



City of Sherwood  
PLANNING COMMISSION  
Sherwood City Hall & Public Library  
22560 SW Pine Street  
August 8, 2006  
Work Session – 6:00 PM  
Regular Meeting - 7:00 PM

A work session on the “Goal 5 - Natural Resource Protection” implementation process will begin at 6 pm. The public is welcome to attend. A comment period will be available during the regular agenda.

## A G E N D A

1. **Call to Order/Roll Call**
2. **Agenda Review**
3. **Brief Announcements**
4. **Community Comments** (*The public may provide comments on any non-agenda item*)
5. **New Business:**  
**AV 06-01 Columbia Lot Depth Variance:** The original application was a request by AKS Engineering (applicant’s representative) on behalf of Jim and Susan Claus and Thomas Claus (applicants) for approval of an administrative variance to reduce the lot depth for one residential lot from the required 80 feet to 72 feet. Public notice of this land use application was mailed on April 21, 2006 and public testimony was received requesting a public hearing per Section 4.402.03C. The applicant was mailed notice of this request for a public hearing on May 9, 2006 but did not respond. Staff denied the application for AV 06-01 on July 13, 2006 based on the non-response of the applicant. The applicant is appealing the denial. (*Heather M. Austin, AICP, Associate Planner*)
6. **Old Business:**  
**Area 59 Concept Plan Implementation (PA 06-01)**  
The Planning Commission held a public hearing on July 25 to review a plan amendment application to amend the Comprehensive Plan (Part 2), Sherwood Plan & Zone Map, and the Sherwood Zoning & Community Development Code (SZCDC - Part 3). The public hearing was closed and the Commission will deliberate a recommendation.  
(*Kevin A. Cronin, AICP, Planning Supervisor, Planning Department*)
7. **New Business:**  
**Parks Master Plan:** Greenplay, the City’s consultant on the parks master plan, will present the latest recommendations on a new plan to guide parks, recreation, open space, and trails in Sherwood for the next twenty years. (*Kevin A. Cronin, AICP, Planning Supervisor, Planning Department*)
8. **Comments from Commission**
9. **Next Meeting:** September 12, 2006 - Goal 5 & Infill/Redevelopment Public Hearing
10. **Adjournment**



Home of the Tualatin River National Wildlife Refuge

## MEMORANDUM

City of Sherwood  
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Mayor  
Keith Mays

Councillors  
Dennis Durrell  
Dave Grant  
Dave Heironimus  
Linda Henderson  
Dan King  
Dave Luman

City Manager  
Ross Schultz

**DATE:** August 1, 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

On August 8<sup>th</sup> the Commission will hold its fourth and final work session regarding development code changes to remove barriers to habitat friendly development. While the last meeting was anticipated to be the final work session, changes to Chapter 6 and additional amendments to Chapter 8 are proposed that should be introduced to the Planning Commission before holding the public hearing on September 12, 2006.

The changes to Chapter 8 are in response to a "Stakeholders" meeting hosted by the Tualatin Basin Partners and held in Hillsboro on July 13, 2006. The meeting was well attended by representatives from both the development and conservation communities. The resounding comment from the development community was to have standards in one location (or referenced in one location) in the Development Code so that it is clear and simple for developers to find where the flexibility can be found to encourage habitat friendly development. The content in Section 8.305.03 is consistent with the general direction the Commission provided during the first two work sessions.

### Attachments:

1. Summary of proposed changes
2. Draft Chapter 6 amendments (portions with amendments only)
3. Draft Chapter 8 amendments (8.304 and 8.305 only)
4. Draft Comprehensive Plan changes (Comprehensive Plan Part 2, Chapter 5)

**Summary of proposed changes to implement the Tualatin Basin Natural Resource Protection Act  
and the Infill and re-development recommendations – PA 06-02 (Revised 7-31-06)**

<b>Comprehensive Plan Section changed</b>	<b>Reason for change</b>
<b>Chapter 5</b>	
A. Introduction	Included reference and discussion about the Tualatin Basin Program and the Regionally Significant Fish and Wildlife Habitat Inventory.
B. Environmental Resources Policy Goals	Added the Tualatin Basin Program context and reference to the Regionally Significant Fish and Wildlife Habitat Inventory.
C.2 objectives	Added objectives “f” and “g” to state that habitat friendly development practices are encouraged and code and procedural barriers will be removed that discourage the use of habitat friendly development practices.
C.3. Policy (new numbering)	Added policy that habitat friendly development shall be encouraged where regionally significant fish and wildlife habitat areas exist. Added strategies to implement the policy. Renumbered remaining policies accordingly.
D.5. Policy 1	Added strategy to encourage use of habitat friendly development where appropriate and provided examples.
Map V-2	Adopts Regionally Significant Fish and Wildlife Habitat Inventory map into the Comprehensive Plan

<b>Code Section changed (new numbers)</b>	<b>Reason for change (I= infill, NRP = Natural Resource Protection, HK = housekeeping)</b>	
<b>Chapter 1</b>		
1.202.20	HK	Housekeeping – reflected CWS name change from USA
1.202.36	NRP	Clarified that density is based on net BUILDABLE acre
1.202.47	NRP	Added definition of environmentally constrained to specify what is already regulated (floodplain, wetland, Title 3 vegetated corridor areas)
1.202.48	NRP	Added definition of environmentally sensitive land to include Metro inventoried resources not already regulated.
1.202.107	NRP	Modified definition of net buildable acre to reflect option to exclude environmentally sensitive areas from net buildable area.
1.202.135	NRP	Added Metro definition of regionally significant habitat areas
1.202.172	HK	Housekeeping – reflects USA name change to CWS
1.202.178	NRP	Modified definition of wetland to include Metro inventory

Code Section changed (new numbers)	Reason for change (I= infill, NRP = Natural Resource Protection, HK = housekeeping)	
Chapter 2	NRP	Each zone will have exception similar to the infill exception, referring to Section 8.305.03 (need to complete)
Chapter 5		<i>Status notes – summary and version updated to Chapter 5 reflects comments from Kevin as well as Planning Commission through 6-29-06.</i>
5.102.01.E	NRP	Added text stating that the removal of more than 5 healthy trees per acre required site plan review. This is to cross reference with the proposed new standards in Chapter 8.304.08
5.102.03.A	NRP	Added tree mitigation and habitat preservation as clarification that these must be maintained as approved after site plan approval.
5.102.04.D	NRP	Specified that environmentally sensitive lands (as newly defined in definition section) shall be preserved to the maximum extent feasible. While this is already considered during development review, putting it in writing makes it clear that this is important to the City.
5.201	NRP	Added text clarifying that maintenance of existing non-invasive native vegetation is acceptable landscaping within a development and is required beyond the areas of construction/development
5.202.01	NRP	Specified that required landscape areas shall include appropriate combination of NATIVE...to be consistent with other Code sections and the Natural Resources Protection Program
5.202.03	NRP	Limited amount of impervious area that can be included in the landscaped areas.
5.202.04	HK	Housekeeping – changed commission to review authority
5.203.01	NRP	Restricted screening within or adjacent to environmentally sensitive areas to vegetation only (as opposed to fences)
	HK	Housekeeping – changed Commission to review authority
5.203.02.A	HK	Housekeeping clarification to add back in the requirement that 10% of the area dedicated for parking be landscaped.
5.203.02.D	NRP	Added language that stormwater bioswales can be used in lieu of interior landscaping islands as a way to encourage their use.
5.203.02.F	NRP	Added exceptions to allow flexibility when needed to protect or preserve environmentally sensitive areas.
5.203.03	NRP	Allows potential reduction of visual corridor if exceptions criteria are met per 5.203.02.F
5.204.01	HK	Housekeeping - added requirement that deferral of landscaping must be 125% of the costs



Code Section changed (new numbers)	Reason for change (I= infill, NRP = Natural Resource Protection, HK = housekeeping)	
5.301.03	HK	Re-formatted/housekeeping to remove redundancies and clarify text
5.301.04	HK	Re-formatted/housekeeping to remove redundancies. Removed range of 10-25% reduction in parking for mixed uses and propose flat 25% in order to make standard more clear and objective.
5.301.06	HK	Re-formatted/housekeeping to remove redundancies and clarify text
5.301.08	NRP	Clarified that parking lots must be surfaced with a permanent hard surface such as asphalt, concrete or a durable pervious surface and specified that use of pervious surfaces are encouraged where appropriate.
	NRP	Added treatment facilities to engineering and/or Building Official approval review
5.302.01	HK	Housekeeping – changes Commission to review authority
5.302.03.C	NRP	Added language requiring wheel stops adjacent to landscaping, bioswales or water quality facilities be designed to allow stormwater run-off (for example, with small gaps or weep holes)
5.302.03.E (old)	HK	Moved bike parking to 5.302.04 to separate it from “Misc. standards”. Re-lettered accordingly
5.302.03.F	NRP	Added provision that allows a 10-25% reduction in the required parking spaces for sites depending on the amount of required parking spaces provided there are inventoried natural resources that will be protected as a result of the parking reductions.
5.302.04	HK	Re-formatted from 5.302.03.E
	HK	Housekeeping – clarified language in table the minimum number of bicycle parking spaces required
5.401	NRP	Removed requirement that all pathways/sidewalks must be 6 feet wide to avoid inconsistencies with other standards further in the section
5.402.01.B	NRP	Added encouragement that surfaces be pervious consistent with 5.402.01.A
5.402.02.B.3	NRP	Added word pervious to “other durable surfaces”
5.403.01.C	NRP	Added text encouraging impervious surfaces where appropriate.
5.403.02.C	NRP	Added word pervious to “other durable surfaces”
	NRP	Differentiated primary pathway from secondary to allow less pavement width for internal circulation
5.502	HK	Added clarification that recycling facilities shall be provided along with solid waste disposal. This is consistent with current practices and reinforces the requirement.
<b>Chapter 6</b>	<i>Status notes – Chapter 6 changes based on internal meeting with Engineering and Planning</i>	

Code Section changed (new numbers)	Reason for change (I= infill, NRP = Natural Resource Protection, HK = housekeeping)	
		<i>held July 2006</i>
6.101	NRP	Added text indicating that green street options are encouraged where appropriate and feasible.
6.303.04	HK	Housekeeping - Reflected current terminology used by Engineering for their Construction Standards
6.303.05.B.1	HK	Housekeeping - Reflected current terminology used by Engineering for their Construction Standards
6.303.05.C	NRP	Specify that a modification to the street design necessary to implement a green street design would not require a fee. This is a way to encourage the use of habitat friendly development in the street design while allowing Engineering the ability to thoroughly review the design.
6.305	HK	Housekeeping - Reflected current terminology used by Engineering for their Construction Standards
6.305.11	NRP	Specify that curbsless streets may be allowed in other locations in the City with the City Engineers approval. A Curbsless street with a bioswale is a green street element.
6.601	HK	Housekeeping – reflected CWS name change from USA and reflected most recently adopted R&O.
6.603.01	HK	Housekeeping – reflected CWS name change from USA and reflected most recently adopted R&O.
6.603.02	HK	Changed text to refer to CWS Design and Construction Standards
6.603.03	HK	Changed and added text to be more accurate and reflect current practices per the City and CWS standards.
<b>Chapter 7</b>		
7.401.B	HK	Added reference to street connectivity standards (6.304.02) which already makes allowances for habitat protection.
<b>Chapter 8</b>		
		<i>Status notes – summary and version updated to Chapter 8 reflects comments from Heather as well as Planning Commission through 6-29-06. Still need to review in detail 8.305.02.C to make sure it references correct sections, can be easily completed and reviewed by staff. Also added section 8.305.03 after stakeholders meeting to put all “flexibility” in one place.</i>
8.304.01	HK	Housekeeping – clarified reference
8.304.04	HK	Housekeeping – clarified reference

Code Section changed (new numbers)	Reason for change (I= infill, NRP = Natural Resource Protection, HK = housekeeping)	
8.304.04.B	HK	Housing – changed Commission to review authority
8.304.04.C	HK	Housing – changed Commission to review authority
8.304.04.D	HK	Housekeeping – clarified that front porches on townhomes are allowed to extend into the visual corridor as it is currently permitted in the townhome section
8.304.05.A.1	NRP	Included environmentally sensitive and constrained lands as eligible for density transfer
.	HK	Housekeeping – clarified reference
8.304.06.A.1	NRP	Housekeeping – modified tree location standards to reflect the requirement for landscape strips.
8.304.07.A.5	NRP	Added language requiring a variety of street trees to be installed to prevent spread of disease or infestation and loss of entire stand in the event of disease or infestation.
8.304.07.A	NRP	Removed word “certain” as we want to review all trees, not just certain ones
8.304.07.B	NRP	Added standard that allows us to require mitigation for trees removed within one year prior to submittal of the application
8.304.07.C.1	HK	Housekeeping – changes Commission to review authority. Removed requirement that the Park Board review tree removals (not currently practiced and not realistic given land use processing time constraints) but maintained the ability for the review authority to seek the recommendation of the Park Board in instances that they felt it appropriate and beneficial.
8.304.07.C.4	NRP	Added standard/clarification that tree protection shall, at minimum include all area within the drip line of the tree.
8.304.07.D	HK	Clarified that mitigation is required on a 1:1 CALIPER INCH ratio
8.304.08	NRP	ADDED new section to restrict tree cutting on private property to 5 trees per acre per calendar year (except hazardous trees). Specified that removal of more may be permitted, but is subject to site plan review.
8.305.01	NRP	Added reference to Regionally Significant Fish and Wildlife Habitat Areas map
8.305.02A.1	HK	Housekeeping – reflects USA name change to CWS
8.305.02.B.5	HK	Housekeeping – reflects USA name change to CWS
8.305.02.C	NRP	ADDED new section identifying how to determine location and value of resources identified on the Regionally Significant Fish and Wildlife Habitat Areas map
8.305.03	NRP	ADDED new section providing clear and objective exceptions to specific development standards including: lot size, setbacks, density, parking and landscaping. Where exception is discussed elsewhere in the code, provided the reference to that code section, otherwise, provided the specific exception criteria and defined the process for review. Based on input

Code Section changed (new numbers)	Reason for change (I= infill, NRP = Natural Resource Protection, HK = housekeeping)
	<p>from the development community, it was clear that having the exceptions/incentives for habitat friendly development in one location would help to remove an existing barrier that currently exists when they have to hunt through codes for the standards.</p>

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**CHAPTER 6****PUBLIC IMPROVEMENTS****6.100 GENERALLY****6.101 STANDARDS**

To ensure the health, safety, and the economic stability of the community, and to establish a quality system of public improvements, the City shall require proposed buildings and development for which public facilities and public rights-of-way are not fully provided or improved to current City standards, to install said improvements. The Council may establish specifications to supplement the standards of this Code and other applicable ordinances. Except as otherwise provided or authorized, private improvements serving substantially the same function as equivalent public facilities, shall generally be provided and improved at the standards established by this Code and other City regulations.

Green Street elements such as bioswales and porous pavement are encouraged where appropriate and feasible. Where a specific design standard supporting a green street concept is not included in the Construction Standard Drawings, the design will be considered by the Engineering Department provided additional documentation is provided to the Engineering Department that documents the design is appropriate, durable and can be maintained easily in that location.

**6.102 FUTURE IMPROVEMENTS**

The location of future public improvements including water, sanitary sewer, storm water, streets, bicycle and pedestrian paths, and other public facilities and rights-of-way, as depicted in Chapters 4, 5, 6 and 7 of the Community Development Plan, are intended as general locations only. The precise alignments and locations of public improvements shall be established during the actual development process and shall be depicted on public improvement plans submitted and approved pursuant to Section 6.200 and other applicable sections of this Code.

**6.103 IMPROVEMENT PROCEDURES**

Except as otherwise provided, all public improvements shall conform to City standards and specifications and shall be installed in accordance with Section 6.200. No public improvements shall be undertaken until an improvement plan review fee has been paid, improvement plans have been approved by the City, and an improvement permit has been issued.

improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits.

#### 6.303.02 Existing Streets

Except as otherwise provided, when a development abuts an existing street, the improvements requirement shall apply to that portion of the street right-of-way located between the centerline of the right-of-way and the property line of the lot proposed for development. In no event shall a required street improvement for an existing street exceed a pavement width of thirty (30) feet.

#### 6.303.03 Proposed Streets

1. Except as otherwise provided, when a development includes or abuts a proposed street, in no event shall the required street improvement exceed a pavement width of forty (40) feet.
2. Half Streets: When a half street is created, a minimum of 22 feet of driving surface shall be provided by the developer.

#### 6.303.04 Extent of Improvements

Streets required pursuant to Section 6.300 shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the Transportation System Plan and applicable City standards and specifications included in the City of Sherwood Construction Standards Transportation Drawings, and shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map.

Catch basins shall be installed and connected to storm sewers and drainage ways. Upon completion of the improvements, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines. Street signs shall be installed at all street intersections and street lights shall be installed and served from an underground source of supply unless other electrical lines in the development are not underground.

#### 6.303.05 Street Modifications

- A. Modifications to standards contained within Sections 6.300, 2.301 and the standard cross sections contained in Chapter 8 of the adopted Sherwood Transportation System Plan (TSP), may be granted in accordance with the procedures and criteria set out in this section.
- B. Types of Modifications. Requests fall within the following two categories:
  1. Administrative Modifications. Administrative modification requests concern the construction of facilities, rather than their general design, and are limited to the following when deviating from standards in Sections 6.300, 2.301 City of Sherwood Construction Standards or Chapter 8 contained in the adopted Transportation System Plan:



- a. Surfacing materials for roads or pedestrian facilities;
- b. Asphalt and/or base rock thickness less than required;
- c. Pavement marking layout;
- d. Exceeding the maximum street grade;
- e. Type and/or location of signage;
- f. Channelization;
- g. Intersection interior angles and curb radii less than required;
- h. Utilizing the current set of standards in lieu of the standards that were in place when the applicant's proposed project was vested;
- i. Access-related modifications onto collectors, arterials, and state routes; provided other substantive criteria such as sight distance and limited access points are met; and provided further that access to a lesser classification of road is not available.
- j. Needed changes as a result of a field investigation during construction; and
- k. Similar revisions to the standards.

2. Design Modifications. Design modifications deal with the vertical and horizontal geometrics and safety related issues and include the following when deviating from Section 6.300, 2.301 or Chapter 8 cross sections in the adopted Transportation System Plan.

- a. Reduced sight distances;
- b. Vertical alignment;
- c. Horizontal alignment;
- d. Geometric design (length, width, bulb radius, etc.);
- e. Design speed;
- f. Crossroads;
- g. Access policy;
- h. A proposed alternative design which provides a plan superior to these standards; and
- i. All other standards.

C. Procedure. A modification request shall be classified as an administrative decision by the City Engineer. When a modification is requested to provide a greenstreet element that is not included in the Construction Standards, the below process shall be followed, however no fee shall be required.

1. Administrative Modification. Administrative modifications may be requested at any time and are processed as Type II applications, unless defined under (C)(2) below. The application shall include sufficient technical analysis to enable a reasoned decision and shall include a letter of concurrency from the City Engineer.
2. Design Modification. Design modifications shall be proposed in conjunction with the application for the underlying development proposal and processed as a Type III application. Design modification requests shall be processed in conjunction with the underlying development proposal unless it is submitted subsequent to the decision for the underlying development proposal. The design modification application shall:
  - a. Include a written request stating the reasons for the request and the factors which would make approval of the request reasonable;
  - b. Include a letter of Concurrency from the City Engineer.

- c. Be accompanied by a map showing the applicable existing conditions and proposed construction such as contours, wetlands, significant trees, lakes, streams and rivers, utilities, property lines, existing and proposed roads and driveways, existing and projected traffic patterns, and any unusual or unique conditions not generally found in other developments;
  - d. In the case of modification requests based upon alleged disproportionality, include an engineering analysis of the standard sought to be modified which contrasts relevant traffic impacts from the development with the cost of complying with the standard; and
  - e. For crossroad and frontage construction and right-of-way dedication, the application shall include information indicating whether there are geographic or other factors which render connection/completion of the road unfeasible.
- D. Street modifications may be granted when criterion D.1 and any one of criteria D.2 through D.6 are met:
- 1. A letter of concurrency is obtained from the City Engineer or designee.
  - 2. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.
  - 3. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request.
  - 4. An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.
  - 5. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.
  - 6. In reviewing a modification request, consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors, such as to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.

## 6.304 LOCATION AND DESIGN

### 6.304.01 Generally

The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall be consistent with solar access requirements as per Section 8.311, and topographical considerations.

### 6.304.02 Street Connectivity and Future Street Systems

## 6.305 STREET DESIGN

Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood Transportation System Plan, and City of Sherwood Construction Standards Technical Standards, and the City of Sherwood Public Works Standards, or whichever is most current.

### 6.305.02 Reserve Strips

Reserve strips or street plugs controlling access or extensions to streets shall not be allowed unless necessary for the protection of the public welfare or of substantial property rights. All reserve strips shall be dedicated to the City.

### 6.305.03 Alignment

All proposed streets shall, as far as practicable, be in alignment with existing streets. In no case shall the staggering of streets create a "T" intersection or a dangerous condition. Street offsets of less than one hundred (100) feet will not be allowed.

### 6.305.04 Future Extension

Where necessary to access or permit future subdivision of adjoining land, streets shall extend to the boundary of the development. Dead-end streets less than 100' in length shall either comply with City cul-de-sac standards of Section 6.305.06, or shall provide an interim hammerhead turnaround at a location that is aligned with the future street system as shown on the local street connectivity map.

A durable sign shall be installed at the applicant's expense. These signs shall notify the public of the intent to construct future streets. The sign shall read as follows: "This road will be extended with future development. For more information contact the City of Sherwood at 503-625-4202.

### 6.305.05 Intersection Angles

- A. Streets shall intersect as near to ninety (90) degree angles as practical, except where topography requires a lesser angle. In no case shall the permitted angle be less than eighty (80) degrees without an approved special intersection design. Streets which contain an acute angle of less than eighty (80) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway edge radius of twenty (20) feet and maintain a uniform width between the roadway and the right-of-way line.
- B. Principal arterial, arterial, collector streets, or neighborhood routes intersecting with another street shall have at least one hundred (100) feet on tangent adjacent to intersections unless topography requires a lesser distance. Local streets, except alleys, shall have at least fifty (50) feet on tangent adjacent to intersections.

### 6.305.06 Cul-de-Sacs

1. All cul-de-sacs shall be no more than one hundred (100) feet in length, shall not provide access to more than 15 dwelling units and shall be used only when exceptional topographical constraints, existing development patterns, or compliance with other standards in this code preclude a street extension and circulation.
2. All cul-de-sacs shall terminate with a circular turnaround no more than 40 feet in radius (i.e. from center to edge of pavement) or hammerhead turnaround in accordance with the specifications in the Public Works Standards. The radius of circular turnarounds may be larger when they contain a landscaped island, parking bay in their center, Tualatin Valley Fire and Rescue submits a written request, or an industrial use requires a larger turnaround for truck access.
3. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.
4. Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle accessways at least 6 feet wide where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, connect to other streets, and/or connect to other existing or planned developments in accordance with the standards. of 6.303.04 and other City standards.

