cedar Brook Way to the
northeast and just west of Highway 99.

Current Zoning District: General Commercial (GC)

Project Site Area: +/- 5.77 acres

SUMMARY OF PROPOSAL

Cardno was retained by the Brownstone Real Estate Group (“Brownstone”) to evaluate market need to rezone a 5.7 acre parcel from General Commercial (GC) to High Density Residential (HDR). The rezone to HDR would enable the development of up to 66 attached residential units ranging in size from 1,200 to 1,600 square feet with up to 18 additional single-family residential units ranging in size from 1,400 to 1,900 square feet.

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

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

II. EXECUTIVE SUMMARY

Analysis in this report documents demand and supply conditions related to single-family residential development in the City of Sherwood over a twenty-year land use planning horizon, from 2013 to 2033. Market findings expressed in this document are crucial for answering several key questions integral to the Brownstone Real Estate Development Group's application for a zone change for the subject property from GC to HDR and a Comprehensive Plan Amendment from Commercial to High Density Residential. These key questions include:

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

The option for both attached and detached housing is usually found within the higher density residential zones within a jurisdiction. According to Metro zoning and land use GIS data, the City of Sherwood had 121.75 acres currently dedicated to high-density residential (HDR) use. This total represents approximately 6% of the overall land supply of 1,964 acres, not excluding non-developable or constrained lands. Of the 121.75 acres, there are only 96,318 SF or 2.2 acres currently vacant within the HDR zone to meet future demand for high-density residential development.

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

Analysis focused on both detached and attached ownership housing supply shows that the current inventory for detached housing is approximately 1.5 months of supply, while detached is showing only 1-month of available supply. With analysis based on attainable home ownership in the \$150,000 to \$400,000 price range, the twenty-year planning horizon will see over 670 new households within the City of Sherwood seeking attainable housing. That total is broken down into 210 new households in the \$35,000 to \$49,999 income range, 225 new households in the \$50,000 to \$74,999 income range and 242 new households in the \$75,000 to \$99,999 income range. Those income levels would qualify the buyer to purchase a house in the \$145,000 to \$415,000 price range.

3. Can the subject property better serve demand for high-density residential development with HDR versus GC zoning?

GC zoning precludes high-density residential development within the zone, while the HDR designation is provided to meet the high-density residential needs of the City of Sherwood. Therefore, the subject property would better serve demand for high-density residential development with an HDR zoning designation.

III. THE SUBJECT SITE & SURROUNDING AREA

SUBJECT SITE DESCRIPTION

The subject site is a roughly 5.77 acre triangular parcel located in the City of Sherwood, Oregon, with primary access from Meineke Parkway and the Cedar Brook roundabout. The site is unimproved vacant, relatively flat, and is bounded by a single-family residential development to the North and West, and a high-density residential development to the east. An aerial image of the subject site and immediately surrounding environs is found in FIGURE 1.

FIGURE 1: AERIAL VIEW OF SUBJECT SITE



Transportation & Access

Situated along Meineke Road just off Highway 99W, the site is ideally situated for easy access to the 99W corridor, downtown Sherwood and the nearby schools, commercial retail centers, and community parks as shown within the area amenities map in Figure 2.

Subject Locational Features

Figure 2 provides an aerial map of the subject property in the context of the broader Sherwood, Oregon area and its important economic and community features. The subject site is situated along Meineke Road just off Highway 99W, which is highly proximate and convenient to the Highway 99W corridor, the Langer Drive Commercial District, a Target, Albertsons, Home Depot and the Sherwood City Center. There are numerous schools and community parks within the area. Major employers within the City of Sherwood include the school district and the Allied System Company.

Immediately surrounding features include higher-density residential development to the immediate east that effectively limits visibility, traffic noise, and direct access to the site from Highway 99W. To the west and north, the site is bounded by Cedar Creek and requisite natural resource buffer area that prohibits development. This in turn provides some park-like setting, some view shed, and a measure of privacy for development that would occur on the subject site immediately adjacent.

All of the above should be considered amenities for residential development specifically. In turn, restricted access from key directions to the site because of the natural resource area would indicate obstacles to commercial use and its dependence upon visibility and access. Across Cedar Creek, land is fully developed as single-family residential uses. The resource area should be viewed as a buffer between potential higher-density residential uses on-site and lower-density residential development already in place on the west side.

Subject Site Conclusions

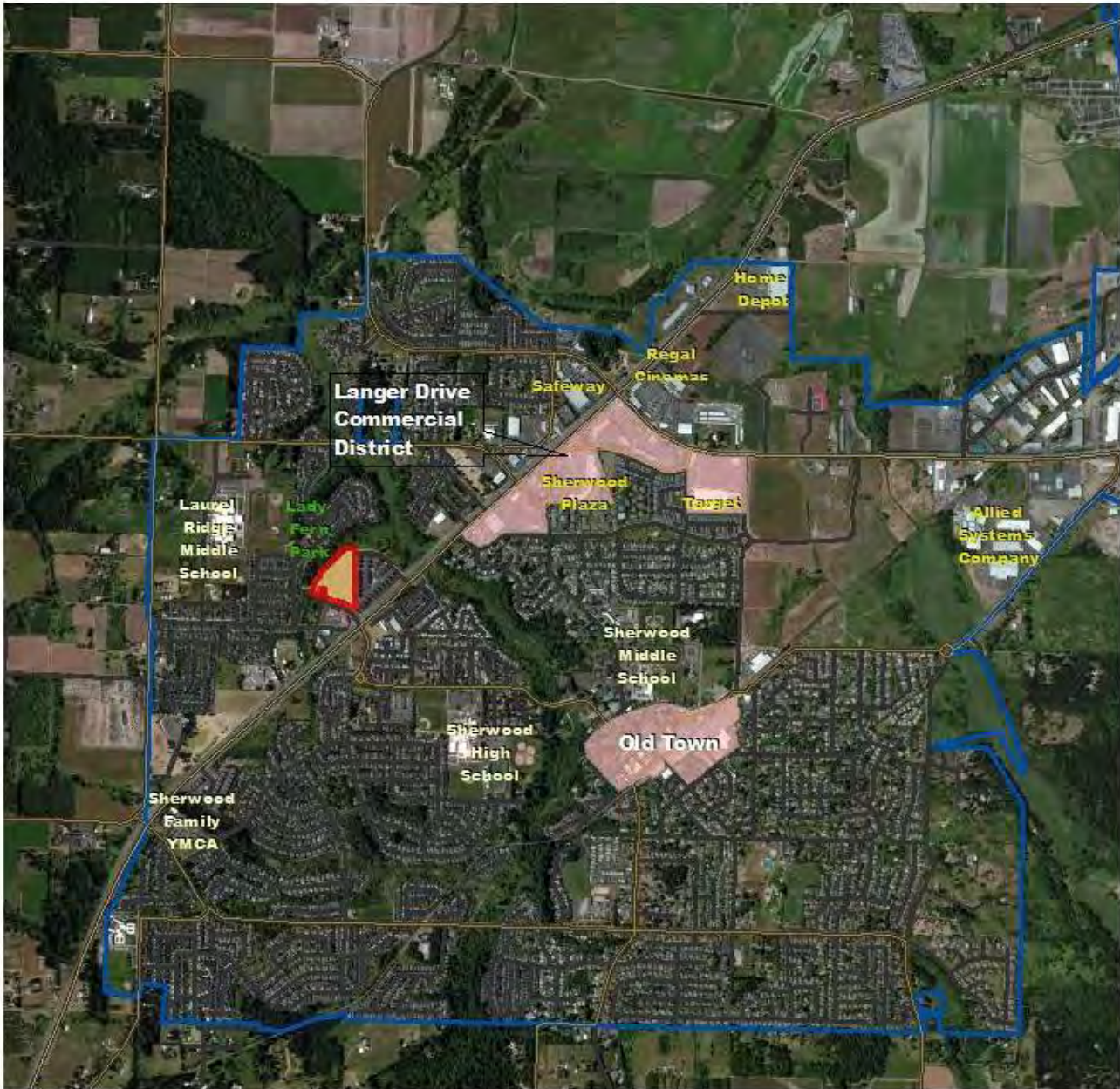
In short, it is concluded that the site is both appropriate and highly amenable to residential development:

- At nearly six acres, undeveloped, and flat, the site provides appropriate flexibility with regard to residential development feasibility, unit mix, and site plan to provide a variety of residential options.
- Locationally, proximate to Highway 99W but without direct visibility or access, the site affords adequate access by residences on the site to various public and commercial amenities in the Sherwood and greater regional area via Highway 99W.
- Effectively “buried” behind adjacent high-density residential development that limits visibility and access from Highway 99W, the site is well-suited as a residential location consistent with other surrounding residential development.
- The Cedar Creek natural area to the immediate west of the subject site should be considered an important natural amenity for residential development, providing park-like setting, privacy, and some view shed for potential resident households. This in turn has economic value as well as public value.

Alternatively, it is found that the site currently has significant disadvantages as a commercial development site:

- Although proximate to Highway 99W, the development of higher-density residential use between the site and Highway 99W “buries” the property, effectively limiting its visibility and access, generally the two most important features of a commercial development site.
- Surrounded by residential development and a natural resource area, traffic, noise, and other disamenity issues from the standpoint of existing, nearby residents, the site would further realize lower economic and community value as commercial development instead of residential development.
- The Cedar Creek natural area immediately to the west restricts access from a key direction and residential area upon which commercial development success would depend.
- Commercial development on-site would not realize economic and community value from the Cedar Creek natural area, but rather would be treated as a development site constraint.

