



**City of Sherwood  
PLANNING COMMISSION  
Sherwood City Hall & Public Library  
22560 SW Pine Street  
April 25, 2006  
Regular Meeting - 7:00 PM**

## **A G E N D A**

- 1. Call to Order/Roll Call**
- 2. Agenda Review**
- 3. Consent Agenda: Minutes – April 11, 2006**
- 4. Brief Announcements**
- 5. Community Comments** (*The public may provide comments on any non-agenda item*)
- 6. Old Business:**

**Goal 5:** The Commission will continue to review work products from the regional Tualatin Basin Partners – Natural Resource Protection measures process. Staff will brief the Commission on the latest information and request comments and direction on policy choices for Sherwood.  
(*Julia Hajduk, Senior Planner, Planning Department*)

- 7. Comments from Commission**
- 8. Next Meeting: May 9– Area 59 Work Session – SE Sherwood Master Plan – WACO UPAA**
- 9. Adjournment**

**Work Session:**

The Planning Commission will hold a work session on infill and redevelopment beginning at 6 pm. Work sessions are open to the public, but comments will not be taken.

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**City of Sherwood, Oregon**  
**Planning Commission Draft Minutes**  
**April 11, 2006**

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**Commission Members Present:**

Chair – Adrian Emery  
Vice Chair – Patrick Allen  
Jean Lafayette  
Dan Balza  
Matt Nolan  
Todd Skelton

**Staff:**

Kevin Cronin – Planning Supervisor  
Rob Dixon – Community Development Director  
Cynthia Butler – Administrative Assistant

**Commission Members Absent:**

Russell Griffin

1. **Call to Order/Roll Call** – Chair Emery called the meeting to order at 7 PM. Roll was taken. Commissioner Russell Griffin was not in attendance.
2. **Agenda Review** - There were no changes to the agenda.
3. **Consent Agenda** – Minutes for the March 28, 2006 session were approved by vote:  
  
Yes – 6 No- 0 Abstain– 0
4. **Brief Announcements** – Kevin stated that Commissioner Todd Skelton had unanimously been reappointed to the Planning Commission for another term by City Council on April 4, 2006. Resolution 2006-017 on the Area 59 Concept Plan is being considered by the City Council on April 18, 2006. Upon approval by the City Council, the Planning Commission is expected to hold an Area 59 work session to discuss initial policy framework to implement the concept plan on May 9, 2006. SURPAC will hold a meeting on April 19, 2006 regarding economic development. A postcard mailing to local business owners requesting participation in an on-line economic strategy survey is being developed. The next Parks Master Plan meeting is scheduled for May 1, 2006.
5. **Community Comments** – There were none.
6. **Old Business** – SE Sherwood Master Plan – Implementation. Kevin Cronin recapped the process to date and reiterated that tonight’s session was not to determine zoning, but to receive public comments, discuss the proposal, and receive a recommendation by vote from the Planning Commission on a preferred alternative for the City Council to consider for adoption by resolution. Chair Emery asked commissioners if there was any discussion prior to opening the session to public comments. Patrick Allen stated that in addition to any subjective testimony received from the public, he would like citizens to also include what recommended course of action they would like the Planning Commission to take. Chair Emery opened the session for public comments.

Kurt Kristensen, 22520 SW Fair Oaks Ct., Sherwood, OR 97140 – Kurt hosted an open house for neighbors and affected property owners to meet and discuss the proposed alternatives. Kevin

Cronin attended as facilitator. Kurt stated that the meeting allowed for a positive exchange of many views on the project and that some compromises were achieved. Kurt referred to a letter by attorney Jeff Kleinman, and a petition submitted by Citizen's for Smart Growth, that recommends modified Alternative A with the Walker proposal, which Mr. Kristensen also endorses.

Matt Crall, Oregon Dept. of Land & Conservation (DLC), 635 Capitol St. NE, Salem, OR 97301  
Matt recapped the Transportation and Growth Management (TGM) program and said that the DLC looks at the big picture when considering planning for new development. Matt said that the DLC works with local government and consultants, who meet with developers, the city and neighbors toward consensus on growth management options.

Kevin Cronin reiterated that through the application process for TGM grants, the county and local government receive services at no cost.

Dean Glover, 14300 SW Fair Oaks Dr., Sherwood, OR 97140 – Mr. Glover's property is adjacent to the Moser property and that he wants the approximately 15 acres of the Moser's forested property saved. Dean said this is also a passion of the community that could be preserved with some access through an existing easement. Dean owns approximately 10 feet of this easement.

Discussion recapped the easement sizes on each alternative and restated that the trees could act as natural buffers. A trail or walkway for pedestrians was discussed.

Jean Lafayette asked if the trees in the Mosher property were protected by laws. Kevin affirmed that when a land use application is submitted Goal 5 issues are addressed during the review process and would apply as protections. Kevin also stated that currently, there is not a tree ordinance protecting trees from removal outside of the land use submittal and application process.

Gerrie Leslie, 23558 Denali Ln., Sherwood, OR 97140 – Mr. Leslie approves of modified Alternative A with the Walker proposal. Gerrie reiterated that he did not understand that the Transportation System Plan planned for Denali to be a through street and is opposed to this, and stated that Denali should be a cul-de-sac or limited access road for emergency access only. Gerrie said that realtors lead them to believe Denali would not be a through street.

Discussion ensued regarding the designation of Denali as a through street and whether or not an emergency access road could be gated. Chair Emery said that the emergency regulation does not allow a gate access, but does allow load-bearing landscaping as a natural barrier on emergency only access roads.

Mr. Leslie also alluded to a toxic soil report from the DEQ in regard to the former Foster farm property, which he stated was in Kurt Kristensen's possession.

Jean Lafayette asked to hear more about this letter.

Kurt Kristensen, 22520 SW Fair Oaks Ct., Sherwood, OR 97140 - said that this past weekend he became aware of an environmental study conducted by the DEQ and subsequent letter dated March 27, 2006 about soils on the former Ken Foster farm property. The letter was submitted

into the record. Kurt stated that he believed the levels indicated in the report are not a major issue and could be addressed for the project to move forward.

Discussion continued regarding the contents of the letter from DEQ.

Todd Skelton stated that it was not clear on the petition provided by Mr. Kristensen, that those who signed the petition were endorsing modified Alternative A with the Walker proposal. Todd said the petition appears to support Alternative A only.

Kurt Kristensen said that he was not aware the petition did not bear the language to include the modified Walker proposal, but that he believes all citizens who provided their signatures understood this to be true.

Patrick Allen asked for clarification on the Walker proposal.

Kurt Kristensen said that the Walker proposal follows the property lines more closely, and shows Denali Ln. as a gated emergency access road instead of a through street.

Curt Peterson, 14340 SE Fair Oaks Dr., Sherwood, OR 97140 – Mr. Peterson stated that he is an earth scientist who has lived in the area since 1989. Curt shared geological knowledge on the history of the project area and stated that decisions made now will affect future generations and that he would like planning of the area to vision at least 50 years ahead. Curt said a shallow soil amount of soil covers layered basalt. Contaminant retention in the soil is slight due to lack of ground water absorption and swift water run-off. Wetlands and flooding are common to the area, as are horned owls, deer, elk and coyote. Kirk would like to see a public viewing access to the wetlands as one of the few remaining such areas, with possibly the addition of a connecting walking trail that could extend from the Moser property to Fair Oaks as a wildlife corridor. Kirk affirmed that he favors modified Alternative A with the Walker proposal.

Dan Balza asked about the feasibility of building a residential community upon rock.

Curt Peterson stated that the Fair Oaks development has achieved this successfully.

Patrick Allen said that he likes preservation of the forested area and the green space in the middle of the illustrated in Alternative A, and asked about the option of having higher density in the remaining space. Discussion ensued about the possibilities and challenges of higher density in relation to existing property lines.

Dana Krawczwk, Ball Janik LLP, 101 SW Main St., Ste. 1100, Portland, OR 97204 – Dana is an attorney with Ball Janik, LLP that represents Paula and Dennis Yuzon, property owners in the SE Sherwood project site, who support Alternative B/C. Dana referred to a letter from Ball Janik, LLP dated March 21, 2006 that was submitted in the record. Dana also stated that the Planning Commission should implement goals consistent with maintaining a compact urban growth boundary that helps prevent the urban sprawl that would likely develop over time if large minimum lot sizes as shown in Alternative A were implemented. Dana also said that the City Council's resolution was to study increasing density in SE Sherwood, that Alternative A may actually decrease density, and that Alternative A/B is a compromise.

Debra Ng-Wong, 23524 SW Denali Ln., Sherwood, OR 97140 – Debra said that she lives near a pond located on a down slope area of the project site, which supports wildlife in the region and should be preserved. Debra is concerned that even with preservation strict measures would need to be taken to protect the pond during any construction. Debra supported Curt Peterson's comments and suggestions.

Brent Dixon, 23675 SW Robson Terrace, Sherwood, OR 97140 – Brent supports the Citizen's for Smart Growth and stated that he believes Denali should be a cul-de-sac and not a through street.

Bart Batholomew, 6000 SW Meadows Rd., Lake Oswego, OR 97035 – Bart stated that he was present on behalf of Leroy and Delores Moser, and that he wanted to be certain the letter from Davis Wright Tremaine LLP, attorneys for the Mosers' was on record. Kevin Cronin confirmed that it was.

John McKinney, 23753 Everest Court, Sherwood, OR 97140 – John stated that he is concerned about higher density in the project area, such as town homes or condominium development, because he believes this would lead to lower income residents and more children in the area requiring support for schools.

Pat Huske, 23352 SW Murdock Rd., Sherwood, OR 97140 – Pat is a property owner and developer in the project area. Pat prefers Alternative B/C because it allows more density, but he is also in support of nature trails and a park and believes that compromise can be achieved. Pat said a hybrid of the alternatives may be the best option that has components of all the alternatives, and that the bigger picture should be taken into consideration.

Jean Lafayette asked Pat if Ironwood Homes, Pat Huske's current development in the area, had been platted and how it relates to the project as it lies outside the study area.

Pat Huske confirmed his land use application for Ironwood Homes has been platted, but said development has not commenced on the site, that he remains flexible, and would be willing even at this stage to alter his plan for a good consensus on the alternatives. Pat said that the wetland could be a cornerstone for a park and speculated that part of JC Reeves' property could be used as part of a nature loop trail if he were willing. Pat said a trade-off in higher density on the remaining property would be an option to consider in order to have the open space.

Robert Davidson, 23792 SW Robson Terrace, Sherwood, OR 97140 – Mr. Davidson lives in Sherwood View Estates near the project site and provided a handout at the session. Robert is concerned about the traffic impacts to the area upon development of the project area, and does not support Denali Ln. becoming a through street. Mr. Davidson also believes there needs to be more provision for parks and green space.

Patrick Allen referred to the Transportation System Plan (TSP) developed over a period of two years and adopted in March 2005, and stated that Denali has always been shown in the TSP as a through street.

Robert Davidson stated that he had not heard of this and that he also believes the time frame for developing the SE Sherwood Master Plan has been short. Robert said that it was November

before he and many he has spoken to said they had heard about the project. Kevin Cronin confirmed that the project has been in public process since July 2005.

Matt Nolan stated that he has visited the site numerous times and there are large, undeveloped parcels directly behind Denali Ln. and that it appears obvious that development will be located here.

Robert Davidson said he was not sure what was planned for the parcels to which Commission Nolan referred, but that he believes in any case there should be limited growth on Denali and that it should continue to be a residential street.

Monty Hurley, AKS Engineering, 13910 SW Galbreath Dr., Ste. 100, Sherwood, OR 97140 – Monty referenced a letter from AKS Engineering dated March 20, 2006 ;which was submitted into the record. Monty said that AKS officially represents Patrick and Tammy Huske, Paula and Dennis Yuzon, and Nick Slinde of JC Reeves Corporation in endorsing Alternative B/C. Monty said that Sherwood View Estates has higher density than any of the alternatives for the SE Sherwood project, and that Alternative A may be an even lower density than current zoning on the site once the open space is removed from development. Monty reiterated that the three property owners they represent own more than 26 of the approximately 52 acres in the project area.

Lisa Walker, 23500 SW Murdock Rd., Sherwood, OR 97140 – Lisa confirmed that her proposal is the modification to Alternative A that has been referenced in documents submitted into the record and discussed at tonight's session. Lisa lives adjacent to the project site. Lisa said that her proposal follows the lot lines more closely so that lots retain various sizes and shapes to avoid lots lining up in a row and eliminates or minimizes alleys. Denali Ln. is also designated for emergency access only.

Adrian Emery said that the Walker proposal also appears to eliminate the 3, 1 acre lots in the lower left corner of the other alternatives.

Lisa Walker confirmed that she did not include these properties. Lisa said that she hopes the voices of citizens will make a difference in the final decisions made on the development of the area.

Patrick Allen said that the Walker proposal appears to sacrifice open space for larger lot sizes.

Lisa Walker affirmed that her proposal honored lot lines of current property owners.

Discussion ensued regarding the various options of increasing green space and reducing density, or redistributing higher density to areas that also allow for increased green spaces.

Kurt Kristensen said that he thinks more compromise is possible.

Pat Huske agreed that consensus at the last neighborhood meeting was significant progress, but that some issues may not be possible to solve in another meeting, specifically issues of safety, traffic, and trails. Pat said that by remaining focused the application could continue to be worked.