#### **6.305.07 Grades and Curves**

Grades shall not exceed six percent (6%) for principal arterials or arterials, ten percent (10%) for collector streets or neighborhood routes, and twelve percent (12%) for other streets. Center line radii of curves shall not be less than three hundred (300) feet for principal arterials, two hundred (200) feet for arterials or one hundred (100) feet for other streets. Where existing conditions, such as topography, make buildable sites impractical, steeper grades and sharper curves may be approved. Finished street grades shall have a minimum slope of one-half percent (1/2%).

#### **6.305.08 Streets Adjacent to Railroads**

Streets adjacent to railroads shall run approximately parallel to the railroad and be separated by a distance suitable to allow landscaping and buffering between the street and railroad. Due consideration shall be given at cross streets for the minimum distance required for future grade separations and to provide sufficient depth to allow screening of the railroad.

#### **6.305.09 Buffering of Major Streets**

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties shall be provided and through and local traffic shall be separated and traffic conflicts minimized. In addition, visual corridors pursuant to Section 8.304.04, and all applicable access provisions of Section 5.400, shall be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.

**6.305.10 Median Islands**

As illustrated in Chapter 8 of the adopted Transportation System Plan, median islands may be used on principal arterial, arterial or collector streets for the purpose of controlling access, or for aesthetic purposes.

**6.305.11 Curbs**

Except in the Old Town Overlay District where curbless (*woonerf*) streets are permitted or as otherwise approved by the City Engineering, curbs shall be installed on both sides of public streets and shall be at least six (6) inches in height.

**6.305.12 Transit Facilities**

Developments along existing or proposed transit routes, as illustrated in Figure 7-2 in the TSP, shall be required to provide areas and facilities for bus turnouts, shelters, and other transit-related facilities to Tri-Met specifications. Transit facilities shall also meet the following requirements:

1. Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.
2. Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.
3. Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).
4. Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.
5. Provide lighting at a transit stop (if not already existing to transit agency standards).

**6.305.13 Traffic Controls**

For developments of five (5) acres or more, the City may require a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow. Such analysis will be completed according to specifications established by the City. Review and approval of the analysis by the City, and any improvements indicated, shall be required prior to issuance of a construction permit.

**6.305.14 Traffic Calming**

- A. The following roadway design features, including internal circulation drives, may be required by the City in new construction in areas where traffic calming needs are anticipated:
1. Curb extensions (bulb-outs);
  2. Traffic diverters/circles;
  3. Alternative paving and painting patterns;
  4. Raised crosswalks, speed humps, and pedestrian refuges; and

of the mains. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.

### **6.503 SERVICE AVAILABILITY**

Approval of construction plans for new water facilities pursuant to Section 6.200, and the issuance of building permits for new development to be served by existing water systems shall include certification by the City that existing or proposed water systems are adequate to serve the development.

### **6.600 STORM WATER**

#### **6.601 REQUIRED IMPROVEMENTS**

Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage systems consistent with the Comprehensive Plan and the requirements of the Unified Sewerage Agency's Clean Water Services water quality regulations contained in their Design and Construction Standards R&O ~~00-704-9~~, or its replacement.

#### **6.602 STORM WATER SYSTEM IMPROVEMENT FEES (SIF)**

##### **6.602.01 Purpose**

The SIF shall be reserved and used exclusively for the acquisition, expansion, extension, and capital development or redevelopment of public storm water conveyance systems, specific street improvements designed to direct and control storm water flows, storm water treatment facilities, storm water detention or retention ponds, or other storm water facilities, designed to provide extra system capacity, and as designated on the Storm Drainage Plan Map, attached as Appendix E, in Chapter 7 of the Community Development Plan, or in the plans of Washington County's storm water management authority. The SIF may also be utilized for expenditures relating to repayment of debt for such improvements. The SIF may not be used for storm water system preservation improvements or for routine storm water system maintenance and operations.

##### **6.602.02 Schedule of Charges**

SIF's shall be assessed against new development in the City to support extra-capacity storm water improvements. The SIF for storm water shall be set by the "Schedule of Development Fees" adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

##### **6.602.03 Assessment**



Except as otherwise provided, the SIF is immediately due and payable and shall be collected prior to the issuance of any building permits for new construction, or for alterations or additions to buildings or sites that increase the area of impermeable surface.

**6.602.04 Deferral**

Where the SIF due and payable from a single building permit exceeds \$3,000.00, an administrative deferral may be granted until an occupancy permit is issued. No occupancy permit shall be issued until the SIF is paid in full.

**6.603 DESIGN STANDARDS**

**6.603.01 Capacity**

Storm water drainage systems shall be sized, constructed, located, and installed at standards consistent with this Code, the Storm Drainage Master Plan Map, attached as Exhibit E, Chapter 7 of the Community Development Plan, other applicable City standards, the Unified Sewerage Agency's Clean Water Services Design and Construction standards R&O 00-704-9 or its replacement, and hydrologic data and improvement plans submitted by the developer.

**6.603.02 On-Site Source Control**

Storm water detention and groundwater recharge improvements, including but not limited to such facilities as dry wells, detention ponds, and roof top ponds shall be constructed to limit the site discharge of storm water from a development to a level below that produced by a twenty five (25) year storm on the undeveloped site according to Clean Water Services Design and Construction Standards.

**6.603.03 Conveyance System**

The size, capacity and location of storm water sewers and other storm water conveyance improvements shall be adequate to serve the development and accommodate upstream and downstream flow. If an upstream area discharges through the property proposed for development, the drainage system shall provide capacity to receive the floodwater-storm water discharge from the upstream area. If downstream drainage systems are not sufficient to receive an increase in storm floodwater caused by new development, provisions shall be made by the developer to increase the downstream capacity or to provide detention such that the new development will not increase the storm water caused by the new development.

**6.604 SERVICE AVAILABILITY**

Approval of construction plans for new storm water drainage facilities pursuant to Section 6.200, and the issuance of building permits for new development to be served by existing

storm water drainage systems shall include certification by the City that existing or proposed drainage facilities are adequate to serve the development.

## **6.700 FIRE PROTECTION**

### **6.701 REQUIRED IMPROVEMENTS**

When land is developed so that any commercial or industrial structure is further than two hundred and fifty (250) feet or any residential structure is further than five hundred (500) feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety.

### **6.702 STANDARDS**

#### **6.702.01 Capacity**

All fire protection facilities shall be approved by and meet the specifications of the Fire District, and shall be sized, constructed, located, and installed consistent with this Code, Chapter 7 of the Community Development Plan, and other applicable City standards, in order to adequately protect life and property in the proposed development.

#### **6.702.02 Fire Flow**

Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the capacity of facilities required to furnish an adequate fire flow. Fire protection facilities shall be adequate to convey quantities of water, as determined by ISO standards, to any outlet in the system, at no less than twenty (20) pounds per square inch residual pressure. Water supply for fire protection purposes shall be restricted to that available from the City water system. The location of hydrants shall be taken into account in determining whether an adequate water supply exists.

#### **6.702.03 Access to Facilities**

Whenever any hydrant or other appurtenance for use by the Fire District is required by Section 6.700, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.

#### **6.702.04 Hydrants**

Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs

- b. The gas shall be collected and vented, incinerated, or put to or prepared for a productive use; and
- c. Methane will be measured in structures and at the facility boundary, consistent with applicable DEQ standards.

L. Air Quality Impacts

A facility shall not cause detrimental air quality impacts. A facility complies with this standard if the applicant obtains all required Air Contaminant Discharge Permits and the facility is operated in conformance with Section 8.306 and all applicable DEQ air quality standards and requirements.

M. Treatment and Storage Facilities (Hazardous Waste)

The applicant for a proposed treatment and storage facility shall comply with Oregon Administrative Rules Chapter 340, Division 340, Division 120, and any other applicable state or federal law, by obtaining all state and federal permits necessary for operation of the facility.

(Ord. 93-966 § 3)

## 8.304 PARKS AND OPEN SPACE

### 8.304.01 Purpose

Section 8.304 is intended to assure the provision of a system of public and private recreation and open space areas and facilities consistent with this Code and applicable portions of Chapter 5 of the Community Development Plan Part 2. (Ord. 91-922 § 3)

### 8.304.03 Multi-Family Developments

#### A. Standards

Except as otherwise provided, recreation and open space areas shall be provided in new multi-family residential developments to the following standards:

##### 1. Open Space

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

2. Recreation Facilities

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

3. Minimum Standards

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

4. Terms of Conveyance

Rights and responsibilities attached to common open space and recreation areas and facilities shall be clearly specified in a legally binding document which leases or conveys title, including beneficial ownership to a home association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions suitable to the City for guaranteeing the continued use of such land and facilities for its intended purpose; continuity of property maintenance; and, when appropriate, the availability of funds required for such maintenance and adequate insurance protection.

(Ord. 91-922 § 3)

**8.304.04 Visual Corridors**

A. Corridors Required

New developments with frontage on Highway 99W, or arterial or collector streets designated on the Transportation Plan Map, attached as Appendix C, or in Section V15 of the Community Development Plan Part 2, shall be required to establish a landscaped visual corridor according to the following standards:

Category	Width
Highway 99W	25 feet
Arterial	15 feet
Collector	10 feet

In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk.

B. Landscape Materials

The required visual corridor areas shall be planted as specified by the ~~Commission~~ review authority to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section 8.304.06, shall be planted in the corridor by the developer. The improvements shall be included in the subdivision compliance agreement.

C. Establishment and Maintenance

Designated visual corridors shall be established as a portion of landscaping requirements pursuant to Section 5.200. To assure continuous maintenance of the visual corridors, the ~~Commission~~ review authority may require that the development rights to the corridor areas be dedicated to the City or that restrictive covenants be recorded prior to the issuance of a building permit.

D. Required Yard

Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited or trees be removed from within the required visual corridor, with the exception of front porches on townhomes, as permitted in Section 2.204.01(E)(4)(c).

E. Pacific Highway 99W Visual Corridor

1. Provide a landscape plan for the highway median paralleling the subject frontage. In order to assure continuity, appropriate plant materials and spacing, the plan shall be coordinated with the City Planning Department and ODOT.
2. Provide a visual corridor landscape plan with a variety of trees and shrubs. Fifty percent (50%) of the visual corridor plant materials shall consist of groupings of at least five (5) native evergreen trees a minimum of ten (10) feet in height each, spaced no less than fifty (50) feet apart, if feasible. Deciduous trees shall be a minimum of four (4) inches DBH and twelve (12) feet high, spaced no less than twenty-five (25) feet apart, if feasible.

**8.304.05 Density Transfer and Park Reservation**

A. Density Transfer

1. When a proposed development includes environmentally sensitive lands, environmentally constrained lands or lands otherwise designated on the Natural Resources and Recreation Plan Map, attached as Appendix C, or in Chapter 5 of the Community Development Plan Part 2, for the uses specified in Section 8.304.02E, density transfers may be authorized to other portions of the site in exchange for the dedication of those lands.
2. Residential densities as a result of density transfers shall not exceed the maximum allowed for the zone in which the development is proposed, as measured against the area of the site prior to dedication.
3. Non-residential densities shall as a result of density transfers not exceed eighty percent (80%) building coverage on buildable portions of the site.
4. Density transfers shall be allowed only when the portion of the site to which density is transferred can accommodate the additional density without causing undue adverse effects on the surrounding area, including public facilities and services, and is otherwise compatible with the applicable zoning district, as determined by the Cityreview authority.

B. Park Reservations

Areas designated on the Natural Resources and Recreation Plan Map, attached as Appendix C, or in Chapter 5 of the Community Development Plan, which have not been dedicated pursuant to Section 8.304.02E or 8.202.02, may be required to be reserved upon the recommendation of the City Parks Board, for purchase by the City within a period of time not to exceed three (3) years.

(Ord. 91-922 § 3)

**8.304.06 Trees Along Public Streets or on Other Public Property**

A. Trees Along Public Streets

Trees are required to be planted by the land use applicant to the following specifications along public streets abutting or within any new development.

Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets.



1. Tree location: Trees shall be planted within the planter strip along newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines. The land use applicant may, at their option, provide for a minimum four (4) foot deep continuous planter strip between curb and sidewalk for the purposes of street tree planting. The City may grant a corresponding reduction in right of way or street width, or equivalent on-street parking requirements.
2. Tree size: A minimum trunk diameter of two (2) inches DBH and minimum height of six (6) feet.
3. Tree spacing: A minimum of one (1) tree for every twenty-five (25) feet of public street frontage, or two (2) trees for every buildable lot, whichever yields the greater number of trees. Double fronting lots shall have a minimum of one (1) street tree for every twenty-five (25) feet of frontage. Corner lots shall have a minimum of three (3) street trees.
4. For minor arterial and major collector streets, the City may require planted medians in lieu of paved twelve (12) foot wide center turning lanes, planted with trees to the specifications of Section 8.304.06A.
5. Tree types: Developments shall include a variety of street trees. The trees planted shall be chosen from this listed in As per Appendix J of this Code.

B. Prohibited Trees and Shrubs

1. Poplar, conifer, cottonwood, willow, ailanthus, any other native tree species, and fruit and nut trees, are prohibited along public streets as such trees tend to grow in such manner as to interfere with or damage public streets and utilities, or cause an unwarranted increase in the maintenance costs of same.
2. Poplar, cottonwood, and willow trees are prohibited on other public or private property not along public streets, when, in the City's determination, such trees may tend to interfere with or damage public streets and utilities, or cause an unwarranted increase in the maintenance costs of same. English ivy, holly and Himalayan blackberries are also prohibited on public property.

C. Removal and Cutting of Trees

1. For the purposes of this Section, "removal and cutting" shall be defined as the falling or removal of a tree, or any other deliberate action by any person, the natural result of which is to cause the death or substantial destruction of the tree. Prohibited removal and cutting activities do not include normal trimming or pruning when done in accordance with generally accepted arboricultural practices. The authorizations required by Section 8.304.06C shall not apply to any removal or cutting associated with development activities authorized by the land use approvals contemplated by Section 8.304.07. Section 8.304.06C shall only govern the removal or cutting of trees along public streets or of trees and woodlands on public property not part of a land use application.
2. Any tree located on public property or along public streets, as per this Section, shall not be subsequently removed or cut without the authorization of the Parks Advisory Board, unless removal or cutting is necessitated by the tree:
  - a. Dying, becoming severely diseased, or infested or diseased so as to threaten the health of other trees, or
  - b. Obstructing public ways or sight distance so as to cause a safety hazard, or
  - c. Interfering with or damaging public or private utilities, or
  - d. Being defined as a nuisance as per City nuisance abatement ordinances, or
  - e. Otherwise becoming a hazard to life or property, in the City's determination.
3. All requests for authorization to remove or cut trees or woodland shall be made in writing stating the reasons and circumstances necessitating said removal or cutting. The Parks Advisory Board shall consider the request in open session at any duly convened Board meeting. Any Board authorization for the removal and cutting of such trees or woodlands shall be made in writing, setting out the reasons for the removal or cutting, and any limitations or conditions attached thereto. Such written authorization shall be issued to the party requesting the removal or cutting, and maintained in City records, as per other Notices of Decision required by this Code. Any tree or woodland removed as per this Section shall be replaced with a new tree or trees selected from Appendix J of this Code. The party initiating the request for tree or woodland removal shall be responsible for all costs of said replacement, including installation. This

Section shall apply to any party requesting tree or woodland removal or cutting, including the City.

4. In the specific circumstances listed in Section 8.304.06C2 only, the City Manager or his or her designee may administratively authorize the immediate removal of such trees or woodlands without Parks Advisory Board review. Any administrative authorization for the removal or cutting of such trees or woodlands shall be made in writing setting out the reasons for the removal or cutting, and any limitations or conditions attached thereto. Such written authorization shall be issued to the party requesting the removal or cutting, and maintained in City records as per other Notices of Decision required by this Code. Any tree or woodland removed as per this Section shall be replaced with a new tree or trees selected from Appendix J of this Code. The party initiating the request for tree or woodland removal shall be responsible for all costs of said replacement, including installation. This Section shall apply to any party requesting tree or woodland removal or cutting, including the City.

D. Trees on Private Property

Any tree, woodland or any other vegetation located on private property, regardless of species or size, that interferes with or damages public streets or utilities, or causes an unwarranted increase in the maintenance costs of same, may be ordered removed or cut by the City Manager or his or her designee without Parks Advisory Board review. Any order for the removal or cutting of such trees, woodlands or other vegetation, shall be made and processed as per applicable City nuisance abatement ordinances.

E. Penalties

The abuse, destruction, defacing, cutting, removal, mutilation or other misuse of any tree planted on public property or along a public street as per this Section, shall be subject to the penalties defined by Section 1.101.04, and other penalties defined by applicable ordinances and statutes, provided that each tree so abused shall be deemed a separate offense.

(Ord. 91-922 § 3)

**8.304.07 Trees on Property Subject to Certain Land Use Applications**

A. Generally

The purpose of Section 8.304.07 is to establish processes and standards which will minimize cutting or destruction of ~~certain~~ trees and woodlands within the

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

1. All Planned Unit Developments subject to Section 2.202, site developments subject to Section 5.202, and subdivisions subject to Section 7.200, shall be required to preserve trees or woodlands, as defined by this Section to the maximum extent feasible within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, as determined by the City. Section 8.304.07 shall not apply to any PUD, site development or subdivision, or any subdivision phase of any PUD, having received an approval by the Commission prior to the effective date of Ordinance No. 94-991, except for Subsection 8.304.07C5, which shall apply to all building permits issued after the effective date to that Ordinance.
2. For the inventory purposes of Section 8.304.07, a tree is a living woody plant having a trunk diameter as specified below at four and one-half (4-1/2) feet above mean ground level at the base of the trunk, also known as Diameter Breast Height (DBH). Trees planted for commercial agricultural purposes, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition, and from regulation under Section 8.304.07, as are any living woody plants under five (5) inches DBH.
  - a. Douglas fir, ponderosa pine, western red cedar, white oak, big leaf maple, American chestnut.....Ten (10) inches or greater.
  - b. All other tree species.....Five (5) inches or greater.

In addition, any trees of any species of five (5) inches or greater DBH that are proposed for removal as per the minimally necessary development activities defined in Section 8.304.07C3 shall be inventoried.

3. For the inventory purposes of Section 8.304.07, a woodland is a biological community dominated by trees covering a land area of 20,000 square feet or greater at a density of at least fifty (50) trees per every 20,000 square feet with at least fifty percent (50%) of those trees of any species having a five (5) inches or greater DBH. Woodlands planted for commercial agricultural purposes, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition, and from regulation under Section 8.304.07.

B. Tree and Woodland Inventory

1. To assist the City in making its determinations on the retention of trees and woodlands, the land use applications referenced in Section 8.304.07A shall include a tree and woodland inventory and report, in both map and narrative form, addressing the standards in Section 8.304.07C, and a written report by an arborist, forester, landscape architect, botanist, or other qualified professional, as determined by the City, that generally evaluates the nature and quality of the existing trees and woodlands on the site and also provides information as to the extent and methods by which trees and woodlands will be retained. The inventory shall include a resume detailing the qualified professional's applicable background and experience. The City may also require the submission of additional information as per Section 8.301.03.

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Trees removed on the property within one year prior to the submittal of the development application shall also be included in the inventory. In the event that adequate data is not available to address the specific inventory requirements below, an aerial photo may be utilized to determine the approximate number, size and type of trees on the property.

2. In addition to the general requirements of this Section, the tree and woodland inventory's mapping and reports shall include, but are not limited to, the following specific information. Mapping shall include a composite map, illustrating as much required information as possible while retaining map readability.
  - a. The location of the property subject to the land use application and tree and woodland inventory, including street addresses, assessors' map and tax lot numbers, and a vicinity map.
  - b. Mapping indicating the location of trees and woodlands, as defined by Section 8.304.07A2-3. Mapping shall include typical tree root zones, given tree species, size, condition and location. For any woodland, inventory data and mapping is required only for the group, rather than on a tree by tree basis.
  - c. Mapping and other inventory data shall include, but is not limited to, the boundaries and/or types of soils, wetlands, and floodplains underlying the tree or woodland; site hydrology, drainage, and slope characteristics; the condition, density, form, root zone and aspect of the tree or woodland, including in the case of a woodland, associated understory.

- d. Mapping and other inventory data shall be of sufficient detail and specificity to allow for field location of trees and woodlands by the City, and shall include but is not limited to, existing and proposed property lines, topography at the intervals otherwise specified for the type of land use application being considered, and any significant man-made or natural features that would tend to aid in such field location.
- e. The number, size, species, condition, and location of trees and woodlands proposed for removal, the timing and method of such removal, and the reason(s) for removal.
- f. The number, size, species, condition, and location of trees and woodlands proposed for retention, and the methods by which such trees and woodlands shall be maintained in a healthy condition both during and subsequent to development activity.
- g. Proposed mitigation and replacement efforts as per Section 8.304.07D, including a description of how proposed replacement trees will be successfully replanted and maintained on the site.

C. Tree and Woodland Retention

- 1. ~~The Commission~~applicable review authority, ~~or in the case of Planned Unit Developments (PUD), the Council acting on the Commission's recommendation,~~ shall make findings identifying all trees and woodlands, or additional trees not inventoried, that merit retention. Alternatively, the City may require planting of new trees in lieu of retention as per Section 8.304.07D1-3, or acquire said trees and woodlands as per Section 8.304.07D4. Prior to making any such determinations or recommendations, ~~the Commission and Council~~ review authority ~~shall receive and consider~~ may seek the recommendations of the City Parks Advisory Board. Special consideration shall be given in making these determinations to the retention of replanting of trees native to the Willamette Valley and Western Oregon, except in areas where such trees are prohibited as per Section 8.304.06B.
- 2. To require retention of trees or woodlands as per Section 8.304.07B, the Commission or Council must make specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:



- a. Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or
  - b. A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or
  - c. Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Unified Sewerage Agency stormwater management plans and standards or the City Comprehensive Plan, or
  - d. Necessary as buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or
  - e. Otherwise merit retention because of unusual size, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.
3. In general, the City shall permit only the removal of trees, woodlands, and associated vegetation, regardless of size and/or density, minimally necessary to undertake the development activities contemplated by the land use application under consideration. For the development of PUDs and subdivisions, minimally necessary activities will typically entail tree removal for the purposes of constructing City and private utilities, streets, and other infrastructure, and minimally required site grading necessary to construct the development as approved. For site developments, minimally necessary activities will typically entail tree removal for the purposes of constructing City and private utilities, streets and other infrastructure, minimally required site grading necessary to construct the development as approved, construction of permitted buildings, and City required site improvements such as driveways and parking lots.
  4. The Notice of Decision issued for the land use applications subject to this Section shall indicate which trees and woodlands will be retained as per Section 8.304.07C2, which may be removed or shall be retained as per Section 8.304.07B, and which shall be mitigated as per Section 8.304.07D, and any limitations or conditions attached thereto. The applicant shall prepare and submit a Final Tree and Woodland Plan prior to issuance of any construction permits, illustrating how identified trees and woodlands will be retained, removed or mitigated as per the Notice of Decision. Such

Plan shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. At a minimum, trees to be protected shall have the area within the drip line of the tree protected from grading, stockpiling and all other construction related activity unless specifically reviewed and recommended by a certified arborist.

