



**City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
May 11, 2010 – 7 PM**

Planning Commission will hold a work session on May 11, 2010. Work sessions are informal. Public may attend.

Work sessions are informal meetings where the Commission and staff can discuss topics but no formal action is taken from these meetings. Work sessions are open to the public in accordance with public meeting laws.

Planning Commission Work Session agenda items:

1. Code Clean-up Discussion
 - a. Simple and complex housekeeping
 - b. Open space requirements

Next Meeting:

May 25, 2010 – The Planning Commission will host an informal “listening session” on May 25th at 7:00 PM to hear input on the proposed code clean-up issues and priorities as well as initial feedback on public notice and open space discussions. Formal public hearings on code amendments will be held at a later date.



Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

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DATE: May 4, 2010
TO: Planning Commission
FROM: Julia Hajduk, Planning Manager
SUBJECT: Code Clean-Up Project Packet Materials

Attached (Attachment 1) is an Issue paper for the Open Space discussion at the work session next week.

Also attached (Attachment 2) is an inventory of the "complex" housekeeping issues for Divisions II, III, IV, V and VII. Due to time constraints we are unable to include Divisions I, VI, VIII and IX as part of this packet. Please keep in mind that this inventory does not include detailed discussion in areas where we already have a clear issue identified. The formatting of several sections has been revised to provide consistency throughout the Code. References to section numbers are based on the original sections, not the re-formatted numbers.

Commissioners will be getting a separate e-mail with instructions to the city's FTP site for accessing the word version of the "simple" housekeeping changes. A PDF of each section will be placed on the web site by Wednesday morning. The packet can be located either through the Planning Commission packet page or via the newly created code clean-up page (www.sherwoodoregon.gov/code-clean-up)

Open Space – Issue Paper

Description of issue:

Open space dedication *is* required when Planned Unit Developments (PUDs), townhomes (on sites over 2 acres) and multi-family developments are approved. Currently, open space dedication *is not* required when single-family residential subdivisions are approved. During the Brookman Area concept planning process, open space was raised as a concern. A minimum requirement for open space dedication with subdivision approvals was suggested as one way to address this issue.

Code Sections (language included on page 2):

16.40.020.C.2- PUD/Preliminary Development Plan
16.44.010.B.8 – Townhomes/Townhome Standards
16.142.020- Parks and Open Space/Multi-Family Developments
16.126- Subdivisions and Partitions/Design Standards

Public input received:

No specific input received regarding this code update issue.

Comparison to other jurisdictions and the Oregon Model Code:

See attached table on page 3

Initial Staff Recommendation

Based on review of other jurisdictions and concerns raised during the Brookman Area concept planning process, it is recommended that the city explore further the idea of adopting a minimum requirement for dedication of open space with subdivision approval similar to the City of Wilsonville.

The City of Wilsonville uses a standard of $\frac{1}{4}$ acre open space for up to 50 dwelling units, $\frac{1}{2}$ acre of 51 to 100 dwelling units, $\frac{3}{4}$ acre for 101 to 150 dwelling units, etc. Assuming 5,000 square foot lots, 50 lots would be about 5.7 acres. A requirement of $\frac{1}{4}$ acre for 5.7 acres of residential development is approximately 4.5% of the developable area of the site in open space.

Discussions will need to occur with the Parks Board, Public Works, Finance Department and others to determine costs, feasibility and logistics.

In addition, as part of the open space discussion, it is recommended that modifications be made or clarification provided to address the discrepancy in openspace requirements among multi-family and townhome developments.

Code Language (Current)

16.40.020.C.2- PUD/Preliminary Development Plan

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.

16.44.010.B.8 – Townhomes/Townhome Standards

Developments over two (2) acres shall accommodate an open space area no less than five percent (5%) of the total subject parcel. Parking areas may not be counted toward this five percent (5%) requirement.

16.142.020.A- Parks and Open Space/Multi-Family Developments

1. Open Space

A minimum of twenty percent (20%) of the site area shall be retained in common open space. Required yard parking or maneuvering areas may not be substituted for open space.

2. Recreation Facilities

A minimum of fifty percent (50%) of the required common open space shall be suitable for active recreational use. Recreational spaces shall be planted in grass otherwise suitably improved. A minimum area of eight-hundred (800) square feet and a minimum width of fifteen (15) feet shall be provided.