Chair Emery recommended a 10 minute break at 9:05 PM.

< 10 minute break >

Chair Emery reconvened the session at 9:17 PM. Consensus among Commissioners was to recommend that the property owners and interested parties hold one more meeting to see if further agreement or consensus could be achieved, and recommended that the Mosier's be involved. Adrian asked Staff if scheduling another Planning Commission session on the SE Sherwood project for May 9, 2006 would be a possible time frame.

Kevin Cronin confirmed the date would work, providing Staff had feedback from the neighborhood meeting by May 2<sup>nd</sup> for inclusion with the Planning Commission packet materials. Kevin confirmed that he would also like to attend the neighborhood meeting.

Lisa Walker asked for confirmation that the neighborhood meeting would be charged with arriving at guidelines for proceeding and not to come up with a new plan.

Kevin Cronin confirmed.

Chair Emery also confirmed.

Dan Balza said that some visual aid from the next meeting would be helpful.

Chair Emery asked if there were any further testimony. There was none. Adrian asked if Commissioners had any further questions for Staff. There was none. The public comments portion of the session was closed.

**7. Comments by Commission** – Kevin Cronin referenced the 2006 Work Program document to ascertain Commissioners had received and reviewed this in their packets, but stated that no action was required. Commissioners confirmed. Patrick Allen stated that he would not be able to attend the next meeting on April 25, 2006.

**8. Next Meeting – April 25, 2006:** Infill Standards work session 6-7 PM; Goal 5 Standards.

**9. Adjournment** – Chair Emery adjourned the session at 9:25 PM.

End of minutes.



## MEMORANDUM

City of Sherwood  
22560 SW Pine St.  
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**DATE:** April 18, 2006  
**TO:** Planning Commission  
**COPY TO:** Kevin A. Cronin, AICP, Planning Supervisor  
**FROM:** Julia Hajduk, Senior Planner *JH*  
**SUBJECT:** Goal 5/Tualatin Basin Partners for Natural Places Program Implementation

**Mayor**  
Keith Mays

**Councilors**  
Dennis Durrell  
Dave Grant  
Dave Heironimus  
Linda Henderson  
Dan King  
Dave Luman

**City Manager**  
Ross Schultz

On April 25<sup>th</sup> the Commission will hold a second work session regarding development code changes to remove barriers to habitat friendly development; one more work session is tentatively scheduled for May 23. Once the parameters of the implementation changes are determined, proposed code language will be presented to the Planning Commission on July 18, 2006.

**Review of Natural Resource Protection Program implementation concepts**  
At the March 7, 2006 Planning Commission meeting, the Commission held an informational discussion on key elements to help protect natural resource habitat. The conversation elaborated upon the concepts outlined in Issue Paper #1 prepared by Angelo Eaton and Associates for the Tualatin Basin. For the most part, the Commission was receptive to the concepts but had concerns about any flexibility that reduced lot sizes. The Commission also seemed receptive to reducing the amount of required parking in some instances for commercial developments but did not seem to accept that reduced stall dimensions would be appropriate given the SUV type vehicles typically found in the City. We will continue discussing these concepts and honing in on the nature and extent of necessary development code amendments at this next work session. Attachment 1 is "Issue Paper #2" prepared by Angelo Eaton and Associates. This issue paper provides specific guidelines for all the Basin jurisdictions to consider as they implement the Natural Resource Protection Program. The guidelines must be considered but each jurisdiction may determine which are appropriate to be implemented in their own jurisdiction.

### **Update on Public Involvement**

The City held an open house on March 30<sup>th</sup> from 6:30-8:00. Approximately nine people attended, however, staff received phone calls from several more who indicated they were interested but could not attend. Commissioner Nolan attended on behalf of the Commission. The City has updated the web site to include a "virtual" open house with materials from the actual open house being available. Attachment 2 is a copy of the response sheets returned to the City during and after the open house.



### **Review of Inter-relationship of natural resource regulations**

At the end of the March 7<sup>th</sup> Commission meeting, it was indicated that the Commission is not fully aware of why the City is doing this process and how it relates to other natural resource protection efforts. Attachment 3 is a diagram that illustrates the overlapping of regulations that must be addressed at the federal, state, regional and local level. The primary purpose of this current effort is to comply with Metro's Title 13 (Nature in Neighborhoods) which they undertook to comply, in part, with Statewide Planning Goal 5 (Natural Resources). While we must comply with the base program, Sherwood has the option to exceed the program and provide even greater flexibility or incentives to protect natural resources. It is also an option for the City to consider increasing the regulations to protect natural resources.

### **Attachments:**

- 1 – April 4, 2006 draft Issue Paper #2 prepared by Angelo Eaton and Associates
- 2 – Feedback forms from 3/30/06 open house
- 3 – Inter-relationship of natural resource regulations diagram
- 4 – Allow-Limit-Prohibit map identifying inventoried resources from the Tualatin Basin Program Report

## Tualatin Basin Goal 5

### Program Implementation Report

# **Draft 2 - Issue Paper #2:** *Implementation Recommendations to Encourage Habitat Friendly Development Practices*

Revised Draft prepared for:

Tualatin Basin Steering Committee

Prepared by:



April 4, 2006

## Implementation Recommendations to Develop and Encourage Habitat Friendly Development Practices

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      - Use multi-functional open drainage systems/vegetated stormwater management facilities/modify drainage practices
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      - Disconnect downspouts/Use rain barrel or cistern system
      - Methods Not Recommended for Basin-wide Implementation at this time
- Appendix A** – Sample Delineation Methodology (from Metro’s Model Ordinance)
- Appendix B** – Illustration of Habitat Benefit Area

## A. INTRODUCTION

### 1. Background

On September 29, 2005 the Metro Council voted to approve a regional Nature in Neighborhoods (Goal 5) program. This council action incorporated the *Tualatin Basin Fish & Wildlife Habitat Program*, as developed and recommended by the Tualatin Basin Partners for Natural Places (Partners). Under an intergovernmental agreement between the Partners and Metro, applicable elements of the adopted Basin program must be implemented within one year following the Metro Council's final decision (or within 60 days of LCDC's acknowledgement of Metro's Functional Plan provisions, whichever is later).

Applicable elements included compliance with the six steps identified in Section B of Chapter 7 of the *Tualatin Basin Fish & Wildlife Habitat Program*. One of these steps is the development of a model Low Impact-Development (LID) ordinance for the basin, which would provide tools designed to reduce environmental impacts of new development and removing barriers to their utilization. This step includes local adoption of LID guidelines. In addition, Basin jurisdictions must adopt provisions that facilitate and encourage the use of habitat-friendly development practices, where technically feasible and appropriate, in all areas identified as Class I and II riparian habitat areas.

An important feature of the Basin program is the encouragement of land developers and property owners to incorporate habitat friendly practices in their site design. *Habitat friendly development practices* include a broad range of development techniques and activities that reduce the detrimental impact on fish and wildlife habitat relative to traditional development practices. While the phrases are sometimes used interchangeably, for the purposes of this paper *low impact development*, which is more specifically focused on minimizing hydrologic impacts, e.g., reducing *effective impervious area (ELA)* and improving water quality, is considered a subset of habitat friendly practices.

### 2. Purpose

This paper has been prepared by Angelo Eaton & Associates on behalf of the Tualatin Basin Steering Committee (TBSC) as part of the *Tualatin Basin Fish & Wildlife Habitat Program*. As part of Basin Program, a compliance report is being prepared to document the process, methods, and results of the program implementation work. As a first step, Issue Paper #1 (draft dated February 24, 2006) identified those approaches and methods which could be successfully used within the Tualatin Basin to develop and encourage habitat friendly development practices.

Issue Paper #2 suggests code concepts that could be included in local comprehensive plans and development codes in order to implement and encourage those habitat friendly practices recommended for the Basin in Issue Paper #1. These concepts include addressing typical barriers

to habitat friendly development, as well as those that may preclude the implementation of low impact development techniques being considered by Clean Water Services (CWS) as acceptable methods of on-site stormwater management. Issue Paper #2 is intended to assist in the development of local program implementation ordinances. Each Basin jurisdiction is responsible for drafting and adopting local comprehensive plan and/or development code amendments necessary for implementation of habitat friendly practices. Because most of the Basin jurisdictions already implement some practices which reduce the detrimental impact of development on fish and wildlife, all of the suggested changes may not be necessary in all cases. In these cases, Basin jurisdictions will document current practices.

Fully implementing the recommended approaches and methods outlined in Issue Paper #1 will raise significant policy issues. For example, allowing density transfer by right may facilitate resource protection, but may upset neighboring property owners and lessen public involvement (in a sense, creating a conflict between Statewide Planning Goal 1 and Goal 5). Resolving these issues will require policy "trade-offs." The implementation discussion in Issue Paper #2 is meant to identify those provisions that facilitate and encourage the use of habitat-friendly development practices for the benefit of Goal 5 resources. In considering these implementation concepts, each of the Basin jurisdictions will have to determine which trade-offs it finds appropriate.

### **3. Summary of Approaches and Methods**

As previously described in Issue Paper #1, some of the approaches and methods that can be used to encourage habitat friendly development could be effective anywhere within the basin (*including within or adjacent to habitat areas*); others are only recommended for areas within or adjacent to habitat areas. This distinction becomes particularly important in terms of implementation. In some cases, a method may be effective in both situations. For example, reducing parking space requirements basin-wide may help reduce Effective Impervious Area (EIA), if the "saved" area is used for landscaping or to retain existing vegetation. Alternatively, if the concept were only applied on a more limited basis to those sites which contain Goal 5 resources, it could help create the flexibility needed to protect the resource while allowing development of the site.

In addition, some of the approaches and methods recommended in Issue Paper #1 will have limited applicability in the Basin due to soil conditions. As noted in Issue Paper #1, a review of the SCS (NRCS) *Soil Survey of Washington County - Table 8* shows all but three soils types in the Basin to be listed with "restrictive soil features" which would limit infiltration (e.g. wetness, too clayey, or severe slopes). While not infeasible, approaches and methods which are "soil limited" will require considerable extra effort to function in areas with restrictive soil features. Finally, full implementation of some methods is dependent on adoption of technical design specifications. CWS has developed, or will be developing, technical specifications for some approaches. In other cases,

the input of the Basin jurisdictions' building officials or engineers will be required. Metro may also be able to assist in the development of technical design specifications.

The table below summarizes the approaches and methods recommended in Issue Paper #1 and notes whether they are applicable basin-wide or only on sites that include habitat. In addition, the table notes whether they are limited or constrained in applicability by soil conditions. It also identifies those methods that will require technical specifications to be developed in order to be fully implemented.

**Table 1: Applicability of Approaches and Methods from Issue Paper #1**

Approaches and Methods from Issue Paper #1	Sites w/ Habitat	Basin- Wide	Soil Limited	Design Specs
<b>Planning and development approaches</b>				
<i>1) Land Division Design</i>				
o Clustering/lot size averaging, on-site density transfers	X			
<i>2) Site Design</i>				
o Increased flexibility for setbacks	X			
o Increased flexibility for lot coverage	X			
o Increased flexibility for building heights	X	x*		
<i>3) Parking Design</i>				
o Reduced parking ratios	X	x*		
o Shared driveways and parking areas		X		
o Flexibility in parking lot landscaping / Additional parking lot landscaping	X			
o Smaller car spaces and stall dimensions	X	x*		
o Increased use of pervious materials		X	X	X
<i>4) Landscaping/Hardscape Design</i>				
o Locating landscaping adjacent to habitat areas	X			
o Increased use of native plant	X	X		
o Improved soil amendment		X		X
o Reduction of non-ADA sidewalks within a site	X	x*		
o Increased use of habitat-friendly fencing	X			
o Preservation of existing trees and maximize forest canopy	X	X		
<i>5) Lighting Design</i>				
o Re-directed outdoor lighting, reducing light spill-off	X			
<i>6) Density Reduction for Regionally Significant Habitat</i>				
o Modified definition of net buildable areas	X			
o Reduced minimum buildable lot sizes	X			
<b>Engineering and Design Approaches</b>				
<i>1) Street design</i>				
o Minimize paving	X	x*		

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Approaches and Methods from Issue Paper #1	Sites w/ Habitat	Basin- Wide	Soil Limited	Design Specs
o Use pervious paving materials		X	X	X
o Maximize street tree usage		X		
o Use multi-functional open drainage systems / modify drainage practices		X	X	X
<b>2) Stream crossing and street connectivity standards</b>				
o Minimize the number of stream crossings/place crossings perpendicular	X	x		X
o Allow narrow paved widths through stream corridors	X	x		
o Use habitat sensitive bridge and culvert designs	X	x		X
<b>3) Stormwater management facility design</b>				
o Use vegetated stormwater management facilities		X	X	X
o Use detention ponds		X		X
o Use of underground detention and/or treatment		X		X
<b>Building Design Solutions</b>				
o Encourage Green roofs (eco-roofs)		X		X
o Disconnect downspouts		X	X	X
o Use rain barrel or cistern system		X		X
* The encouragement of these methods basin-wide, above and beyond current practices, may not be practicable or may have conflicts with other policy considerations. The primary recommendation is for consideration within or adjacent to habitat areas at this time.				