FIGURE 2: AERIAL VIEW OF SUBJECT SITE & AREA AMENITIES

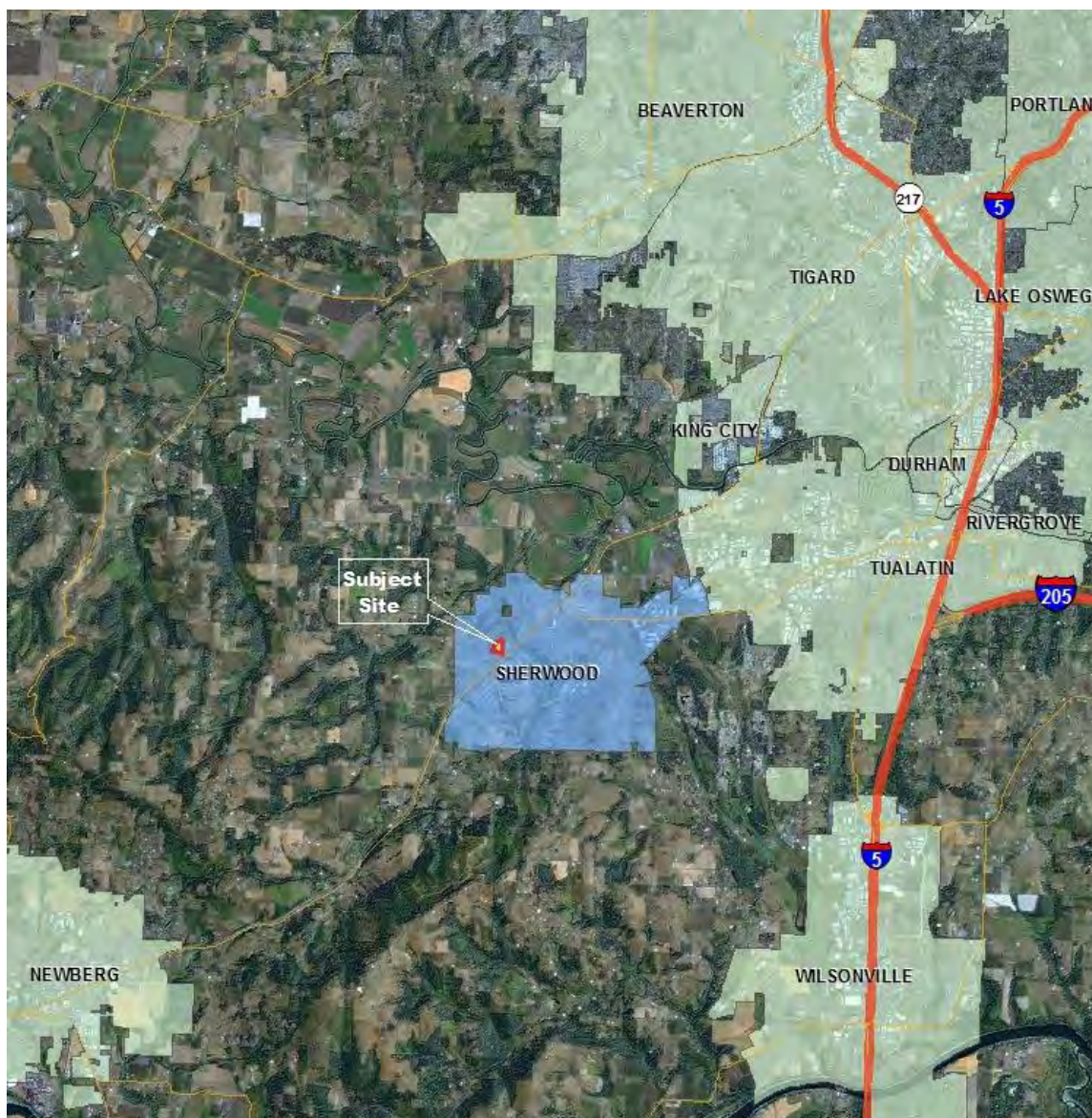


IV. PRIMARY MARKET AREA

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

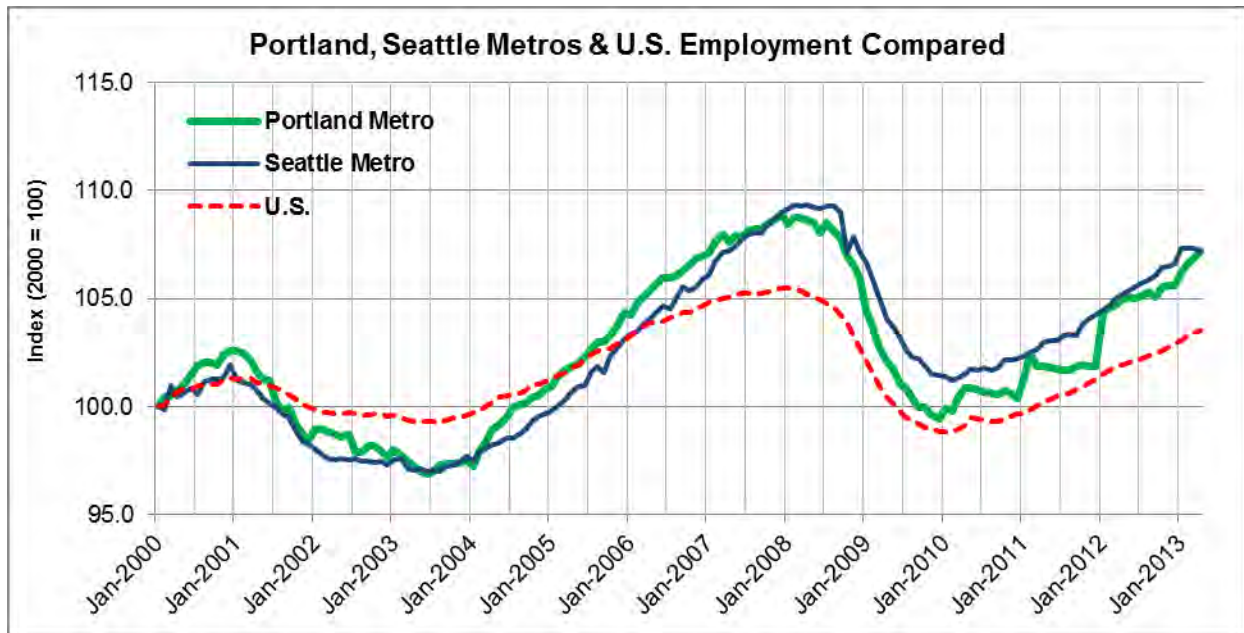
The resulting Primary Market Area designation is shown in FIGURE 3.

FIGURE 3: MAP OF SHERWOOD PRIMARY MARKET AREA



V. ECONOMIC OVERVIEW

Portland Metro Catching Up to Seattle



The Pacific Northwest economy continued its trend of exceeding the nation in terms of job growth through the First Quarter of 2013 and since the benchmark year of 2000. The Portland metro area again caught up with the Seattle metro area in terms of total percentage expansion since 2000. Although Seattle suburban growth has skyrocketed over the past decade and more, downtown Seattle employment has fluctuated significantly since the dot-com crash and the demise of Washington Mutual.

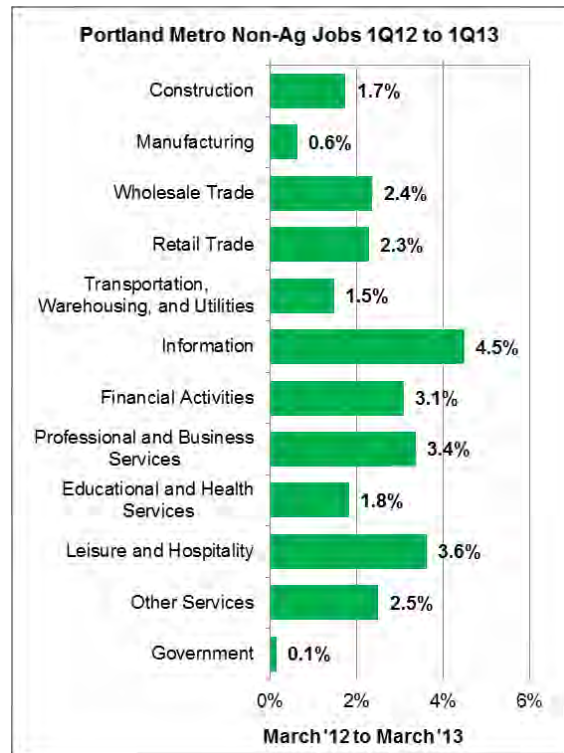
First Quarter details for the Portland economy include:

- The Portland metro added 20,500 jobs from March 2012 through March 2013. The expansion translates into a 2.0% annualized rate of growth.
- The metro area economy has not yet returned to its pre-Great Recession peak employment level at 1.04 million jobs in December of 2007.
- Current total jobs in the Portland metro area stand at 1.03 million.
- The Portland area continues to have significantly greater seasonal fluctuation to job gains due to stronger ties to agricultural industries, as well as major construction projects in Washington County.

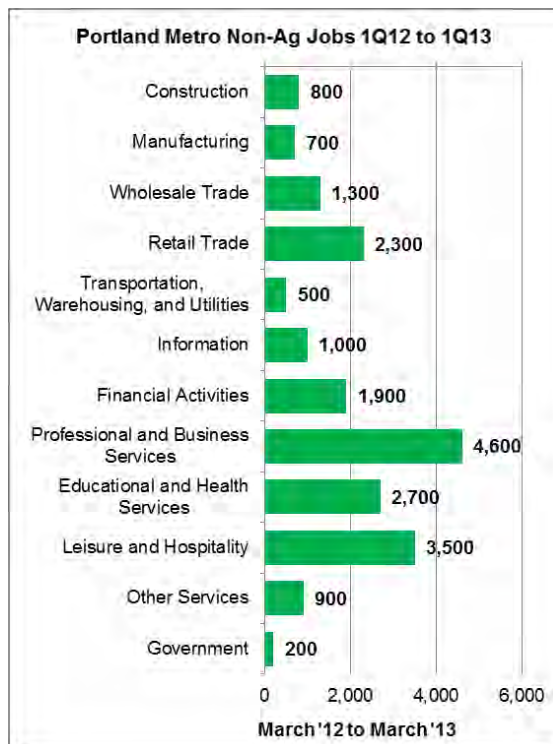
Fastest Portland Job Growth Among Office/Business Park Growth Sectors

Portland metro area industry sector growth over the past year was most brisk in Information (4.5%), Leisure & Hospitality (3.6%), and Professional & Business Services (3.4%). The uptick in expansion in those three sectors indicates returning strength to office and business park demand drivers moving forward.

Sectors more indicative of industrial growth had less-pronounced expansion between March of 2012 and March of 2013 in the Portland metro area. Wholesale Trade led with 2.4% job growth, followed by Construction (1.7%) and Transportation, Warehousing, and Utilities (1.5%). Manufacturing expanded by a muted 0.6% job growth during the period.



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

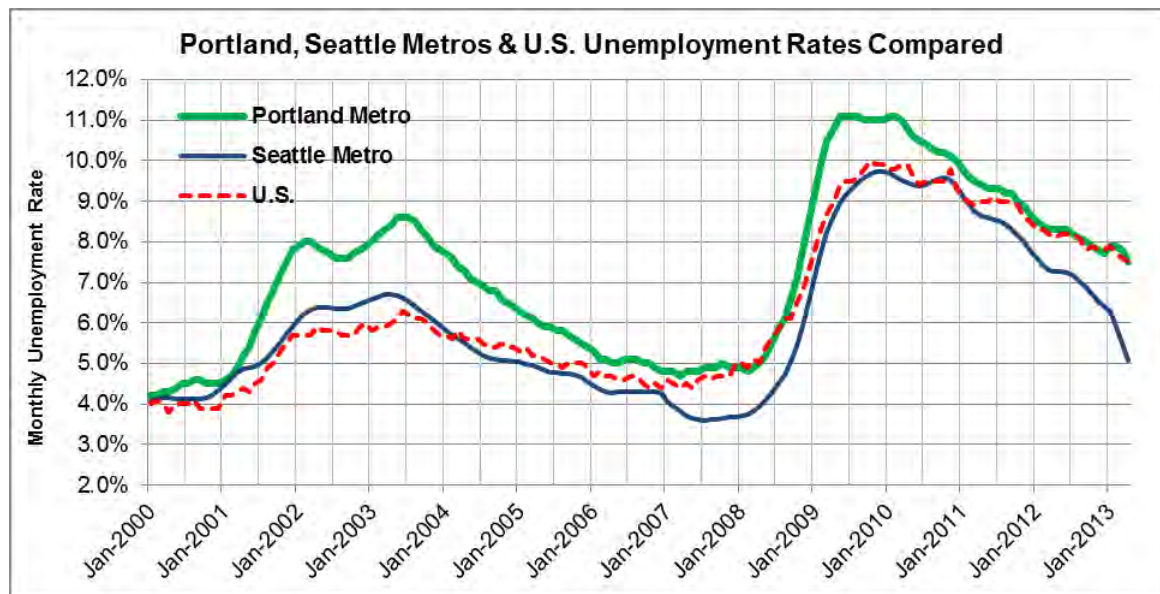


In terms of total jobs added over the last twelve months, Portland metro was led by Professional & Business Services at 4,600 new positions between March of 2012 and 2013. Although Information enjoyed the highest growth rate during the period, the sector added 1,000 jobs to a smaller industry sector base.