5. At the time of building permit issuance for any development of a site containing trees or woodlands identified as per Section 8.304.07C, the Building Official shall permit only the removal of trees, woodlands and associated vegetation, regardless of size and/or density, minimally necessary to undertake the development activities contemplated by the building permit application under consideration. The permit shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. Minimally necessary activities will typically entail tree removal for the purposes of construction of City and private utilities, streets and other infrastructure, minimally required site grading necessary to construct the development as approved, construction of permitted buildings, and City required site improvements such as driveways and parking lots. A fee for this inspection shall be established as per Section 3.301, provided however that said inspection is not deemed to be a land use action.
6. When a tree or woodland within an approved site plan, subdivision or Planned Unit Development subsequently proves to be so located as to prohibit the otherwise lawful siting of a building or use, retention of said trees or woodlands may be deemed sufficient cause for the granting of a variance as per Section 4.400, subject to the satisfaction of all other applicable criteria in Section 4.400.
7. All trees, woodlands, and vegetation located on any private property accepted for dedication to the City for public parks and open space, greenways, Significant Natural Areas, wetlands, floodplains, or for storm water management or for other purposes, as a condition of a land use approval, shall be retained outright, irrespective of size, species, condition or other factors. Removal of any such trees, woodlands, and vegetation prior to actual dedication of the property to the City shall be cause for reconsideration of the land use plan approval.

D. Mitigation

1. The City may require mitigation for the removal of any trees and woodlands identified as per Section 8.304.07C if, in the City's determination, retention is not feasible or practical within the context of the proposed land use plan or relative to other policies and standards of the City Comprehensive Plan. Such mitigation shall not be required of the applicant when removal is necessitated by the installation of City utilities, streets and other infrastructure in accordance with adopted City standards and plans. Provided, however, that the City may grant exceptions to established City street utility and other infrastructure standards in order to retain trees or woodlands, if, in the City's determination, such exceptions will not significantly compromise the functioning of the street, utility or other infrastructure being considered. Mitigation shall be in the form of replacement by the planting of new trees.
2. Replacement trees required as part of mitigation as per this Section shall, as determined by the City, be generally of a substantially similar species, size and quantity to those trees proposed for removal, taking into account soils, slopes, hydrology, site area, and other relevant characteristics of the site on which the mitigation is proposed. In consideration of the foregoing factors the City may require replacement trees to be replanted at greater than a 1:1 caliper inch ratio. Exotic or non-native trees shall generally be replaced with species native to the Willamette Valley or Western Oregon, except where such native trees are prohibited by Section 8.304.06B2. Said replacement trees shall be in addition to trees along public streets required by Section 8.304.06A. Standards for trees along public streets may be different than those for trees required for retention or replacement under this Section.
3. If replacement trees of the species, size or quantity being removed are not available, or cannot be successfully replanted due to soils, slopes, hydrology, site area, or other relevant characteristics of the site, the City may require:
  - a. Different species of trees to be submitted, or
  - b. Replacement trees to be planted on another, more suitable site within the City, or
  - c. Cash payments equivalent to the fair market value of the otherwise required replacement trees, including estimated installation costs, said payments to be set aside by the City in a dedicated fund for eventual purchase and planting of trees when suitable sites become available.

4. The Commission may also make recommendation to the Council, based on the recommendation of the Parks Advisory Board, that trees or woodlands identified as per this Section be purchased by the City, if such trees cannot otherwise be retained as part of the proposed land use plan, obtained as a parks and open space or other dedication to the City, or otherwise be mitigated as per Section 8.304.07D.

E. Penalties

Violations of Section 8.304.07 shall be subject to the penalties defined by Section 1.101.04, provided that each designated tree or woodland unlawfully removed or cut shall be deemed a separate offense.

(Ord. 91-922 § 3)

**APPENDIX J**  
**City of Sherwood**  
**RECOMMENDED STREET TREES**

Acer - Maple

Acer platanoides cavalier - Cavalier Norway Maple

- p. cleveland .....Cleveland Norway Maple
- p. cleveland .....Cleveland II Norway Maple
- p. columnare .....Columnar Norway Maple
- p. fairway .....Fairway Sugar Maple
- p. olmsted .....Olmsted Norway Maple
- p. summershade .....Summershade Maple

Acer rubrum red sunset - Red Sunset Maple (Old Town)

- r. royal red .....Royal Red Maple
- r. gerling .....Gerling Red Maple
- r. tilford .....Tilford Red Maple

Carpinus - Hornbeam

- Carpinus betulus pyramidals .....Pyramidal European Hornbeam
- b. columnaris .....Pyramidal European Hornbeam
- b. fastigiata .....Pyramidal European Hornbeam

Cercidiphyllum - Katsura Tree

- c. japonicum .....Katsura Tree

Cercix, canadensis - Canadian Red Bud

Fraxinus - Ash

americana .....	White Ash
americana .....	Autumn Purple Ash
angustifolia dr. pirone .....	Dr. Pirone Ash
oxycarpa flame.....	Flame Ash
raywoodi .....	Raywood Ash
latifolia.....	Oregon Ash

Ginkgo

bilboa .....	Maidenhair Tree
bilboa .....	Autumn Gold
bilboa .....	Fairmount

Gleditsia

triacanthos sunburst .....	Honey Locust
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Liquidamber

styraciflua.....	American Sweetgum
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Liriodenrod

tulipifera.....	Tulip Tree
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Magnolia

grandiflora vars .....	Evergreen Magnolia
grandiflora.....	Southern Magnolia
kobus dr. merrill.....	Dr. Merrill Magnolia

Platanus

aceriflora .....	London Plane Tree
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Purnus - Cherry - Plum

avium plena.....	Double Flowering Cherry
avium scanlon .....	Scanlon Globe Cherry
serrulata vars (nonweeping).....	Japanese Cherry
okame.....	Okame Cherry
blireana .....	Blireana Plum
cerasifera newport.....	Newport Plum
pissardi.....	Pissardi Plum
thundercloud .....	Thundercloud Plum
vesuvius .....	Krauter's Vesuvius Plum
maacki.....	Amur Chokecherry
serrula .....	Redbark Cherry
padus alverti.....	Alberti Cherry
spaethi .....	Spaethi Cherry
virginiana var. mellanocarpa canada red .....	Chokecherry
padus .....	European Birdcherry
grandiflora.....	Bigflowered Birdcherry

berg ..... Rancho Birdcherry  
purpurea ..... Purpleleaf Birdcherry

Quercus

palustris ..... Pin Oak  
rubra ..... Red Oak

Tilia - Linden

americana ..... American Linden  
cordata ..... Little Leaf Linden  
glenleven ..... Glenleven Linden  
redmond ..... Redmond Linden  
euchlora ..... Crimean Linden  
tomentosa ..... Silver Linden  
bicentennial ..... Bicentennial Linden  
greenspire ..... Greenspire Linden  
salem ..... Salem Linden

**RECOMMENDED TREES UNDER POWER LINES**

Acer ginnala – Amur Maple  
Acer campestre – Hedge Maple  
Acer palmatum – Japanese Maple  
Acer griseum – Paperbark Maple  
Acer circinatum – Vine Maple  
Amelanchier x grandiflora – Apple Serviceberry  
Amelanchier Canadensis – Shadblow Serviceberry  
Cercis Canadensis – Eastern Redbud  
Clerodendrum trichotomum – Glorybower Tree  
Cornus florida – Flowering Dogwood  
Cornus kousa – Japanese Dogwood  
Crataegus phaenopyrum – Washington Hawthorn  
Crataegus x lavellei – Lavelle Hawthorn  
Fraxinus excelsior globosum – Globe-Headed European Ash  
Fraxinus ornus – Flowering Ash  
Fraxinus oxycarpa aureopolia – Golden Desert Ash  
Koelreuteria paniculata – Goldenrain Tree  
Laburnum x waterii – Golden Chain Tree  
Malus – Flowering Crabapple  
Prunus – Flowering Cherry  
Pyrus calleryana – Flowering Pear “Cleveland Select”  
Styrax japonica – Japanese Snowbell  
Syringa reticulata – Japanese Tree Lilac

**PROHIBITED STREET TREES**

Acer, Silver Maple  
Acer, Boxelder  
Ailanthus, gladulosa - Tree-of-heaven  
Betula; common varieties of Birch  
Ulmus; common varieties of Elm  
Morus; common varieties of Mulberry  
Salix; common varieties of willow  
Coniferous Evergreen (Fir, Pine, Cedar, etc.)

**8.304.08 .....Trees on Private Property - not subject to a land use action**

**A. Generally**

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

**B. Standards**

In the event a property owner determines it necessary to remove existing mature trees on their property that are not a hazard, they may remove up to 5 trees per acre per calendar year by right, not to exceed 100 inches dbh. The property owner shall document the number of trees and the date removed for their records and shall notify the City Planning Department 48 hours prior to tree removal. Failure to notify the planning department shall not result in a violation of this code unless it is determined that the tree removal is in excess of that permitted outright.

If the property owner determines that it is necessary to remove more trees than that permitted by right, the act is considered to be an alteration of the exterior appearance of the property and site plan review is required. In that instance, the requirements of 8.304.07 shall apply. The review authority shall be determined by the square footage of the area to be disturbed.

**8.305 WETLAND, HABITAT AND NATURAL AREAS**

**8.305.01 Generally**

Unless otherwise permitted, residential, commercial, industrial, and institutional uses in the City shall comply with the following wetland, habitat and natural area standards if applicable to the site as identified on the City's Wetland Inventory, ~~and the Comprehensive Plan Natural Resource Inventory~~ and the Regionally Significant Fish and Wildlife Habitat Area map adopted by Metro and by reference into this Code and the Comprehensive Plan. Where the applicability of a standard overlaps, the more stringent regulation shall apply.

(Ord. 2001-1119 § 1; 91-922)

**8.305.02 Standards**

- A. The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the development. A facility complies with this standard if it complies with the criteria of Section 8.305A.1.a and 8.305A.1.b, below::
1. The facility will not reduce the area of wetlands on the site, and development will be separated from such wetlands by an area determined by the ~~Unified Sewerage Agency's~~ Clean Water Services Design and Construction Standards R&O 00-7 or its replacement provided Section 8.303.09 does not require more than the requested setback.
    - a. A natural condition such as topography, soil, vegetation or other feature isolates the area of development from the wetland.
    - b. Impact mitigation measures will be designed, implemented, and monitored to provide effective protection against harm to the wetland from sedimentation, erosion, loss of surface or ground water supply, or physical trespass.
    - c. A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.
  2. If existing wetlands are proposed to be eliminated by the facility, the applicant shall demonstrate that the project can, and will develop or enhance an area of wetland on the site or in the same drainage basin that is at least equal to the area and functional value of wetlands eliminated.
- B. The applicant shall provide appropriate plans and text that identify and describe the significance and functional value of natural features on the site (if identified in the Community Development Plan, Part 2) and protect those features from impacts of the development or mitigate adverse effects that will occur. A facility complies with this standard if:
1. The site does not contain an endangered or threatened plant or animal species or a critical habitat for such species identified by Federal or State government (and does not contain significant natural features identified in the Community Development Plan, Part 2, Natural Resources and Recreation Plan).
  2. The facility will comply with applicable requirements of the zone.



3. The applicant will excavate and store topsoil separate from subsurface soil, and shall replace the topsoil over disturbed areas of the site not covered by buildings or pavement or provide other appropriate medium for re-vegetation of those areas, such as yard debris compost.
4. The applicant will retain significant vegetation in areas that will not be covered by buildings or pavement or disturbed by excavation for the facility; will replant areas disturbed by the development and not covered by buildings or pavement with native species vegetation unless other vegetation is needed to buffer the facility; will protect disturbed areas and adjoining habitat from potential erosion until replanted vegetation is established; and will provide a plan or plans identifying each area and its proposed use.
5. Development associated with the facility will be set back from the edge of a significant natural area by an area determined by the ~~Unified Sewerage Agency's~~ Clean Water Services Design and Construction standards R&O 00-7 or its replacement, provided Section 8.303.09A does not require more than the requested setback. Lack of adverse effect can be demonstrated by showing the same sort of evidence as in Section 8.305.02A.1 above.

(Ord. 2001-1119 § 1; 91-922)

- C. When the Metro Regionally Significant Fish and Wildlife Habitat map indicates there are resources on the site or within 50 feet of the site, the applicant shall provide plans that show the location of resources on the property. If resources are determined to be located on the property, the plans shall show the value of environmentally sensitive areas using the methodologies described in Sections 1 and 2 below.

The Metro Regionally Significant Fish and Wildlife Habitat map shall be the basis for determining the location and value of environmentally sensitive habitat areas. In order to specify the exact locations on site, the following methodology shall be used to determine the appropriate boundaries and habitat values:

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

- a. Locate the Water Feature that is the basis for identifying riparian habitat.

- 1 Locate the top of bank of all streams, rivers, and open water within 200 feet of the property.
- 2 Locate all flood areas within 100 feet of the property.
- 3 Locate all wetlands within 150 feet of the property based on the Local Wetland Inventory map and on the Metro 2002

Wetland Inventory Map (available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232). 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.

- b. 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.
  - 1 Vegetative cover status shall be as identified on the Metro Vegetative Cover Map
  - 2 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 to Metro 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.
- c. 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
- d. 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.

**2. 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. 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. .

**8.305.03**      **Exceptions to standards**

In order to protect environmentally sensitive areas that are not also governed by floodplain, wetland and Clean Water Services vegetated corridor regulations, the City allows flexibility of the specific standards in exchange for the specified amount of protection inventoried environmentally sensitive areas as defined in this code.

**A.**      **Process**

The flexibility of standards is only applicable when reviewed and approved as part of a land use application and shall require no additional fee or permit provided the criteria are addressed. In the absence of a land use application, review may be processed as a Type I administrative interpretation.

**B.**      **Standards modified**

1.      Lot size – When a development contains inventoried regionally significant fish and wildlife habitats as defined in Section 8.305.02 above, lot sizes may be reduced up to ten percent (10%) below the minimum lot size of the zone when an equal amount of inventoried resource above and beyond that already required to be protected is held in a public or private open space tract or otherwise protected from further development.
2.      Setbacks – For residential zones, the setback may be reduced up to thirty percent (30%) for all setbacks except the garage setback provided the following criteria are satisfied:
  - a.      The setback reduction must result in an equal or greater amount of significant fish and/or wildlife habitat protection. Protection shall be guaranteed with deed restrictions or public or private tracts.
  - b.      In no case shall the setback reduction supersede building code and/or Tualatin Valley Fire and Rescue separation requirements.
3.      Density – per Section 1.202.XX (Net Buildable Acre definition), properties with regionally significant fish and wildlife habitat on site may opt to exclude the entire inventoried resource from the minimum density requirements.
4.      Parking – Per section 5.302.03.F, 10-25% of the required parking spaces may be reduced in order to protect inventoried regionally significant fish and wildlife habitat areas provided these resources are protected via deed restrictions or held in public or private tracts.
5.      Landscaping – Per section 5.203.02.F exceptions may be granted to the landscaping standards in certain circumstances as outlined in that section.

## Attachment 4

## ENVIRONMENTAL RESOURCES

## A. INTRODUCTION

The growth of Sherwood will bring with it increasing demands on its environmental resources creating conflicts between the competing values of conservation and development. Environmental resources planning in Sherwood must include recognition of the limits to the natural resource base, the carrying capacity of the environment and the availability of non-renewable energy resources. The Environmental Resources Element of the Plan includes a 1990 inventory of Sherwood's environmental resources and planning goals, policies and strategies for their management. It also includes the Regionally Significant Fish and Wildlife inventory completed by Metro in 2002 and adopted as Map V-2 of this Plan.

In 2002 Metro completed an inventory of regionally significant fish and wildlife habitats and in 2005, the Tualatin Basin Natural Resources Coordinating Committee, on which the City of Sherwood participated, forwarded a program to protect much of the inventoried resources after conducting a detailed ESEE analysis. The program and supporting documents is adopted by reference and maintained by Washington County Department of Land Use and Transportation staff. The goals and policies of this plan provide the foundation for implementation of the Basin Program. For the purposes of this element, environmental resource management shall be addressed under the categories of natural resources and hazards, environmental quality, recreational resources and energy resources. The following briefly describes the value of open spaces, and natural resources to the community of Sherwood. Goals and policies for the protection of designated historic resources are also included in this chapter.

**Wetlands**

Wetlands are defined as follows: Areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Among the useful functions served by wetlands are the following:

- Wetlands provide important habitat for warm water fishes, numerous waterfowl, non-game birds, beaver, muskrat, nutria, otter, mink and raccoon. Other important non-game species such as mammals, reptiles, and amphibians are also found in wetland areas.
- Wetlands serve as temporary storage areas for flood waters, reducing floodpeaks and the frequency of flooding in downstream areas.

- Wetlands function to improve water quality by reducing sedimentation and removing nutrients.
- Wetlands rank as one of the world's most productive ecosystems. The biomass produced within wetlands provides food and cover to a multitude of animals.
- Wetlands provide scenic, educational and recreational opportunities and values.

### **Riparian Areas**

Riparian areas are defined as lands which are adjacent to rivers, streams, lakes, ponds, and other water bodies. They are transitional between aquatic and upland zones and contain elements of both aquatic and terrestrial ecosystems. They have high water tables because of their close proximity to aquatic systems, soils are usually largely of water-carried sediments, and some vegetation that requires free water or conditions that are more moist than normal. In Sherwood, riparian zones occur along creeks and streams. Riparian areas have a number of attributes and serve several useful functions.

- Riparian zones generally contain water, food, and cover three important habitat components.
- Riparian areas provide important habitat for songbirds, raptors, raccoon, mink, beaver, deer, and muskrat. Various small mammals, reptiles, and amphibians are also found.
- Riparian zones serve as natural migration routes and travel corridors for many wildlife species.
- Riparian forests stabilize stream banks and adjacent slopes, promoting better water quality in the adjacent waterways.

### **Scenic Resources**

Sherwood has a geographic setting which bestows on the city a number of notable visual amenities. The city is surrounded by hillsides with views of the Tualatin Valley and the Cascade Mountain range. This setting and its visual amenities contribute substantially to the attractiveness of the community as a whole.

While prominent visual resources are known to exist and their value in general to the community can be acknowledged, the identification of specific resources can be a highly subjective undertaking which does not lend itself to precise boundary delineation.

### **Open Space**

Open space and recreation lands serve a number of functions. Open space conserves natural and scenic resources, protects water supply and quality, minimizes erosion and runoff,



enhances the value of neighboring property, serves aesthetic and recreation needs, buffers incompatible land uses, promotes orderly urban development and enhances city design. Open space and recreation lands may be designed to serve a variety of recreational needs ranging ~~from~~ from hiking to active team sports. Both private and public lands may provide open space benefits. Privately owned land reduces recreational use pressure on public land. Certain uses of open space land such as the minimization of landslide potential on steep hillsides requires joint efforts by the city and private developer. A city's open space and recreation land resource is composed of both private and public lands which simultaneously serve a number of individual and community objectives.

### **Energy Sources**

There are no developed energy sources within the Sherwood UGB. All fossil and wood fuels, and electricity generated by hydro and nuclear power, come from sources outside the city. There are however, unconventional energy sources available within Sherwood. These include solar and wind energy. Solar energy, in particular, holds promise as an alternative form of energy which could meet a significant amount of the energy demand for domestic space heating and water heating. The technology exists to take advantage of solar energy and wind energy for these purposes, and such use should be encouraged.

The following Table V-I is an inventory of the areas natural resources and open space, wetlands, parks and schools, historic and scenic resources. These areas are also identified on the Natural Resources and Recreation Plan Map, updated in 1990, (Map V-I).

## **B. ENVIRONMENTAL RESOURCES POLICY GOALS**

The following policy goals were the result of work by several Sherwood Citizen Planning Advisory Committee (SCPAC) subcommittees. The goals were reviewed and updated in 1989-1990. The goals and policies were further reviewed and updated in 2006 to implement the Tualatin Basin Program, a three year project undertaken by all the jurisdictions on urban Washington County to develop a basin wide approach to natural resource protection. The goals define the direction that resource management should take in the Sherwood Urban Area. The Goals, Policies and Strategies that follow relate to the resources identified on the Natural Resources and Recreation Plan Map and the inventory listed in Table V-1 and the Regionally Significant Fish and Wildlife Habitat Inventory (Map V-2).

The following are the adopted planning goals for the Environmental Resources of Sherwood.

### **Planning Goals: Natural Resources and Hazards**

1. Actually and potentially productive agricultural and forest land in the planning area should be preserved until the need for its conversion to urban uses can be

demonstrated. The following factors should be considered in establishing the need for such conversion.

- a. A documented need for additional land for the proposed urban use.
  - b. Generally, lands with poorer soils should be converted first.
  - c. The proposed use is or can be made compatible with adjacent agricultural and forest lands and uses. Low density buffer zones should be used in transition areas.
2. Incentives for the continuation of agricultural and forest uses on lands that are not needed for urban uses should be continued and/or developed.
  3. The urban uses of wooded areas should be recognized and encouraged. They include:
    - a. Watershed protection of wildlife and fisheries habitat and recreation.
    - b. The prevention of soil erosion.
    - c. Urban buffers, windbreaks, scenic corridors, and site landscaping.
  4. Limit land development in areas with known natural hazards, special topographic soil, or drainage characteristics according to the kind and degree of hazard or characteristic present.
    - a. Restrict the nature and intensity of development in:
      - 1) 100-year floodplains
      - 2) Areas with slopes which have slide or erosion potential.
      - 3) Areas with weak foundation soils.
      - 4) Wetlands
    - b. Natural hazards such as runoff from paving and soil slippage due to weak foundation soils that could result from new developments should be considered.
  5. Protect fish and wildlife habitats and significant Natural Areas where feasible.
  6. Protect mineral and aggregate sites where feasible and practical.