## **B. IMPLEMENTATION RECOMMENDATIONS FOR DEVELOPMENT SITES WITH HABITAT**

### **1. *Encouragement through Flexibility***

Pursuant to the intergovernmental agreement with Metro, Basin jurisdictions must adopt provisions that facilitate and encourage the use of habitat-friendly development practices, where technically feasible and appropriate, in all areas identified as Class I and II riparian habitat areas. Jurisdictions may also choose to encourage habitat-friendly development practices in other habitat areas including Class III riparian areas and Class A uplands. For development sites that include Class I and II riparian habitat areas (and other habitat types), providing increased flexibility in the development standards for projects that use habitat-friendly development techniques is one way of facilitating and encouraging habitat protection.

As proposed, the approach is intended to convey a benefit to the developer in exchange for the use of habitat-friendly development practices. It is not intended to increase development restrictions. Use of the standards would be at the option of the developer/property owner.

### **2. *Defining Habitat Areas***

The general location of Habitat Benefit Areas is indicated on Metro's Regionally Significant Fish and Wildlife Habitat Inventory Map (or Habitat Conservation Areas Map), and Basin jurisdictions may wish to include a reference to the map as a source document. However, the standards should be applied based on the definition of habitat and delineation methodologies (see example in Appendix A). Because use of these standards is optional and conveys a benefit to the property owner, delineation of the habitat area and its buffer is not likely to be a major issue.

### **3. *Establishing a Habitat Benefit***

Given the policy trade-offs that are necessary for implementation of these standards, the public should be assured of a reciprocal habitat benefit. The advantages should only be available to projects that provide habitat benefits above and beyond what is otherwise required by current regulations (e.g., CWS D&C standards, Division of State Lands). Only qualified "Habitat Benefit Areas" would be allowed to take advantage of the flexibility offered by the standards. Table 2, below, outlines some suggested minimum criteria for qualifying Habitat Benefit Areas.



**Table 2:  
Suggested minimum criteria for qualifying Habitat Benefit Areas**

Resource Type	Requirements for Habitat Benefit Areas
Class I riparian habitat area	<ul style="list-style-type: none"> <li>▪ Habitat and buffer areas must be placed in a non-buildable tract or protected with a restrictive easement.</li> <li>▪ Restoration and enhancement of habitat and buffer areas required, including monitoring for a minimum of five years. Restoration and enhancement include, but are not limited to:               <ul style="list-style-type: none"> <li>○ Revegetation of non-vegetated areas</li> <li>○ Removal of non-native vegetation</li> <li>○ Improved soil amendments</li> <li>○ Preservation of existing trees and forest canopy</li> <li>○ Planting native vegetation</li> <li>○ Use of habitat-friendly fencing, if needed</li> <li>○ Use of habitat friendly outdoor lighting design adjacent to buffer</li> </ul> </li> <li>▪ Buffer area must be adjacent to a protected habitat area</li> <li>▪ Facilities that infiltrate stormwater onsite, including the associated piping, may be placed within Habitat Benefit Areas so long as the forest canopy and the areas within the driplines of the trees are not disturbed.</li> <li>▪ Minimum qualifying area: 10% of gross site area. <i>[NOTE: As defined, the Habitat Benefit Area would be in addition to any areas required for natural resource protection by existing regulations.]</i></li> </ul>
Class II riparian habitat area	
Class III riparian habitat area	
Class A Upland habitat area	
Habitat buffer area	

**Comment [AE&A1]:** The TBSC should discuss this concept (see illustrations in Appendix B)

#### 4. Guidelines for Local Jurisdictions

Local jurisdictions should consider providing flexibility in their land development ordinances to encourage the protection of qualified Habitat Benefit Areas. Below are some suggested concepts to do so. Not all of the suggested concepts will be appropriate in every jurisdiction. Basin jurisdictions should review their codes using the concepts below as general guidelines. Individual jurisdictions may already meet or exceed some of these suggestions; in those cases, the jurisdiction should simply document current practices.

##### Process

- ◆ Discretionary processes represent increased time, money, and risk for the developer. Optimally, the standards to encourage the protection of habitat would be clear and objective, with no additional land use processes required to take advantage of them. Jurisdictions should evaluate their codes to determine if their review processes are appropriate to encourage the use of the standards. Some jurisdictions may wish to allow this flexibility only through their existing planned development processes. In that case, fees, approval criteria, open space dedications, and review processes for planned developments should be reviewed and minimized for sites with Habitat Benefit Areas.

### Land Divisions

- ◆ On-site density transfers/lot size averaging – Jurisdictions should consider allowing all development potential to be transferred from a qualified Habitat Benefit Area to the remainder of the development site; provided that the transferred density shall not more than double the density allowed on the buildable portion of the site. Jurisdictions may wish to set a minimum buildable lot size for detached single-family dwellings (e.g., 3,000 square feet). For development sites with split zoning, transfers should be permitted across zoning districts. NOTE: Most jurisdictions already allow some level of on-site transfer to protect resources. These should remain in place as this transfer would only apply to Habitat Benefit Areas and not those areas already protected by existing natural resource regulations (e.g., DSL/COE, CWS)
- ◆ Lot dimensional standards – Jurisdictions should consider allowing lot dimensional standards (width, depth, and frontage) to be reduced by up to 40%.
- ◆ Minimum density – Local jurisdictions should adopt procedures to allow a waiver of the minimum density requirements. These procedures would be used at the option of the subdivider and should only allow for a reduction in the minimum number of units required to be built based on the amount of area protected. This reduction would not be limited to only Habitat Benefit Areas, but could include all regionally significant habitat on the property that has been protected through a public dedication or restrictive covenant. Procedures should include a standard protocol for notifying Metro by Report to Metro by April 15 of every year of the impact of this provision. Jurisdictions should work with Metro to ensure that “lost” units are allocated back to the Basin.
- ◆ Net Acre –Alternatively, jurisdictions could amend their definitions of “net acre” or “buildable area” to exclude Habitat Benefit Areas (at the option of the developer). However, this may require an amendment to the Functional Plan (Section 3.07.1010) definition of “net acre” as the definition does not “net out” lands for which the local zoning code provides a density bonus or other mechanism which allows the transfer of the allowable density or use to another area or to development elsewhere on the same site.

**Comment [AE&A2]:** Because Habitat would have to be put in a non-buildable tract to qualify, lot size averaging would not be needed except in conjunction with on-site density transfer.

**Comment [AE&A3]:** TBSC should discuss this (see illustration in Appendix B)

### Site Design

- ◆ Setbacks – Encouraging protection of Habitat Benefit Areas may require flexibility in terms of setbacks. Except for lot lines adjacent to property zoned single-family residential, jurisdictions should consider allowing the minimum building setback established by the base zone to be reduced to any distance between the base zone minimum and zero, unless this reduction conflicts with applicable fire or life safety requirements. Codes should also allow this level of flexibility for setbacks that are internal to new single family residential developments.
- ◆ Lot coverage - Smaller single family lots (and townhouse lots) created through density transfer may need increased lot coverage in order to be buildable. Jurisdictions should consider allowing lot coverage to be increased up to 80%, provided the square footage of the additional coverage

doesn't exceed the total square footage of the Habitat Benefit Area. NOTE: This will need to be established at the time of the land division.

- ◆ Building heights - Except for areas within 40 feet of property zoned single-family residential, jurisdictions should consider allowing an increase in the maximum building height established by the base zone of up to 12 feet, unless this increase conflicts with applicable fire or life safety requirements.

#### Parking

- ◆ Shared parking and On-Street Parking Credit - Jurisdictions should review their codes to confirm that they encourage the use of shared parking and on-street parking credits as a means of reducing the amount of required on-site parking.
- ◆ Reduced parking ratios – For sites with Habitat Benefit Areas, jurisdictions should consider reducing parking ratios for non-residential development by up to 10%.
- ◆ Smaller car spaces and stall dimensions – For sites with Habitat Benefit Areas, jurisdictions should consider allowing up to 40% of the required parking spaces to be compact. Parking space dimensions may vary by jurisdiction; however, as a general guideline, DLCD's *Model Development Code & User's Guide for Small Cities* (Model Code) includes the following dimensions for 90° compact stall: width = 7' 6" and length = 15'. The suggested standard vehicle parking space is 8' 6" wide by 18' long (or 16' feet long, with not more than a 2' overhang).

#### Landscaping/Hardscape Design

- ◆ Flexibility in parking lot landscaping/Locating landscaping adjacent to habitat areas – For sites with Habitat Benefit Areas, jurisdictions should consider allowing a reduction of up to 15% of the required landscaping and/or parking lot landscaping square footage; provided that the square footage of landscaping reduction does not exceed the size of the Habitat Benefit Area. Jurisdictions should also consider allowing a commensurate reduction in their parking lot landscaping dimensional and spacing standards.
- ◆ Reduction of non-ADA sidewalks within a site – For sites with Habitat Benefit Areas, jurisdictions should consider creating an exception in their pedestrian connectivity standards that allows a reduction in the width of required sidewalks and pedestrian accessway to the minimum necessary to comply with the Americans with Disabilities Act.

#### Street design

- ◆ Minimize paving – Jurisdictions should consider allowing reductions in required pavement (and sidewalk) width (and right-of-way dedications) for sites with Habitat Benefit Areas. Reduction should not exceed square footage of Habitat Benefit Area.

Comment [AE&A4]: TBCS should discuss this – it could be a useful incentive

#### Stream crossing and street connectivity standards

[NOTE: Most stream crossings occur within Class I, II, or III riparian areas. Therefore, these guidelines are recommended for sites with habitat; however, they are also applicable in cases where stream crossings occur in areas not designated as riparian habitat. ]

- ◆ The approaches include minimizing the number of stream crossings/placing crossings perpendicular; allowing narrow paved widths through stream corridors; using habitat sensitive bridge and culvert designs. Implementation is on-going. CWS has existing standards and technical specifications for these methods.
- ◆ Jurisdictions, together with CWS, continue to coordinate culvert work and efforts to verify the critical basins where safe fish passage is a design issue.
- ◆ Jurisdictions should confirm that their culvert list has been evaluated relative to their capital programming to determine the order of implementation.
- ◆ Jurisdictions should consider amending their codes to permit culvert replacement and associated enhancement work outright and not require additional land use or vegetative corridor mitigation review for those culvert projects and enhancement projects listed in the Healthy Streams Plan.
- ◆ Jurisdictions should review their Transportation System Plans and Comprehensive Plan Transportation Elements to ensure that block length and connectivity standards include necessary flexibility to minimize stream crossings.
- ◆ Basin should encourage Metro to amend the RTP (Section 6.4.5 Design Standards for Street Connectivity) to refer to all Goal 5 resources, as well as Title 3 water features, and to include a reference to the other stream crossing standards (e.g., CWS).

## C. IMPLEMENTATION RECOMMENDATIONS FOR BASIN-WIDE APPROACHES

One element of the adopted Basin program is the development of a model Low Impact-Development (LID) ordinance for the basin, which would provide tools designed to reduce environmental impacts of new development and removing barriers to their utilization. This step includes local adoption of LID guidelines. This effort is closely tied to Clean Water Services goal of reducing Effective Impervious Area (EIA) within the Basin and a number of the suggested methods will be addressed in the update of CWS Design and Construction Standards. It is also closely related to the issues raised in the Audubon Society of Portland's 2004 *Stormwater/Pavement Impacts Reduction (SPIR) Project Report*, which made recommendations for stormwater management for new development, redevelopment and public projects.

### 1. Guidelines for Local Jurisdictions

#### Shared driveways and parking areas

- ◆ Jurisdictions should evaluate their codes for opportunities to reduce the need for paved areas by permitting shared driveways and parking areas where practicable. The Model Code suggests that when a shared driveway is provided or required as a condition of approval, the land uses adjacent to the shared driveway may have their minimum parking standards reduced in accordance with the shared parking provisions of Section 3.3.300C. However, the extent to which this area is then retained as pervious will likely be affected by the availability of incentives to reduce effective impervious area.

#### Increased use of pervious materials / Use pervious paving materials

- ◆ Jurisdictions should consider amendments to remove barriers to, and encourage the use of, pervious paving materials in parking areas and low traffic private streets. For example, many existing codes require parking and street areas to be hard-paved surfaces with asphalt or concrete.
- ◆ Technical design specifications will need to be adopted Basin-wide to facilitate the use of this method. Specifications should address site suitability criteria and additional steps needed for sites that are not highly suitable in terms of soil permeability. Concerns about slope stability and impacts to adjacent properties should also be addressed. Specifications should include project monitoring to help ensure that these facilities are functioning as designed. The work completed at CWS Merlo Road Field Operations Facility could be used as the basis to establish Technical Specifications for the use of porous concrete, concrete paver blocks, and structural gravels.