Portland metro area Construction, Manufacturing, Wholesale Trade, and Transportation, Warehousing, and Utilities combined for 3,300 new jobs between March of 2012 and 2013. Retail and Leisure & Hospitality combined for 5,800 jobs.

Portland Metro Unemployment Returns to National Average

Accelerating recovery in the Portland metro economy translated into a steady decline in the regional unemployment rate between March of 2012 and March of 2013. The jobless rate in the region now stands at 7.8% with the national rate at 7.6%.



At its worst, the Portland metro area unemployment rate reached a peak of 11.1% for most of the months between May of 2009 and March of 2010. The regional jobless rate is now back to the same level as the pre-Great Recession economy in 2004.

As both the Portland and greater Pacific Northwest economies return to more robust recovery, unemployment rates may see soft recovery as long-discouraged workers, not included in the unemployment rate calculations, step back into the job market as confidence in the economy builds.

VIII. PROPOSED PRODUCT & DEMOGRAPHICS DEFINED

New Household Residential Demand

Cardno conducted an analysis of likely expected household demographics growth projected a 20-year planning period through 2033. Detailed results are expressed in TABLE 1, which provides estimates of residential product demand due to new population growth in Sherwood, Oregon. Estimates are provided for both the total household growth in the Sherwood market, as well as income qualifying households for for-sale housing product across the planning period.

Findings can be summarized as follows:

- The Sherwood PMA is anticipated to grow by 2,100 new households over the planning period.
- The single largest-growing cohort in Sherwood is expected to be households with an income range of between \$75,000 and \$99,999.
- Households within the \$75,000 to \$99,999 income are expected to comprise the largest number of households seeking homeownership, followed by households that earn between \$50,000 and \$74,999 annually. Combined, both cohorts represent need for 447 for-sale residential units to accommodate anticipated population growth.

Household Income Range	New Households		Tenure Split		Net Increase	
	Total	%	Owner	Renter	Owner	Renter
Less than \$15,000	80	4.0%	25.9%	74.1%	60	20
\$15,000 - \$24,999	104	5.0%	27.9%	72.1%	37	67
\$25,000 - \$34,999	72	3.4%	30.1%	69.9%	128	-56
\$35,000 - \$49,999	196	9.3%	33.2%	66.8%	210	-14
\$50,000 - \$74,999	356	17.0%	37.3%	62.7%	225	131
\$75,000 - \$99,999	380	18.1%	42.7%	57.3%	242	138
\$100,000 - \$124,999	376	17.9%	51.7%	48.3%	83	293
\$125,000 - \$149,999	192	9.1%	64.3%	35.7%	56	136
\$150,000 - \$199,999	164	7.8%	72.0%	28.0%	75	89
\$200,000 or more	180	8.6%	78.7%	21.3%	353	-173
Total/Weighted Avg.	2,100	100.0%	70.0%	30.0%	1,469	631

All Ownership Housing Income Range	New Households	Qualified Payment 1/		% of Qualified Payment	Qualified Home Price 2/	
		Low	High		Minimum	Maximum
Less than \$15,000	60	\$0	\$250	100.0%	\$0	\$58,000
\$15,000 - \$24,999	37	\$250	\$375	100.0%	\$58,200	\$87,000
\$25,000 - \$34,999	128	\$375	\$625	100.0%	\$87,300	\$146,000
\$35,000 - \$49,999	210	\$625	\$875	100.0%	\$145,500	\$204,000
\$50,000 - \$74,999	225	\$875	\$1,250	100.0%	\$203,700	\$291,000
\$75,000 - \$99,999	242	\$1,250	\$1,875	95.0%	\$276,500	\$415,000
\$100,000 - \$124,999	83	\$1,875	\$2,500	95.0%	\$414,800	\$553,000
\$125,000 - \$149,999	56	\$2,500	\$3,750	90.0%	\$523,900	\$786,000
\$150,000 - \$199,999	75	\$3,750	\$6,250	80.0%	\$698,600	\$1,164,000
\$200,000 or more	353	\$6,250	\$12,500	70.0%	\$1,018,700	\$2,037,000
Total/Weighted Avg.	1,469			90.3%		

1/ Assumes 30% of gross income towards payment.

2/ Based on the following financing assumptions:

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

Based on review by Cardno, housing economics in Sherwood for the foreseeable future indicates that the price thresholds for detached, single-family housing product versus attached, townhouse-style ownership housing is summarized as the following:

- Detached Single-Family Housing: \$250,000 and higher.
- Attached Ownership/Townhouse Housing: \$190,000 to \$300,000

Cost of residential land in Sherwood, current housing prices in Sherwood, and prevailing terms of construction and ownership financing all indicate the above. Accordingly, TABLE 1 also highlights the demand for ownership housing in Sherwood, Oregon across the planning period based on the above housing economics factors, as well as development types proposed for the property will a zoning designation of HDR.

That is, proposed residential development on-site and economically feasible on land zoned HDR would generally be priced from \$195,000 to \$230,000 for attached, townhouse product and detached, single-family development would be priced generally from \$250,000 to \$350,000. Accordingly, demand for housing at these price points in Sherwood across the planning period is highlighted in blue, and in total estimated to exceed 670 units.

IX. SHERWOOD LAND SUPPLY AND DEMAND RECONCILIATION

An Analysis of Citywide High-Density Residential & Vacant Land Available

Based on Metro GIS mapping for the City of Sherwood, the existing acreage within the city limits dedicated to high-density residential use accounts for only 7% of the overall capacity. Of that 7%, there is only 2.2 acres still vacant with some level of development potential.

With 367 new households projected by 2018, there is a definite deficit of available high-density residential land.

EXPH

Washington County, Oregon 2010-029673

04/19/2010 01:27:22 PM

D-DLF Cnt=1 Str=29 RECORDS1

\$20.00 \$5.00 \$11.00 \$15.00 - Total = \$51.00



01474000201000296730040046

I, Richard Hobemicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobemicht, Director of Assessment and Taxation, Ex-Officio County Clerk



**DEED IN LIEU OF FORECLOSURE
(NON-MERGER, AND WITHOUT WAIVER OF DEBT)**

After Recording Return to:

William L. Larkins, Jr.
621 S.W. Morrison Street, Suite 1450
Portland, Oregon 97205

Send Tax Statements to:

Pacific Continental Bank
Attn: Maria Seip, SVP and General Counsel
P.O. Box 10727
Eugene, OR 97440

Cedar Brook Way, LLC, an Oregon limited liability company ("Grantor"), conveys to Pacific Continental Bank, an Oregon state chartered bank ("Grantee"), the following real property (the "Property"): **See attached "Exhibit A" for legal description**

together with all of Grantor's right, title, and interest of any kind in the Property. Grantor warrants that it is the owner of the Property but is conveying it to Grantee subject to liens and encumbrances, as described more particularly in an agreement of even date herewith to which Grantor and Grantee are parties ("the Settlement Agreement").

Grantor executed and delivered to Grantee a Deed of Trust, recorded on August 30, 2007, as Doc. No. 2007-095311 in the Records of Washington County, Oregon, to secure payment of a Promissory Note in the sum of \$2,355,000.00. Grantor is in default under the terms of the Promissory Note and the Deed of Trust, and the Property is subject to foreclosure.

In accepting this Deed in Lieu of Foreclosure ("this Deed"), Grantee is not waiving, and is expressly preserving, the right to sue on and/or collect on the Promissory Note secured by the Deed of Trust, subject to the terms of the Settlement Agreement.

This Deed is intended as a conveyance absolute in legal effect, as well as in form, of the title to the Property to Grantee and this Deed is not intended as security of any kind. Grantor waives, surrenders, and relinquishes any equity of redemption and statutory rights of redemption that Grantor may have in connection with the Property and the Deed of Trust.

Grantor warrants that during the time period that the Property was owned by Grantor, the Property was never used for the generation, manufacture, storage, treatment, disposal, release, or threatened release of any hazardous substance, as those terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, 42 USC §9601 et seq., the Superfund Amendments and Reauthorization Act (SARA), other applicable state or federal laws, or regulations adopted pursuant to any of the foregoing. Grantor agrees to indemnify and hold Grantee harmless against any and all claims and losses resulting from a breach of this warranty.

This Deed does not effect a merger of the fee ownership and the lien of the Deed of Trust described above. The fee and the lien shall hereafter remain separate and distinct. Grantee reserves its right to foreclose its Deed of Trust at any time as to any party with any claim, interest, or lien on the Property.

Grantor has read and fully understands the above terms and is not acting under misapprehensions regarding the effect of this Deed, nor is Grantor under any duress, undue influence, or misrepresentations of Grantee, Grantee's agents, lawyers, or any other person.

The following disclaimer is made pursuant to ORS 93.040(1):

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF

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Page 2 - DEED IN LIEU OF FORECLOSURE

ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11,
CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855,
OREGON LAWS 2009.

DATED: April 5, 2010.

CEDAR BROOK WAY, LLC, an
Oregon limited liability company

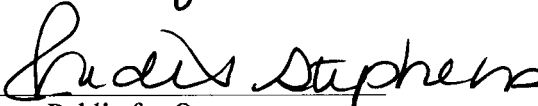
By: 

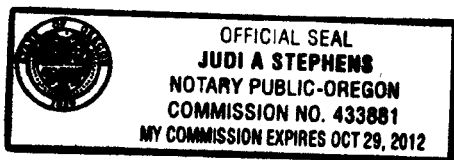
Printed Name: J. PATRICK LUCAS

Title: MANAGER

STATE OF Oregon)
County of Washington) ss.

This instrument was acknowledged before me on April 5th, 2010, by J. Patrick Lucas
personally known to me or _____, and who attested that
he/she was acting in his authorized capacity as the manager of Cedar Brook Way,
LLC, an Oregon limited liability company.