3. Minimum Standards

Common open space and recreation areas and facilities shall be clearly shown on site development plans and shall be physically situated so as to be readily accessible to and usable by all residents of the development.

16.126- Subdivisions and Partitions/Design Standards

No code language currently exists.

Jurisdiction	Open Space Requirements
Oregon Model Code	<ul style="list-style-type: none"> • Multi-Family (or multi-family with more than 20 dwelling units) = 10% open space • Private Open Space (i.e. patios or decks)- a minimum of (40 or 60 percent) of all multi-family housing units shall have front or rear decks or patios measuring at least 48 square feet.
Sherwood	<ul style="list-style-type: none"> • PUD- 15% of site in open space or nearby public space and at least 5% • Townhomes = 5% of site in open space • Multi-Family = 20% of site in open space, 50% of required open space for “active” uses
Tualatin	<ul style="list-style-type: none"> • Retirement Housing- 30% of site in open space • Maximum lot coverage standards provide onsite “open space”
Tigard	<ul style="list-style-type: none"> • Multi-Family studio, 1 br and 2 br = 200 sf/unit • Multi-family 3 + br = 300 sf/unit
Wilsonville	<ul style="list-style-type: none"> • Multi-Family with 10 or fewer lots = 1,000 sf • Multi-Family with 11-19 units = 200 sf/unit • Multi-Family with 20 + units = 300 sf/unit • Subdivisions with 50 or fewer lots = ¼ acre, 50-100 = ½ acre, 100-150 = ¾ acre, etc.
Happy Valley	<ul style="list-style-type: none"> • Planned Unit Development or Master Planned Development = 20% usable open space • Duplexes, Triplexes and Fourplexes and Multi-Family = 20% of area must be “landscaped” • Non-Residential Site = 15% of area must be “landscaped”

Open Space Requirement Comparison Among Jurisdictions

Inventory of Complex Housekeeping Issues 5-4-10

Code Section	Issue	Could be addressed with:
Division I – General Provisions		
	To be completed	
Division II – Land Use and Development		
General	Density for residential zones is captured in the purpose section. It would be more clear to identify it as a standard. Clarify density is based on net vs gross acre	Minimum lot size clarification
16.20.040.B.2	Corner street side yard setback is larger than the front yard setback. Is this really needed?	Minimum lot size clarification
16.24.030.D	Limits restaurants to 100 feet from residential property but doesn't contemplate mixed use PUD (16.24.020.J)	Use classifications
16.24.060	Special criteria limiting uses between 6:30 AM-11:00PM ignores uses allowed in the zone (hotels, residential and hospitals)	Use classifications
16.26.030	Define differently? All restaurants allow take-out, even the finest	Use classifications
16.42.030.A	Modify exemptions to be consistent with business license	
16.42.030.B	Provisions out of date?	
16.42.050.3	Clarify if this percentage cap includes or excludes storage of materials	
16.42.070	Criteria don't consider residential uses in commercial zones like Old town or Woodhaven Crossing PUD	
16.46	Evaluate current construction practices to determine if this is up to date or if changes are warranted	
16.50.010.B	Clarify accessory structures can't be in <u>corner</u> side yard setback (vs. any side yard setback) to be consistent with 16.50.010.C	Fences
	Clarify/confirm that pools, hot tubs ,etc are considered accessory structures.	Fences
16.56	This is an odd standard. As far as we know, it was never been used, The code should provide a clear process for any land use action.	
16.58	Re-organize standards in this section to a more logical location as they often get lost or overlooked initially	
16.58.030	Multiple issues under fences	Fences
16.58.040	In general, this section should be moved to the zoning and dimension standards of each zone.	
	It is not clear if or how this is different from the non-conforming use section. In	Minimum lot size