#### Increased use of native plant/ Preservation of existing trees and maximize forest canopy

- ◆ Jurisdictions should document their existing tree cutting and mitigation standards. Avoiding the cost of mitigation can be a significant incentive for preserving existing trees. However, most tree preservation standards don't make a distinction between native species and non-native species and trees are typically not required to be replaced with native species. Jurisdictions could consider encouraging or requiring that a certain percent of mitigation trees be native species. Alternatively, as an incentive, jurisdictions could allow somewhat smaller specimens to be planted if native species are used (e.g., 2" caliper instead of 2.5").
- ◆ Jurisdictions should consider adding language to encourage the use of native plants and the preservation of existing trees throughout the Basin. The Model Code suggests the following language: "Existing non-invasive vegetation may be used in meeting landscape requirements. When existing mature trees are protected on the site (e.g., within or adjacent to parking areas) the decision making body may reduce the number of new trees required by a ratio of one (1) inch caliper of new tree(s) for every one (1) inch caliper of existing tree(s) protected." Most jurisdictions require the irrigation of landscaped areas. Installing irrigation in existing vegetated areas may not be possible without destroy the existing vegetation. Jurisdictions could consider waiving the irrigation requirement for landscaped areas that are retaining existing, native vegetation.
- ◆ Jurisdictions may also wish to consider allowing some flexibility in their parking lot landscaping standards (the number, dimension, spacing of landscape islands and required trees) to retain individual mature trees in, or adjacent to, the parking area. For example, requiring one tree per X parking spaces *on average* be planted *or retained* to create a partial tree canopy over and around the parking area. Using an average would allow some rows of parking to have more spaces between trees and some to have fewer and this flexibility could allow for the retention of more existing trees.
- ◆ Local jurisdictions and CWS should consider further augmenting the habitat benefits provided by vegetated stormwater facilities by requiring the incorporation of native plant species.

Comment [AE&A5]: TBC should discuss – new regulation???

#### Improved soil amendment

- ◆ Jurisdictions should encourage the use of soil amendments to improve the permeability of soils within landscaped areas. While stormwater management is typically not a stated benefit of landscaped areas, it could be noted as an ancillary benefit in the purpose statement. For the purposes of calculating effective impervious area, performance standards and technical specification for soil permeability should be adopted basin-wide.

#### Maximize street tree usage

- ◆ Jurisdictions should document their existing standards to ensure that they are requiring street trees be planted appropriately. For example, Metro's *Green Street* recommends spacing large and

very large trees 35 feet to 50 feet, respectively. Jurisdictions may also wish to document any street tree planting efforts they have engaged in.

Use multi-functional open drainage systems / vegetated stormwater management facilities / modify drainage practices

- ◆ Technical design specifications will need to be adopted Basin-wide to facilitate the use of these methods. Specifications should address site suitability criteria and additional steps needed for sites that are not highly suitable in terms of soil permeability. CWS and the Basin jurisdictions should consider developing and adopting Basin-wide standards for the construction and maintenance of stormwater management facilities, including working with building officials to identify UBC and Plumbing code issues. This may help to encourage the use of alternative systems and would ensure fair application of any stormwater mitigation credits. Specifications should include project monitoring to help ensure that these facilities are functioning as designed. The work completed at CWS Merlo Road Field Operations Facility could be used as the basis to establish Technical Specifications for vegetated conveyance swales and biofiltration.

Detention ponds / Underground detention and/or treatment

[NOTE: These methods were suggested as additions to Issue Paper #1 -- Need input from TBSC and engineering staff about means of documenting and/or increasing the habitat/LID benefit of these methods]

Comment [AE&A6]: TBSC -- need to discuss.

Encourage Green roofs (eco-roofs)

- ◆ Technical design specifications will need to be adopted Basin-wide to facilitate the use of this method. CWS and the Basin jurisdictions should consider developing and adopting Basin-wide standards for the construction and maintenance of green roofs, including working with building officials to identify UBC and Plumbing code issues. This may help to encourage the use of these systems and would ensure fair application of any stormwater mitigation credits. Specifications should include project monitoring to help ensure that these facilities are functioning as designed. The green roof completed at CWS Merlo Road Field Operations Facility could be used as the basis to establish Technical Specifications.

Disconnect downspouts / Use rain barrel or cistern system

- ◆ Technical design specifications will need to be adopted Basin-wide to facilitate the use of this method. Specifications should address site suitability criteria and additional steps needed for sites that are not highly suitable in terms of soil permeability. Concerns about slope stability and impacts to adjacent properties should also be addressed. If overflow from the cistern is connected to the stormwater system, then site suitability may not be an issue.

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#### Methods Not Recommended for Basin-wide Implementation at this time

As noted in Table 1, some of methods (shown in the table with “x”) are only recommended for consideration within or adjacent to habitat areas at this time. However, these could have potential benefits basin-wide and may be considered in the future. These are noted briefly below:

- ◆ Increased flexibility for building heights – Allowing increased building height may allow for reduction in effective impervious area if the “reserved” area is used for landscaping or other pervious uses. However, building height is often seen as a major public issue, especially with infill development.
- ◆ Reduced parking ratios - Reducing parking ratios basin-wide may allow for reduction in effective impervious area if the “reserved” area is used for landscaping or other pervious uses. However, the current parking ratios are seen as quite low and there are concerns about the impact on adjacent uses of not requiring sufficient parking on-site.
- ◆ Smaller car spaces and stall dimensions - Reducing stall dimensions or allowing more compact spaces basin-wide may allow for reduction in effective impervious area if the “reserved” area is used for landscaping or other pervious uses. However, the existing parking stall sizes are seen as quite small given the current mix of automobiles and there are concerns about the impact on adjacent uses of not requiring sufficient parking on-site.
- ◆ Reduction of non-ADA sidewalks within a site – Public policy has been emphasizing pedestrian connectivity for a number of years. Code requirements help implement that policy by requiring wide (e.g. 6’ to 8’) sidewalks and multiple connections, especially in commercial areas. Reducing these requirements basin-wide may allow for reduction in effective impervious area if the “reserved” area is used for landscaping or other pervious uses. However, there would be a significant public policy trade off.
- ◆ Minimize paving - Public policy has been emphasizing “skinny” streets for a number of years. Jurisdictions in the Basin have been successful in implementing that policy to a considerable extent. Reducing street widths further basin-wide may allow for reduction in effective impervious area if the “reserved” area is used for landscaping or other pervious uses. However, concerns have been raised by the State and local Fire Marshals.



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## Appendix A – Sample Delineation Methodology (based on Metro’s Model Ordinance)

**Verifying boundaries of inventoried riparian habitat.** Locating habitat and determining its riparian habitat class is a four-step process:

- (1) Locate the Water Feature that is the basis for identifying riparian habitat.
  - (a) Locate the top of bank of all streams, rivers, and open water within 200 feet of the property.
  - (b) Locate all flood areas within 100 feet of the property.
  - (c) Locate all wetlands within 150 feet of the property based on the Local Wetland Inventory map (if completed) and on the Metro 2002 Wetland Inventory Map (available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-797-1742). Identified wetlands shall be further delineated consistent with methods currently accepted by the Oregon Division of State Lands and the U.S. Army Corps of Engineers.
- (2) Identify the vegetative cover status of all areas on the property that are within 200 feet of the top of bank of streams, rivers, and open water, are wetlands or are within 150 feet of wetlands, and are flood areas and within 100 feet of flood areas.
  - (a) Vegetative cover status shall be as identified on the Metro Vegetative Cover Map
  - (b) The vegetative cover status of a property may be adjusted only if (1) the property was developed prior to the time the regional program was approved, or (2) an error was made at the time the vegetative cover status was determined. To assert the latter type of error, applicants shall submit an analysis of the vegetative cover on their property using summer 2002 aerial photographs and the definitions of the different vegetative cover types provided in Section 11 of this ordinance.
- (3) Determine whether the degree that the land slopes upward from all streams, rivers, and open water within 200 feet of the property is greater than or less than 25% (using the methodology as described in [insert a reference to the city or county code section that describes the methodology used to identify Water Quality Resource Areas pursuant to Title 3 of the Urban Growth Management Functional Plan]); and
- (4) Identify the riparian habitat classes applicable to all areas on the property using Table 6.

**Table 6: Method for Locating Boundaries of Class I and II Riparian Areas.**

Distance in feet from Water Feature	Development/Vegetation Status <sup>1</sup>			
	Developed areas not providing vegetative cover	Low structure vegetation or open soils	Woody vegetation (shrub and scattered forest canopy)	Forest Canopy (closed to open forest canopy)
<b>Surface Streams</b>				
0-50	Class II	Class I	Class I	Class I
50-100		Class II <sup>2</sup>	Class I	Class I
100-150		Class II <sup>2</sup> if slope>25%	Class II <sup>2</sup> if slope>25%	Class II <sup>2</sup>
150-200		Class II <sup>2</sup> if slope>25%	Class II <sup>2</sup> if slope>25%	Class II <sup>2</sup> if slope>25%
<b>Wetlands (Wetland feature itself is a Class I Riparian Area)</b>				
0-100		Class II <sup>2</sup>	Class I	Class I
100-150				Class II <sup>2</sup>
<b>Flood Areas (Undeveloped portion of flood area is a Class I Riparian Area)</b>				
0-100			Class II <sup>2</sup>	Class II <sup>2</sup>

<sup>1</sup> The vegetative cover type assigned to any particular area was based on two factors: the type of vegetation observed in aerial photographs and the size of the overall contiguous area of vegetative cover to which a particular piece of vegetation belonged. As an example of how the categories were assigned, in order to qualify as "forest canopy" the forested area had to be part of a larger patch of forest of at least one acre in size.

<sup>2</sup> Areas that have been identified as habitats of concern, as designated on the Metro Habitats of Concern Map (on file in the Metro Council office), shall be treated as Class I riparian habitat areas in all cases, subject to the provision of additional information that establishes that they do not meet the criteria used to identify habitats of concern as described in Metro's Technical Report for Fish and Wildlife. Examples of habitats of concern include: Oregon white oak woodlands, bottomland hardwood forests, wetlands, native grasslands, riverine islands or deltas, and important wildlife migration corridors.

**Verifying boundaries of inventoried upland habitat.** Upland habitat was identified based on the existence of contiguous patches of forest canopy, with limited canopy openings. The "forest canopy" designation is made based on analysis of aerial photographs, as part of determining the vegetative cover status of land within the region. Upland habitat shall be as identified on the HCA map unless corrected as provided in this subsection.

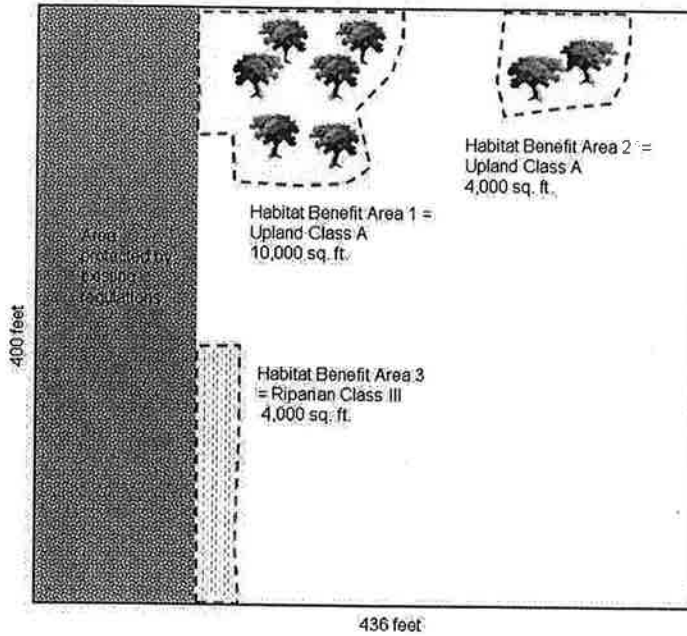
1. Except as provided below, vegetative cover status shall be as identified on the Metro Vegetative Cover Map used to inventory habitat at the time the area was brought within

the urban growth boundary (available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-797-1742).

2. The only allowed corrections to the vegetative cover status of a property are as follows:
  - a. To correct errors made when the vegetative status of an area was determined based on analysis of the aerial photographs used to inventory the habitat at the time the area was brought within the urban growth boundary. For example, an area may have been identified as “forest canopy” when it can be shown that such area has less than 60% canopy crown closure, and therefore should not have been identified as “forest canopy.” The perimeter of an area delineated as “forest canopy” on the Metro Vegetative Cover Map may be adjusted to more precisely indicate the dripline of the trees within the canopied area provided that no areas providing greater than 60% canopy crown closure are de-classified from the “forest canopy” designation. To assert such errors, applicants shall submit an analysis of the vegetative cover on their property using the aerial photographs that were used to inventory the habitat at the time the area was brought within the urban growth boundary and the definitions of the different vegetative cover types provided in Section 11 of this ordinance; and
  - b. To remove tree orchards and Christmas tree farms from inventoried habitat; provided, however, that Christmas tree farms where the trees were planted prior to 1975 and have not been harvested for sale as Christmas trees shall not be removed from the habitat inventory.
3. If the vegetative cover status of any area identified as upland habitat is corrected pursuant to subsection 9(G)(4)(b)(ii)(A) to change the status of an area originally identified as “forest canopy,” then such area shall not be considered upland habitat unless it remains part of a forest canopy opening less than one acre in area completely surrounding by an area of contiguous forest canopy.

## Appendix B: Example of Criteria for Habitat Benefit Area

Minimum qualifying area: 10% of gross site area. **[NOTE: As defined, the Habitat Benefit Area would be in addition to any areas required for natural resource protection by existing regulations.]**



### EXAMPLE 1:

Site = 174,240 sq. ft. (4 ac.)

Area protected by existing regulations (CWS, DSL/COE) = 40,000 sq. ft.

Minimum Habitat Benefit Area to qualify = 17,424 sq. ft.

Habitat Benefit Area proposed = 18,000 sq. ft.