/s/ 
Notary Public for Oregon
My commission expires: 10/29/12



**EXHIBIT "A" TO DEED IN LIEU OF FORECLOSURE
(Deed of Trust Recorded as Instrument No. 2007-095311)**

**Parcel 1 and Tract "A," PARTITION PLAT NO. 2007-029, in the City of Sherwood,
County of Washington, State of Oregon.**

Tax Parcel Nos. R2153891, R2153894

From: [Sally Robinson](#)
To: [Michelle Miller](#)
Subject: Case File No. PA 13-02
Date: Friday, November 29, 2013 11:00:31 PM

Michelle,

I have VERY SERIOUS concerns over the development you are working on with Brownstone Real Estate Group. You may not know that there is currently a serious parking issue near the location of the proposed development from the existing apartments along Hwy 99. The tenants park at the ends of Cedar Creek, which are not designated parking spots; they also park at the dental building & even down onto Handley.

How is it that you can accommodate so many people in the proposed development & their parking needs? I suggest that the City REQUIRE more parking than is usually proposed (and was for the apartments in front of this area) because it will not be sufficient, which in turn makes the area more dangerous with these cars blocking fire lanes, etc.

Unfortunately, I won't be at the meeting on the 18th, but I feel very strongly that the proposed development is NOT appropriate because of the parking situation as well as the traffic impact to the area. The change from what was to be an Avamere facility and now apartments or other high density residential housing--will have a significant traffic impacts at this location. Please address these two serious issues.

Thank you. Sally Robinson, resident in the Vineyards.



Oregon

John A. Kitzhaber, MD, Governor

Planning Commission Meeting
December 18, 2013
Department of Transportation
Region 1 Headquarters
123 NE Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

December 9, 2013

ODOT #5936

ODOT Response to Local Land Use Notification

Project Name: Brownstone Zone Change	Applicant: Randy Myers
Jurisdiction: City of Sherwood	Jurisdiction Case #: PA 13-02
Site Address: North of SW Meinecke Pkwy, East of SW Cedar Brook Way, Sherwood, OR	Legal Description: 02S 01W 30CD Tax Lot(s): 13400
State Highway: OR 99W	Mileposts: 15.77

The site of this proposed land use action is in the vicinity of OR 99W. ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation.

The applicant proposes a zone change from General Commercial to High Density Residential. For zone changes and comprehensive plan amendments, local governments must make a finding that the proposed amendment complies with the Transportation Planning Rule (TPR), OAR 660-012-0060. There must be substantial evidence in the record to either make a finding of “no significant effect” on the transportation system, or if there is a significant effect, require assurance that the land uses to be allowed are consistent with the identified function, capacity, and performance standard of the transportation facility.

ODOT has reviewed the traffic impact analysis submitted by the applicant which compares the reasonable highest trip generation for allowed land uses under the existing General Commercial zoning to the reasonable highest trip generation for the proposed High Density Residential zoning. Since the reasonable highest trip generation under the proposed zoning is less than the existing zoning, ODOT has determined there will not be a significant effect on state highway facilities with the proposed zone change.

Thank you for providing ODOT the opportunity to review and comment on the proposed zone change. Doug Baumgartner PE, ODOT Traffic Analyst provided the technical review. If you have any questions, please contact the development review planner listed below.

Please send a copy of the Notice of Decision including conditions of approval to:

ODOT Region 1 Planning
Development Review
123 NW Flanders St
Portland, OR 97209
Region1_DEVREV_Applications@odot.state.or.us

Development Review Planner: Sandra Koike	Phone: 503.731.8282
Traffic Contact: Doug Baumgartner PE	Phone: 503.731.8225

Date:	December 11, 2013
Project Title:	Brownstone Zoning Change and Text Amendment
Case File Number:	4174
Eng Dept Staff Reviewer:	Bob Galati PE, City Engineer

Review Comments

Background Information

Brownstone has submitted for a zoning change and municipal code text amendment for Tax Lot 13400, Section 30CD, T2S, R1W, Willamette Meridian. The property is located north of SW Meinecke Road, west of Hwy 99W, and east of the extension of SW Cedar Brook Way. The applicant is proposing a change to the existing zoning from General Commercial (GC) to High Density Residential (HDR). The text amendment is to reduce the 5,000 square foot minimum lot size within the Planned Unit Development (PUD). The applicant submitted a general site layout with the application.

Transportation Review

A Traffic Analysis Report was prepared by Charbonneau Engineering LLC, dated October 2013, was submitted as part of the application. The report indicates that the proposed zoning change and code text amendment will result in fewer A.M. and P.M. peak hour trips. The report indicates that the development will experience LOS "D" or better and operate with a V/C ratio of 0.75 during both A.M. and P.M. peak hour traffic.

The development is proposing two access points to the development. One access point is located off the constructed extension of Cedar Brook Way, to the existing roundabout at the Meinecke Road intersection. The second access point is located approximately 180 feet east of the roundabout on Meinecke Road. City Engineering Design Standards indicates that a design spacing minimum of 400 feet is required for intersections on collector status streets. However, this access is proposed to be configured as a right-in/right-out intersection, in which

case the 180 foot distance would be acceptable conditioned on meeting minimum sight distance requirements.

Storm System Review

There are no existing public storm water facilities which would be able to serve the site. The existing storm water quality facility located on Cedar Brook Way near Hwy 99W serves the Cedar Brook Condominium development and is not size for additional capacity. This storm water facility is located on land owned by the current property owner located on the north side of Cedar Brook Way.

The applicant could investigate the willingness of the existing storm water facility property owner to allow expansion of the facility. Regardless, the site will need to provide storm water quality treatment of impervious surface storm water runoff generated at the site to meet CWS standards. Discharge of treated storm water runoff would most likely be to the Cedar Creek tributary located to the west of the site.

Sanitary Sewer System Review

There is an existing public 8-inch sanitary sewer mainline located in Cedar Brook Way. This sewer main would need to be extended with the construction of Cedar Brook Way to be able to provide service to the site. The existing sanitary sewer system located in Cedar Brook Way has the capacity to handle the proposed development.

Water System Review

There is an existing 12-inch water mainline located in Cedar Brook Way. The water main would need to be extended with the construction of the extension fo Cedar Brook Way to provide service to the site. The existing water system located in Cedar Brook Way has the capacity to handle the proposed development.

Comments

The traffic analysis report depicts outdated roadway classifications in a reference table. This table shall be updated to reflect current City TSP roadway classifications.

The reference chart also incorrectly indicates an existing Cedar Brook Way paved section with of 32 feet. This reference chart shall be updated to reflect a correct paved width of 36 feet.

The proposed design road section extension for Cedar Brook Way shall conform to the existing road section of Cedar Brook Way.

Conclusion

The requested zoning change and code text amendment will not have a negative impact on adjacent public transportation systems, or the ability of public utility infrastructure to handle the additional demand made by the site development.

I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.

1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT

Date: Apr 18th 2013 Agenda Item: 7a (From Agenda)

NOTE: If you want to speak to the Commission about more than one subject, please submit a separate form for each item.

2. PLEASE MARK YOUR POSITION/INTEREST ON THE AGENDA ITEM

Applicant: _____ Proponent: _____ Opponent: _____ Other: _____

3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.

Name: R. CLARK

Address: Sherwood

City/State/Zip: _____

Email Address: N/A

I represent: **Myself** **Other** _____

4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.

I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.

1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT

Date: 12-18-13 Agenda Item: 1 (From Agenda)

NOTE: If you want to speak to the Commission about more than one subject, please submit a separate form for each item.

2. PLEASE MARK YOUR POSITION/INTEREST ON THE AGENDA ITEM

Applicant: Proponent: Opponent: Other:

3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.

Name: Michael Centore

Address: 5415 SW WESTGATE DR

City/State/Zip: PORTLAND, OR 97221

Email Address: michael.centore@cedvo.com

I represent: **Myself** **Other**

4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.

I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.

1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT

Date: 12-18-13 Agenda Item: 1 (From Agenda)

NOTE: If you want to speak to the Commission about more than one subject, please submit a separate form for each item.

2. PLEASE MARK YOUR POSITION/INTEREST ON THE AGENDA ITEM

Applicant: Proponent: Opponent: Other:

3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.

Name: BILL REID, PNW Economics

Address: 2323 NW 188th Ave. #624

City/State/Zip: ~~Sherwood~~ Hillshoro, OR 97124

Email Address: bill@pnweconomics.com

I represent: **Myself** **Other**

4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.

I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.

1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT

Date: _____ Agenda Item: _____ (From Agenda)

NOTE: If you want to speak to the Commission about more than one subject, please submit a separate form for each item.

2. PLEASE MARK YOUR POSITION/INTEREST ON THE AGENDA ITEM

Applicant: _____ Proponent: _____ Opponent: _____ Other:

3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.

Name: Jennifer Harris

Address: 21484 SW Rockwell Ave

City/State/Zip: Sherwood, OR 97140

Email Address: Emhxxz@yahoo.com

I represent: **Myself** **Other** _____

4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.



I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.

1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT

Date: 12, 18, 2013 Agenda Item: zone change (From Agenda)

NOTE: If you want to speak to the Commission about more than one subject, please submit a separate form for each item.

2. PLEASE MARK YOUR POSITION/INTEREST ON THE AGENDA ITEM

Applicant: _____ Proponent: _____ Opponent: Other: _____

3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.

Name: DAVID EMAMI

Address: 17563 & 17625 S.W. Handley ST

City/State/Zip: Sherwood 97140

Email Address: N/A

I represent: **Myself** **Other** _____

4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.

I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.

1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT

Date: 12-18-13 Agenda Item: PA 13-02 (From Agenda)

NOTE: If you want to speak to the Commission about more than one subject, please submit a separate form for each item.

2. PLEASE MARK YOUR POSITION/INTEREST ON THE AGENDA ITEM

Applicant: Proponent: Opponent: Other:

3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.

Name: Andy Tiemann

Address: 4380 SW Macadam Ave #100

City/State/Zip: Portland, OR

Email Address: aetiemann@drhorton.com

I represent: **Myself** **Other**

4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.

I HAVE READ AND UNDERSTOOD THE RULES FOR MEETINGS IN THE CITY OF SHERWOOD.

1. PLEASE INDICATE THE ITEM YOU WOULD LIKE TO SPEAK ABOUT

Date: Dec 18th 2013 Agenda Item: 6 Community Comm (From Agenda)

NOTE: If you want to speak to the Commission about more than one subject, please submit a separate form for each item.