**TABLE V-1  
SHERWOOD URBAN GROWTH AREA  
OPEN SPACES & NATURAL RESOURCE INVENTORY - 1990**

Type/Size	Location	Acres
1. Wildlife/Habitat & Wetlands		
a. Cedar Creek & Tributaries	Traverses NW & SW Sectors	
b. Rock Creek & Tributaries	Traverses NE & SE Sectors	
c. Pond/Wetland	2S 1 31D:501	
2. Open Space		
a. BPA & PGE Power Easements		
b. Stella Olsen Memorial Park	2S 1 32BC:6401	13.0
	2S 1 32BB:900	
c. City Hall Park	2S 1 32BD:5200	0.4
d. Community Campus Park	2S 1 29C:1402	0.21
e. Gleneagle Park	2S 1 30DD:1400,1800	2.7
f. Reservoir Park	2S 1 32DA:200, 201	1.7
g. St. Paul Cemetery	2S 1 30A:1501	2.0
h. Maple Lane Cemetery	2S 1 30A:300	0.9
i. Sherwood High School	2S 1 31A:1801	25.0
	2S 1 31AA:1000,1100	6.8
j. Hopkins & Intermediate Schools	2S 1 32BA:800,900,801	16.0
4. Significant Natural Areas		
a. Tonquin Scabland Geologic Area	2S 1 33C, 2S 1 33B	166.0
b. Ponderosa Pine Forest	2S 1 31C:700	6.8
c. Cedar Fir Woods	2S 1 30A:1100 & 1200	
5. Scenic Resources		
a. Scenic Views	2S 1 29B:300, 2S 1 30A:1601	
	2S 1 30D:2201, 2S 1 32AD	
b. TSGA Scenic Resource	2S 1 33	

INSERT NATURAL RESOURCES MAP

**Planning Goals: Environmental Quality**

1. For the purpose of protecting the functions and values of water resources, protect the water quality of Rock Creek, Chicken Creek, Cedar Creek, and their tributaries through control of runoff water by the following means:
  - a. Construction site sediment control.
  - b. Storm sewer design and location.
  - c. Regulation of floodplain alterations.
  - d. Adoption of the regional Storm Water management plan.
  - e. Establish buffers between development and the designated wetlands.
  - f. Acquire through dedication at the time of development, or through purchase, all wetlands and floodplains.
  - g. Maintain or reduce stream temperatures.
  - h. Maintain natural stream corridors.
  - i. Minimize erosion, nutrient and pollutant loading into water.
2. Protect the air quality of the city through control of pollutants by the following means.
  - a. Compliance with the DEQ air quality standards.
  - b. Encouraging the development of nonpolluting industries in designated well-planned industrial areas.
3. Protect residential areas from the effects of noise by the following means:
  - a. Encouraging buffer zones between Highway 99W and residential areas.
  - b. Cooperation with the DEQ noise control program to control industrial noise.
  - c. Comply with DEQ noise control standards.

**Planning Goals: Recreational Resources**

An open space and recreation system will be established in the City through the preservation of natural resources and the development of facilities which satisfy residential needs. This Section also includes historic and cultural resources.

1. Preserve the scenic open space, wetland, and riparian values of the Rock Creek and Cedar Creek greenways. The greenways should remain undeveloped as passive open space in order to maintain their natural integrity and habitat.
2. Incorporate easements and rights-of-way for utilities and drainage into a system of greenways and trails.
3. Acquire park and open space land as far in advance as possible to avoid high land costs and the possibility of having to purchase developments later on. The City intends to take full advantage of matching funds from state and federal agencies in the development of its park system.
4. Work with school boards of the area in the Sherwood School District in the selection of new school sites, so that adjoining neighborhood parks can be acquired at the same time.
5. Avoid extending streets, utilities, or other urban services into planned open space areas in order that additional pressures for their development are not generated.
6. Support taxation policies for planned permanent open space areas which will make it feasible to keep them from being developed.
7. Give priority to neighborhood and community parks and to such open spaces as can be secured through administration of the City's implementing ordinances when it is practical for the City to improve and maintain them. Work with appropriate agencies to realize other park and open space elements of this plan.
8. Utilize sites required for public buildings or works for park and open space purposes where feasible. For instance, water tanks or reservoirs on elevated locations may also provide a suitable location for a neighborhood park or a place for viewing surrounding terrain.
9. As practical, and financially feasible, develop parks and open spaces in Sherwood in accordance with neighborhood planning principles set forth previously and the standards and guidelines contained in Section E of this chapter.
10. Development of open space and recreational facilities shall include a consideration of the carrying capacity of the air, land and water resources of the area.
11. Open space and recreational facility planning will be coordinated with adjacent communities for maximum benefit. Examples of coordinated planning may include

the preservation and acquisition of the Rock Creek flood plain (also known as the Onion Flats) which separates Sherwood from Tualatin, and the preservation of flood plains and natural areas north to the Tualatin River. Also, the preservation of the Tonquin Natural Area will be coordinated with the City of Tualatin and Washington County.

12. The 1989 Sherwood Cultural Resource Inventory is included as an appendix to this Plan. The Survey identified 132 potential historic landmarks of varying value. The City has adopted a process by which sites will be reviewed for historic landmark designation and protection. Until completion of that process, if any significant structure listed in the survey is proposed for alteration, construction or demolition, the City shall initiate the review of such building for historic landmark designation, and will not issue a building permit until that process is complete.
13. Provide and maintain a wide variety of recreational facilities based on a determination of the recreational needs of local residents.
14. Encourage the timely and efficient implementation of open space, natural resource and recreation objectives through the use of all available means including but not limited to:
  - a. Land acquisition by purchase, donation, and dedication.
  - b. Tax incentives for limiting development.
  - c. Land development controls in hazardous or ecologically sensitive areas, i.e., flood plain wetlands, etc.
  - d. Standards for new development requiring adequate provision of open space and recreation areas and the preservation or replacement of natural features.
  - e. Financing and program administration techniques including park district formation, systems development charges and joint city-school district projects.

**Planning Goals: Energy Resources**

1. Encourage recycling.
2. Identify the role of the City in energy conservation and coordinate local efforts with county, regional and state agencies.
3. Encourage the expanded use of renewable energy resources.

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

|

**C. NATURAL RESOURCES AND HAZARDS**

**1. EXISTING CONDITIONS (See Section V - Background Data and Analysis)**

The Sherwood UGB has three major natural resource categories:

- a. Rock and Cedar Creeks and their associated tributaries, flood plains, wetlands and ponds.
- b. The Tonquin Scabland Geologic Area (TSGA) and the Ponderosa Pine Forest natural areas.
- c. Miscellaneous open spaces and scenic views.

The following natural resources are not present within the City:

- a. Energy sources
- b. Wilderness
- c. Oregon Recreation Trails
- d. Wild and Scenic Waterways
- e. Mineral and Aggregate sites

**2. OBJECTIVES**

The planning objectives for the City of Sherwood's natural resources are to:

- a. Encourage preservation of important natural habitat associated with Rock and Cedar Creeks and, at the same time, prohibit development in flood hazard areas.
- b. Protect the Tonquin Scabland Geologic Area, especially the identified critical natural features in the TSGA.
- c. Phased land-use changes to maintain agricultural production until land is needed for development.
- d. Discourage incompatible development on steep slopes.
- e. ~~\_\_\_\_\_e.\_\_\_\_\_~~ Protect the identified Ponderosa Pine forest.

- f. For properties with regionally significant fish and wildlife habitats that are not protected under stricter regulations, encourage use of habitat friendly development practices during development review.
- g. Remove code and procedural barriers that discourage the use of habitat friendly development practices.

### **D3. POLICIES AND STRATEGIES**

To achieve the above objectives the following policies and strategies are established:

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

**Strategy:**

- A flood plain ordinance has been adopted and will be periodically updated, that regulates development or fill in designated flood plains.
- Greenway areas along Rock and Cedar Creeks will be acquired through dedication at the time of development, or by purchase, to preserve drainageways, open space, wetlands, and wildlife habitat.
- Greenway parcels will be obtained as dedicated portions of PUD's, subdivisions and partitions, or any other residential, commercial or industrial developments.
- Adopt ordinance provisions regulating construction practices in identified shallow groundwater areas (see Figure V-6 Background Data and Analysis.)
- Density transfers may be allowed on land adjacent to or included in designated greenways.

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

**Strategy:**

- Allow minor modification to some standards for developments with identified Regionally Significant Fish and Wildlife habitats subject to clear objective standards.
- Review the development code to identify standards that may conflict with habitat friendly development practices and modify as deemed appropriate.



- Modify design and construction standards to include pervious management options.
- Continue participation on the Natural Resources Coordinating Committee to monitor and modify the success of the Tualatin Basin Program for natural resource protection.

**Policy 3** Prime agricultural soils will be reserved from development until required for other uses.

**Strategy:**

- A plan for phases land use transition will be developed.

**Policy 34** Provide drainage facilities and regulate development in areas of runoff or erosion hazard.

**Strategy:**

- Identify low density development for steep lands.
- Adopt runoff and erosion control standards and practices during and after construction in identified runoff and erosion hazard areas (see Part 1 Background Data and Analysis).
- Require erosion prevention measures and sediment control practices during and after construction to prevent the discharge of sediments.

## **D. ENVIRONEMNTAL QUALITY**

The air, land and water quality of Sherwood is generally good; the City's environmental quality is a community asset which pays both social and economic dividends, and many residents have chosen to locate here based on these environmental amenities. It has been well documented over the past three decades that air, land and water pollution can create heavy economic liabilities and impose exorbitant cleanup costs on communities. Therefore, though the present level of environmental quality in Sherwood is good, it is important to recognize that continued growth and development is accompanied by the potential for environmental degradation.

There are no airports, wastewater treatment facilities, sludge or solid waste disposal sites or motor sports facilities in the Sherwood UGB.

### **1. AIR QUALITY**

Sherwood occupies a portion of the Portland-Vancouver Interstate Air Quality Maintenance Area (AQMA). Planning of air quality control programs within the AQMA is the designated responsibility of the State Department of Environmental Quality (DEQ) and METRO. Air quality standards designed to protect the public from the adverse effects of air pollution are established by the state and federal governments. Two major air pollution categories are considered in the regulations: point source (such as smokestacks) and area source pollution (such as auto emissions).

Both point and area pollution sources emit a variety of contaminants, and the DEQ monitors and sets standards for these various sources of air pollution. Nevertheless, the Portland-Vancouver AQMA does not always meet all federal and state air quality standards; air quality standards for carbon monoxide, ozone and total suspended particulates have been exceeded on several days, during each year since 1982. Exceedance was exceptionally bad in 1985, when air stagnation occurred on an unusually large number of days.

a. Carbon Monoxide

Most violations of carbon monoxide occur along major traffic arterials, though an appreciable reduction in carbon monoxide levels has occurred throughout Portland-Vancouver AQMA during the past ten years. A continued reduction in carbon monoxide violations is predicted, as a result of better air quality monitoring systems, expanded use of light rail and other transit, and DEQ's vehicle inspection program; however, the potential for future violations still exists, particularly in new areas, where rapid development creates continual changes in the urban pattern.

b. Ozone

Ozone levels in the Portland-Vancouver AQMA have not changed much in recent years. The ozone levels for the area are actually recorded about twenty miles south of Portland (near Canby), and are a product of hydrocarbons emitted throughout the AQMA. The location of problem sources is not easily determined owing to the complex behavior of the ozone gas, itself. However, by reducing volatile organic compound emissions (from motor vehicles, asphalt paving, and other commercial and industrial sources), many future violations of the EPA standard could be avoided. Efforts in the Sherwood area are likely to focus on automobiles, although other control measures include reducing the volatile solvent content in architectural coatings or industrial painting operations.

c. Point Source

There are no major or significant point source polluters in Sherwood.

d. Sherwood and the AQMA

Because the AQMA encompasses an entire metropolitan area, peaks and valleys of air pollution concentrations and sources exist within its boundaries. The area sources of pollution are spread fairly evenly throughout the AQMA, with concentrations occurring along heavily traveled streets and highways. Most point source emissions originate in the traditional industrial areas bordering the Willamette and Columbia Rivers.

Sherwood does not directly contribute to the point source pollution, but does add to the overall air pollution problem through its area sources, such as building exhausts, and vehicle emissions. Future protection of the City's air quality is largely the responsibility of the regional AQMA agencies, Department of Environmental Quality and METRO. For example, the siting of any major air contaminant discharges in Sherwood would have to be done in compliance with state and federal air quality regulations. The City is only involved in the siting of point source dischargers through its process of issuing statements of compatibility for the proposed use. Such statements of compatibility must be issued by Sherwood before DEQ will issue the required permits.

## 2. WATER QUALITY

The quality of Sherwood's surface water, governed by State Department of Environmental Quality (DEQ) regulations, is generally good, although surface waters are not used for consumption, and rarely for active recreation. The quality of groundwater underlying the Sherwood area is also good. While the quality of this groundwater presently meets both state and federal drinking water standards, there is potential pollution from either point sources (directly, from sewage outfall pipes, for example), or non-point sources (indirectly, from septic tanks or cesspools). Sherwood has no point-source water polluters. Sherwood is in a large sensitive aquifer area, particularly in the southeast sector of the UGB. However, this area is all planned for low or very low density residential use and will be connected to sewer.

a. Non-Point Sources

Indirect pollution of a body of water from either surface or groundwater flows as a result of storm runoff is an increasing problem in urban areas, since urban runoff transfers contaminants from the air and land into surface and groundwater.

Streets are a significant source of non-point pollution when litter, silt, vegetative debris, oil, grease, and other chemical deposits from automobiles

accumulate in surface runoff. Construction sites also contribute silt from disturbed areas, and chemicals from heavy equipment and construction processes. Similarly, gardens, lawns, nurseries, and farm operations also contribute silt from disturbed soil areas, as well as fertilizers and pesticides.

All of Sherwood's non-point sources of water pollution are controllable to some extent. Regular street sweeping, solid waste collection and enforcement of anti-littering ordinances help to minimize street debris. Street pollution originating from automobiles can be reduced by oil recycling and the use of oil and grease separators. Oil and grease separators are required in new parking lots. Storm runoff, stream sedimentation, pesticides and fertilizers, and other potential pollution problems in the Tualatin River sub-basin are just beginning to be addressed through the Washington County Surface Water Management Plan. Eventually a surface water drainage district will be found. Sherwood is mandated to participate in that process and adopt any rules and regulations to control surface water pollution.

### 3. NOISE

#### a. Impacts of Noise Pollution

Noise might be simply defined as unwanted sound. Just as contaminants in water harm the environment, noise can degrade the livability of a community and damage the physical and mental health of persons living there. Like other kinds of pollution, noise also accompanies urban development.

Noise is measured in terms of its loudness and pitch. The loudness, or magnitude, of sound is usually measured in decibels (dB). The pitch, or frequency, of sound is expressed in Hertz (Hz), or cycles per second. For human beings, the audible spectrum ranges from 20 to 20,000 Hz and from zero to more than 140 dB. Sound pitch and magnitude are often measured together on a weighted decibel scale.

Though coping with noise is a fact of urban life, it becomes pollution when its magnitude becomes harmful to our health and well-being. The U.S. Environmental Protection Agency (EPA) has documented many of the detrimental effects of noise. The findings of the EPA regarding the detrimental effects of noise include hearing loss, emotional stress, sleep disruption and even risk to unborn infants. Even when noise is not a direct source of physical or mental problems, it is a recognized cause of physical and psychological stress which has been directly attributed to numerous health problems. Broad reductions in harmful noises have not occurred, however, probably due to a lack of education as to the negative effects of

noise. It is possible to limit further increases in noise that result from urban growth, however, and this may be a more practical approach to controlling noise levels.

b. Noise Sources in Sherwood

In Sherwood, noise sources fall roughly into two categories; noises that occur intermittently, such as construction projects, and those which occur on a continuous basis, such as traffic.

The first group includes unusual, occasional noises, which often prompt police complaints when they reach a disruptive level. The second group includes noises which are continuous contributors to the ambient noise levels that are present throughout the city. These noises are nearly always present, and specifically include motor vehicle traffic on Hwy. 99W, industrial and commercial noises. Sherwood has no commercial or industrial businesses in violation of state noise standards.

c. State and Federal Noise Control

The Federal Noise Control Act of 1972 placed a number of noise related programs under the authority of the environmental Protection Agency (EPA). The EPA's authority extends to aircraft noise (with Federal Aviation Administration), interstate railroads and motor carriers and other noise sources of national concern.

The State Noise Control Act of 1971 gives the DEQ authority to adopt standards for motor vehicles, industry and commerce. The standards establish motor vehicle noise emission limits and set ambient noise limits for commercial and industrial operations. The standards vary according to time of day and proximity to "noise sensitive properties". The DEQ is normally involved in local noise problems when it receives a citizen complaint and the noise source falls under DEQ authority. The DEQ investigates these complaints and works with the owner or operator to resolve the problem. DEQ's role in noise prevention, because of the absence of permit authority, is confined to technical assistance.

**4. OBJECTIVES**

The planning objectives for the City of Sherwood are to maintain the high environmental quality of the City and to minimize degradation from growth.

**5. POLICIES AND STRATEGIES**

To achieve the above objectives the following policies and strategies are established:

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

**Strategy:**

- To minimize erosion, nutrient and pollutant loading into water, runoff and sedimentation ordinances will be considered for protection of water quality from construction sites.
- Flood plain and wetlands will be protected and preserved by greenway, flood plain and wetlands ordinances.
- Industrial development will not be permitted in the sensitive aquifer area and all urban development will be required to connect to City sewer.
- Maintain or reduce stream temperatures and maintain natural stream corridors by providing vegetated corridors that separate water resources from development.
- Encourage use of habitat friendly development practices including, but not limited to, the use of pervious pavement systems where appropriate, bioswales, green roofs, and rain gardens.

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

**Strategy:**

- Sherwood will cooperate and work with DEQ and MSD to develop a regional control strategy to bring the Urban Area into attainment with federal air quality standards.
- Permitted commercial, industrial, and institutional uses shall comply with applicable State air quality rules and statutes.
- The City will encourage residential weatherization to reduce the need for wood stoves.

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

**Strategy:**

- Buffers along Highway 99W will be encouraged to minimize noise penetration.

- Residential noise will be controlled by city ordinance.
- Industrial and commercial noise will be controlled by DEQ standards.

**Policy 4**     **The City will follow DEQ Standards relating to land and air quality except where additional standards or more restrictive standards are required to address locally perceived environmental problems.**

**E.     RECREATIONAL RESOURCES**

**1.     EXISTING CONDITIONS**

The City of Sherwood has substantial open space and recreation opportunities within both the City limits and the urban growth boundary. Adjacent recreational opportunities for the region are associated with a potential greenway along the Tualatin River, the Tonquin Geological Area, Hedges Creek Wetlands and the proposed Rock Creek National Urban Wildlife Refuge in the northeast sector of the Sherwood UGB.

The following recreational resources are not present within the City:

- Waterway use facilities,
- Hunting,
- Angling, and
- Winter Sports

**Existing City Parks - Developed:** Stella Olson Memorial Park is approximately 13.0 acres in size. Most of this park lies in the Cedar Creek flood plain. Park facilities consist of a children's play area, three tennis courts and one mile of hiking, picnic tables and a lighted pathway. A park master plan has been adopted and further improvements are being made. There is a .4 acre park adjoining City Hall with playground equipment. There is .21 acre Community Campus Park adjoining the Sherwood Senior Community Center.

**Existing City Parks - Undeveloped:** The City was deeded a three-acre flood plain lot as a donation of a subdivision development. There is currently no access to the site. This site is suited for a portion of a greenway system along Cedar Creek. Since a substantial part of the site is in the flood plain, recreation development for intensive use is not advisable. The City water reservoir property along East Division St. contains approximately two acres of land. This site would be appropriate for use as a neighborhood park and/or children's play area. It is on high ground within the City and has a grassed area that could be designed as a play area. There is 3.2 acres of city property at the end of Roy Street reserved for a future park site.

**Other Open Spaces** - include the St. Paul Lutheran Church open space and cemetery and the Maple Lane Cemetery.

**Historic Landmarks** - In 1989 the "Sherwood Cultural Resources Inventory" identified 132 potential historic landmarks.

## 2. OBJECTIVES

The Planning objectives for the City of Sherwood are to maintain open space for the people of the City, protect designated historic landmarks, and to provide a wide variety of recreational facilities designed to fit the needs of the City.

## 3. POLICIES AND STRATEGIES

To achieve the above objectives the following policies and strategies are established.

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

**Strategy:**

- Floodplain and wetlands ordinances and dedication and acquisition programs will focus on protection of rock and Cedar Creek greenways.
- Connections will be made along 99W to be used as a noise buffer and greenway link.
- Density transfer may be allowed on lands adjacent to the proposed greenways taking into consideration site conditions and compatibility to the surrounding neighborhood.

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

**Strategy:**

- The City will continue sharing developed facilities with the school district.
- The City will explore the use of shared facilities with the City of Tualatin.

**Policy 3**      **Where there are conflicting uses proposed for identified open space, natural or scenic resources, the City will permit only those uses justified by analysis of economic social, environmental and energy consequences.**

**Strategy:**



- Establish a community design review procedure to evaluate the consequences of conflicting uses for identified resources and to protect such resources where possible, as development occurs.

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

**Strategy:**

- The City will adopt and implement standards for the provision of on-site open space and recreation areas and facilities in private development. The responsibility of new developments in meeting standards may, where appropriate be met by the provision of privately owned and maintained areas and facilities.
- The City will encourage the provision of private commercial recreation areas and facilities which address community recreational needs.

**Policy 5**      **The City will protect designated historic and cultural landmarks in accordance with the Code standards.**

**Strategy:**

- The City will evaluate the 132 identified historic and cultural sites in accordance with adopted Code standards and determine which sites should be designated landmarks.

**4.      PARK, OPEN SPACE AND RECREATION STANDARDS**

In order to prepare and implement a park and open space plan, reasonable minimum standards governing the purpose, nature and level of services and amenities have been developed. The standards are intended as suggested minimum requirements for the type, design, size and location of park and open space plan features consistent with the needs of a growing population. Beyond the minimum standards put forth, the City intends to encourage the provision of facilities and services to meet the particular needs and desires of the residents to be served, as practical in terms of the City's ability to meet the financial obligations associated with park development.

a.      Tot Lots/Mini-Parks

Size:    2,400 sq ft, up to 1 acre

Acres per People: Minimum of 1 acre to serve needs of 1000 people.

Location: Based upon need by the area to be served.

Facilities/Activities: Paved play area for hard surface games and toys; play equipment; sand area for digging; benches; drinking fountain; tables; trash receptacles; area lighting; landscaping and irrigation, etc.

Age group to be served: Primarily ages 18 months to 6 years and parents.

b. Neighborhood Parks

Size: 2-5 acres

Acres per People: Minimum of 1 acre to serve needs of 500 people or 1 park to a neighborhood of 2,000 to 4,000 people.

Location: Central to population to be served, service area is considered to be an area ½ mile in radius. Can be located next to or combined with school recreation facilities. Be highly visible, away from major arterials and easily accessible to surrounding residents.