**NATURAL RESOURCE PROTECTION  
OPEN HOUSE FEED BACK FORM  
March 30, 2006 Attachment 2**

As the City moves forward in implementing the Tualatin Basin Goal 5/Natural Resources Protection program, it is helpful to know the public's opinion on the level of protection desired. The Basin program relies heavily on voluntary actions through the removal of barriers to habitat friendly development and incentives for protection of the resources, however jurisdictions can go beyond this base program level to achieve a higher level of protection. Please take a moment to fill out the survey below. The information will be compiled and forwarded to the Planning Commission as changes to the development code are considered.

1. In removing barriers to habitat friendly development, the City may allow more flexibility on some standards provided specific conditions are met. As a property owner and/or resident, which standards are you willing to accept changes to in exchange for preservation of natural resource areas?

- Reduced Setbacks     Increased Height     Reduced Parking     Density Transfer     Native Landscaping     Other

2. Which areas do you think should be included for potential site design flexibility to allow more habitat friendly development? (Check one)

- Any natural resource area regardless of whether it has been deemed "significant"  
 Only inventoried natural resource areas (both riparian and upland wildlife habitat areas)  
 Only exceptional riparian habitat areas (Class I and II) per the Tualatin Basin Program

3. Do you feel the City of Sherwood should do more than remove barriers to habitat friendly development?  
 yes     no

If yes, please check those areas that you feel should be considered

- Greater tree protection standards during development (more mitigation, greater tree replanting, tree retention requirements before site grading, etc)  
 Greater tree protection standards throughout the City (regulating the number of trees that could be removed on any private lot, regardless of whether a development is proposed)  
 Requirements to minimize or mitigate impacts to inventoried natural resources beyond the existing regulations, such as larger buffer areas or offsetting habitat loss with habitat restoration in other areas in Sherwood.  
 Other (please specify)

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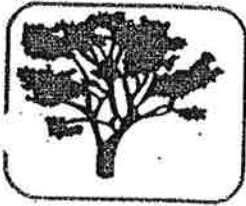
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4. Do you have any other comments or suggestions for the City to consider as we move forward with implementing the Tualatin Basin Natural Resources Protection program? (use back of sheet)

Please submit comments by **April 14, 2006** to Julia Hajduk, Senior Planner at 22560 SW Pine Street, Sherwood, OR 97140 or hajdukj@ci.sherwood.or.us



**NATURAL RESOURCE PROTECTION  
OPEN HOUSE FEED BACK FORM  
March 30, 2006**

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  Increased Height   
  Reduced Parking   
  Density Transfer   
  Native Landscaping   
  Other

2. Which areas do you think should be included for potential site design flexibility to allow more habitat friendly development? (Check one)

- Any natural resource area regardless of whether it has been deemed "significant"  
 Only inventoried natural resource areas (both riparian and upland wildlife habitat areas)  
 Only exceptional riparian habitat areas (Class I and II) per the Tualatin Basin Program

3. Do you feel the City of Sherwood should do more than remove barriers to habitat friendly development?  
 \_\_\_ yes  no *options NO mandate*

- If yes, please check those areas that you feel should be considered
- Greater tree protection standards during development (more mitigation, greater tree replanting, tree retention requirements before site grading, etc)
  - Greater tree protection standards throughout the City (regulating the number of trees that could be removed on any private lot, regardless of whether a development is proposed)
  - Requirements to minimize or mitigate impacts to inventoried natural resources beyond the existing regulations, such as larger buffer areas or off setting habitat loss with habitat restoration in other areas in Sherwood.
  - Other (please specify)

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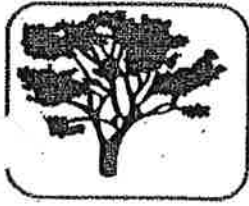
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1. In removing barriers to habitat friendly development, the City may allow more flexibility on some standards provided specific conditions are met. As a property owner and/or resident, which standards are you willing to accept changes to in exchange for preservation of natural resource areas?

- Reduced Setbacks     Increased Height     Reduced Parking     Density Transfer     Native Landscaping     Other

2. Which areas do you think should be included for potential site design flexibility to allow more habitat friendly development? (Check one)

- Any natural resource area regardless of whether it has been deemed "significant"  
 Only inventoried natural resource areas (both riparian and upland wildlife habitat areas)  
 Only exceptional riparian habitat areas (Class I and II) per the Tualatin Basin Program

3. Do you feel the City of Sherwood should do more than remove barriers to habitat friendly development?  
 yes  no

If yes, please check those areas that you feel should be considered

- Greater tree protection standards during development (more mitigation, greater tree replanting, tree retention requirements before site grading, etc)  
 Greater tree protection standards throughout the City (regulating the number of trees that could be removed on any private lot, regardless of whether a development is proposed)  
 Requirements to minimize or mitigate impacts to inventoried natural resources beyond the existing regulations, such as larger buffer areas or offsetting habitat loss with habitat restoration in other areas in Sherwood.  
 Other (please specify)

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4. Do you have any other comments or suggestions for the City to consider as we move forward with implementing the Tualatin Basin Natural Resources Protection program? (use back of sheet)

Please submit comments by April 14, 2006 to Julia Hajduk, Senior Planner at 22560 SW Pine Street, Sherwood, OR 97140 or hajdukj@ci.sherwood.or.us

## Julia Hajduk

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From: Kurt Kristensen [kurtk@poetspeak.com]  
Sent: Friday, March 31, 2006 7:58 AM  
To: Julia Hajduk  
Subject: Feedback on Goal 5 3-31-06

Ms. Hajduk:

Thanks for putting together the city/county Open House to lay out Goal 5 County Resource issues; it's a timely effort.

Here's our feedback points:

1. Since implementation is September 2006 I suggest that materials, hearings and so forth be publicized well in the Sherwood Gazette.
2. We support city regulation and protection of existing mature tree coverage, in group settings or solitary. There is no need to re-invent the wheel; you just need to duplicate the best practices of Lake Oswego.
3. We support resource boundary set-backs that allow city and county to re-survey natural resource boundaries and re-adjust resource boundary lines to reflect necessary habitat protection. This need not involve a "taking" or purchasing of private property but can be accomplished with tax credits to owners for conservation easements.
4. Funding to protect resources needs to be established for planning and maintenance; we suggest a combination fee on new development and existing buildings, mitigated by adoption of green street and porous pavement practices.

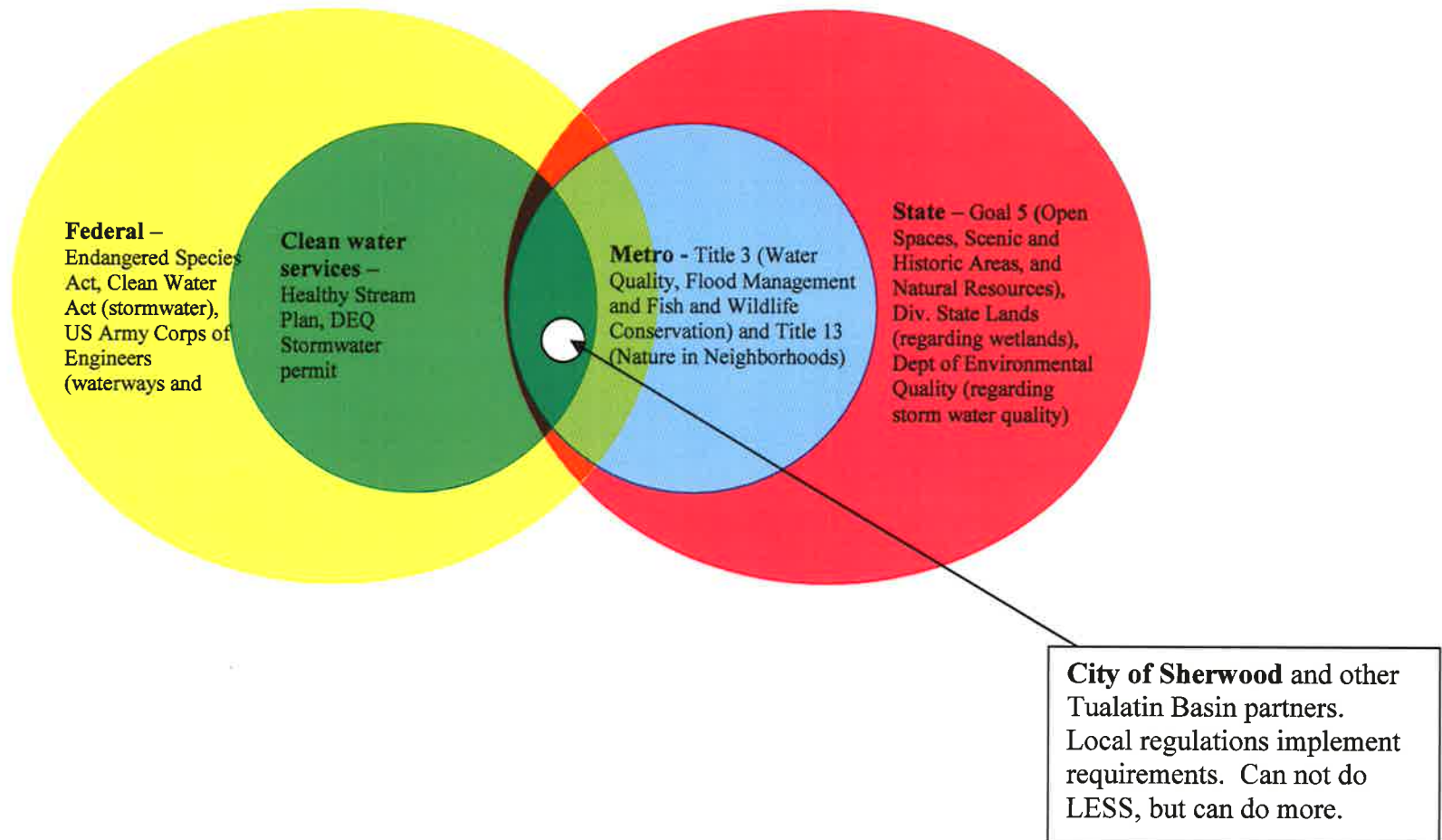
Hope this helps; and please keep me posted if we can help.

:)Kurt

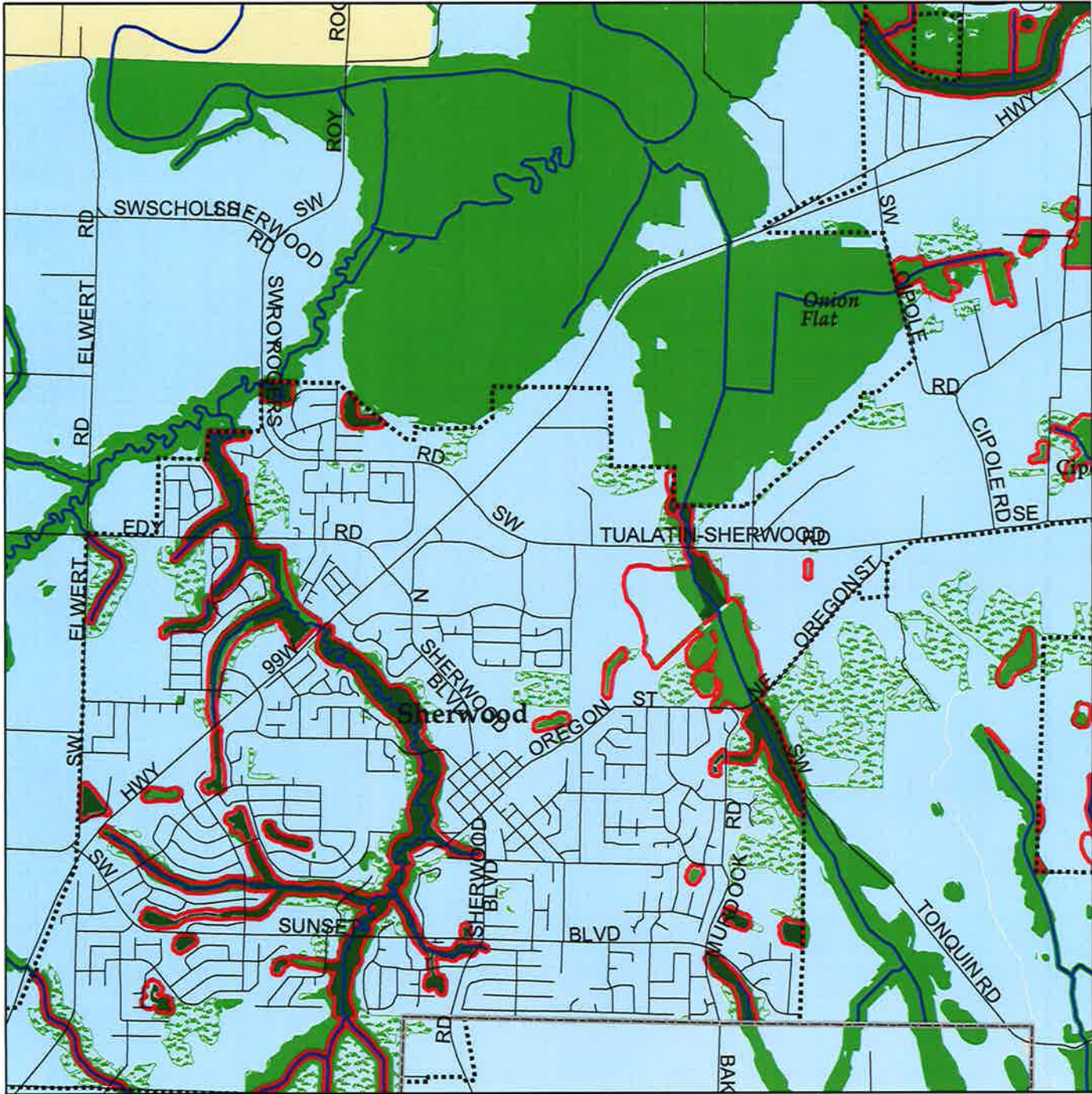
Kurt Kristensen - M. Ed.  
22520 SW Fair Oaks Ct.  
Sherwood, OR 97140-9720  
503-625-2340