2. PLEASE MARK YOUR POSITION/INTEREST ON THE AGENDA ITEM

Applicant: _____ Proponent: _____ Opponent: _____ Other: _____

3. PLEASE PROVIDE YOUR NAME AND ADDRESS IN A LEGIBLE FORMAT TO RECEIVE A COPY OF THE NOTICE OF DECISION ON THIS MATTER.

Name: R. CHAVIS

Address: Sherwood

City/State/Zip: _____

Email Address: N/A

I represent: **Myself** **Other** _____

4. PLEASE GIVE THIS FORM TO THE RECORDING SECRETARY PRIOR TO YOU ADDRESSING THE PLANNING COMMISSION. Thank you.

BROWNSTONE ZONE CHANGE AND TEXT AMENDMENT

Type V Public Hearing
Planning Commission
December 18, 2013

Two Primary Issues before the Commission:

1. Zone Change on property from General Commercial to High Density Residential
2. Sherwood Zoning and Development Code Text Amendment:
 - Planned Unit Development (PUD) changes

– Planned Unit Development standards require 5,000 sq. ft. minimum lot size for single family homes in all zones

– **APPLICANT IS REQUESTING THAT THIS PROVISION BE REMOVED UNDER THE PUD STANDARDS**

12-18-13
Date

PC
Gov. Body

7a
Agenda Item

1
Exhibit #

TYPE V PROCESS REVIEW

1. PC FORWARDS A RECOMMENDATION OF APPROVAL, APPROVAL WITH MODIFICATIONS OR DENIAL OF THE APPLICATION TO THE CITY COUNCIL

2. CITY COUNCIL CONSIDERS THE RECOMMENDATION AND HOLDS A PUBLIC HEARING

3. CITY COUNCIL IS THE DECISION MAKER

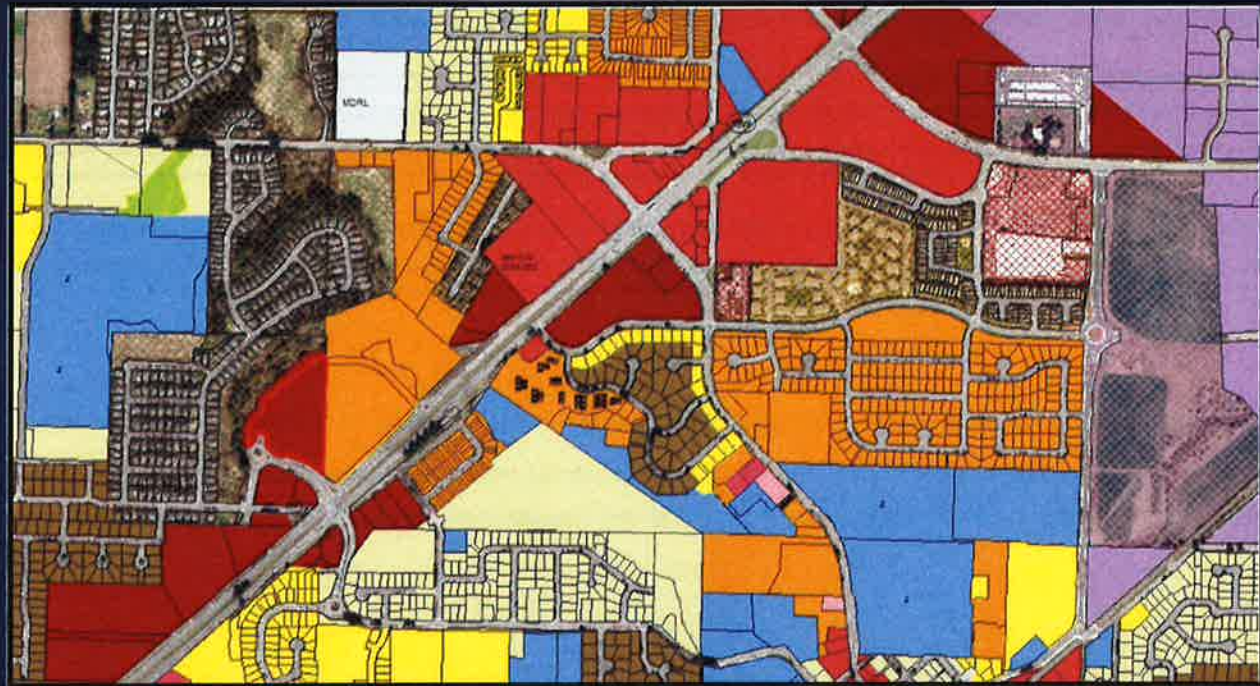
4. ANY APPEALS TO LAND USE BOARD OF APPEALS

Zone Change: Change from General Commercial to High Density Residential

**VICINITY
MAP**



CURRENT ZONING MAP



HDR

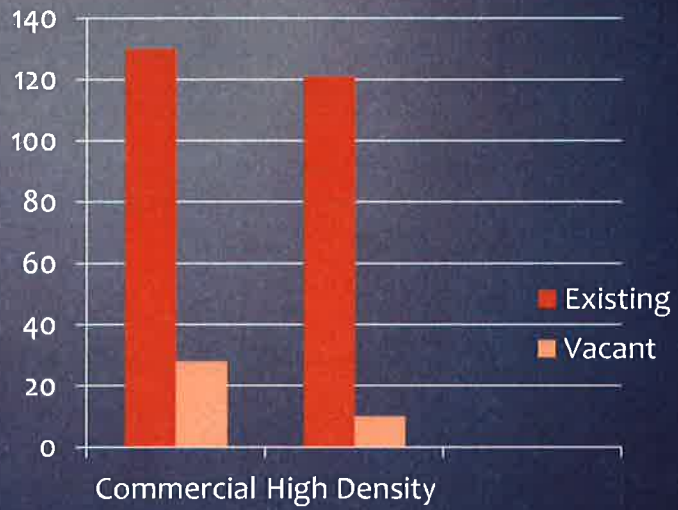
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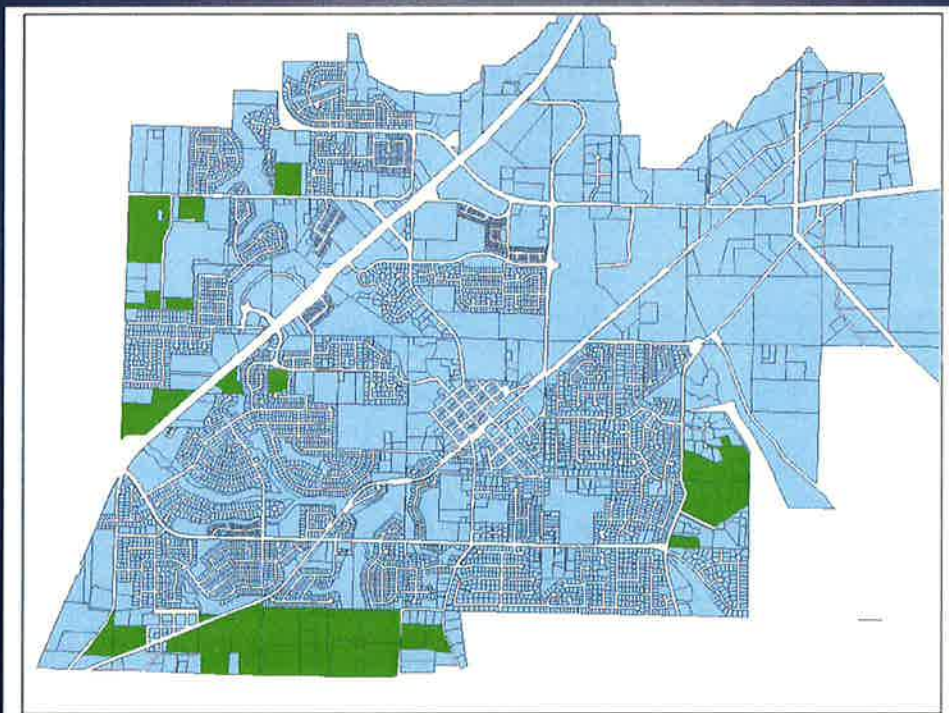
CRITERIA FOR ZONE CHANGE AND TEXT AMENDMENT

- Complies with Local Plans such as the TSP, the Development Code and the Comprehensive Plan
- Existing **Need** for the Uses and Zoning proposed
- Application is **Timely** considering the Pattern of Development
- Other **lands are not available** for the Use Proposed