Facilities/Activities: Large grass area for informal as well as organized games; play apparatus; covered shelter; paved surfaces for games and wheeled toys; picnic tables, benches, trash receptacles, drinking fountain, telephone, area lighting; fencing; landscaping and irrigation, etc.

NOTE: Exact facilities will depend largely upon neighborhood need.

c. Community park

Size: 10 to 25 acres

Acres per People: Minimum of 1 acre to serve needs of 1000 people, or 1 park to a community of 20-25,000 people.

Location: Preferably central within the community. Can also be established in relation to a significant natural feature or cultural facility (i.e. similar to Sherwood's present community park). Should have direct access to major arterials, bike paths and public transportation.

Facilities/Activities: Specially designed game fields, tennis courts and hard surfaced game courts; picnic areas; picnic and multi-purpose shelter; play areas for different age groups; horseshoe pits; parking; foot paths; fencing, area lighting, benches, tables, drinking fountains, trash receptacles, bike racks, telephones, nature study areas, etc.

d. General Open Space – Greenway

Size: Variable depending upon location, setting and unique features such as flood conditions, soils, topography, views, vegetation and wildlife ecosystems, generally not less than 5 acres.

Acres per People: Variable, but intended to serve the entire population of the community.

NOTE: Purpose is to preserve the natural and scenic beauty of areas which are central to the community's identity and image. A permit from the Division of State Lands and the Corps of Engineers is required to place or remove over 50 cubic yards of material from a stream or wetland.

e. Nature trails and Scenic Pathways

Size: An average of 1 to 2 miles long with a use intensity of about 50 people per day. Longer trails have a use intensity of about 40 people per mile per day in rural areas.

Location: Bordering transportation and utility corridors, flood plains and other areas of natural beauty and scenic value.

Facilities/Activities: Paved or graveled walking surfaces; trash receptacles and benches related to natural stopping or rest areas. Landscaping should relate to the environment through which the trail and pathway move.

f. Conservation Management Areas

Location: Those areas generally within the 100 year flood line which are described as wetlands, marsh, bog and ponds, and to include all creek and natural drainage ways.

Facilities/Activities: Only those permitted which will enhance the areas such as protective guardrails, elevated walkways and view points; benches and trash receptacles; descriptive interpretive signing. Compatible activities are nature study, walking and viewing.

g. Cultural Facilities

Location: Depends on facility being provided. Malls and plazas should be placed in the commercial core or well developed areas. Larger facilities should be located away from congestion; a plaza can be incorporated into a larger facility or complex. Should serve the entire community.

Facilities/Activities: Cultural facilities may include plazas, malls, small parks, fountains, open-air/indoor theaters, and a library and meeting hall complex. Trash receptacles and benches shall be provided. For landscaped areas irrigation shall be provided. Larger facilities shall provide off street parking.

h. Historic Sites

Location: See appendix for 1989 "Sherwood Cultural Resources".

Facilities/Activities: Designated historic sites shall be maintained, developed or incorporated into a development in a way that preserves the integrity of the site or structure. Interpretive signs and trash receptacles should be provided. Parking, trails, picnic facilities, and protective fencing should be provided when feasible.

i. Community Centers

Location: Should be easily accessible to all groups intended to be served by the facility. Shall be located with a direct access by auto, transit or pathway.

Facilities/Activities: Could be for a specific age group (i.e. senior citizens or youths) or the entire community. Centers shall provide meeting rooms, kitchen or concessions lounges, work rooms, rest rooms, trash receptacles, off-street parking, and landscaped areas.

**5. PARK AND OPEN SPACE PLAN FEATURES (See Map V-1)**

Based on a thorough inventory of the Urban Area's existing recreation and open space resources, the development of plan goals and objectives and the application of the standards in Section 4 of this chapter, a general plan was developed. The Natural Resource and Recreation Plan Map includes three major components; a) developed parks; b) natural areas, wetlands, and greenways; and c) trails, scenic corridors.

a. Parks

The future park system will include neighborhood and community parks with facilities and in locations consistent with the needs of City residents and visitors, and the City's ability to maintain those facilities.

Community Park: Stella Olsen Park will continue to be the primary focus of major recreational activities. It will contain a variety of recreational opportunities and be related to the Old Town commercial center and central area schools. Joint use of park and school facilities will continue to be

encouraged. Expansion of Stella Olsen park to the north to include the site now known as Glen Park is suggested. Additional public access to Stella Olsen Park and the remainder of the greenway is planned from North Sherwood Boulevard. Stella Olsen Park should provide for most of the City's central recreational needs. Additional picnic and playfield areas, limited due to excessive slopes and wet soils can be provided by joint use of school sites and an expanded neighborhood park system. Encourage implementation of the 1989 Stella Olsen Park Master Plan.

**Neighborhood Parks:** Outside of the central area, possible park sites may be located in close proximity to residential areas. It is the intent of the plan to encourage acquisition and/or development of these or similarly situated sites and to take advantage of site donations, access, significant natural areas, views, and vegetation. Joint park school sites will be sought in conjunction with the Sherwood School District's long range facilities improvement plan. It is the intent of this plan to stress the importance of accessible neighborhood parks of between 2 and 5 acres to serve neighborhoods of 2,000 to 4,000 persons. Based on the standard developed in Subsection 4 the City will strive for four or five neighborhood parks. Several potential future sites were identified in the 1980 Plan. They are listed below. Specific sites were removed in the 1989-1991 Plan update.

1. Edy Road Site
2. Scholls Sherwood Site (possible school/park site)
3. Town Square Site
4. Murdock Road Site (possible school/park site)
5. Four Corners Site
6. High School Site (possible school/park site)
7. Reservoir Site

- b. **Greenways:** An open space system consisting of the flood plains of Cedar Creek and Rock Creek will be acquired and preserved for public use as passive open space and natural drainage ways. Creek greenways may be linked to a regional greenway along the Tualatin River. A principal use of the greenways will be to provide for linkages between parks and major activity centers. Continuity between the Cedar Creek and Rock Creek greenways will be made by using connections through the school property on North Sherwood Boulevard. The Tonquin Scabland Geologic Area shall be preserved and enhanced by very low density residential development and P.U.D.'s.
- c. **Trails, bikeways and scenic corridors:** The parks and open spaces in the urban area will be connected by a system of inter-connecting trails, bikepaths and scenic corridors. Combination pedestrian and bikeways will be developed to link all parts of the urban area along major transportation

routes. Trails will be developed within and between the greenways system and will be designed to enhance public access and the enjoyment of natural areas preserved by the plan. Where possible trails will make use of utility and street easements.

- d. **Historic and Cultural Resources:** Structures and sites which maintain continuity with the City's past and which provide places for persons to congregate and enjoy cultural activities will be developed and/or preserved. The City will consider the preservation of structures and sites of historic and/or architectural significance as identified by the 1989 Sherwood Cultural Resources Inventory. It is the intention of this plan to preserve and develop distinctive historic or cultural features of the Planning Area so as to maintain the City's unique identity in the face of urban growth. The 132 sites identified in the 1989 Cultural and Historic Resources Survey shall be reviewed to determine which should be designated landmarks to be protected by historic landmark protection standards in the code.

**6. FINANCE, ACQUISITION, AND MAINTENANCE OF RECREATIONAL AREAS AND FACILITIES**

The financing of the recreation and open space areas and facilities identified in this plan and those to be detailed in the proposed site-specific recreation and open space plans is the responsibility of existing and future property owners of Sherwood aided by available funding from state and federal agencies. It is the intention of the City to develop a detailed recreation and open space system capital improvements plan which will detail revenue sources and scheduling for needed areas and facilities. In the interim the following approaches will be employed to acquire and develop Sherwood's recreational resources.

- a. **Community Parks:** Funds for the expansion, development and maintenance of existing and future community parks will be through the general revenue park fund, state and federal grant programs and special bond elections.
- b. **Rock Creek and Cedar Creek Greenways and the TSGA:** The City will acquire portions of the proposed greenways and the TSGA according to the following procedures.
  - (1) Require the dedication of the greenway and natural area portions of proposed new development, including PUD's, subdivisions, partitions, and site plans.
  - (2) Allow transfer of density from portions of sites within designated greenways or natural areas to buildable portions of sites outside of the greenway as compensation for the dedication of the greenway portion.

- (3) Acquire portions of greenways or natural areas in developed areas through donation, and/or purchase using state and federal grants, and City system development charges.
- c. Neighborhood Parks: The acquisition and development of neighborhood recreational facilities shall be financed by a neighborhood facilities assessment based on the neighborhood park standards (acres/person) as applied to neighborhood areas defined in the Plan.
- d. Trails, Bikeways, and Scenic Corridors: Trails and bikeways which are a part of identified greenways or parks will be financed and maintained from the sources for those areas and facilities specified above. Bikeways and pedestrian ways to be located within dedicated street rights of way will be consistent with the street's functional design standards. Scenic corridors or conservation easements on major streets will be developed and maintained as portions of on-site landscaping requirements for new development. Scenic corridors along existing developed property will be acquired through donation or purchase from general street or park funds, or state and federal grants.

## **F. ENERGY RESOURCES**

### **1. EXISTING CONDITIONS**

The City currently has no comprehensive policy which addresses energy conservation. The accelerating costs and declining amounts of non-renewable energy resources needs no additional documentation. In the context of the Sherwood Comprehensive Plan, energy is treated as an essential environmental resource which will require careful management at the local as well as County, State and Federal levels of government. In the preparation of the following policies and strategies, the City has made use of the Oregon Department of Energy's publication entitled Community Energy Planning and the MSD City energy analysis information (See Section V Background Data and Analysis).

### **2. ENERGY POLICIES AND STRATEGIES**

In order to achieve the energy resource goals stated in Subsection B above the following policies and strategies shall be established.

**Policy 1**      **The City will seek to minimize petroleum based energy use.**

**Strategy:**

- The City will provide for the construction of bikeways and pedestrian paths connecting major activity centers.
- The City will review new development to discourage excess or inefficient lighting and minimize the use of energy for public lighting.
- The City will work with Tri-Met to encourage the use of mass transit by increasing densities near transit routes, expanding routes, providing park and ride and shelter facilities and improving bus travel times.
- The City will encourage the development and use of the Southern Pacific rail corridor for transit and shipping.

**Policy 2**      **The City will seek to cooperate with other governmental and private agencies engaged in energy conservation efforts and seek ways to expand its role and influence in achieving more efficient use of energy resources.**

**Strategy:**

- The City will cooperate with the METRO energy conservation strategy.
- The City will cooperate with Washington County, METRO, and the State in developing and employing new incentives to conserve energy such as incentives for the recycling of solid waste and tax incentives for energy efficient devices and improvements.

**Policy 3**      **The City will encourage the use of renewable sources of energy.**

**Strategy:**

- The City will review new development for solar and wind exposure and provide for flexibility in site layout to realize the energy benefits of sun and wind orientation.
- The appropriate retention of natural features and the use of landscaping for conservation and solar and wind use will be incorporated into review criteria for new development.
- The City will work with appropriate governmental agencies to reduce the environmental impact of wood burning.

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

**Strategy:**



- The City will enforce Chapter 53 of the Uniform Building Code.
- The City will consider density bonuses for energy efficient sites and structure design in the approval of new development.
- The City will encourage the use of energy efficient structure design such as common wall and zero lot line units and two story buildings.
- The City will investigate the use of solar access legislation while reviewing new development to insure the availability of light, wind, and air.
- Housing, shopping and employment will be located to reduce the amount of energy needed for transportation between them. Multi-use planned developments will be encouraged.
- Reduce urban sprawl by increasing residential densities, eliminating strip commercial development and scattered industrial and commercial uses; and encourage the infill of passed over land.
- The City will seek to reduce public utility and street standards to a minimum functional level.
- The City will encourage energy efficient industrial activities.

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To: Planning Commission

App. Submitted: 01/17/06

App. Complete: 04/14/06

Decision Date: 07/13/06

From: Heather Austin, AICP, Associate Planner

120-Day Deadline: 08/12/06

Heather M Austin

### Background

MLP 04-02 Columbia Street Partition was approved on February 21, 2005 for the creation of three lots. However, a condition of approval was that an administrative variance for lot depth be obtained for one lot (reduced from 80 feet to 72 feet, a 10% reduction). Should this administrative variance not be obtained, the partition could only be recorded with two lots as the third would not meet the dimensional standards of the Medium Density Residential High (MDRH) zone. The lot depth administrative variance was applied for on January 17, 2006 and deemed complete on April 14, 2006. The public notice was mailed on April 21, 2006 per Section 4.402.03B of the Code. Two pieces of public testimony were submitted. One requested a public hearing before the Planning Commission if the application was not denied outright.

Staff notified the applicant on May 9, 2006 that the request had been made for a public hearing and per Section 4.402.03A, the additional fee of \$2,760.00 would be required and a hearing would be scheduled in order to proceed. The applicant did not respond. In order to comply with the 120-day deadline, staff issued a denial of the administrative variance request on July 13, 2006 because the applicant had not submitted the additional fee to continue the process.

The applicant submitted an appeal of the denial on July 27, 2006. The applicant is appealing on the grounds that the letter from staff requiring the additional fee to continue the process was never received. On July 27, 2006, the applicant also submitted a check for \$2,760.00, the additional fee required to move the administrative variance to a variance requiring a public hearing. The applicant is requesting that the denial be remanded to the Planning Department and a hearing for the variance be scheduled with the Planning Commission. The applicant has also extended the 120-day deadline by 60 days to allow time for a variance hearing by the Planning Commission.

### Staff Recommendation

Sending letters via certified mail throughout the course of reviewing a land use application is not the customary practice of the Planning Department. The letter staff sent to the applicant May 9, 2006 was not sent via certified mail and therefore, staff has no way to determine if, in fact, the applicant did or did not receive the letter. For this reason, staff recommends that the Planning Commission remand this land use action back to the Planning Department to post public notice and schedule a variance hearing before the Planning Commission. This hearing would be scheduled for September 12, 2006.

Attachments:

- A. Administrative variance application
- B. Public notice of administrative variance
- C. Public testimony received from John D. Wild (4/27/06) and Mr. and Mrs. Kandik (4/28/06)
- D. Letter from City Staff to Applicant dated May 9, 2006
- E. Notice of Decision dated July 13, 2006
- F. Appeal application and materials

**End of Report**

Original

Case No. AV 06-01  
Fee \$1,000  
Receipt # 1407  
Date 3.28.06  
TYPE AV

Parcel 3  
of MLP 01-02



Home of the Tualatin River National Wildlife Refuge

### City of Sherwood Application for Land Use Action

#### Type of Land Use Action Requested:

- |   |  |
|---|--|
| <input type="checkbox"/> Annexation               | <input type="checkbox"/> Conditional Use                         |
| <input type="checkbox"/> Plan Amendment           | <input checked="" type="checkbox"/> Minor Partition - Final Plat |
| <input checked="" type="checkbox"/> Variance      | <input type="checkbox"/> Subdivision                             |
| <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Site Plan                               |
| <input type="checkbox"/> Sign Permit              | <input type="checkbox"/> Other: _____                            |

By submitting this form the Owner, or Owner's authorized agent or representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

#### Owner/Applicant Information:

Applicant: Jim & Susan Claus Phone: 503-625-5265  
 Address: 22211 SW Pacific Hwy; Sherwood, OR  
 Owner: " Phone: "  
 Address: "

Contact for Additional Information: Keith Jehnke - AKS Engineering

#### Property Information:

Street Location: West end of South Columbia St.  
 Tax Lot and Map No: TL 10800 of 2S 132BC - (Parcel 3 of MLP 01-02)  
 Existing Structures/Use: Bareland  
 Existing Plan/Zone Designation: MORH

**RECEIVED**


#### Proposed Action:

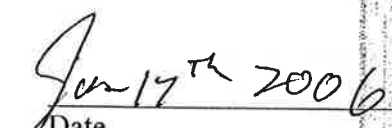
Proposed Use: Residential Detached **JAN 17 2006**  
 Proposed Plan/Zone Designation: MORH BY NA  
 Proposed No. of Phases (one year each): 1 **PLANNING DEPT**  
 Standard to be Varied & How Varied (Variance Only): NA  
 Purpose and Description of Proposed Action: Divide parcel 3 of MLP 01-02 into 3 parcels


**Authorizing Signatures:**

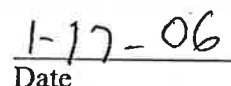
I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

  
Applicant's Signature

  
Date

  
Owner's Signature

  
Date

**To be submitted with the Application:**

*To complete the application, submit fifteen (15) copies of the following (collated in sets with plans folded, not rolled):*

1. *A brief statement describing how the proposed action satisfies the requested findings criteria contained in the Comprehensive Plan for the action requested.*
2. *Applicable existing conditions and proposed development plan information and materials listed in Part 3, Chapter 4, Section 4.100 of the Comprehensive Plan. The information in Section 4.100 which is applicable to a given application shall be determined during a preapplication conference with the Planning Director.*
3. *Full size development plans.*
4. *Development plans reduced to 11 x 17 inches.*

**COLUMBIA STREET MLP 01-02 PARCEL 2 & 3 FINAL  
PARTITION APPLICATION & PARCEL 3A VARIANCE**

**APPLICATION SUMMARY**

**OWNER APPLICANT/  
OWNER'S REPRESENTATIVE** Jim & Susan Claus  
22211 SW Pacific Hwy  
Sherwood, Oregon 97140  
Phone: 503-625-5265  
Fax: 503-625-3525

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**APPLICANT'S ENGINEERS** AKS Engineering & Forestry  
Attn: Keith Jehnke  
13910 SW Galbreath Drive; Suite 100  
Sherwood, OR 97140  
Phone: 503-925-8799  
Fax: 503-925-8969

**LOCATION** The property is located at the western end  
of SW Columbia Street.

**LEGAL DESCRIPTION** Parcels 2 & 3 of Partition Plat No. 2004-060. See attached  
Exhibit "A".  
Tax Map 2S 1 32 BC; TL 10700 & 10800  
City of Sherwood, Washington County, Oregon

**SITE AREA** Parcel 3-Approximately 15,070 square feet  
Parcel 2-Approximately 10,594 square feet

**ZONING** Medium-Density Residential High (MDRH)

**REQUESTED APPROVAL** Both partitions are included in this Approval request in the  
same format as the Conditions of Approval dated February  
21, 2005.  
Approval of the Final partition plats and Variance. The  
plats seeks to partition the existing parcel into three parcels  
(Parcel 3) and 2 parcels (Parcel 2). The  
engineering/construction improvements for MLP 01-02

**RECEIVED**

JAN 17 2006

BY ha  
PLANNING DEPT

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**AKS ENGINEERING & FORESTRY, LLC**  
Columbia Street MLP 01-02 Parcel 3 Partition-AKS Job #168  
January, 2006

**COLUMBIA STREET, PARTITIONS FINAL PARTITION APPLICATION  
FOR MLP 01-02 PARCELS 2 & 3, & VARIANCE FOR PARCEL 3A- Page 2**

---

incorporated these future partitions. Therefore the site is completely developed for both parcels. The current site has City water, sanitary sewer, storm sewer, power, phone, natural gas and cable brought to the property line.

**VARIANCE**

Lot Depth less than 80 feet.

**Proposed Variance**

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For the MDRL zone the Code states the minimum lot depth is 80 feet. Lot 3A has a lot depth of approximately 72 feet. This is less than the minimum 80 feet. A Variance for this item is being requested as part of the Final Partition application.

**Reason for Variance**

The proposed partition conforms with all but one requirement of the Community Development Code. The proposed Variance is for authorization of a lot depth less than 80 feet. The Variance is required for the following reasons:

1. Parcel 3A must be allowed to have a depth of less than 80 feet to allow for this property to develop into 3 parcels.
2. Parcel 3A cannot have a depth of 80 feet, as it is constrained to the south by South Columbia Street.
3. The South Columbia Street right-of-way dedication on prevented Parcel 3A from having a lot depth of 80 feet.

**4.400 VARIANCES**

• **GENERALLY**

**1. Authorization**

**The Commission may authorize variances from the standard requirements of this Code where it can be shown that, owing to special and unusual circumstances related to a specific property, strict application of this Code would cause undue or unnecessary hardship. No variances shall be granted to allow the use of property for a purpose within the zone in which proposed use is located.**

This variance may be authorized by the commission because it can be shown that, owing to special and unusual circumstances related to a specific, strict application of this Code would cause undue or unnecessary hardship. A variance is necessary to partition this property into 3 Parcels. This is detailed below in the response to the Approval Criteria.

**1. Approval Criteria**

**COLUMBIA STREET PARTITIONS FINAL PARTITION APPLICATION  
FOR MLP 01-02 PARCELS 2 & 3, & VARIANCE FOR PARCEL 3A- Page 3**

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No variance request shall be granted unless each of the following is found.

2. **Exceptional and extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the effective date of this Code, topography, or other circumstances over which the applicant has no control.**

Given the geometric configuration of the property and the requirement for a dedication of right-of-way to provide access off of S. Columbia, ~~leave 72 feet for~~ the depth of parcel 3A. Given this required dedication of right-of-way, a variance for the parcel depth is necessary.

3. **The variance is necessary for the preservation of a property right to the applicant substantially the same as owners of the property in the same zone or vicinity.**

The variance is necessary to preserve the right to develop the property similarly to nearby properties.

4. **The authorization of the variance will not be materially detrimental to the purposes of this Code, or the other property in the zone of vicinity in which the property is located, or otherwise conflict with the goals, objectives and policies of the Comprehensive Plan.**

The authorization of the requested Variance will not be materially detrimental to the purposes of the Code nor will it have a detrimental effect on other properties in the zone or vicinity. The Variance will allow the property to be developed within all other parameters of the Code and underlying zone. The Variance helps the development meet other goals, objectives, and policies including density ratios, marketable housing, and livable neighborhoods.

5. **The hardship is not self-imposed and the variance requested is the minimum variance, which would alleviate the hardship.**

The hardship is not self-imposed because the property configuration and right-of-way dedication are not the doing of the owner.

6. **The hardship does not arise from a violation of this Code.**

The hardship does not arise from a violation of this Code. The owner is not aware of any development, permitted or otherwise, on this site since the Code was effective.

1. **Application Content**

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**AKS ENGINEERING & FORESTRY, LLC**

Columbia Street MLP 01-02 Parcel 3 Partition-AKS Job #168  
January, 2006



**COLUMBIA STREET PARTITIONS FINAL PARTITION APPLICATION  
FOR MLP 01-02 PARCELS 2 & 3, & VARIANCE FOR PARCEL 3A- Page 4**

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The Variance is applied for with the Final Partition Application, therefore the Final Application materials and Final Plat are included.

• **ADMINISTRATIVE VARIANCE**

1. **Authorization to Grant or Deny Variances to on-site requirements.**  
The city Manager or his or her designee may authorize a variance from the standards of this Code relating to dimensional and on-site requirements, except lot area. Provided, however, that no variance under this section shall be greater 25% of the requirement from which the variance is sought.
- 

The code states a minimum lot depth of 80 feet and a minimum rear lot setback of 20 feet. The applicant requests that the minimum lot depth be reduced to approximately 72 feet. This item is less than 25% and meet the criteria of an Administrative Variance.