Code Section	Issue	Could be addressed with:
	addition, the 3,200 sq. ft. absolute minimum lot size is inconsistent with the HDR min. lot size of 1,500 sq. ft. after 1 st 2 units	clarification
16.60	Need to have thorough review of definitions to ensure consistency. Also consider moving to residential zone sections. These do not appear to be applicable to commercial or industrial zones.	
	Clarify that all these standards are superseded by easements which must be kept free of permanent structures.	Fences
	Is the 3 foot minimum setback acceptable? We hear from many people wanting to go closer but rarely hear from people who are complaining about them being too close	Fences
16.62.010	Review list of things allowed up to 200 feet high and determine if additions or deletions are appropriate.	
16.64	Should this be moved to community design standards?	
Division III – Administrative Procedures		
16.70.010	Clarify if pre-apps are required. We have interpreted this as if they ask for one, it SHALL be scheduled but it clearly could be interpreted differently	Application submittal requirements
16.70.020	Submittal requirements will be addressed through separate issue	Application submittal requirements
16.70.040	Review in detail to confirm dates are fully compliant with current state law	
16.72.010.B.3	Clarify that residential site plans would fall here too or adjust the other sections.	
	Confirm intent is to review parking lot area versus if there was a “stand alone” parking lot.	
16.72.010.3.B	This needs to be evaluated and either moved or removed. This standard is very easy to miss.	
16.72.020 and 16.72.030	Public notice will be addressed via separate issue	Public notice
Division IV – Planning Procedures		
	General comment about division heading and subjects within – this needs to be re-organized and/or re-labeled as the provisions provided in this section do not actually describe the “planning procedures” or at least not all of them.	
16.82.010.2	Re-word for clarity	
16.82.020.3 and 3	Review Model Code provisions and discuss if there is a more clear and straight forward way to get to the same end result. It is not clear if this take the place of	

Code Section	Issue	Could be addressed with:
	the site plan or is in addition (we have reviewed both). There are potentially more objective provisions that get same end result.	
16.84	Variances and adjustments will be discussed in detail under separate issue	Variances and adjustments
16.86	Temporary uses will be discussed in detail under separate issue	Temporary uses
Division V – Community Design		
16.90.020.1.G	Reference is circular	Site Plan Modification
16.90.020.4.F	Do we want to leave it to the City Engineer’s discretion or better define when a traffic study may or may not be required. Could the City Engineer ask for it more often or less often?	
16.92.030.2.C	Clarify if this required 10 feet on each property for a total of 20 feet. We have interpreted it this way but is this really what is needed? Clarify how this applies when there are shared parking or access agreements among differing developments	
16.92.040.1 and 16.94.010.2	Increase bond requirement to be consistent with industry standards	
16.94.010.4	This is very discretionary. Need to establish how the amount of reduction is determined. The 2 nd sentence is not clear in intent or outcome	
16.94.020 – parking table	Add or clarify uses to update and reflect current needs. Describe parking zone A and B and include map	
16.94.020.1.B	Appendix G provides dimensions for spaces and aisles with angles parking which is not consistent with other standards (dimensions, aisle width, etc) – update or modify the standards so the 2 are consistent. Move appendix into the code and modify references accordingly	
16.94.020.1.C	Consider allowing area between the wheel stop and the end of the parking space to be pervious (low growing landscaping)	
16.94.020.2	Need to evaluate uses. This must be consistent with Metro but we need to explore if more clarify is possible. Also need to look at industrial uses and others with little to no customer bicycle traffic.	

Code Section	Issue	Could be addressed with:
16.94.030.1.B and 16.94.030.2	Consider modified loading requirement for smaller uses and/or allowing use of parking spaces if loading doesn't conflict with hours of operation	
16.96.030.2.B	Maximum driveway width?	
16.96.030.2.B	Why allow the subjectivity? What is the intent of this standard? Aren't curbs always part of sidewalks?	
Division VI – Public Improvements		
	To be completed	
Division VII – Subdivisions and Partitions		
16.124	Make it clear that this section only applies to subdivisions	
16.124.020.7	Need discussion – recent case law and legislation has made it clear that a final plat is not a land use decision, therefore making “findings” especially findings that are not reviewed as part of the preliminary plat needs to be evaluated.	
16.126	Need to have applicability statement as it is not clear if partitions are included in this as well.	
16.126.140.3	This only speaks to residential subdivisions but there are situations in commercial and industrial areas where you may want to create double frontage lots.	
16.128.020	May or shall?	
16.130.020	There is no time limit for the filing of a lot line adjustment.	
Division VIII – Environmental Resources		
	To be completed	
Division IX – Historic Resources		
	To be completed	

General notes:

Appendix documents need to be either clearly placed in code or references removed

Either reference the lot sizes and dimensions section in each residential zone or MOVE the standards or 16.58.040 to the residential zones – there are modifications to some lot sizes hidden in 16.58