# Inter-relationship of local, regional, state and federal regulations impacting natural resources

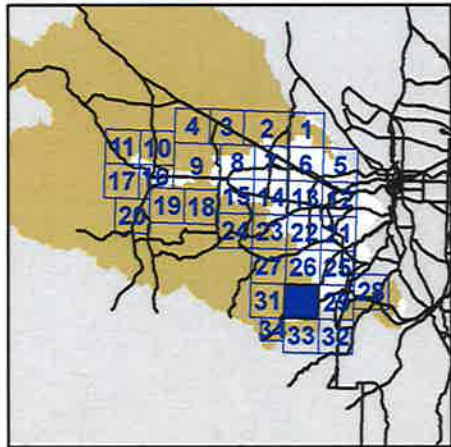


Attachment 4



- Strictly Limit
- Moderately Limit
- Lightly Limit Non Class I or II Resource [Metro Inventory]
- Lightly Limit
- Vegetated Corridor Proxy\*
- Urban Growth Boundary
- County Line
- Surface Stream
- Outside ESEE Study
- Outside Tualatin Basin

\*Vegetated Corridor delineation is only an estimate. Exact determinations are made on a site at the time of development through the requirements of Clean Water Services Design and Construction Standards. Corridors may be adjusted based on slope, stream size and status, or site conditions. Vegetated corridors do not apply to properties that are not engaged in development actions.



Tualatin Basin Partners for Natural Places Goal 5 Program Report and Recommendation



## Memorandum

**To:** Heather Austin – City of Sherwood  
Steve Oulman, AICP – TGM Program

**From:** Scot Siegel, AICP

**Date:** April 17, 2006

**Re:** *Infill Code Assistance – Evaluation of Zoning and Development Codes, April 25<sup>th</sup> Planning Commission Work Session*

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Siegel Planning Services has evaluated Sherwood's Comprehensive Plan and Zoning and Development Code for consistency with the city's residential infill objectives, as outlined in the scope of work and per the planning commission's input of March 14<sup>th</sup>. This memo summarizes our preliminary findings, including items discussed with you on April 14<sup>th</sup>, and it outlines some alternative approaches for improving the city's regulations.

The findings are *preliminary*. Our first objective is to understand what is currently adopted and how it might support or hinder the city's infill objectives. Then through our discussion and work with you and the planning commission, we will gain a clearer understanding of the city's needs and the best solutions will become evident.

### Problem Statement

The city has been faced with a number of small developments for which it has felt relatively ill-equipped to deal with the complex issues of street access, site design, and coordination among property owners. Policy and regulations for smaller scale land partitioning are not as thorough as corresponding policies and regulations for larger, more conventional subdivision development. The city faces increasing pressure to develop remnant parcels; managing development of these parcels is increasingly difficult and subject to significant controversy with neighbors.

Over the long term, Sherwood may face other more serious infill and redevelopment problems if it does not update its ordinances. Sherwood is not yet feeling the effect of infill and redevelopment as it is occurring in other metro area communities. Residential tear-downs are rare. This is due to land economics and Sherwood's historically large land supply relative to other jurisdictions. In parts of Portland and in Lake Oswego, for example, where land prices are close to one million dollars per acre in some neighborhoods, there are very few acreage sites available and tear-downs on infill lots are common. As Sherwood's land supply shrinks and the region's land prices continue to rise, tear-downs could become a problem.

## Project Objectives

The city has made a priority of resolving its infill dilemma through development of new zoning and development standards. The standards should enhance local street connectivity and transportation efficiency, while promoting compatible development design and neighborhood livability. (Source: TGM Scope of Work)

## Operating Definitions

There are no state laws or administrative rules specifically defining or establishing standards for “infill.”<sup>1</sup> While Oregon Revised Statute 197.296 (residential land supply) requires that cities consider residential infill strategies in determining 20-year land needs, deference is given to local governments in defining infill and adopting appropriate measures. In short, “infill” means different things in different communities.

The following definitions are suggested based on our team meeting last week, and the planning commission’s March 14<sup>th</sup> work session:

*Infill means new development or redevelopment (“refill”) of vacant or remnant lands passed over by previous development within the City of Sherwood. In the RL zone, properties assumed to be available for infill are those with an area of not less than 14,000 square feet and not more than one acre, and having a land value that exceeds the value of improvements on the subject property. In the RM and RH zones, properties assumed to be available for infill are those having an area of not less than 10,000 square feet and not more than one acre, and having a land value that exceeds improvement value.*

*Established Neighborhoods are areas that the city council has designated either through an adopted neighborhood plan, zoning provision, or an inventory of historic resources, where there is a public need to control the type, height, size, scale, or character of new buildings within or adjacent to the subject area.*

Exhibit 1 shows the spatial distribution of properties meeting the above definition. Most of the properties are close-in to the city center. Some properties are located adjacent to one another, forming potential infill “clusters.”

In its March 14<sup>th</sup> work session, the planning commission viewed five infill cases close-up. The cases represented a range of physical site conditions, including steep slopes, riparian corridors, potential flag lot applications, and various site access constraints. Two cases were from previous land partition approvals. (See Exhibit 2: March 14<sup>th</sup> Presentation)

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<sup>1</sup> The Portland Metropolitan Housing Rule (OAR 660-012) establishes minimum densities for planning purposes, and the Metro Functional Plan requires that the city’s zoning and development codes ensure new subdivisions achieve a minimum density of 80 percent of the allowed density. (Metro code 3.07.110-3.07.170 - Requirements for Housing and Employment Accommodation) Alternatively, cities may demonstrate that their local housing capacity (land supply and zoning) can accommodate their regionally allocated (projected) housing targets.

## Evaluation Criteria

Siegel Planning evaluated Sherwood's zoning and development codes using the TGM Program's *Infill and Redevelopment Code Handbook* as a guide. Siegel Planning also referred to the following priorities and criteria established by the planning commission:

- *Do no harm* to existing residents. Infill should be compatible with existing neighborhoods in terms of building type, height, size, scale, orientation, and character.
- Differentiate between *established* neighborhoods and *newly developing* neighborhoods (vis-à-vis new infill development and redevelopment or refill)
- Clusters of infill properties should be planned together and/or coordinated to ensure that developments have proper access and street connectivity.
- Regulations should be user-friendly and written so that they can be administered by staff. Clear and objective standards are preferred, provided that they allow sufficient flexibility. The city envisions a two-track system, where projects meeting clear and objective standards are processed by staff and those involving adjustments to code standards are decided by the planning commission.

## Summary of Findings

The following narrative is organized as follows: First, each code chapter and/or major section is described. Second, potential obstacles to Smart Development (i.e., compact growth and infill) are noted. Third, where applicable, we have noted key policy issues as related to the planning commission's priorities (above), and, where needed, we have underlined alternative approaches and recommendations for amending city codes.

### ***Chapter 2.100 – Zoning Districts, and Chapter 2.200 – Special Uses***

1. Sherwood has five residential zones (VLDR, LDR, MDLR, MDRH, and HDR) with allowable densities respectively ranging from one (1) dwelling per acre to 24 dwellings per acre. The planned unit development standards in Chapter 2.202.05 allow up to a 20% density bonus when density transfers are used to protect steeply sloped areas, floodplains or wetlands. *These provisions appear consistent with the city's infill objectives.*
2. Minimum densities are required in all zones, with minimums ranging from 50% in VLDR and MDRH to 70% in LDR, MDLR, and HDR. *It is not clear whether these provisions conform to Title 1 of the Metro Functional Plan, which calls for an 80% standard. See footnote #1 on page 2. Therefore, we recommend reviewing the city's housing capacity against its regionally coordinated population projection.*
3. In all residential zones all of the following uses are permitted: single family detached dwellings, single family attached dwellings, accessory dwellings, manufactured homes on individual lots, group homes, and home occupations. *These provisions appear consistent with the city's infill objectives.*
4. In the MDRL zone, two-family (duplex) uses are also permitted. *These provisions appear consistent with the city's infill objectives.*

5. In addition to those uses listed above, the MDRH and HDR zones permit townhomes, multifamily residential uses, and residential care facilities. Townhomes are subject to the special use provisions in Section 2.204, as described below. *These provisions appear consistent with the city's infill objectives, however, the minimum parking ratio for townhomes in MDRH (2.5 spaces per townhome) is high. Consider reducing the minimum off-street parking standard, consistent with the requirements for single family dwellings or 3-bedroom apartment (1.0-1.75 spaces per dwelling) in Section 5.302.02. We also recommend removing the conflict between Section 2.204 and Section 5.302.02, which says garages do not count toward off-street parking requirements; this provision should either be removed or an exception should be made for infill projects, where space is limited and garage parking does no harm.*
6. All of the types of *needed housing*, as prescribed under ORS 197.303, are permitted in one or more zones with clear and objective standards. Special use provisions for townhomes, accessory dwellings, and manufactured homes on individual lots are contained, respectively, under Sections 2.204, 2.208 and 2.205.01. The standards appear to conform to the clear and objective (design) provisions of ORS 197.307. (None of the above uses requires a conditional use permit.) *These provisions appear consistent with the city's infill objectives.*
7. In the zones where they are permitted, townhomes are subject to the special use standards under Section 2.204. This section adds flexibility to the lot size, setbacks, and building height provisions of the base zones (e.g., in MDRH height can increase from 35 feet to 40 feet for up to 25% of the development, and side yards in MDRH and HDR are determined based on the length of the townhome block). Importantly, Section 2.204 also contains design controls related to townhome building mass, access, alleys, garage orientation and design, front porches, building materials and parking, open space. The townhome provisions also contain an "infill standard" which allows reductions to the minimum lot size by a maximum of 15% if the subject property is one (1) acre or less and it is surrounded by properties developed at or in excess of the minimum density for the underlying zone. (Section 2.204.01.D) *The term "surrounded" should be defined. The City of Bend allows reductions in lot size to a floor of 4,000 square feet in their Residential Standard Density (RS) zone, provided that the perimeter lots are not less than 75% of the size of the lots in the adjoining subdivision(s). This standard, in effect, offers some protection to established neighborhoods.*
8. Lot dimensional standards are prescribed by building type in each residential zone. The minimum lot area in the HDR zone, for example, is 4,000 square feet for single family attached dwellings, 5,000 square feet for detached dwellings, 8,000 square feet for two-family dwellings, 9,500 square feet for three dwellings, and 9,500 square feet plus 1,500 square feet for every dwelling over three. There is limited flexibility to reduce or average lots sizes (i.e., density transfer) through the planned unit development procedure, however, lot size averaging is not currently allowed under the subdivision or partitioning chapters. *These standards may conflict with efficient infill development. For example, the minimum density of 16.8 units per acre in the HDR zone cannot be achieved with 4,000 square foot lots; instead a developer is forced to build apartments. Consider allowing 2,600 square foot lots in the HDR zone, per the existing density standard, and adopt lot size averaging provisions. These*

changes should coincide with specific protections for abutting “established residential neighborhoods,” as described in #7, above. Need to define established neighborhoods.