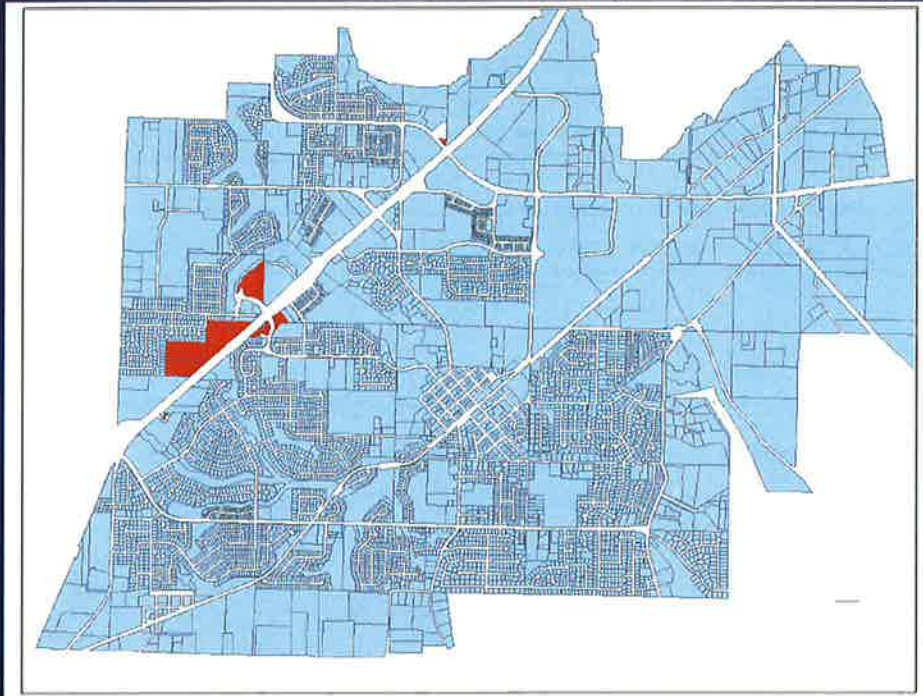
TABLE COMPARISON OF BUILDABLE COMMERCIAL/ HIGH DENSITY RESIDENTIAL



VACANT RESIDENTIAL PROPERTIES OVER 2 ACRES IN THE UGB



VACANT COMMERCIAL PROPERTIES



CRITERIA FOR ZONE CHANGE AND TEXT AMENDMENT

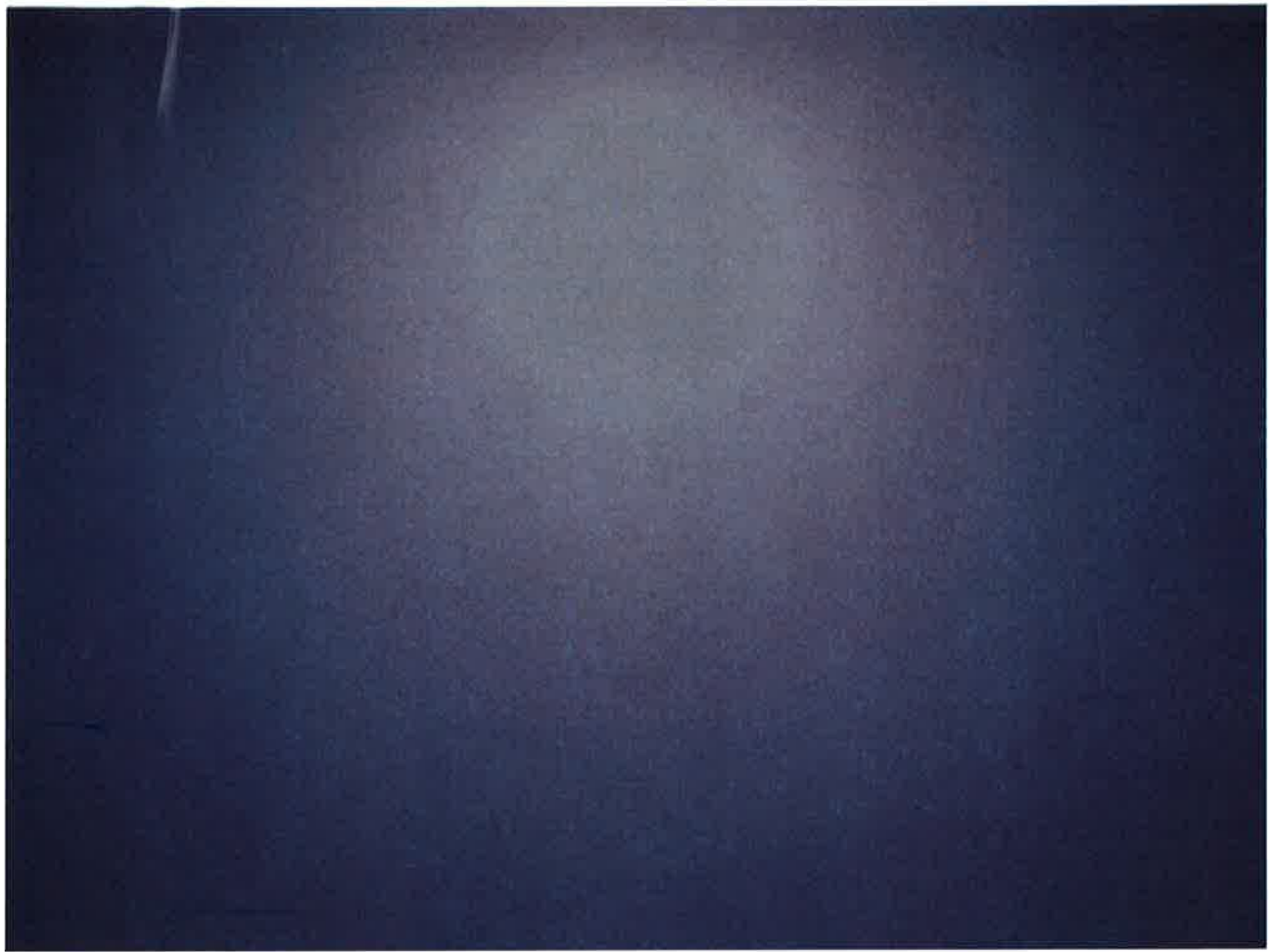
- Transportation Planning Rule Consistency
- Comprehensive Plan Policies
 - Growth Management
 - Residential Land Use
 - Economic Development

TEXT AMENDMENT

- *Planned Unit Developments*
- *Purpose integrates the land use, buildings, transportation facilities through site design to allow creativity and flexibility in site design and review of which cannot be achieved through strict adherence to existing zoning and subdivision standards.*

TEXT AMENDMENT

- *Planned Unit Developments: Added Language:*
- *Remove the min. lot size and add*
- *Lots created through the PUD shall not be subject to the minimum lot sizes and shall supersede the standards within the base zone provided that the applicant demonstrates that the proposal meets the purpose and intent of the zoning and Development code and the Comprehensive plan.*



APPROVED MINUTES

**City of Sherwood, Oregon
Planning Commission
Meeting Minutes
December 18, 2013**

Planning Commission Members Present:

Chair Jean Simson
Vice Chair James Copfer
Commissioner Beth Cooke
Commissioner Michael Cary
Commissioner John Clifford
Commissioner Russell Griffin

Staff Present:

Julia Hajduk, Community Development Director
Brad Kilby, Planning Manager
Michelle Miller, Senior Planner
Kirsten Allen, Planning Dept. Program Coordinator

Planning Commission Members Absent:

Commissioner Lisa Walker

Council Members Present:

Mayor Bill Middleton

Legal Counsel:

Chris Crean

1. Call to Order/Roll Call

Chair Simson called the meeting to order at 7:01 pm.

2. Agenda Review

The agenda consisted of a public hearing, PA 13-02 Brownstone Text Amendment and Zone Change

3. Consent Agenda: None

Note: Commissioner Cooke arrived at 7:03 pm

4. Council Liaison Announcements

Mayor Middleton informed the Commission that City Council approved the contract for the Community Center at the previous City Council meeting. He commented on the process and thanked the Planning Commission for reviewing the project.

Chair Simson remarked on the recognition of Captain Dan Atkisson's retirement from Tualatin Valley Fire and Rescue at the City Council meeting.

5. Staff Announcements

Brad Kilby, Planning Manager, announced that the City was accepting applications for the Budget Committee, reminded the Commission of an Open House by Tri-Met regarding Southwest Service

Enhancements to the area on January 16, 2014, and said the next Planning Commission meeting on January 14, 2014 would be a work session with legal counsel at starting 6:00 pm.

6. Community Comments

Robert James Claus, Sherwood resident, commented about direct and representative democracy and spoke about testimony. He commented regarding content analysis and the Citizen Comment form, saying its purpose was to gather data about what a commission was making a decision on; such as if the speaker was a business owner or registered voter. Mr. Claus commented that Sherwood had forgotten that the town is controlled by the voter and enabled by the State. He spoke of businesses trying to get voting rights and the term “stakeholder.” Mr. Claus commented regarding request to speak form where it states that the “individuals may not impugn the character of anyone else” and suggested that by analyzing a planner’s work you are talking about professional character. Mr. Claus commented that the form was a control document about controlling the input of information the Planning Commission receives. He commented regarding control and earning money. Mr. Claus said the voters control this town and lying to them will result in the elected officials, the City Manager and then the Commissions being replaced. He commented about what kind of town environment the people wanted and regarding staff not living in Sherwood. Mr. Claus compared home ownership to lifestyle and said that shifting to more tenants reduces the voting percentage. He reminded the Planning Commission that they were the first line of guarding our lifestyle and said that he had seen a positive change in direction since Mayor Middleton.

With no other citizen comments, Chair Simson moved to the next item on the agenda.

7. New Business

a. Public Hearing - PA 13-02 Brownstone Text Amendment and Zone Change

Chair Simson read the public hearing statement for a legislative hearing and said the Planning Commission would forward a recommendation for the two parts of the application to the City Council. She asked for any ex parte contact, bias, or conflict of interest. Commissioner Beth Cooke disclosed that she had visited the site.

Chair Simson asked for the staff report.

Senior Planner Michelle Miller gave a presentation (see record, Exhibit 1) and said the application was for a zone change and a text amendment with two issues before the Planning Commission. She explained that the zone change was to change from General Commercial Zone to High Density Residential zone and the text amendment was to change language regarding a Planned Unit Development (PUD). Michelle said the PUD standards generally require a 5000 square foot lot minimum for single family homes in all zones. The applicant is requesting that this provision be removed under the PUD standards. She informed the commission that it was a Type V review process and the Planning Commission would forward recommendations to the City Council and the Council would hold a public hearing to consider the recommendations. Michelle indicated that appeals would go to the Land Use Board of Appeals.

Michelle showed an aerial view of the 5.77 acres site (TL#2S130CD13400) located at the northeastern intersection of SW Cedar Brook Way and Meinecke Parkway. She said the site was vacant and

relatively flat with a nearby vegetative corridor. Michelle pointed out that the site was part of a three-lot minor land partition in 2005 when the Oregon Department of Transportation constructed the SW Meinecke intersection and roundabout.

Michelle showed a portion of the current zoning map highlighting High Density Residential, Commercial and Institutional /Public zones. She explained that the subject property was currently General Commercial and gave examples of what could be built there. Michelle said the applicant requested that it be changed to High Density Residential which is the highest zoning designation at 16.8-24 dwelling units per acre or about 46-66 units for this parcel of land. It would allow for a variety of housing types ranging from single-family homes to multi-family homes. Michelle compared that to Vintner Townhomes on the other side of Hwy 99W at approximately five acres and 71 units. She gave other examples of High Density Residential zones in the community.

Michelle went over some criteria for a zone change ~~and a text amendment~~:

- Complies with the Local Plans such as the Transportation System Plan, the Development Code standards and the Comprehensive Plan requirements
- There is an existing need for the uses and zoning proposed
- The application is timely and considers the pattern of development
- Other lands are not available for the use proposed

Michelle informed the Commission that there are 128 existing acres of General Commercial in the City with 28 vacant acres and 121 existing acres of High Density Residential (HDR) with 10 acres or 8% vacant in the City. She related that there are no parcels five acres or more available for HDR. Michelle indicated that there are about nine vacant General Commercial properties that size within the City.

Michelle went over additional criteria for a zone change ~~and text amendment~~:

- Transportation Planning Rule (TPR) consistency that says the number of trips cannot negatively impact existing highway transportation system. The Engineering Department determined that a residential use would have less impact than a commercial use. ODOT also concluded that the change would not significantly affect the transportation system.
- Comprehensive Plan policies
 - Growth Management
 - Residential Land Use
 - Economic Development

Michelle summarized that residential areas need to be developed in a manner which ensures that the integrity of the community is preserved and strengthened and that there is an adequate distribution of housing styles available. She said affordable housing and locational choice for all income groups should be available as well as housing provided for the elderly, disadvantaged or government-assisted.

Michelle informed the Commission that the applicant's economic advisor was present to review the economic analysis.

Michelle said the purpose of a PUD was to integrate the land use, buildings, and transportation facilities through site design to allow creativity and flexibility in site design /review which cannot be achieved through strict adherence to existing zoning and subdivision standards. She explained that the applicant is proposing to remove the minimum lot size and add Code language that, *"lots created through the PUD shall not be subject to the minimum lot sizes and shall supersede the standards within the base zone provided that the applicant demonstrates that the proposal meets the purpose and intent of the Zoning and Development Code and the Comprehensive Plan."*

Michelle expanded that the objectives of the PUD are intended to encourage the efficient use of land and resources that can result in savings to the community, consumers, and developers; preserve the valuable landscape and environmental features of the site and provide innovative living, working, and neighborhood shopping environments. She related that it takes into account the community's need for activity patterns and promotes innovative pedestrian design that enhances the community. Michelle said residential PUDs include a variety of housing types: single-family, attached zero lot line housing, row houses, duplexes, clustering units and multifamily. She explained that the standards require that the density be preserved as the underlying zone and density transfers are allowed, but the minimum lot size has to be 5,000 square feet. Michelle spoke of the dichotomy between the purposes of what a PUD is supposed to be and the requirement of 5,000 square feet minimum lot size.

Michelle said that staff had made findings in support of the zone change and text amendment and the zone change meets the criteria based on the identified need, timeliness of the application, and that there are no other suitable lands available for the use proposed.

Michelle communicated that the text amendment supports the objectives of Planned Unit Development and provides oversight through the Planning Commission and City Council by the public hearing process. She commented that the Planned Unit Development process reviews an application, receives a Planning Commission recommendation, goes to the City Council for an overlay approval and then comes back to the Planning Commission for the final development plan. Michelle stated that there is an extreme amount of oversight on each development to provide flexibility for developers and the community. Michelle asked for questions from the Commission.