2. **Criteria for Variances Granted Under Section 4.401.03**

1. **In the case of a yard or other dimensional variance, except lot area, the applicant shall address the findings in Section 4.401.02 as well as show the approval will result in:**
1. **More efficient use of the site.**
  2. **Preservation of natural features, where appropriate.**
  3. **Adequate provisions of light, air and privacy to adjoining properties; and**
  4. **Adequate Access**

The approval of this variance creates a more efficient use of this site as it will allow the property to develop into a 3 parcel Partition. Adequate provisions of light, air, and privacy to adjoining properties will not be compromised as the lot configuration will be consistent with the development of the adjoining properties. Adequate access will still exist for all lots due to the extension of S. Columbia Street. No natural features of any significance exist on this property; therefore preservation is not warranted or appropriate.

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**NARRATIVE IDENTIFYING HOW THE REQUIRED CONDITIONS OF APPROVAL HAVE OR WILL BE MET**

This portion will be have the City's comments followed by how the Condition was met:

1. *Development and construction on the site shall conform substantially to the preliminary plat development plans submitted by AKS Engineering*

**COLUMBIA STREET PARTITIONS FINAL PARTITION APPLICATION  
FOR MLP 01-02 PARCELS 2 & 3, & VARIANCE FOR PARCEL 3A- Page 5**

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*and Forestry and attached hereto as Exhibits A-1 through A-3 and B-1 through B-3, except as modified in the conditions below, and shall conform specifically to final construction plans reviewed and approved by the City of Sherwood Planning Director, the City Engineer, the Building Official, Clean Water Services, Tualatin Valley Fire and Rescue, and Tualatin Valley Water District. All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Sherwood. Compliance with the Conditions of Approval is the responsibility of the developer.*

---

The project has been constructed per the City approved AKS plans.

2. *The developer is responsible for all costs associated with any remaining public facility improvements and shall assure the construction of all public streets and utilities within and adjacent to the plat as required by these conditions of approval, to the plans, standards, and specifications of the City of Sherwood. The developer shall also provide to the City financial guarantees for construction of all public streets and utilities within and adjacent to the plat, as required by the engineering compliance agreement.*

All public facility improvements have been completed with the construction of the improvements for MLP 01-02.

3. *Unless specifically exempted in writing by the final decision, the development shall comply with all applicable City of Sherwood and other applicable agency codes and standards, except as modified below:*

The development shall comply with all applicable Codes and Standards.

**B. Prior to Grading the site or the demolition of structures:**

*The subject property has previously been graded and improved with public infrastructure to serve the proposed residential lots. Any previous structures, wells, or septic systems have been removed or mitigated as part of the infrastructure improvements.*

The infrastructure has been constructed.

**C. Prior to Development of the site and connection to public utilities:**

*The subject property has previously been improved with public infrastructure to serve the proposed residential lots. Any outstanding infrastructure improvements*

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**AKS ENGINEERING & FORESTRY, LLC**

Columbia Street MLP 01-02 Parcel 3 Partition-AKS Job #168  
January, 2006

**COLUMBIA STREET PARTITIONS FINAL PARTITION APPLICATION  
FOR MLP 01-02 PARCELS 2 & 3, & VARIANCE FOR PARCEL 3A- Page 6**

*as may be needed, such as the installation of a street light at the terminus of Columbia Street or installation of permanent fencing along the outermost limits of the vegetated corridor, shall be completed prior to release of any building permits. Such improvements shall be in compliance with the regulations of and any conditions of approval as have been provided by Clean Water Services, Tualatin Valley Fire and Rescue, Tualatin Valley Water District, and the City of Sherwood.*

The street light has been placed. No parcels existing or proposed in either of these partitions about a CWS vegetated corridor.

*D. Final Plat:*

- 2. The submittal by the applicant for each final plat review and approval shall include but not be limited to the following: a final plat application; final plat review fee; narrative identifying how the required conditions of approval have or will be met; copies of the final plat; and any other materials required to display compliance with the conditions of approval.*

This final Plat Application includes:

- A. A final Plat Application for each partition.*
  - B. Final Plat Review fee for each partition.*
  - C. Narrative identifying how the conditions of approval will be/have been met.*
  - D. Copies of the Final Plat for each Partition.*
- 3. The final plat shall be submitted for review and approval to the Planning Director and City Engineer and shall comply with Chapter 7 of the SZCDC and the dimensional requirements of Section 2.104.04, the Medium Density Residential High (MDRH) zoning district. Parcel 3A, as proposed, does not appear to meet the 80-foot lot depth requirement of the MDRH zone. However, such lot may be permissible if reviewed and approved through the Variance process as identified within Section 4.402 of the SZCDC.*

The Final Plats for each partition is attached along with a Variance Application for Parcel 3A.

- 4. The final plat shall show the following:*
  - Eight-foot wide public utility easements along all public rights-of-way within and adjacent to the plat. The public utility easements shall be approved by the City Engineer prior to approval of the final plat.*

**COLUMBIA STREET PARTITIONS FINAL PARTITION APPLICATION  
FOR MLP 01-02 PARCELS 2 & 3, & VARIANCE FOR PARCEL 3A- Page 7**

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These eight-foot utility easements along the public rights-of-way were dedicated in the Final Partition Plat of MLP 01-02.

- *The City Planning Director as the City's approving authority within the signature block of the final plat.*

The Final Partition Plat has the City Planning Director as the City's approving authority.

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- *The proposed name for Columbia Street with a southwest directional prefix.*

This is noted on the Final Plats.

- *Utility easements to the City of Sherwood at any location in which public water, sanitary, or storm sewer lines are proposed for location outside public right-of-way. The minimum width for such easements shall be 15 feet for a single utility and increase an additional five feet for each additional utility placed within the same easement. Any utility easement to the City shall be exclusive, centered over said lines and be reviewed and approved by the City Engineer prior to approval of the final plat.*

These plats require no additional utility easements as they were all dedicated in MLP 01-02.

- *Private access and/or utility easements as required for the development of the site. A plat note shall reference an easement and maintenance agreement or similar document, to be recorded with the plat, for the joint maintenance of any common private utility lines, common driveway improvements, or other common amenity such as perimeter fencing or use of the off-street parking space. Such parking space shall not be used for recreational vehicle storage or other similar storage not allowed under the Municipal Code. The language of such plat note and associated document shall be reviewed and approved by the Planning Department prior to approval of the final plat.*

The only private easements are for access to parcel 2A and 2B of MLP 01-02 Parcel 2, and the private parking pad for parcels 2B and 3C. The Final Plats contain a note making the parcels subject to a separately recorded Joint Maintenance Agreement. The proposed Joint Maintenance Agreement for these parcels is attached for your review and comment.

- *A plat note accompanied by a disclosure statement to identify the subject area as a prior municipal landfill that has soil constraints, such as the arsenic*

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**AKS ENGINEERING & FORESTRY, LLC**

Columbia Street MLP 01-02 Parcel 3 Partition-AKS Job #168  
January, 2006

**COLUMBIA STREET PARTITIONS FINAL PARTITION APPLICATION  
FOR MLP 01-02 PARCELS 2 & 3, & VARIANCE FOR PARCEL 3A- Page 8**

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*capped area, which require additional geotechnical investigating. Such language on the plat and in the associated document shall be reviewed and approved by the Planning Department prior to approval of the final plat.*

The City is retracting the municipal landfill comment and changing it to "undocumented fill". The client will file a Slag Easement over the required area at the same time the plats are recorded. These documents are attached.

- *A plat note, accompanied by a disclosure statement, to identify the presence of the rail line in the vicinity and occasional disturbance caused by noise and vibration. Such language on the plat and in the associated document(s) shall be reviewed and approved by the Planning Department prior to approval of the final plat.*
- 

The "Noise and Vibration Disclosure Statement" is attached for your review and comment.

*D. Prior to Final Plat Approval:*

1. *Prior to approval of the final plat, the developer shall provide to the City a copy of the financial guarantees for the provision of street trees. Street trees shall be a minimum trunk diameter of 2 inches DBH and minimum height of 6 feet as approved by the City Engineer. All public improvements shall be subject to approval by the City Engineer. A landscaping plan, illustrating location of tree plantings along SW Columbia Street and within the front yard areas of the six parcels collectively creating Partition Plat No. 2004-060 shall be submitted with public improvement plans and subject to Planning Director approval.*

The proposed planting plan for the two partitions is attached. A check for the Street Trees is attached.

*Fencing on individual lots shall be uniformly constructed in accordance with the City of Sherwood Zoning and Community Development Code. Prior to final plat approval, a master fencing plan shall be provided to the Planning Department for review and approval and shall include the anticipated location and type of fencing. Such plan shall be substantially followed during home construction or by the future homeowners if installed at a future date. Such plan shall also identify a six-foot tall non-combustible fence along the rail line, where such abuts Partition Plat No. 2004-060, and a permanent fence per Clean Water Services standards along the outer limits of the vegetated corridor, where such abuts the southern property boundary of Partition Plat No. 2004-06. Installation of such fencing shall be required prior to release of building permits on the subject property*

**COLUMBIA STREET PARTITIONS FINAL PARTITION APPLICATION  
FOR MLP 01-02 PARCELS 2 & 3, & VARIANCE FOR PARCEL 3A- Page 9**

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Fencing on individual lots shall be uniformly constructed in accordance with the City of Sherwood Zoning and Community Development Code. The six foot tall noncombustible fence will be placed along the Southern Pacific Railroad right-of-way along parcels 3A and 3B. It is not known at this time what types of fences the future occupants will want on this site. None of the parcels in these partitions abuts the CWS vegetated corridor.

*All public improvements shall be constructed and accepted unless otherwise covered by a performance bond, approved and accepted by the City Engineer.*

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The only remaining public improvements are the street trees. The street trees were bonded during the construction of the improvements for MLP 01-02 as shown on the Street Tree and Street Light Plan sheet 11 of 11 of those construction plans..

**Building Permits**

1. *The building plans shall conform to the approved preliminary plat and engineering plans.*
2. *An electronic version of the final plat must be submitted to the Planning Department prior to **submittal** of building permits.*
2. *Building permits shall not be submitted until the public improvements are substantially complete, as determined by the City Engineer, and the final plat(s) has been recorded. An approval letter from the Engineering Department, accepting all public improvements, shall be issued prior to submittal of building permits.*
3. *The City Engineering Department must confirm all needed easements and access agreements have been recorded. In addition, the vacation process must be completed for any easements to be vacated.*
4. *Prior to submittal of any building permit applications, the developer shall provide to the Building Official a geotechnical investigation report including slope stability studies, on-site grading, cutting and filling, structural foundation requirements, surface and subsurface drainage recommendations, erosion vulnerability, and building or grading limitations, including top of slope offsets and areas restricted for site grading. Construction of streets, utilities, and structures on the site shall comply with any recommendations of the geotechnical investigation report (as required by the City Engineer or Building Official). Building permit applications for on-site structures shall include a final geotechnical report identifying any portions of the site requiring further evaluation by a state*

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**AKS ENGINEERING & FORESTRY, LLC**

Columbia Street MLP 01-02 Parcel 3 Partition-AKS Job #168

January, 2006

**COLUMBIA STREET PARTITIONS FINAL PARTITION APPLICATION  
FOR MLP 01-02 PARCELS 2 & 3, & VARIANCE FOR PARCEL 3A- Page 10**

- registered and certified geotechnical or structural engineer and a compaction test for each lot in the development, as required by the Building Official.*
5. *Driveways shall conform to Section 5.402 of the Sherwood Zoning and Community Development Code, with individual driveway slopes not exceeding a grade of 14%.*
  6. *Setbacks for the future homes shall be determined based upon Sections 1.202.01 and 2.104.04 B. of the SZCDC. Buildings and overhangs shall not extend into any easement areas, as has been identified on Exhibits A 3 and B-3. Review of such shall occur at the point of building permit submittal.*
  7. *Placement of construction trailers on the subject property shall require a Temporary Use Permit per Section 4.500 of the SZCDC. Construction trailers shall be located outside the public right-of-way.*

**G. On-going Conditions**

1. *All rain, storm, and other surface water runoff from roofs, exposed stairways, light wells, courts, courtyards, and exterior paved areas shall be disposed of in compliance with local ordinances and state rules and regulations, in a manner that will not increase runoff to adjacent properties. The approved points of disposal include storm sewer laterals to a public system or other storm sewer system as approved by the City Engineer.*
2. *The developer shall coordinate the location of mailboxes with the Post Office.*
3. *The developer shall coordinate location of garbage and recycling receptacles with Pride Disposal.*
4. *The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code.*
5. *Decks, fences, sheds, building additions and other site improvements shall not be located within any easement unless otherwise determined by the City of Sherwood.*

The developer will abide by the above conditions.



## Exhibit B

# NOTICE OF ADMINISTRATIVE REVIEW

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Notice is hereby given that the Planning Director's decision in **AV 06-01 Columbia Lot Depth Variance**, shall be made without a public hearing and not before Tuesday, May 2, 2006. Any person may submit written comments to the Planning Department which address the relevant approval criteria of the Zoning and Community Development Code. Such comments must be received by the Planning Department by 5pm on Monday, May 1, 2006.

**AV 06-01 Columbia Lot Depth Variance:** a request by AKS Engineering (applicant's representative) on behalf of Jim and Susan Claus (applicant) for approval of an administrative variance to reduce the lot depth for one residential lot from the required 80 feet to 72 feet. The subject property measures approximately 5,059 square feet in size, is zoned Medium Density Residential High (MDRH), and is generally located on the west end of Columbia Street, west of SW Main Street. The site is specifically identified as Parcel 1 of Tax Lot 10800 on Washington County Tax Assessor Map 2S132BC (review of plat in process to partition Tax Lot 10800 into three parcels). The administrative variance approval requested is classified by the Sherwood Zoning and Community Development Code as requiring an administrative review process.

**Applicable Code Criteria:** Sherwood Comprehensive Plan Part 3, Zoning and Community Development Code, Chapter 4, Sections 4.401.02 and 4.402.02 (detailed below).

### **4.401.02 Approval Criteria**

No variance request shall be granted unless each of the following is found:

- A. Exceptional and extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the effective date of this Code, topography, or other circumstances over which the applicant has no control.
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity.
- C. The authorization of the variance will not be materially detrimental to the purposes of this Code, or to other property in the zone or vicinity in which the property is located, or otherwise conflict with the goals, objectives and policies of the Comprehensive Plan.
- D. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.
- E. The hardship does not arise from a violation of this Code.

### **4.402.02 Criteria for Variances Granted Under Section 4.401.03**

- A. In the case of a yard or other dimensional variance, except lot area, the applicant shall address the findings in Section 4.401.02 as well as show the approval will result in:



1. More efficient use of the site
2. Preservation of natural features, where appropriate
3. Adequate provisions of light, air and privacy to adjoining properties; and
4. Adequate access

Any property owner or person residing or doing business within one hundred (100) feet of the proposal may present written comments to the City which address the relevant criteria listed and detailed above (Sections 4.401.02 and 4.402.02). Anyone providing written comments may also request that a public hearing be held by the Planning Commission on the proposal. Written comments and/or a request for a hearing must be submitted in writing and received by 5pm on Monday, May 1, 2006. Written statements may be submitted to the Planning Department, Sherwood City Hall, 22560 SW Pine Street, Sherwood, OR 97140.

Application materials are available for review or can be copied for a reasonable cost at the Sherwood City Hall. You may use the form below to submit comments if you choose to do so. If you have questions on this matter or would like to obtain additional information, please contact the Planning Department at (503) 625-5522.

-----

- No comment.
- We encourage approval of this request.
- Please address the following concerns should this application be approved:

Criteria (See list above): \_\_\_\_\_  
 Concern: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*Please feel free to attach additional sheets as needed to complete your comments.*

Comments by: \_\_\_\_\_ Date: \_\_\_\_\_  
 Address: \_\_\_\_\_ Tel.: \_\_\_\_\_ (optional)  
 \_\_\_\_\_ Email: \_\_\_\_\_ (optional)

Notice to mortgagee, lien holder, vendor or seller: The City of Sherwood requests that you promptly forward this notice to the purchaser if this notice is received.



## NOTICE OF ADMINISTRATIVE REVIEW

---

Notice is hereby given that the Planning Director's decision in AV 06-01 Columbia Lot Depth Variance, shall be made without a public hearing and not before Tuesday, May 2, 2006. Any person may submit written comments to the Planning Department which address the relevant approval criteria of the Zoning and Community Development Code. Such comments must be received by the Planning Department by 5pm on Monday, May 1, 2006.

**AV 06-01 Columbia Lot Depth Variance:** a request by AKS Engineering (applicant's representative) on behalf of Jim and Susan Claus (applicant) for approval of an administrative variance to reduce the lot depth for one residential lot from the required 80 feet to 72 feet. The subject property measures approximately 5,059 square feet in size, is zoned Medium Density Residential High (MDRH), and is generally located on the west end of Columbia Street, west of SW Main Street. The site is specifically identified as Parcel 1 of Tax Lot 10800 on Washington County Tax Assessor Map 2S132BC (review of plat in process to partition Tax Lot 10800 into three parcels). The administrative variance approval requested is classified by the Sherwood Zoning and Community Development Code as requiring an administrative review process.

**Applicable Code Criteria:** Sherwood Comprehensive Plan Part 3, Zoning and Community Development Code, Chapter 4, Sections 4.401.02 and 4.402.02 (detailed below).

### 4.401.02 Approval Criteria

No variance request shall be granted unless each of the following is found:

- A. Exceptional and extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the effective date of this Code, topography, or other circumstances over which the applicant has no control.
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity.
- C. The authorization of the variance will not be materially detrimental to the purposes of this Code, or to other property in the zone or vicinity in which the property is located, or otherwise conflict with the goals, objectives and policies of the Comprehensive Plan.
- D. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.
- E. The hardship does not arise from a violation of this Code.

### 4.402.02 Criteria for Variances Granted Under Section 4.401.03

- A. In the case of a yard or other dimensional variance, except lot area, the applicant shall address the findings in Section 4.401.02 as well as show the approval will result in:

1. More efficient use of the site
2. Preservation of natural features, where appropriate
3. Adequate provisions of light, air and privacy to adjoining properties; and
4. Adequate access

Any property owner or person residing or doing business within one hundred (100) feet of the proposal may present written comments to the City which address the relevant criteria listed and detailed above (Sections 4.401.02 and 4.402.02). Anyone providing written comments may also request that a public hearing be held by the Planning Commission on the proposal. Written comments and/or a request for a hearing must be submitted in writing and received by 5pm on Monday, May 1, 2006. Written statements may be submitted to the Planning Department, Sherwood City Hall, 22560 SW Pine Street, Sherwood, OR 97140.

Application materials are available for review or can be copied for a reasonable cost at the Sherwood City Hall. You may use the form below to submit comments if you choose to do so. If you have questions on this matter or would like to obtain additional information, please contact the Planning Department at (503) 625-5522.

- 
- No comment.
  - We encourage approval of this request.
  - Please address the following concerns should this application be approved:

Criteria (See list above): This significant (10%) change  
 Concern: is it would be a self imposed  
as a product of trying to crowd too many  
homes into too small an area.

Please feel free to attach additional sheets as needed to complete your comments.

Comments by:

Address:

John D. Wild  
14361 Wildlife Haven Ct.  
Sherwood OR 97140

Date:

Tel.:

Email:

4/25/06

503 310 3245

(optional)

(optional)

Notice to mortgagee, lien holder, vendor or seller: The City of Sherwood requests that you promptly forward this notice to the purchaser if this notice is received.

**RECEIVED**

APR 27 2006

BY na  
 PLANNING DEPT

1. Mo... of the site
2. Preservation of natural features, where appropriate
3. Adequate provisions of light, air and privacy to adjoining properties; and
4. Adequate access

Any property owner or person residing or doing business within one hundred (100) feet of the proposal may present written comments to the City which address the relevant criteria listed and detailed above (Sections 4.401.02 and 4.402.02). Anyone providing written comments may also request that a public hearing be held by the Planning Commission on the proposal. Written comments and/or a request for a hearing must be submitted in writing and received by 5pm on Monday, May 1, 2006. Written statements may be submitted to the Planning Department, Sherwood City Hall, 22560 SW Pine Street, Sherwood, OR 97140.

Application materials are available for review or can be copied for a reasonable cost at the Sherwood City Hall. You may use the form below to submit comments if you choose to do so. If you have questions on this matter or would like to obtain additional information, please contact the Planning Department at (503) 625-5522.

- 
- No comment.
  - We encourage approval of this request.
  - Please address the following concerns should this application be approved:

Criteria (See list above): \_\_\_\_\_  
 Concern: \_\_\_\_\_  
 \_\_\_\_\_  
 Please see attachments  
 \_\_\_\_\_  
 A, B, & C  
 \_\_\_\_\_

*Please feel free to attach additional sheets as needed to complete your comments.*

Comments by: Mr. and Mrs. Kandik Date: 4-28-06  
 Address: 16045 SW Columbia St Tel.: 503-625-2164 (optional)  
Sherwood OR 97140 Email: \_\_\_\_\_ (optional)

Notice to mortgagee, lien holder, vendor or seller: The City of Sherwood requests that you promptly forward this notice to the purchaser if this notice is received.

**RECEIVED**

**APR 28 2006**

BY \_\_\_\_\_  
**PLANNING DEPT**



## NOTICE OF ADMINISTRATIVE REVIEW

---

Notice is hereby given that the Planning Director's decision in AV 06-01 Columbia Lot Depth Variance, shall be made without a public hearing and not before Tuesday, May 2, 2006. Any person may submit written comments to the Planning Department which address the relevant approval criteria of the Zoning and Community Development Code. Such comments must be received by the Planning Department by 5pm on Monday, May 1, 2006.

**AV 06-01 Columbia Lot Depth Variance:** a request by AKS Engineering (applicant's representative) on behalf of Jim and Susan Claus (applicant) for approval of an administrative variance to reduce the lot depth for one residential lot from the required 80 feet to 72 feet. The subject property measures approximately 5,059 square feet in size, is zoned Medium Density Residential High (MDRH), and is generally located on the west end of Columbia Street, west of SW Main Street. The site is specifically identified as Parcel 1 of Tax Lot 10800 on Washington County Tax Assessor Map 2S132BC (review of plat in process to partition Tax Lot 10800 into three parcels). The administrative variance approval requested is classified by the Sherwood Zoning and Community Development Code as requiring an administrative review process.

**Applicable Code Criteria:** Sherwood Comprehensive Plan Part 3, Zoning and Community Development Code, Chapter 4, Sections 4.401.02 and 4.402.02 (detailed below).