9. The planned unit development standards in Chapter 2.202.05.C.3 allow reductions to the minimum lot size for single-family detached dwellings (5,000 square feet) if 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. *These provisions appear consistent with the city’s infill objectives.*
10. The minimum lot width at the front property line is 25 feet in all residential zones. All new lots created through partitioning or a subdivision must have frontage onto an improved public street. *This standard may conflict with efficient and compatible infill development. Consider allowing rear lots without frontage onto a public street, provided that a joint access easement is provided to the rear lot. See comments #30 and #43.*
11. The minimum front yard setback is 20 feet in all residential zones. The street side setback for corner lots is 20 feet in VLDR and LDR, and 15 feet in all other residential zones. *This standard may conflict with efficient and compatible infill development, including the protection of natural features. Consider allowing front and street side yards of less than 20 feet (except garage entrances) where necessary to protect natural features (e.g., in a rear or interior side yard), or where a lesser setback is equal to average of existing yards on adjacent properties. For compatibility and aesthetic purposes, Lake Oswego requires side elevations to be broken down into planes of not more than 750 square feet (e.g., with off-sets, windows, recesses, dormers, pergolas, or similar features).*
12. Minimum side and rear yard setbacks are prescribed individually for each residential zone based on building type and height of multifamily buildings. In the MDRH and HDR zones, where the side yard for a single family dwelling must be 5 feet or greater, the minimum side yard for multifamily is 5 feet for a single story building, 7 feet for a two story building, and 8 feet for a two and one-half story building. In the same zone, where the minimum corner street side setback is 15 feet for a single family dwelling, the standard is 30 feet for all multifamily buildings regardless of height. *This standard may conflict with efficient and compatible infill development. Consider requiring taller buildings to step-back away from adjoining single-story uses. Concentrating building mass in the center of a site, and requiring side elevations be broken into smaller masses, can mitigate the negative impacts of larger building. The City of Lake Oswego has adopted single family infill design standards that address front and side setback planes, as well as garage orientation and design.*
13. Allowable building height ranges from two stories or 30 feet, whichever is less, in the VLDR, LDR, and MDLR zones, to two and one-half stories or 35 feet, whichever is less, in the MDRH zone and three stories or 40 feet in the HDR zone. *These provisions appear consistent with the city’s infill objectives. See also, the above comments on height and setbacks.*
14. The code specifies minimum lot widths and depths (at building line) for all residential zones except the VLDR zone. Lot widths and depths appear to be

calibrated with the minimum lot area and setback provisions described above; the dimensions increase as minimum lot size increases. Chapter 2.304.02 allows reductions to lot width on cul-de-sac lots if a lesser width is necessary to provide for a minimum rear yard. *These provisions appear consistent with the city's infill objectives.*

15. When buildings are grouped together in one project on one tract of land in a MDRH zone or HDR zone, the buildings must be separated by a distance "equal to the sum of the required yards for each building." *This standard is unclear. It also appears to require excessive area between buildings which may not be usable open space. We recommend creating standards for cluster development. Such standards would address minimum building code standards for separation, and ensure that open areas are usable or otherwise serve as land use buffers (e.g., provide buffering adjacent to established residential areas).*
16. The code does not contain any lot coverage standards, nor does it limit the percentage of a site that may be covered with impervious surfaces. Chapter 5.203 sets forth minimum landscape standards but the code focuses on buffering and parking lot landscaping, not minimum landscape area requirements. The only open space requirements appear under Chapter 2.204 (townhomes), as described above. *The lack of lot coverage standards conflicts with the planning commission's objective of "doing no harm" to established neighborhoods. The code potentially allows buildings that are out of scale to the neighborhood. We recommend adopting maximum floor area ratios instead of lot coverage minimums for all of the residential zones. Floor area ratios better address the massing issue, for example, by allowing more lot coverage for single story buildings and less for multi-story buildings.*

#### **Chapter 2.300 – Supplementary Standards**

17. Chapter 2.302 prescribes additional setbacks where a project abuts non-standard street right-of-way. *The code should be amended to clarify when the standard supersedes the setback standards of the base zone.*
18. The fence height standards in Section 2.303 are unclear. The code intends to set limits on street yard fences but the language referring to "second front yards" could be misconstrued. The code also appears to limit the area that can be enclosed with a fence, which might discourage some potential homebuyers from considering an infill property with neighbors abutting on all sides. *We recommend revising the fence section to address the following situations: flag lots, mid-block lanes or alleys, through lots (street at front and back property line), and fences abutting mid-block pedestrian access ways.*
19. Chapter 2.304.01 allows development on lots of record that do not meet current minimum area standards. The absolute minimum lot area of 3,200 square feet does not address the potential aggregation of substandard lots for anything other than a single family dwelling.
20. The yard exception requirements under Chapter 2.305 require that through lots have two front yards for purposes of measuring setbacks. *This provision is inefficient. The code should be amended to require a reduced yard along the street that does not provide vehicular access.*



### Chapter 3 – Administrative Procedures

21. Chapter 3 contains the administrative procedures for processing land use and development permits. Infill projects typically fall into Type I, II, or III requests, as described below. *The procedures appear reasonable and efficient with regard to infill projects.*
22. Property line adjustments, final subdivision plats, and final site plan reviews are processed as Type I quasi-judicial actions – the decision authority is the planning director and appeals are heard by the planning commission; only the applicant is notified.
23. Minor land partitions, expedited land divisions, administrative variances, and fast-track site plan reviews are processed as Type II quasi-judicial actions – the decision authority is the planning director and appeals are heard by the planning commission; notice is sent to owners within 100 feet 14 days before a decision is made and there is an opportunity for all affected parties to comment and appeal. Note: Fast-track site plan reviews are proposals containing less than 15,000 square feet of floor area and/or parking, or an increase in existing floor area or parking by no more than 20%. Administrative variances are discretionary decisions. They are limited to 25% of a lot's dimensional standards, such as lot width, depth or a yard setback. Lot area can not be reduced through an administrative variance.
24. Subdivisions (less than 50 lots), site plan reviews (between 15,001 and 40,000 square feet of floor area or parking), and variances, including administrative variances if a hearing is requested, are Type III quasi-judicial actions with a public hearing – the decision authority is the hearings officer. The hearings officer's decision may be appealed to the planning commission.
25. The City of Sherwood does not have a neighborhood contact requirement for developers. With the rapid pace of development, most of the city's residents are new to the community or have moved in during the past several years. Over time, there may be greater demand for neighborhood planning and mandatory pre-meetings between developers and neighboring property owners. Consider making neighborhood contact (pre-notice and/or meeting) by the developer mandatory in established neighborhoods for Type III subdivisions, site plan reviews, and land partitions involving a non-administrative variance.

### Chapter 4 – Planning Procedures

26. Chapter 4.100 contains a matrix with application submittal requirements for various types of development. The matrix is well thought out and user-friendly. It requires an existing conditions plan with adjacent land uses identified within a distance of 300 feet. If the city adopts standards requiring taller buildings to step down next to single story buildings, Chapter 4.100 may need to be amended to require data on existing building heights.
27. Variance procedures are contained in Chapter 4.400. A variance may be granted only upon the applicant demonstrating that: exceptional and extraordinary circumstances apply to the property the circumstances legally existed prior to the effective date of the Code; the applicant has no control over the circumstances; the variances is necessary for the preservation of a property right substantially the

same as owners of other properties in the same zone or vicinity; it would not materially be detrimental to the purposes of the code or to other property, or otherwise conflict with the Comprehensive Plan; it is not a self-imposed hardship; and the hardship does not arise from a code violation. *The above provisions do not afford any flexibility to waive or modify code standards simply because a project furthers the city's goals for compact urban form, or because doing so would make the project more compatible with its surroundings. See comments below.*

28. The procedures for administrative variances in Section 4.402 require findings that the approval will result in more efficient use of the site, preservation of natural features, where appropriate, adequate provisions of light, air and privacy to adjoining properties, and adequate access. This, too, is fairly limited in scope and involves subjective determinations of "privacy." *We recommend the administrative variance criteria be clarified and expanded to individually address different situations and provide incentives for good infill design:*

- *One set of criteria should address natural features (e.g., reduced lot size, street standards or setbacks to save a significant tree).*
- *Another set of criteria would address infill and opportunities to enhance compatibility between uses (e.g., define privacy, allow portions of buildings to taller when they abut non-residential uses, provided that other portions step-down next to their single story neighbors). Alternatively, the city could adopt architectural design standards similar to Lake Oswego and Portland. See #12.*
- *Administrative variances or "adjustments" to code standards should also be considered where an applicant has coordinated his or her development plans with adjoining infill properties (e.g., clusters), resulting in a long-term, binding plan for access and street connectivity. The city could reduce or waive some design standards (e.g., allow narrower streets or streets with sidewalks on one side only), for example, if the owners enter into a development agreement to extend the street through their properties.*

### **Chapter 5 – Community Design**

29. The provisions of Chapter 5 apply multifamily projects and land divisions requiring a new street access. They contain standards for landscaping, off-street parking and loading, and on-site circulation. *The standards are generally consistent with the city's infill objectives; however, the off-street parking standards for townhomes in Section 2.204 conflict with the standards in Table 5.302.02. See related comments under Section 2.204.*
30. Subsection 5.401.02 allows two or more uses, structures, or parcels to share the same ingress and egress when maintenance is assured through a joint use easement or other legal agreement. *This provision is consistent with providing efficient infill. It would be more useful if the city would eliminate the requirement that all lots have at least 25 feet of frontage onto a public street. (See comments #10 and #43.)*
31. Section 5.401.05 requires that single- and two-family uses and manufactured homes on individual lots receive access from streets other than Highway 99W and arterial roadways. The code allows for temporary access to these facilities when alternate

access is not available at the time of development. *This provision supports efficient infill and it avoids regulatory takings where properties have no other means of access.*

32. The minimum residential driveway width is 10 feet. The maximum grade is 14%. Shared driveways serving two-family uses shall have a minimum width of 20 feet. The code encourages permeable surfaces and planter strips between driveway ramps to reduce stormwater runoff. *The encouragement of permeable surfaces supports efficient infill because it is not always possible or cost-effective to install underground retention vaults for stormwater. If drainage can be accommodated on-site in surface swales or drainage fields under porous paving, that saves development costs and potentially reduces the cost of housing. The maximum driveway grade of 14% is not steep. Under the code, the city engineer may allow steeper grades through an administrative modification. We would encourage greater flexibility in driveway design where it can reduce grading or protect natural features.*
33. The code contains standard Transportation Planning Rule provisions for pedestrian connectivity in multifamily developments, as required under OAR 660-012-0045. (Section 5.402.02) *The code is consistent with the city's infill objectives.*

#### **Chapter 6 – Public Improvements**

34. The key provisions of Chapter 6, as related to infill development, are found in Sections 6.303 – Required Street Improvements; Section 6.304 – Street Location and Design; Section 6.306 – Sidewalks; Section 6.603 – Stormwater Design Standards; Section 6.702 Fire Protection Standards; and Section 6.802 – Underground Facilities.
35. Section 6.303 generally requires new development to improve existing streets (half-streets to a distance of up to 30 feet) from the centerline. Where a development abuts a proposed street, between 22-44 feet of roadway improvements may be required; a minimum driving surface of 22 feet must be maintained. *City staff indicated that the current practice is to require ¾ street improvements. The half-street improvement, as provided in the code, would be more consistent with the city's infill objectives. In addition there is flexibility in the code, and the city engineer may approve modifications through the land partitioning process, on a case-by-case basis. See #36, below.*
36. Section 6.303.05 authorizes two types of modifications to the street design standards contained in the city's transportation system plan. *Administrative modifications* may be requested any time and are processed as a Type II application and, to be approved, must include a letter of concurrency from the City Engineer. *Design modifications* and processed as a Type III application and must be processed in conjunction with an application for development. The code describes the difference between administrative and design modifications as a matter of construction versus design, though the distinction is unclear. For example, under Section 6.303.05.B.i, an applicant may request an administrative variance (Type II review) for access to an arterial street where access to a collector or local street would otherwise be required; and under Section 6.303.05.B.2, the code lists modifications to "access policy" as design modifications requiring Type III review. The modifications provisions are consistent with the city's infill objectives because they affords flexibility

to modify the city's standards, though the code should more explicitly support compatible infill.

37. Section 6.304 requires street connectivity and consideration of future street systems in development proposals. The street connectivity standards are 530 feet maximum block length and 1,800 feet maximum block perimeter, which are within the range of acceptable standards and best practices for urban areas. The code provides exceptions for blocks abutting natural resource areas, and allows pedestrian access ways in lieu of full street connections where such connections are not possible. *The street connectivity and block length standards are consistent with the city's infill objectives.*
38. Section 6.304.02 refers to a local street connectivity map in the city's adopted transportation system plan, though the map does not provide sufficient direction, nor is it binding. We recommend preparing local street circulation plans for areas with infill potential. The plans should be coordinated with the owners of infill properties.
39. Section 6.306.01 requires sidewalks constructed on both sides of a public street and in any special pedestrian way within new development. The design standard is eight (8) feet on arterials and collector streets and five (5) feet on local streets, though there is no standard for sidewalks on alleys or mid-block lanes. Chapter 8 (Environmental Resources) allows variable width/meandering pathways in areas with significant trees or other natural features, and sidewalks on only one side of the street for hillside developments. The above provisions (Chapter 8) should be cross-referenced in Section 6.306.
40. Section 6.603 defers to the Clean Water Services' requirements for stormwater control and design. As noted above, Sherwood's code encourages the use of porous paving materials on residential driveways to reduce stormwater runoff.
41. The provisions for fire protection (capacity, fire flow, access to facilities, hydrants, etc.) under Section 6.702 should be reviewed against current Uniform Fire Code standards and guidelines, and local amendments thereto, as adopted by the region's fire districts. This was beyond the scope of the infill code evaluation.
42. Section 6.802 generally requires under-grounding of existing overhead utilities with new development. City policy is to look at undergrounding case-by-case. As the city updates its policy, it should consider specifically allowing exceptions to undergrounding for partitions and other developments with less than a specified number of dwellings.