Chair Simson asked regarding two distinct questions before the commission and ask about process if the Commission wished to recommend them separately. Discussion followed. Staff indicated that the two matters would have separate ordinances before City Council.

Commissioner Michael Cary asked about vacant HDR land. Michelle showed four small parcels of land zoned HDR and said there was nothing comparable to the proposed site at five acres. She said the zone change would change the Sherwood Plan and Zone Map.

Commissioner John Clifford asked about the zoning for Creekview and was informed that they were originally zoned HDR and built under that zoning.

Commissioner Copfer asked regarding the zoning for retirement community and was told it would depend on the type of facility, but that the zoning for a retirement community is generally looked at differently and treated differently under state law.

Commissioner Clifford asked regarding storm water management. Michelle said that Engineering staff briefly reviewed the subject and said it would be about the same as the existing zoning, but that it would be reviewed in depth when a land use application was received.

Chair Simson asked for testimony from the applicant.

Michael Cerbone, Cardno Land Use Planner from Portland, said the zone change is more straight forward than the text amendment. He said a zone change has set criteria that demonstrate a need why it is appropriate for the community and a text amendment it is a judgment call that is decided by the community if it is right. Mr. Cerbone stated the application addressed the state wide planning goals and the applicable components of the comprehensive plan to demonstrate that the proposed language changes kept with the values of the community.

Mr. Cerbone said that Transportation Planning Rule requires that the site be examined from a worst case traffic impact scenario from the existing Commercial zone to the High Density Residential (HDR) for a zone change. He stated that a typical retail development for commercial zoning would be a flex retail space with a restaurant and they looked at a .25 Floor Area Ratio with a fast food restaurant by Hwy 99W. Mr. Cerbone indicated that there was a significant traffic reduction. He said they also evaluated if there was a need for additional High Density Residential and asked his economic advisor to address the question.

Bill Reid, PNW Economics, Portland said he helped Mr. Cerbone with the residential market analysis that looked at what Sherwood has for HDR, what is available for development to meet the needs of the community, and if there was a benefit to changing the zone. Mr. Reid said he was asked to look at the market need for housing within an income range for people wanting to buy a home who generally earn from \$35,000 - \$99,000 per year; the first time home buyer or later in life smaller homeowner. He said the findings spoke to owning a smaller home without a lot of maintenance at a certain price point, not renting. Mr. Reid said that there was very little gross acreage of High Density Residential land available, particularly when factoring the impediments of the land being physically undevelopable, publicly owned or having potential plans already on it. He concluded that there were about two to ten acres of HDR land available for the next twenty years for homeowners at a moderate price point. Mr. Reid affirmed that adding to the existing inventory of higher density residential land would allow the City to welcome households who were looking to buy, which would contribute to the policies cited earlier by staff. Mr. Reid spoke specifically to the site and said that as a commercial site (current zoning) it was buried and was not a true commercial site with access and visibility. He said if commercial were built on the site, it would be boxed in by residential uses and there were consistency issues regarding quality of living for households nearby because of the noise created by the commercial site.

Mr. Cerbone commented that there are not many options for living in Sherwood for a first time homeowner other than rentals, apartments, or attached units, but not the newer homes that are coming on the market. He showed some examples of floor plans with a three bedroom, two bath, homes

approximately 1500 square feet (see record, Exhibit 2). Mr. Cerbone said he lived in Portland in a home similar to one shown and the lots could be 30-36 feet wide. He gave an example of townhomes that could be developed on the property and showed a conceptual development plan that illustrated the extension of Cedar Brook Way, open space areas and locations of the units. Mr. Cerbone indicated that the Zoning and Development Code precludes using the smaller lots. He commented that they considered asking for a change in the minimum lot size in the High Density Residential zone, but that would change the minimum lot size for every piece of property in that zone throughout the city. Mr. Cerbone said he spoke with City staff and considered setting up a specific lot size within the PUD options, but as proposed it gives the Planning Commission the most discretion by putting the burden on the developer to demonstrate that it meets the density, PUD standards, and the intent of the Comprehensive Plan. He said it would allow the Planning Commission to review each project and impose conditions of approval to make the project meet what the Commission deems appropriate.

Mr. Cerbone commented that by changing the minimum lot size there is no review by the Planning Commission. He said he knew there was concern about minimum lot size and is something that has been part of Sherwood's strong residential community in the Portland area. Mr. Cerbone claimed the removal of the minimum lot size gave the city more flexibility in home ownership, more flexibility regarding how high density residential would develop, and allowed for individual home ownership. He said currently the only way for ownership in the HDR zone was through condominiums, but the condominium development was not doing well. Mr. Cerbone asked for questions from the Commission.

Commissioner Cary asked regarding fire and safety with one way streets and if there was parking along one side of the street. Brad Kilby responded that the City would not allow parking on one side and one challenge found at a recent pre-application conference was the one way in/ one way out. Brad reminded that the Planning Commission was not approving the layout and the applicant would have to return with a proposal.

Chair Simson asked what average lot size they were looking for conceptually. Mr. Cerbone said that some lots had attached units and some were detached with an average around 2,000 square feet.

Chair Simson indicated that changing from commercial to residential created a parking issue and asked if the applicant had considered this. Mr. Cerbone answered that under a PUD the Planning Commission would have discretion over how parking occurs on site. Parking is something that would be determined at the time of Development Review. Discussion followed regarding existing parking issues.

Commissioner Clifford asked about storm water management. Mr. Cerbone answered that there were a number of ways to implement storm water management on the site and gave examples.

Vice Chair Copfer asked received confirmation from Staff that the area north of Cedar Brook Way was a natural resource area.

Commissioner Clifford asked if the area would be a community with a homeowner's association and maintenance agreements. Mr. Cerbone answered that this kind of development would typically have private streets and open space that would require a homeowners association.

Chair Simson reminded that the Commission's decision would determine how the site would develop and there was no guarantee from what the applicant says that it will develop the way shown to them at tonight's meeting.

With no other questions for the applicant, Chair Simson asked for public testimony. Brad inserted that the applicant had 17:25 minutes remaining for rebuttal.

R. Claus, Sherwood resident said that the matter should be broken into two parts to allow for four minutes testimony for each matter. He said he did not agree with the data and spoke about the history of Sherwood when the land was zoned to commercial by then owner Howard Hadley and said the SW Meinecke interchange was built across the corner of his land. Mr. Claus commented that retail properties need parking, accessibility and visibility and that the site did not have visibility. He alluded to a time when he made money building homes in California and criticized the designs from the applicant. Mr. Claus said he thought the rezoning was a good idea, but that the design should come back to the Planning Commission for review with more information regarding the profile of who would live there. He commented on using system development credits and creating a village theme for older or retired people looking for housing. Mr. Claus said similar units were being built in Hillsboro and suggested getting input from the Sherwood School District.

David Emami, Sherwood property owner said he owned the two unoccupied medical buildings across the street from this property sited on the corner of Meinecke and Handley. He indicated that he has been doing business for over 40 years, has built over 5,000 homes, and owns commercial property. Mr. Emami explained that the trend has changed from forty years ago where people live in apartments and have a car or commute by bicycle or bus. He said in the last six years he has had to inspect tenant's garages because people have lost their houses, have too much stuff, and use the garages to store their things. Mr. Emami spoke about a similar problem at Creekview apartments that requires him to chain his property closed so people do not park in the parking lot and cause problems with litter or vandalism. He said he has a new tenant for his building that has concerns about opening up the parking lot. Mr. Emami commented regarding the delay in Dr. Doyel's proposal to build extra parking. He said if the Planning Commission allows a PUD, they should not allow apartments and he agreed with 5000 square foot lots for single dwelling. He expanded by saying that a 2000 square foot means the garage is full and the average house has 2.5 cars. Mr. Emami gave a letter to the Planning Commission (see Planning file PA 13-02, Exhibit F) and commented that a 5000 square foot lot could create a village atmosphere with green areas. He expressed his dislike for the layout presented, advised not to allow for more than thirty or forty homes, and commented that there has to be enough parking because there is no room for overflow.

Andy Tiemann, project manager for DR Horton (homebuilder) indicated that his company was currently building a subdivision in the Sherwood. He gave exhibits to the Planning Commission (see Planning file PA 13-02, Exhibit G). Mr. Tiemann said he was in support of the application and his company would like to purchase the property and build single family detached and single family attached houses similar to what was shown. He said [Exhibit G] was an improved site plan with a better central park and renderings of homes that can be built on this site. Mr. Tiemann said the intent was to have a range of attached and detached homes with front or alley loaded garages and his

company has built them in communities all over the Portland area with great success. He asserted that it provides a variety of housing and is achievable on the site. Mr. Tiemann said the text amendment would allow flexibility in lot size and endorses housing diversity. He added that it does not make sense for the site to be commercial, but was a good site for residential. Mr. Tiemann described the design as to fading the density heading west from Hwy 99; attached homes adjacent to the apartments and detached homes on the west side of the site. Mr. Tiemann stated that there was a lot of flexibility with a PUD where open space, parking with enforcement through a homeowner's association, and flexibility using private streets can be incorporated. Mr. Tiemann said his company would like to move forward with development plans and build a PUD this summer.

Chair Simson commented that many years ago the Planning Commission had a Code Amendment that had a "sunset clause" because it was unsure how it would fit in the community. She said [Arbor Terrace Subdivision] was the result and asked if that was what his company wanted to do. Mr. Tiemann said he was not familiar with the subdivision, but said it would be pedestrian oriented, with porches in the front for those with rear garages or parking on the street and/or the more traditional house with a driveway with garage for parking. He commented that with a mixture of both creates a likable design that could be reviewed as a PUD by the Planning Commission. Mr. Tiemann stated that allowing flexibility in lot sizes endorses design options.

Chair Simson recounted that there was a code in place that put together a product similar to what the applicant is presenting where the code provided flexibility but gave the Planning Commission guidelines to work within and said the Commission would approach the applicant with the idea.

Jennifer Harris, Sherwood resident said she lived close the site. She indicated that she did not have a problem with the zoning change but would prefer a medium density (zoning). Ms. Harris described Edy Ridge Elementary as packed to overflowing and expressed her concerns about the number of children that would be added to the school. She explained about two other subdivisions near the school currently being constructed that would add about 220 kids to the school and said she did not know how to fix that except for school boundary changes. Ms. Harris summarized parking issues from the nearby apartments and spoke about the dangers of the parking problem. She encouraged using double car driveways and garages. Ms. Harris advocated for the 5,000 square foot lots because of parking issues and expectation for better neighbors.

With no other public testimony, Chair Simson called for a recess at 8:20 pm and reconvened at 8:25 pm. Vice Chair Copfer indicated, he spoke with Ms. Harris during the recess regarding parking at Creekview Apartments.

Chair Simson asked for rebuttal from the applicant.