### 4.401.02 Approval Criteria

No variance request shall be granted unless each of the following is found:

- A. Exceptional and extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the effective date of this Code, topography, or other circumstances over which the applicant has no control.
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity.
- C. The authorization of the variance will not be materially detrimental to the purposes of this Code, or to other property in the zone or vicinity in which the property is located, or otherwise conflict with the goals, objectives and policies of the Comprehensive Plan.
- D. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.
- E. The hardship does not arise from a violation of this Code.

### 4.402.02 Criteria for Variances Granted Under Section 4.401.03

- A. In the case of a yard or other dimensional variance, except lot area, the applicant shall address the findings in Section 4.401.02 as well as show the approval will result in:

The Notice of Administrative Review was not received by property owners in a timely-manner which would allow adequate time to properly research and review the City's Zoning and Community Development Code and the City's Comprehensive Plan.

The City's Community Development Code states that authorization of an Administrative Variance cannot be granted unless property owners within 100 feet of the subject property are notified and allowed to comment within ten (10) calendar days of the date of the Notice. The Notice sent to property owners was mailed on April 24, 2006 but gives a deadline of May 1, 2006. Based on the date the Notice was mailed, property owners are allowed at least until 5 p.m. on May 4, 2006 to comment and request a hearing.

The Notice of Administrative Review should be reissued in accordance with the City's Zoning and Development Code, Section 4.402.03(B) which provides: "... Any property owner may present written comment to the City which address the relevant criteria and standards. Such comments must be received by the City within ten (10) calendar days from the date on the Notice." The Notice itself is undated, however, states deadlines which do not allow adequate time for property owners to comment.

Mailing of the Notice on April 24, 2006 falls several days short of allowing property owners adequate time to comment within the ten (10) calendar days provided for in the City's Zoning and Development Code, Section 4.402.03(B).

(A)



Home of the Tualatin River National Wildlife Refuge

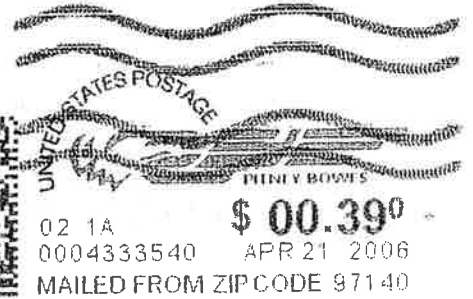
**Community Development Division**  
22560 SW Pine Street  
Sherwood, OR 97140

2S132BD 05501  
John M & Julie A Kandik  
825 SW Columbia St  
Sherwood, OR 97140-9101

97140-9101

PORTLAND OR 972

24 APR 2006 PM



(B)



Parking on Columbia Street has been ruefully inadequate for years. Applicant has not provided any documentation that granting of this variance will be a more efficient use of the site, preserve the natural features, provide adequate access, or provide adequate off-street parking in relation to user demand.

The City's Zoning and Development Code in Section 4.402.02 (B)(1) may grant the variance if applicant can show that the approval will provide adequate off-street parking in relation to user demand. Property owners have not been provided with any explanation of how the applicant intends to provide adequate off-street parking. The property is located in an area where high demand for off-street parking is necessary. The property's close proximity to Old Town Sherwood and the activities of the community and the current residents show that there is strong need for additional parking on Columbia Street. Parking from community activities often overflow onto Columbia Street creating a high-demand for adequate parking – not a low demand. There are no opportunities for joint use of nearby off-street parking facilities.

Decreasing the lot depth from 80 feet to 72 feet may not provide for adequate parking on Columbia Street and it may not enhance the livability of the neighborhood.

Authorization of the variance may be materially detrimental to other property in the zone or vicinity but further research may be necessary to determine the detriment which would be imposed on current property owners and residents.

The lot depth variance should not be granted or in the alternative a public hearing should be held.

©





## Exhibit D

City of Sherwood  
22560 SW Pine St.  
Sherwood, OR 97140  
Tel 503-625-5522  
Fax 503-625-5524  
[www.ci.sherwood.or.us](http://www.ci.sherwood.or.us)

May 9, 2006

**Mayor**  
Keith Mays

Thomas Claus  
22211 SW Pacific Highway  
Sherwood, OR 97140

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

### **RE: Columbia Street Partition Lot Depth Variance**

**City Manager**  
Ross Schultz

Dear Mr. Claus:

The application submitted for a lot depth variance from the required 80 feet to 72 feet was deemed complete on April 14, 2006. Public notice was mailed pursuant to Section 4.402.03.B of the Sherwood Zoning and Community Development Code on April 21, 2006.

The process for review of a variance that requests a 25% or less departure from any standard (except lot size) is an administrative review by the Planning Director or his/her designee. However, if public testimony is received requesting a public hearing, the variance is then reviewed as a Type III land use action before the Planning Commission (per Section 4.402.03.E of the Sherwood Zoning and Community Development Code).

The Sherwood Planning Department received two public comment forms prior to the May 1, 2006 deadline (copies are attached for your reference). One of these public comment forms stated, "The lot depth variance should not be granted or in the alternative a public hearing should be held." Because the Code does not allow the flexibility for someone to request a public hearing subject to approval or denial, this variance request must be reviewed by the Planning Commission as a Type III review pursuant to Section 4.402.03.E.

In addition, because this review now requires a public hearing, the fee is \$2,800.00 per the FY 2005-2006 fee schedule. The \$1,000.00 administrative variance fee has already been paid, so the balance due will be \$1,800.00.

If you would like to pursue the variance through the Type III review process, I will schedule the public hearing and post public notice after the additional fee has been received. If you would like to withdraw your application and revise your pending plat to include one less lot, you may submit a written request for a refund of the \$1,000 fee paid less any staff time spent to date.

Please let me know how you would like to proceed. If you have any questions, please feel free to contact me at 503.625.4206 or [austinh@ci.sherwood.or.us](mailto:austinh@ci.sherwood.or.us).

Sincerely,

*Heather M Austin*

Heather M. Austin  
Associate Planner

Attach: Public comments received April 27, 2006 and April 28, 2006  
Cc: File - AV 06-01 Columbia Street Lot Depth Variance



Home of the Tualatin River National Wildlife Refuge

## NOTICE OF DECISION

Signature Heather M Austin

Heather Austin, AICP  
Associate Planner

TAX LOT: 10800  
MAP NO: 2S132BC  
CASE NO: AV 06-01  
REVIEW TYPE: III  
DATE MAILED: 7-13-06

TO: Applicant/Owner:  
Jim Claus and Susan Claus  
Thomas Claus  
22211 SW Pacific Highway  
Sherwood, OR 97140

### I. DECISION

The Planning Department of the City of Sherwood, Oregon hereby **DENIES** AV 06-01 Columbia Street Lot Depth, an application for an administrative variance for a decrease in the lot depth of a residentially-zoned parcel.

### II. FINDINGS

This decision is based on the following findings of fact based on the applicant's original submittal, public notice mailed on April 21, 2006, public testimony received on April 27, 2006 and April 28, 2006 and Section 4.402 of the Sherwood Zoning and Community Development Code:

The applicant submitted a complete application for an administrative variance per Section 4.402 of the Sherwood Zoning and Community Development Code on April 14, 2006. Public notice was mailed to all property owners within 100 feet of the subject property on April 21, 2006 per Section 4.402.03B. Two property owners who were provided notice submitted public testimony.

John D. Wild, 16361 SW Wildlife Haven Court, submitted testimony on April 27, 2006 stating that this variance seems self-imposed because it is the product of trying to place too many homes on too small an area.

Mr. and Mrs. Kandik, 16045 SW Columbia Street, submitted testimony on April 28, 2006 stating that the notice was not received by property owners in a timely manner. In addition, Mr. and Mrs. Kandik stated that parking was a concern on SW Columbia Street



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Exhibit F

JUL 27 2006



Home of the Tualatin River National Wildlife Refuge

BY HA  
PLANNING DEPT.

NOTICE OF APPEAL  
TYPES I & II

TAX LOT: 10800  
MAP NO: 25132BC  
CASE NO: AV 06-01

TO: Heather Austin, AICP  
City of Sherwood

APPEAL BY: R. James + Susan CLAU  
(Appellant's Name)

ON FILE # AV 06-01 at 25132BC TL 10800  
(address/tax lot number)

The undersigned in the above-entitled matter does hereby appeal from that certain decision of the Planning Department rendered on the 13<sup>th</sup> day of July, 2006, upon the following grounds: *(Please provide on a separate sheet the reasons why you think the Appeal Authority should render a different decision than that rendered by the Planning Department.)*

R James + Susan CLAU  
Appellant  
[Signature]  
22411 SW Pacific Hwy  
Address

Date Signed: 7/26/06, 2006

625-5265  
Phone No.

To be filled out by City Staff

Received by: Heather Austin Date: 7-27-06  
(authorized Staff member)

\* Fee: \$ 250<sup>00</sup> Receipt No.: 6552

\*Based on fee schedule located on the City of Sherwood website: [www.ci.sherwood.or.us](http://www.ci.sherwood.or.us).

APPEAL

Persons who are a party to the decision and who have a basis for an appeal based on an issue that has been raised, are eligible to appeal this decision not more than 14 days after the date on which the action took place. For the applicant, the 14 days are counted from the date the decision was mailed.

ENGINEERING PLANNING

13910 S.W. Galbreath Dr., Suite 100  
Sherwood, Oregon 97140  
Phone: (503) 925-8799  
Fax: (503) 925-8969



SURVEYING FORESTRY

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VANCOUVER, WASHINGTON  
[www.aks-eng.com/keith@aks-eng.com](http://www.aks-eng.com/keith@aks-eng.com)

July 26, 2006

Heather M. Austin  
Associate Planner  
Planning Department  
City of Sherwood  
22560 SW Pine Street  
Sherwood, OR 97140

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JUL 27 2006

BY HA  
PLANNING DEPT.

CC: Thomas Claus (Fax: 503-625-6051)

**Re: Appeal of Notice of Decision for Case No. AV 06-01; and a Request to Extend the 120 Day Rule for AV-06-01 for 60 Additional Days**

Dear Heather,

On behalf of Thomas Claus, we would like to appeal the July 13, 2006 Notice of Decision regarding AV 06-01, requesting a variance in lot depth for a parcel in the Columbia Street Partition. The Appeal fee is \$250.

The reason for the appeal is that the Applicant never received the May 9, 2006 letter from the City of Sherwood. The Applicant would like to request that a Public Hearing be held, as outlined in section 4.402.03A of the Code, and that the Applicant will pay the additional "regular" Variance fees required (as opposed to the administrative variance fees already paid). This totals \$3,760 less the \$1,000 already paid, for a total of \$2,760.

On behalf of Thomas Claus, we would also like to extend the 120 day processing deadline required by ORS 227.178 for application AV 06-01 by sixty days, for the variance requested for the Columbia Street Partition.

Very truly yours,

A handwritten signature in black ink, appearing to read 'KEITH JEHNKE', is written over the 'Very truly yours,' text.

Keith Jehnke PE, PLS, Principal  
AKS Engineering & Forestry, LLC

# GUNN & CAIN LLP

## Attorneys at Law

• 201-B North Meridian • P.O. Box 1046 • Newberg, Oregon 97132 •  
Telephone (503) 538-8318 • Facsimile (503) 537-0591

Michael G. Gunn, P.C.  
Jessica S. Cain P.C.

Sally D. Robinson  
Charles E. Harrell

### FAX TRANSMITTAL

TO: Paul Elsner, City Attorney for Sherwood  
Beery Elsner Hammond, LLP

FROM: Michael G. Gunn

FAX NBR: 503-226-2348

RE: Columbia Street Partition

DATE: July 27, 2006

TOTAL NUMBER  
OF PAGES 3

DOCS ATTACHED: Letter

**RECEIVED**  
JUL 28 2006  
BY HA  
PLANNING DEPT

**WE ARE TRANSMITTING FROM A TOSHIBA 851. IF YOU DO NOT RECEIVE ALL THE AFORESAID PAGES, TELEPHONE 503-538-8318 IMMEDIATELY!**

### CONFIDENTIALITY NOTE

The information contained in this transmission is confidential and/or legally privileged. It is intended for the use of the individual or entity named above. If the reader of this communication is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is prohibited. If you have received this communication in error, please notify this office immediately by telephone to arrange for the return of the original documents to his office. Thank you.

# GUNN & CAIN LLP

## Attorneys at Law

• 201-B North Meridian • P.O. Box 1046 • Newberg, Oregon 97132 •  
Telephone (503) 538-8318 • Facsimile (503) 537-0591

Michael G. Gunn, P.C.  
Jessica S. Cain P.C.

Sally D. Robinson  
Charles E. Harrell

July 27, 2006

Mr. Paul Elser  
Attorney at Law  
1750 SW Harbor Way #380  
Portland, OR 97201

SENT VIA FAX: 225-2348

Re: Claus – City of Sherwood – Columbia St – File #AV 06-01

Dear Paul:

Based upon your E mail to me dated 5/11/06, I am required to direct all communication to you regarding this matter. The facts of the matter are as follows:

1. An administrative variance was applied for regarding a decrease in the lot depth associated with the said property.
2. Two (2) persons submitted public testimony regarding this matter, but the applicant was unaware of this public testimony being submitted.
3. On 5/9/06, city staff purportedly mailed a letter to Thomas Claus (the applicant) informing him that he was required to schedule a public hearing and pay the increased fee associated with a regular variance. Mr. Claus states that he did not receive any such notice.
4. On 7/13/06, city staff denied the variance request.
5. On 7/27/06, Keith Jehnke on behalf of the applicant, filed a notice of appeal with Heather Austin and paid the requisite fee associated with the notice of appeal. As you know, that notice of appeal is required to be filed directly with the City. His communication also stated that the applicant would extend the 120 day deadline for an additional 60 days.

This letter is intended to supplement the notice of appeal as follows:



Letter to Mr. Elsner  
July 27, 2006  
Page 2

1. Thomas Claus states that he did not receive the notice from the city purportedly mailed to him on 5/9/06.
2. The appeal of the staff's denial is to request that a public hearing be scheduled to hear the variance request. Good cause certainly exists, because the applicant has not yet been afforded a full and complete forum regarding the matter.
3. The applicant hereby extends the 120 day deadline associated with the original variance request for an additional 60 days to allow for the public hearing to be conducted. In this manner, the City will have sufficient time to render a decision.

I am specifically requesting that this office be added to the mailing list so that this office receives copies of all notices associated with this matter. Please instruct the City Staff to add my name and address to receive all notices regarding this matter.

Since I am under specific instructions from you that I am required to communicate with your office and not the City regarding the matter, this letter to you as City Attorney acts as an addendum and supplement to the appeal which has been filed. Please advise regarding the matter. Thank you for your cooperation.

Yours very truly,



Michael G. Gunn  
[gunn@gunn-cain.com](mailto:gunn@gunn-cain.com)

MCC:hsc

cc: Mr. and Ms. R. James Claus (via FAX), Thomas Claus (via FAX), Lawrence Wagner (via FAX)



# SHERWOOD SCHOOLS

a great place for kids

## Sherwood School District Administrative Services

23295 S.W. Main Street \* Sherwood, Oregon 97140

July 31, 2006

**RECEIVED**

City of Sherwood  
Planning Commission  
22560 S.W. Pine Street  
Sherwood, OR 97140

JUL 31 2006  
BY HA  
PLANNING DEPT.

Subject: PA 06-01 - Study Area 59 Draft Plan Amendment Application

Dear Commissioners:

The purpose of this letter is to provide additional comments to the Commission regarding the above-referenced application (the "Plan Amendments") on behalf of the Sherwood School District (the "District"). Although I was not able to attend the July 25, 2006, hearing that was held to consider the Plan Amendments, as you know several of the District representatives did attend that meeting. The District representatives appreciated the opportunity to speak to the Commission and to share with the Commission some of the District's thoughts and concerns. After debriefing with my colleagues, I would like to share a few additional thoughts with you.

First, we would like to reiterate that it is critical to the District that 30 acres of property for two future schools be preserved through the Plan Amendments. It is absolutely vital that the property set aside for the District as shown in the April 18, 2006, Concept Development Plan not be allowed to develop with non-school uses before the District is able to purchase the land. As you are aware, Metro brought Study Area 59 into the urban growth boundary ("UGB") in 2002 to allow the District to purchase property and add much needed school capacity to Sherwood's fast-growing student population. To ensure that this would occur, Metro attached a condition to Study Area 59 that requires a location for school sites to be set out and preserved as part of the concept development planning process. The District believes that this designation and preservation must occur for the Study Area 59 condition to be fulfilled.

Even without the legal requirement that a school site be preserved, the District believes that it would be poor public policy to allow Study Area 59 to be redeveloped with more housing and no new schools. It was clear from the Commission's comments at the July 25, 2006, hearing, that the Commission is also concerned about the effect it would have on the community if a school site is not preserved. To fill an area that was brought in to alleviate crowded school conditions with yet more homes and no additional school capacity would profoundly impact schools that are already overcrowded. The unintended consequences would be devastating.

Second, because preservation of a 30-acre school site within Study Area 59 is critical both legally and for policy reasons, the District cannot support any implementation option for the Plan Amendments that would not provide for that preservation. Our understanding is that Options 2 and 3 for Study Area 59 zoning would allow not only the uses specified in the Institutional-Public zone, but also those uses allowed in the Mixed Use (MX) Zone (Overlay). We cannot, then, support either Options 2 or 3. If either of those options were chosen, the 30-acre school site could be developed as 30 acres of attached single-family dwellings with a minimum lot size of 2,500 square feet instead of an elementary and middle school. Obviously, this type of development is unacceptable.

Third, at the July 25, 2006, hearing, the Commission considered a number of suggestions regarding timing of the implementing ordinance. One suggestion was to set the effective date of the ordinance as the date the District's school bond passes. We would not oppose this if the City's legal counsel finds that such an effective date would not conflict with any of the City's obligations under Metro's requirements. Another suggestion, if we understand it correctly, was to adopt the Plan Amendments, but allow Study Area 59 to revert back to its current Future Development 20 Acre District ("FD-20") zoning if the District's bond measure fails in November 2006. As we understand it, this would effectively nullify the Plan Amendments. Although there are a number of ways to address the issue of ordinance implementation, the District would not support allowing all of the hard work that people have accomplished over the last two years to disintegrate in November 2006 if the bond measure fails. As Board Chair Mark Christie stated at the hearing, the District is committed to siting two schools on the designated 30 acres. Although the District's polling numbers show favorable voter response to the bond measure, if for some reason that bond measure should fail in November 2006, the District will continue to put bond measures on the county's ballot until a bond passes. The Plan Amendments would certainly be critical to the development of a school site when a bond passes and the District would need all of the implementing regulations to be in place for that development.

As Mr. Christie also stated at the hearing, the District is actively engaging the property owners affected by the 30-acre school site in discussions regarding property access for due diligence and regarding property purchases. In order to open the new schools in a timely manner, the District would like to have access to the properties and to have purchase agreements in place. The District is motivated to make both of these things happen and to make them happen as quickly as possible.

We appreciate this opportunity to submit additional comments to the record. Thank you for your consideration.

Very truly yours,



Dan Jamison

cc: Mr. Mark Christie  
Mr. Wayne Lowry

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AUG 01 2006

Cynthia Butler

From: John A. Rankin [john@johnrankin.com]  
 Sent: Tuesday, August 01, 2006 12:01 PM  
 To: Kevin Cronin; Cynthia Butler  
 Cc: Ischelsky@westlakeconsultants.com; lleighton@westlakeconsultants.com; Marvinp.Mandel@Sun.COM; lwlabahn@verizon.net; mstuplady@aol.com; atywerst@teleport.com; kelly.hossaini@millernash.com; esullivan@gsblaw.com; Larry Brant Esq.; Jill Gelineau Esq.; Steve Russell Esq.  
 Subject: Proposed Neighbor School Overlay Zone and Option 4 Map for Public Hearing Record.

BY \_\_\_\_\_  
PLANNING DEPT.

Kevin and Cynthia:

Please place this email and the attached proposed Neighborhood School Overlay zone text and the corresponding Area 1 Zone Matrix – Option 4 Map into the public hearing record before the Planning Commission, as well as for your review and incorporation into your amended staff report.

Please forward this email and the attachments to the Planning Commission members for their review and consideration, requested of us by two PC members after the July 25, 2006 meeting.

My clients believe that this NS Overlay Zone and Option 4 Map create the only viable win-win-win option available to the City because:

1. The School District wins by having the school site from the Concept Plan incorporated into the City's plan and zoning designation, by having a certain amount of flexibility in siting the schools, and by being able to site the schools as outright permitted uses subject to site design review without having to go through the conditional use process.
2. The property owners whose property has been conceptually planned for the school site win because their properties are not hard zoned IP with the attendant problems if the schools are not sited, and their valuation concerns are addressed in a manner that is consistent with the School District's proposed fair market valuations.
3. The City wins by adopting a tool that meets the Metro requirements for siting schools which can also be used for future UGB expansion areas, and which satisfies more of the concerns of interested parties than any other proposed option.

Please note that the Option 4 Map is the only proposed option that utilizes actual existing City plan and zoning designation in conjunction with the Flood Hazard Overlay Zone.

If you have any questions or comments, please email or call me. Thanks for your help and cooperation. All the best!

John

John A. Rankin, LLC.  
 26715 SW Baker Road  
 Sherwood, Oregon 97140  
 Voice: 503-625-9710/Fax: 503-625-9709  
 Email: john@johnrankin.com

\*\*\*\*\*

This communication is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended addressee, nor authorized to receive for the intended addressee, you are hereby notified that you may not use, copy, disclose or distribute to anyone the message or any information contained in or attached to the message. If you have received this message in error, please immediately advise the sender by reply email and delete this

8/1/2006

AUG 01 2006

BY \_\_\_\_\_  
PLANNING DEPT.

**2.211 Neighborhood School Overlay (NS)**

**2.211.01 Purpose.**

The purpose of the Neighborhood School Overlay is to support the cost efficient provision of pre-school and K-8 education by allowing specific school facilities as a permitted use and encouraging neighborhood involvement in the pre-school and K-8 education by locating facilities in close proximity to residential development.

**2.211.02 Permitted uses.**

In the Neighborhood School Overlay, only the following uses and their accessory uses are permitted outright:

- A. Uses permitted in the base zone;
- B. Public and private schools providing education at the preschool to eighth grade levels, but excluding commercial trade schools which are prohibited.

**2.211.03 Conditional uses.**

In the neighborhood school overlay, conditional uses and their accessory uses as listed in the base zoning shall be permitted as conditional uses when approved in accordance with Section 4.300.

**2.211.03 Dimensional Standards.**

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement existing on or after the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Section 4.400.

**A. Lot Dimensions.**

For all uses other than schools, lot dimensions shall be as required in the base zone. For schools, no minimum lot areas or dimensions are required.