### **Chapter 7 – Subdivisions and Partitions**

43. Chapter 7 contains procedures for land divisions. It requires a two-step process – preliminary plan approval and final plat approval and recordation – for subdivisions and partitions. City staff commented that the process may be unnecessary difficult for partitions. Partitions that involve local street extensions or require a public access to clusters of dwellings (e.g., where not every new lot has 25 feet of street frontage) have to be processed as subdivisions. This is due to the requirement under Section 7.501.03 that says partitions shall not be approved unless no new right-of-

way, roads, or streets are created. *Consider allowing lots without frontage onto a public street (in land partitions only). See also, #10 and #30.*

44. Section 7.501.04 requires a demonstration of future development feasibility for partitions creating lots averaging one (1) acre or larger. *This provision supports efficient and compatible infill.*

***Chapter 8 – Environmental Resources***

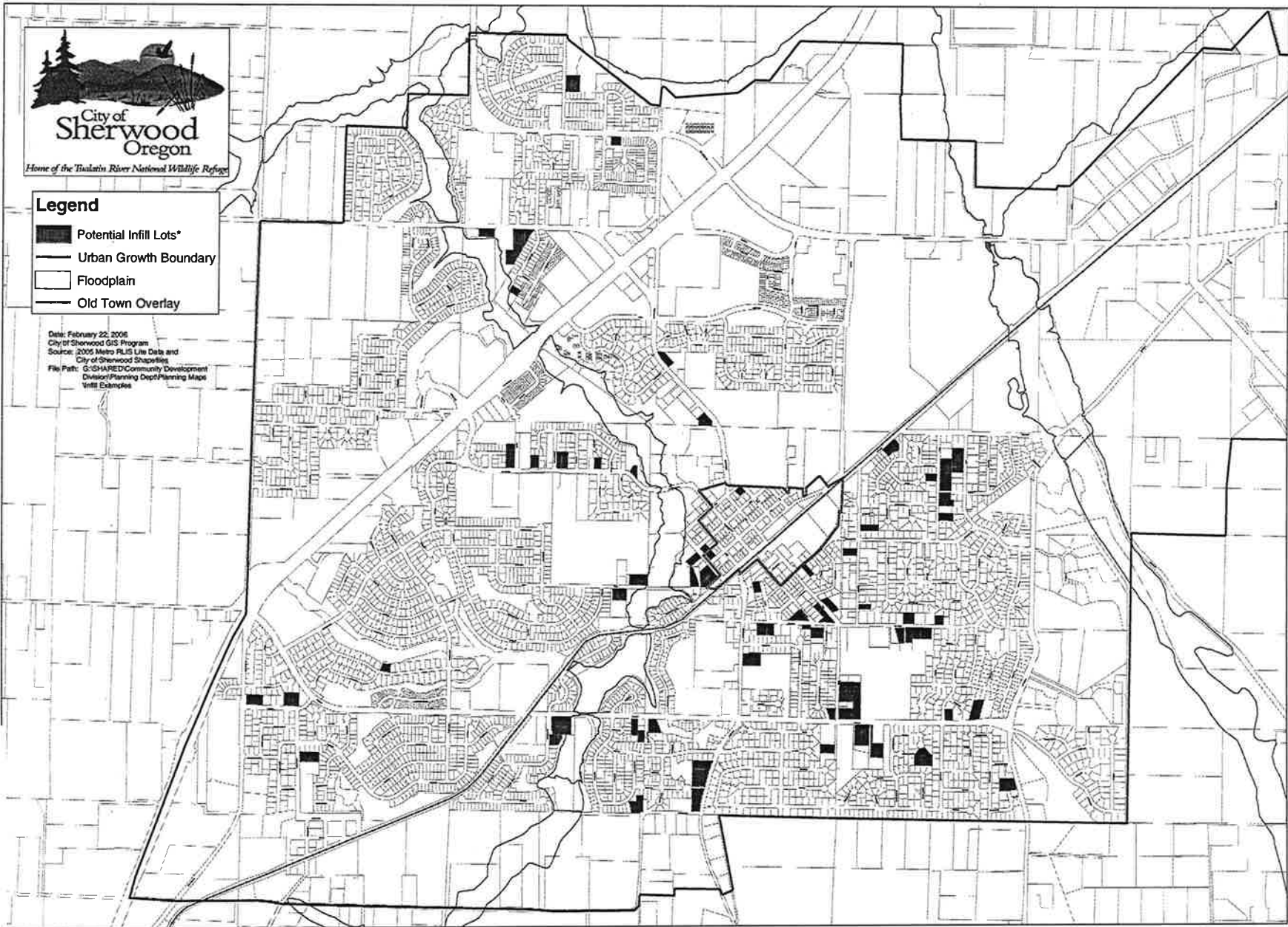
***Chapter 9 – Historic Resources***

Evaluation of chapters 8 and 9 is outside the TGM scope of work.

## **Conclusion**

The above findings and recommendations are a starting point for discussion by the planning commission. We would like to receive feedback on whether the concepts are acceptable for drafting code amendments. If they are, we will bring back draft code language and visuals for the planning commission meeting in June. We welcome any comments or suggestions.

# Lots with Infill and Re-development Potential



\*Potential Infill Lots are defined as lots where the land value is greater than the building value and:  
in the LDR zone lot size is greater than 14,000 square feet and equal to or less than 43,960 square feet (one acre)  
in the MDR, MDRP, or MDR zone lot size is greater than 10,000 square feet and equal to or less than 43,960 square feet (one acre)

## City of Sherwood Infill Standards

Oregon Transportation and Growth Management (TGM)  
Code Assistance Program

Planning Commission Work Session  
March 14, 2006

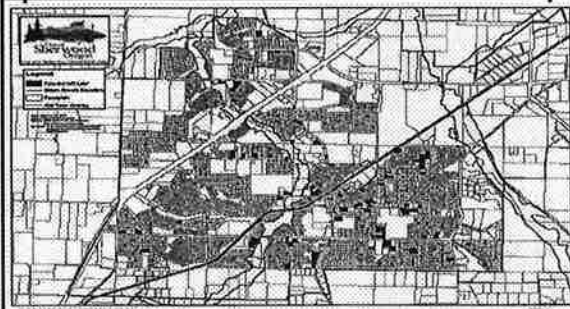


## What is Infill?

- Development of vacant or remnant lands passed over by previous development in an urban area
- RL: parcels of 14,000 sf – 1 acre
- RM, RH: parcels of 10,000 sf – 1 acre
- Land value exceeds value of improvements



## Where is Residential Infill Likely to Occur?



## Why Plan for Infill?

- Housing choices and housing needs
- Cost-effective provision of urban services
- Transportation issues
  - Access
  - Connectivity
- Land use issues
  - Residential land supply, ORS 197.296
  - Downtown revitalization
  - Neighborhood preservation and enhancement issues



## Roy Street Example



## Sunset Partition



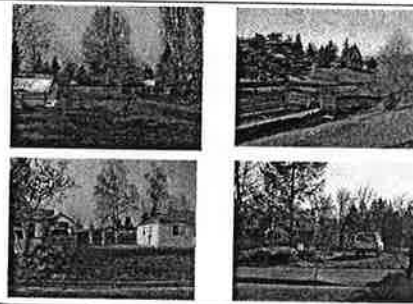
### Edy Road Example



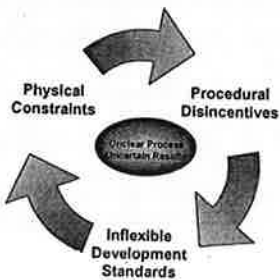
### Villa Road Example



### Whitbo Partition



### Typical Obstacles to Infill



### How Other Communities Address Infill

- Portland
  - Upzoning of some areas
  - Small lot and townhome standards (1990s)
  - New proposals pending
- Lake Oswego
  - Residential Infill Standards (2003)
  - RID Standards Review (2006)
- Others



### Portland Infill Visual Preference Survey (2004)



### Portland Infill Visual Preference Survey (2004)



### Portland Infill Visual Preference Survey (2004)

- Common features of top-rated housing projects include visually subordinated parking, facade articulation (bays, porches, etc.), front windows, landscaping and a fairly high degree of architectural trim and details.
- In contrast, the most negatively-rated images often featured visually prominent parking or garages, little facade articulation, blank walls, setbacks dominated by paving instead of landscaping, and relatively little architectural trim and details.
- Cluster housing (cottage clusters and courtyard townhouses) were among the top-rated projects (3 out of the top-4 projects), outperforming any rowhouse projects. The top-rated image was a cottage cluster project (image 7), a housing type rarely built in Portland.
- Preferences were largely consistent among different parts of the city.
- Many of the more negatively rated images were of higher-density projects on small sites (often in the R11 zone, which requires 3 units on 6000 sq.ft. sites), in which situations it is difficult to locate parking in visually subordinated ways (images 10-26). While the most highly rated of these had no front parking (image 25) and those with prominent garages fared poorly (images 10 & 24), some with front surface parking (images 20 & 22) fared better than others without front parking.
- Pedestrian-friendly features required by regulatory design standards, such as front entries and porches, windows, and no front parking, did not prevent some projects (images 21 and 23) from being among the most negatively-rated images.
- A "skinny house" project with no front garages (image 2) was one of the most highly rated images and fared much better than other narrow houses with front garages, despite similar levels of architectural trim (images 8 & 16).
- Paired townhouses designed to reflect the massing and character of a detached house (such as images 4, 5, 9 & 11) tended to be rated relatively well.

### Infill Policies, Standards, and Other Tools

- Overlay zones
  - Established neighborhood
  - Steep slopes, resource areas, etc.
- Design districts
  - Historic areas
  - Neighborhood plans
- Form-based codes (prototypes)
  - Building types
  - Block/lot/range types
- Locational zoning standards
  - Flag lots
  - Lots fronting/backing onto arterials
  - Local street plans
- Incentives and Design Contests



### Discussion

- Issues
- Planning Commission Priorities
- Next steps



# APPROVED MINUTES

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**City of Sherwood, Oregon**  
**Planning Commission Minutes**  
**April 25, 2006**

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**Commission Members Present:**

Chair Adrian Emery  
Jean Lafayette  
Dan Balza  
Matt Nolan  
Russell Griffin  
Todd Skelton

**Staff:**

Julia Hajduk – Sr. Planner  
Rob Dixon – Community Development Director  
Cynthia Butler – Administrative Assistant

**Commission Members Absent:**

Vice Chair Patrick Allen

1. **Call to Order/Roll Call** – Chair Emery called the meeting to order at 7 PM.
2. **Agenda Review**
3. **Consent Agenda** – Minutes from the April 11, 2006 session were approved as amended with edits, vote results below:

Yes – 6 No- 0 Abstain– 0

4. **Brief Announcements** – Julia Hajduk asked Commissioners for consensus on meeting dates in June and August to determine possible vacation schedules. Depending on possible land use applications pending during these times, Staff received nods of acknowledgement that scheduling options would be considered. A possible joint session with the Planning Commission and City Council will occur on July 18<sup>th</sup>. Julia stated that Chair Adrian Emery will be reappointed for another term through resolution on May 2<sup>nd</sup> by City Council. The City of Sherwood is a finalist for the prestigious All American City Award, an honor delegated by the National Civic League. The City is preparing a delegation from the City to attend the upcoming finalist presentations held June 9-11, 2006 in Anaheim, CA. The entire Sherwood community is invited and encouraged to rally behind the effort in a variety of ways, including participation at the event in June. Julia said that more information will soon be forthcoming.

5. **Community Comments** – Eugene Stewart, PO Box 534, Sherwood OR 97140 – Eugene expressed concern that there was not a separate community involvement resource for Sherwood residents to reference to find out what is going on in Sherwood and get involved. Julia Hajduk reiterated that public notices and announcements appear in the public notice locations around town and in the Tigard Times, in addition to the Planning Department website where current information appears on all planning City projects. Eugene also stated a preference for having a public involvement committee that would act as a liaison for the community. Commissioners expressed consensus that a committee with the purpose Mr. Stewart proposed was not likely to be developed, and that the current public notification options available give citizens the option to become involved. Mr. Stewart added that he did not believe the reference section of the library contained current planning information. Julia Hajduk stated that the

Planning Department would access what, if any, materials were lacking in the library reference section and be certain it is current. Chair Emery asked if there were any further public comments. There were none.

**6. Old Business – Goal 5: Natural Resource Protection:** Chair Emery asked how Staff would like to proceed with the review of Goal 5 this evening. Julia Hajduk recommended a workshop format rather than a formal meeting, suggesting a closure of the public meeting when Commissioners have concluded the remainder of the agenda. Work sessions are not recorded as part of the official record and therefore do not require the standard format. Consensus among Commissioners was expressed in agreement. Julia also invited the public in attendance to bring their chairs closer when the work session began and may participate intermittently with questions during the process if desired.

**7. Comments by Commission –** Russell Griffin said that he would like to address the planning that was involved with the Woodhaven Crossing project on Hwy. 99 and its impact on the neighbors on Hosler St. behind the development. Russell walked the area recently and stated that none of the neighbors along Hosler have any outdoor privacy and that particularly their backyards are entirely exposed. The lack of any effective barrier between residents in Woodhaven Crossing whose front yards face the backyards of neighbors on Hosler was shocking, Russell said. Russell said many residents on Hosler are selling their homes because of these impacts and that he was also surprised to see front entrances of residences on Hwy. 99 so close to the highway.

Discussion among Commissioners ensued expressing concern about conditions for mixed use development, height standards, buffers and setbacks in future similar projects developed along Hwy. 99, and/or that are located near established residential neighborhoods. Jean Lafayette was on the Planning Commission at the time Woodhaven Crossing was approved and stated that she recalls buffer requirements in the conditions of approval. Jean asked Staff to pull the original plat from Woodhaven Crossing for Commissioners to review at a later date. Julia confirmed. Commissioners requested that a field trip to the site be arranged and agreed that a field trip would also assist the current Planning Commission review on infill standards. Julia will arrange. Chair Emery asked if there were further comments by Commissioners. There were none.

**8. Next Meeting – May 9, 2006:** Area 59 Work Session; SE Sherwood Master Plan; Washington County Urban Planning Area Agreement.

**9. Adjournment –** Chair Emery adjourned the regular session at 7:28 PM. A work session on Goal 5 followed.

End of Minutes.