Mark Person asked Bill Reid to address the question about the intended occupant. Mr. Reid described the occupant as having households who work and earn about \$40-50k per year individually with a combined income of \$40-100k annually. He said that attached and higher density housing is building built throughout the metropolitan area and those households have a choice about where to live. Mr. Reid explained that if they are looking to buy in Sherwood they are working locally and the housing would fill the need for Sherwood's employment base. He said the occupants could be married couples,

households with families and households looking to downsize later in life (with a home in Oregon for the nice part of the year and perhaps travel about or live elsewhere).

Mr. Person said he did not hear a lot of concern about the requested zone change but of the lot size. He said they were requesting High Density Residential, which was needed in the community based on study of the City's development pattern and existing land base. Mr. Person said the change would provide an opportunity for home ownership and commented regarding pride of ownership. He agreed that parking was a concern and said the developer was present and hearing those concerns.

Mr. Person offered to answer questions about a "sunset clause" and put forth that the proposed path for how development occurs gives a lot of discretion to the Planning Commission so they can control how development happened. He said this was a good fit for the community, met an unmet need, and provided the Planning Commission with the flexibility to develop High Density Residential in the community with home ownership. Mr. Person commented regarding the lower parking requirements with apartment development in HDR and stated that the parking would have to be addressed at time of development. He said that the burden of proof would fall on the developer to demonstrate that they met parking through the Planned Unit Development process and the Commission would have the discretion of how that happens.

Chair Simson explained that she was not suggesting using a sunset clause, but explained that there was a development near Target, similar to what is being proposed, and asked if the applicant was familiar with it. Mr. Person was not. Chair Simson explained that the development she spoke of had 2500 square foot lots with zero lot lines back to back, mixed with multi-family. She said the applicant at that time brought forward a Code amendment that was placed in the code with a "sunset clause," because the Commission was unsure how it would look and fit in the community. Chair Simson said that process contained Code language that protected the community through the design criteria and homeowner's association requirements.

Brad Kilby indicated that he had the language with him (see record, Exhibit H, Ordinance 2004-007) and clarified that it allowed 2,000 square foot lots in the HDR zone.

Vice Chair Copfer confirmed that DR Horton had a purchase and sell agreement with the current owner of the property and asked if the proposed zoning would allow apartments if the land was sold to someone else. He was told that it would.

Vice Chair Copfer commented on the parking problem and asked if the applicant had a solution for it. Mr. Person answered that they did not have a solution, but it could be addressed through private streets and by homeowner's association enforcement through posting and towing.

Vice Chair Copfer asked if some of the units would be rentals. Mr. Person responded that it had not been discussed. Vice Chair Copfer indicated that his larger issue was parking.

Commissioner Cooke added that she was familiar with a similar development in Hillsboro that also had parking problems and asserted that most owners would have two cars and may be commuting outside of Sherwood to work. Discussion followed.

Chair Simson closed the public hearing. She asked for deliberation regarding the zone change only.

Vice Chair Copfer commented that he agreed that it was not a great commercial or retail site and was not opposed to changing the zone to allow residential.

Commissioner Cary stated that as a business owner, he would not consider such a site and I would be tough location for a commercial use.

Commissioner Clifford also agreed and said it was a more ideal property for residential.

Chair Simson and Michelle Miller pointed to the clear and objective standards in the code that ask if there is a need for the zoning, if it is timely, and whether there is other property available. Chair Simson asked the Commission if High Density Residential was a fit for this part of the community.

Vice Chair Copfer asked for clarification of what high density is per the current code. Michelle explained that high density allows single family and multi-family, the zoning density is 16.8 to 24 dwelling units per acre and the minimum lot size for single family on standard zoning is 5000 square feet.

The Commission reached a consensus to recommend the zone change.

Chair Simson asked regarding removing the 5,000 square foot lot size minimum and changing the language for the Planned Unit Development (PUD) as proposed by the applicant.

Vice Chair Copfer said he did not agree with the change and that he did not think making an overall change to the Code was a good idea. He said that he might be willing to consider making an exception for this property if a solid application was before him.

Commissioner Cary expressed that he also had concerns with the change particularly if it was permanent.

Chair Simson commented that a PUD would apply to any residential zoning from Very Low Density Residential to High Density Residential. Michelle confirmed and further explained that the overall density requirements would have to be met per each zone rather than being focused on the lot size and there could be a variety of lot sizes within the development. The Planning Commission and City Council would review any applications.

Michelle explained that the map in the presentation had highlighted all of the residential properties over 2 acres and said that a Planned Unit Development can only be used for five acres or more unless it is considered infill. She said that the change would be limited to [this site] and areas not currently in our city limits and the area east of Murdock which already has a density of four units per acre. Michelle informed that the number of lots allowed would be reviewed by the Planning Commission in each instance and if the Commission could not find a rationale to change it, it would not be approved. She reiterated that the change would only be for Planned Unit Developments and not include Subdivisions at a staff level or Hearing Officer decision.

Vice Chair Copfer asserted that if there is so little of land available for a PUD then not changing the Code would make little difference if the Planning Commission reviewed the development specifically for this particular site.

Michelle responded that adopting a specific ordinance would be an option and questioned if it was necessary because the Commission has the same review process with a Planning Unit Development.

Commissioner Cooke commented about consistency, Land Use Board of Appeals (LUBA) concerns, having consistent standards and having the same answer for each developer.

Chair Simson summarized that the Commission was making a recommendation to the City Council and if the Commission did not feel comfortable with removing the 5,000 square foot minimum it should convey to Council that it was in agreement with the zone change but was not comfortable with removing the minimum square footage completely.

Vice Chair Copfer asked regarding implementing an ordinance similar to the one alluded to earlier.

Julia cautioned the Commission to be clear what it is recommending saying that the staff report outlines the reason why staff was recommending approval. She said if the Planning Commission was not recommending approval of removing the 5,000 square foot lot minimum it should be really clear so the Council understands why, so that when the applicant tries to convince the Council to modify the recommendation the Council has a clear understanding that it is because of the parking. If the applicant can address the parking issues in such a way as to make the Council comfortable then maybe it is ok. Julia added that if the Commission was proposing to add sunset language it should be clear as to what the concerns were.

Chair Simson commented that the minimum lot size was policy decision for the Council to make as to what is important within the community and she has heard many times over that a 5,000 square foot lot minimum was important to the community. She referred to Ordinance 2004-007 and said the Planning Commission used a sunset clause because they did not know what the development would look like and nine years later she thought the City ended up with a very good product. Chair Simson commented that the text amendment language says that it “meets the community needs and development patterns” but she didn’t believe that removing the 5000 square foot minimum requirement meets the community patterns based on what the Commission has experienced previously. She said she would like to provide the Council an opportunity to see language that worked in the community and if they like it, they might want to go against our denial with another recommendation. Chair Simson communicated that the 5,000 square foot minimum lot size needs to be replaced with something that provides flexibility and opportunity and the ordinance from 2004 seemed to fit that, but that is not what the Planning Commission was presented, so they wanted to deny the proposed language. Chair Simson asked for direction from staff.

Brad Kilby advised that the Commission had the option to recommend approval, approval with conditions, denial, or modify the proposal. He specified that the Commission could recommend approval of the zone change but did not want recommend removal of the 5,000 square foot minimum lot size without a clear plan in place and then list specific concerns. Brad noted that if the Planning Commission approved the zone change to HDR up to sixty-six apartments could be developed on the

site. He stated that the reason the development that utilized Ordinance 2004-007 turned out well is not because the 5,000 square foot minimum lot size was removed, but because it was a Planned Unit Development and the Planning Commission negotiated design standards with those developers like setbacks and home appearance. Brad concluded that there would be the same number of units, but a higher quality product could be achieved through a PUD than through a straight subdivision development.

Commissioner Russell Griffin said he was uncomfortable removing the minimum lot size completely, however he would be interested if a developer came with a more concrete plan and perhaps a sunset clause with a 2,000 minimum lot size for this particularly PUD. He expressed that the houses by Target fit and he liked the idea of individual home ownership, but he thought parking was going to be an issue.

Discussion followed regarding how the Planning Commission could word a recommendation with the understanding that the City Council could choose to approve, approve with conditions, deny or modify the proposal but that the Commission was required to make a recommendation based on what the applicant had proposed. The Commission members, James Copfer and Beth Cooke, expressed their concerns about changing the zone to HDR and having apartments be built. Julia informed the Commission that there was no guarantee, but that a plan could not be approved without the zone change first.

Commissioner Cooke commented on the burden on the schools if apartments were put in. Chris Crean, City legal counsel, stated that State statute prohibits using school capacity as a reason to deny a land use action, but it may be possible to condition the zone change to prohibit apartments. Julia added that staff would have to research if that was possible, but the recommendation could include that the Commission supported the condition. Discussion followed.

Commissioner Griffin suggested that to stop crowding in schools America should stop recommending Sherwood as the fifth best place to live in the country. Jean Simson suggested the state legislature should allow System Development Charges for schools. Julia informed the Commission that there was a Construction Excise Tax for all new development that benefits the construction of schools.

Chair Simson called for a recess at 9:02 pm so staff could craft language for the Planning Commission's recommendation to the City Council and reconvened at 9:15 pm.

Brad had drafted a motion and read it to the Commission recommending approval of the zone change and denial of the text amendment.

Commissioner Cary asked if, assuming the zone change was made, a variance for the minimum lot size could be requested for a PUD in the future. Julia answered that the Code does allow changes to the minimum lot size but they would have to meet the variance criteria. She said it would be unlikely and would probably not be done through a PUD process.

Chair Simson commented that the applicant would have [Ordinance 2004-007] and by the time it gets to Council there may be something new to review, but based on what the Commission had they were making a recommendation.

Motion: From Vice Chair James Copfer to recommend approving the rezone request with the condition that the site will not be developed with multi-family uses and denying the text amendment PA 13-02. This recommendation is based on the file, staff report, and public testimony. The recommended condition is related to the market analysis which demonstrates the community's need for 670 units of single family detached and attached units over the next twenty years and that is currently a demonstrated need for this housing type and not a demonstrated need for multi-family. Therefore, the condition would be imposed to support the demonstrated need for the housing type that was proposed in the market analysis, Exhibit J of the applicant's submittal. Seconded by Commissioner Michael Cary. All present Planning Commissioners voted in favor (Commissioner Walker was absent).

Chair Simson announced that the public hearing date before the City Council would be on February 4, 2014 and public testimony would be taken.

8. Planning Commissioner Announcements

Chair Simson commented that Washington County had begun their Transportation System Plan (TSP) update process and said it would potentially impact Sherwood in a big way. Michelle responded that the County separated their meetings into quadrants and the meeting for the Sherwood area would be held in Tigard in January. The best time to make comment is early in the process.

Chair Simson said she had attended the City's TSP open house and it was very engaging.

Vice Chair Copfer wanted to ensure that the Old Town Overlay would be part of the Code update process in particular he was interested in the portion allowing a drive thru for banks in Old Town. Brad confirmed that this was on the list of goals.

9. Adjourn

Chair Simson adjourned the meeting at 9:24 pm.

Submitted by:



Kirsten Allen

Planning Department Program Coordinator

Approval Date: February 11, 2014