**B. Setbacks.**

For all uses other than schools, setbacks shall be as required in the base zone. For schools, the minimum required setbacks shall be:

1. Front yard: None, except that when the lot abuts a residential use or public park property, the setback shall be a minimum of twenty (20) feet.
2. Side yard: None, except that when the lot abuts a residential use or public park property, the setback shall be a minimum of twenty (20) feet.
3. Rear yard: None, except that when the lot abuts a residential use or public park property, the setback shall be a minimum of twenty (20) feet.

**C. Height.**

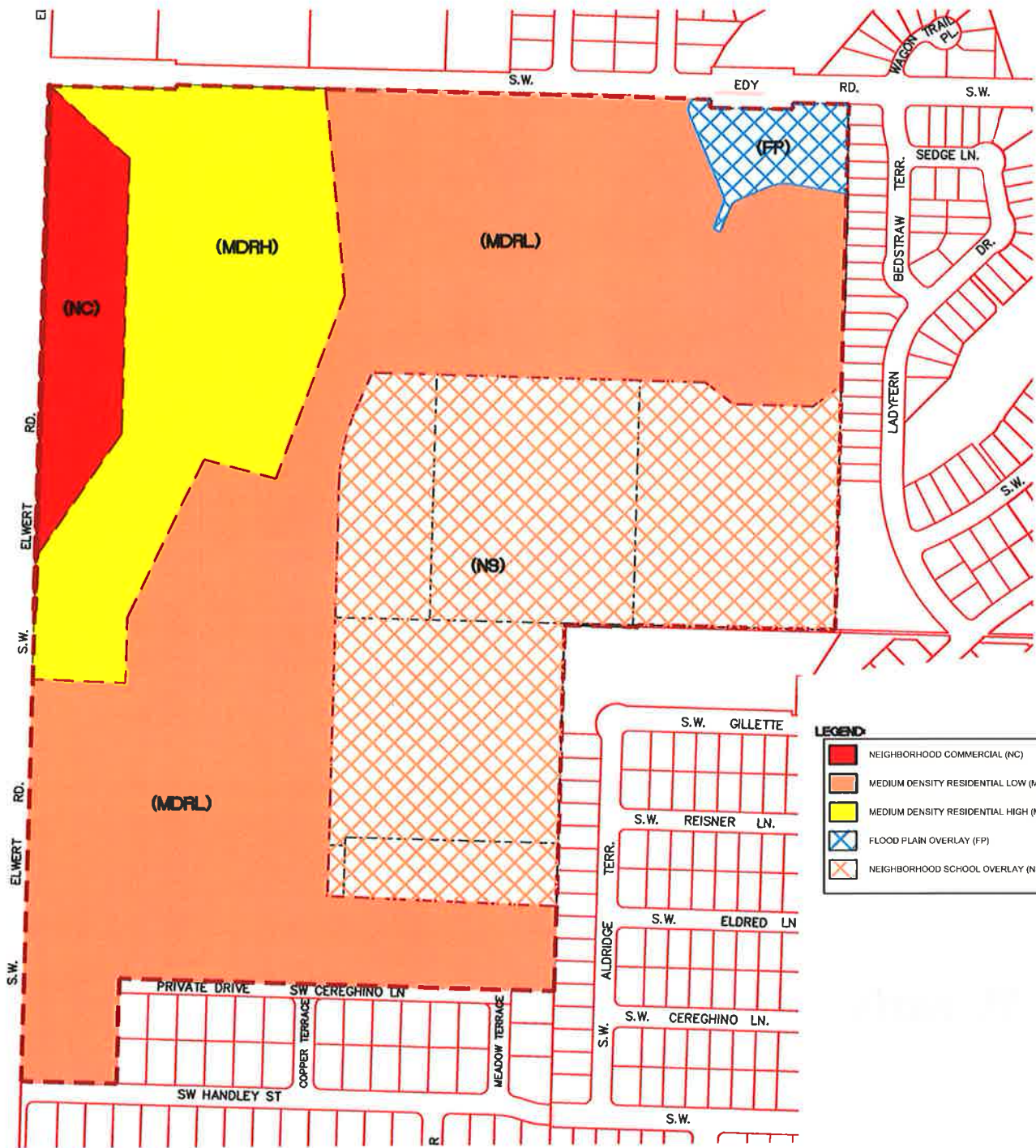
For all uses other than schools, height of building shall be as required in the base zone. For schools, the maximum height of buildings shall be thirty (30) feet.

**2.211.04 Community Design.**

For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, site design, parks and open space, on-site storage, and signs, see Chapters 5, 8 and 9. (Ord. 91-922 § 3; 86-851).

**2.211.05 Flood Plain.**

Except as otherwise provided, Section 8.202 shall apply. (Ord. 2000-1092 § 3; 88-979; 87-867; 86-851).



**LEGEND**

- NEIGHBORHOOD COMMERCIAL (NC)
- MEDIUM DENSITY RESIDENTIAL LOW (MDRL)
- MEDIUM DENSITY RESIDENTIAL HIGH (MDRH)
- FLOOD PLAN OVERLAY (FP)
- NEIGHBORHOOD SCHOOL OVERLAY (NS)

**RECEIVED**

AUG 01 2006

BY

PLANNING DEPT.  
**WESTLAKE**  
 CONSULTANTS  
 ENGINEERING • PLANNING

DATE	REVISION	BY

**C100**

PRELIMINARY

**AREA 59**  
 CITY OF SHERWOOD, OREGON  
 2S 1 SEC. 30 C  
 ZONE MATRIX - OPTION 4

RECEIVED

AUG 01 2006

BY

*CB/KC 4:49 PM*

PLANNING DEPT.

*via email*

July 31, 2006

David Mandel  
560 SE Alexander  
Corvallis, Oregon 97333  
(541) 752-3769 (home)  
(541) 730-5285 (cell)

PLANNING COMMISSION  
City of Sherwood  
Sherwood City Hall and Public Library  
22560 SW Pine Street  
Sherwood, Oregon 97140

Dear Sirs:

Thank you for the opportunity to speak before the planning commission about Area 59 last Tuesday evening (Tuesday July 25, 2006). I want to clarify a couple statements I and others made at the meeting and add a couple more comments.

The commission commented that many of the owners and residents of land in Area 59 distrust government. This is true. Americans generally distrust government; but traditional Blue Town families have perfected this distrust to an art form. We tend to be libertarians and prefer to run our own community without outside interference. These are values we brought with us from the Fatherland, and our community has done a better job preserving our subculture and values than most our of fellow countrymen.

On the other hand, we are realists. Times have changed and the old time Blue Town families have changed to keep up. Indeed, many of us work or have worked as civil servants or public school employees including as school administrators, teachers, janitors, and school bus drivers. The bottom line is that despite our libertarian leanings, we can and do work with government all the time. However, we do so with a distrust of government and require a little more in terms of governments showing good faith.

Along these lines comes the issue of IP and shadow zoning. The property owners would like to see a residual shadow or overlay zone over the entire area, because:

- We think the Green or Open Space area will have to be readjusted after studies to done to show exactly what is wet and what isn't. Changes due to this, should not require us to apply for zoning changes.
- We fully expect a bond measure to pass in a reasonable amount of time and expect schools to be built as a result. But, we also expect adjustments to be made to the school property boundary after the bond is past and more studies have been done. Changes due to this, should not require us to apply for zoning changes.



As a result, the property owners want the flexibility that shadow zoning would give us, and I see it as a good faith issue. The school district says any property they purchase will be evaluated as if it were zoned low density residual. Assuming that this is true, then why not give the property owners the comfort a shadow zone would provide. I don't see the issue. A clause can be added to insure that owners give the school district reasonable time to purchase the land, and the existence of the shadow zone gives the property owners a good faith feeling and makes it quicker and easier for them to negotiate with the school district. This seems like a WIN-WIN deal to me.

I have another issue to discuss.

The Mandel's, the Labahn's, and the Rychlick's are old time Blue Town residents who have owned their property for generations; and it is very emotional seeing this area developed. On the other hand, the property isn't that important. What is important is the community. The people of Blue Town – mostly German Lutherans and German Catholics along with a few German Jews and others built a very special community that lasted over 100 years. Unfortunately, this community is being destroyed no matter who happens to Area 59. Over half of Blue Town is already developed and the rest will be before developed or resettled by outsiders before long. We are being displayed just as we displayed the Tualatin Indians before us. There is no stopping it. This is the way to world works.

In light of this, I hope the Planning Commission will proceed with zoning the entire 85 acres so it can be developed and not try to remove part of it from the UGB or anything like that. Many of us are already planning our lives based on the assumption that this land will be developed. The Sherwood School District and Metro both lead us to believe that this was a good bet. In fact, they have encouraged us to do this. In my case, I quit my college teaching job a couple years ahead of schedule and took a part-time job running a non-profit at a greatly reduced salary. I may be dreaming, but I'm sort of hoping to buy some farm land in the Mennonite area in Linn county. (I haven't convinced my wife yet.)

Blue Town may be dying or dead, but I would like to see some sort of memorial to the community someplace – especially on the Mandel property. I haven't publicly said much about this, because I'm not sure what I have in mind – maybe a small garden with plaques celebrating the families of Blue Town and some of our shared values. Anyway it shouldn't be a government thing, because the people of Blue Town ran their own affairs – largely without government interference.

Sincerely yours,

David Mandel  
[dmandel@DavidMandel.com](mailto:dmandel@DavidMandel.com)

*original  
for record*

**RECEIVED**

AUG 07 2006

August 7, 2006

BY CB 8:55AM  
PLANNING DEPT.

City of Sherwood  
Planning Commission  
22560 SW Pine Street  
Sherwood, OR 97140

Re: August 8, 2006 Public Hearing on Appeal of the July 13, 2006 denial of  
AV 06-01 Columbia Street Lot Depth Variance

Applicants' appeal of the City's denial of the above-referenced application should be denied. Remand back to the planning department would be unfair to the public members who did respond to the application and made comments within the designated time constraints. It would be unnecessarily and unduly burdensome on the City's and public member resources to allow this appeal.

Comments were received within the proper time limits; the City did their job and mailed applicants notice of such comments on May 9, 2006. Applicants took no action. It appears that of the three applicants, not one of them did any follow-up with the City as to the status of their application during the months of May or June and took no action until July 27, 2006, two weeks after the mailing of the City's decision. The City did their job. There is no evidence to the contrary. There is no evidence from the postal service that something extraordinary happened with the delivery of their mail. There is no evidence that a critical medical condition prevented the management of applicants' mail or their ability to contact the City. And there is no evidence that applicants were trying to move their application along by contacting the City as to the status of their application. If there is any evidence, it was not provided with the August 1 letter from the City to public members.

Applicants have experience and intimate knowledge about the inner workings of a land use application. Public members do not. Public members did what was requested of them and filed their comments within the designated time period; applicants should be held to at least the same standard. Most developers have adequate and even dynamic calendaring systems that track application status and deadlines. Public members find it difficult to believe that not one of the three of the applicants checked on their application before July 13. One of those applicants is a former planning commission member and has a very sophisticated and intimate understanding of the land use process. Public members do not.

Applicants with such experience and knowledge of the process should not be allowed to usurp the process merely by stating that they did not receive notice in time to further their application at the expense of those who did follow the City's guidelines. To do so would be unfair. To pay \$2,760 in fees to further their application and be allowed to move the variance application forward is unreasonable and unfair to public members. To accept such payment should not be allowed by the City as it could be viewed as bending to the wills of fee-paying developers over the interests of public members who commented within the City's deadlines. The City is not in a position to determine whether the applicants' did not actually receive the notice due to extraordinary circumstances (medical or otherwise), postal service snafu, or mail mismanagement at the business or residential level. The City did its job. Applicants could have contacted the City at anytime past the May 9, 2006 date. Applicants waited until the July 13 notice to declare they hadn't received notice and another two weeks to post their \$2,760 in fees. The City's denial should be affirmed.

The staff's recommendation to remand the application back to the planning department seems reasonable, even accommodating, on its face. However, applicants who are experienced and include past planning commission members with such a sophisticated knowledge of the land use process should be held to a higher standard and should not be allowed to have their application remanded back to the planning

department by simply declaring they did not receive notice. They could have contacted the City at any time. They may have, but public members were not provided with that information. Public members received notice only that applicants "had not responded." The denial should stand as noted in the City's own Decision of Ruling dated July 13, 2006.

A hearing for the variance should not be allowed to be held. If there is a hearing to be held, public members will want to discuss the issues listed in their original comments. It is the public's understanding that the August 8 hearing is to discuss the denial of the application based on applicants' nonreceipt of notice and no discussion of the variance itself will be discussed at this hearing. If it is something to the contrary, please consider this the public's notice that they wish ample time to respond.

The public has a right not to have valuable City resources spent or community members be bothered with the handling of issues already decided by the City. The City used fully-disclosed guidelines and succinct deadlines and the applicants, for whatever reason, did not manage the minutia of their own land use application. If applicants cannot manage the minutia of their own project, why should City resources and public members' time and effort be spent in furtherance of a developers interests? They shouldn't.

Public members may choose to stay away from the public hearing on August 8 due to one of the applicant's documented caustic, uncivilized behavior and threatening treatment of any persons who oppose his interests. Public members may not be convinced that they are safe in their own City's chamber halls because they oppose the developer. The City's halls are for a free exchange of ideas, input from all types of community members and safety should not be a concern, nor should those that go before commissioners to discuss their views be subjected to unpleasant and oppressive behavior. The City should be advocates for such public members and err on the side of the public's interests rather than a developer's interests. The whole idea of allowing uncivilized behavior to take place in City meetings is contra to a free exchange of ideas – a way to problem solve and come up with innovative ideas and solutions for the community's best interest.

Alternate uses could be considered for the unused lot and the City should consider purchasing the lot to alleviate congestion in the Old Town Overlay District by providing additional parking or green space. The City should consider the option of purchasing the lot in lieu of considering the allowance of this variance application to move forward in any way. That's an innovative solution that is accommodating, fair and would satisfy the often overlooked, but desperately needed, extra community space within the Old Town Overlay District.

It is with much disappointment that public members do not feel safe or comfortable expressing such concerns and suggestions in the public forum and must ask that this letter be entered as part of the official record and be considered just as if public member appeared personally before the commission.

Thank you for your consideration.

Property Owners / Public Members  
John and Julie Kandik  
16045 SW Columbia Street  
Sherwood, Oregon 97140

**Kevin Cronin****RECEIVED**

**From:** Eugene Stewart [gene@aascpas.com]  
**Sent:** Tuesday, August 01, 2006 11:11 AM  
**To:** Kevin Cronin  
**Subject:** Area 59 Zoning and Map amendments

AUG 01 2006  
BY   
PLANNING DEPT.

Additional comment on imposing IP zoning. Since the basic reason for this area to be included in Sherwood's UGB, could this be construed to be the beginning of condemnation proceedings if the IP zone is applied to any of the property? I understand the need for land for schools and the need to plan for a place to put them. But if the zoning could be considered a taking of property or condemnation for government use, then would this be considered a Measure 37 issue and would the City be required to pay the property owners to keep the property zoned IP? or would it be considered a condemnation and the school district be required to deposit the funds at some point before the bond measure is passed? It would appear that the best time to apply the IP zoning is at the time the school district buys the property.

Also it appears some commissioners have children in the schools and therefore have a unique interest in the IP zoning, which they have not declared. They should declare if they have children in school and whether or not they feel this will prejudice their decision. I believe they know whether or not this is an issue which could or could not affect their judgement on the issue.

It appears to me, these are important issues and need attention.

Thank you-Eugene Stewart, PO Box 534, Sherwood, OR 97140

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# **APPROVED MINUTES**

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**City of Sherwood, Oregon**  
**Planning Commission Minutes**  
**August 8, 2006**

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**Commission Members Present:**

Vice Chair Patrick Allen  
Jean Lafayette  
Dan Balza  
Russell Griffin

**Staff:**

Kevin Cronin, Planning Supervisor  
Rob Dixon, Community Development Director  
Heather Austin, Associate Planner  
Cynthia Butler, Administrative Assistant

**City Attorney:**

Pam Beery

**Absent:**

Chair Adrian Emery  
Matt Nolan  
Todd Skelton

1. **Call to Order/Roll Call** – Vice Chair Allen convened the meeting at 7PM. Roll was called by Cynthia Butler.
2. **Agenda Review** - There were no changes to the agenda.
3. **Brief Announcements** – Rob Dixon stated that 95% of the Way Finding project was complete and that there will be a work session with Council next Tuesday, August 15th at 6PM to restart the remainder of the project. Rob said funds were budgeted within the Old Town streets project to build way finding structures and needs to be completed. As funds become available over time signage will continue throughout the rest of the City.
4. **Community Comments** – Lee Leighton, Westlake Consultants, Inc. 15115 SW Sequoia Parkway Ste. 150, Tigard OR 97224 – Lee stated that he was present tonight on behalf of attorney John Rankin, who could not attend and is the representative of some of the property owners in Area 59. Lee recapped that new material was submitted by John Rankin since the previous hearing and he wanted to be certain that Commissioners received them, which was confirmed, and added that he is available for any questions.

Lowal Labahn, 18283 SW Edy Rd., Sherwood OR 97140 – Lowal expressed concern that there was no address assigned to the tennis courts where a tennis match was recently held. Lowal stated that his daughter who was in attendance, dislocated her shoulder. When 911 emergency services were contacted they were told that they could not come because there was no physical address. Lowal said that everyone knows where the tennis courts are located near the fire station. Vice Chair Allen expressed surprise and asked Staff to follow-up on the issue. Kevin confirmed.

Vice Chair Allen asked if there were any further community comments. There were none.

Cynthia Butler recapped for the Commission 3 hard copies of documents they received tonight and previously by email, which are part of the record, and were submitted to the Planning

Department after the noon deadline on August 1st, not included in the packets delivered on that date.

**5. New Business: AV 06-01 Columbia Lot Depth Variance Appeal** – Jean Lafayette read the Public Hearing Appeal Disclosure Statement.

Vice Chair Allen asked Commissioners if there were any conflicts of interests, bias or exparté contact to disclose.

Russell Griffin stated that his wife teaches piano to the Claus' children, but that this will not affect his ability to review the material or render a decision.

Vice Chair Allen opened the appeal hearing at 7:10 PM., and stated that the Commission tonight is not charged with reviewing any substantive material on the original variance application, but to make a determination if Staff's decision for denial of the application stands, or if it should be remanded back to Staff for review and scheduled for a hearing before the Commission at a future date.

Heather Austin, project manager, recapped the process to date that resulted in Staff's denial of the application and receipt of the applicant's appeal. Heather stated that the variance application was part of an original application approved in February 2005. The original application was for two partitions located side-by-side, one created two lots and the other created three lots. One of the three lots had a sub-standard lot depth, with a condition of approval that a variance would need to be sought and approved before the three lots could be created. The applicant requested a 10% reduction in lot size from 80 to 72 feet. The final plat application for the partition including fee and materials, and requested variance was submitted in January 2006. The application fee was received on March 28, 2006, the application was deemed completed on April 14, 2006 when the public notice was mailed. Heather recapped the Code regarding an administrative variance that allows for a public hearing if public comments are received requesting a hearing within 10 days of the mailed notice. John and Julie Kandik, 16045 SW Columbia St., Sherwood OR submitted comments requesting such a hearing. Heather stated that on May 9, 2006 a letter was mailed to the applicant including the information that public comments were received requesting a hearing, and that an additional fee would be required to process the application as a variance heard before Planning Commission. Heather said that the applicant did not respond, the 120 day deadline was approached, and Staff denied the application on July 13, 2006. Heather stated that the applicant's representative contacted her approximately one week after the denied application and asked for a status on the application. Heather informed the applicant's representative that the application had been denied and that the appeal period following a denial was almost concluding. The applicant immediately submitted an appeal application and fee, and stated that he had not received the May 9<sup>th</sup> letter denying the application. Heather referred to the Staff Report regarding mailings and stated that it is not customary to send certified letters, and it was not possible to know for certain that the applicant received the letter. Heather stated that staff supports a recommendation that the Planning Commission remand the application back to staff to continue with the variance process, including a public hearing before Planning Commission at a later date.

Vice Chair Allen asked Commissioners if there were any questions presently for Staff. There were none.

Thomas Claus, PO Box 50474, Henderson NV 89016 – Thomas provided copies of documents on slides for Commissioners and the audience. Thomas stated that he did not receive the May 9<sup>th</sup> letter referred to by Staff, and that the 22211 SW Pacific Hwy. address used in the mailing of the letter is an address where he has not resided in at least 2 ½ years.

Vice Chair Allen stated that the 22211 SW Pacific Hwy. address was the address listed on the application.

Thomas responded that the applicants listed on the application are Jim & Susan Claus and that his name does not appear on the application. Thomas said that the application is signed by Robert J. (Jim) Claus and Susan Claus and that it had been number of years since he has been involved in the project. Thomas added that since he is an attorney and may receive confidential correspondence, any mail addressed to him that may be directed to the home of his parents, Jim & Susan Claus at 22211 SW Pacific Hwy. is not opened by others. Thomas recapped that he is not the applicant or owner on this application, and that any mail regarding the project should have been directed to Jim & Susan Claus.

Vice Chair Allen asked Thomas if the issues he has raised would be resolved if the Planning Commission were to adopt Staff's recommendation to remand the application back for further processing. Thomas confirmed. Vice Chair Allen asked Thomas if he had further testimony for the record. Thomas stated he did not.

Michael Gunn, Attorney for applicants Jim & Susan Claus; PO Box 1046 Newberg, OR 97132 – Michael stated that he wanted to support Thomas Claus' testimony and add that Keith Jehnke, the applicant's engineer and representative, contacted Heather Austin to check on the status of the project as the applicant had not received the May 9<sup>th</sup> letter. Michael said that Keith then discovered public comments were received requesting a hearing, and that the notice of decision to deny the application had been sent to Michael Claus at 22211 SW Pacific Hwy. along with a request for additional funds to continue the process. Michael stated that immediately the additional fees and appeal application were submitted to the City, and a 60-day extension of the original 120 day deadline was granted by the applicants to allow time for process. Mr. Gunn stated that due to staff error the Code was not met and the applicant did not receive notice, and added that the only option is for the Commission to adopt Staff's recommendation to remand the application back to the Planning Department for processing as a variance, with a hearing before Planning Commission tentatively scheduled for Sept. 12, 2006. Michael concluded by saying that consideration of the public comments on the project received from John & Julie Kandik, should be limited to the scope of discussion this evening regarding the proper mailing and delivery of the notification letter to the applicants.

Vice Chair Allen asked if there was any additional testimony. There was none.

Dan Balza asked Staff why the notification letter was mailed to Thomas Claus.

Vice Chair Allen acknowledged Thomas Claus, who asked to first speak to Commissioner Balza's question.



Thomas Claus stated that at one point he had a great deal to do with the project, but it had been years since he was actively involved. Thomas added that he has had no substantive conversations or contact with Staff certainly since the application was submitted in January. Thomas addressed Heather Austin and asked if she did not agree.

Vice Chair Allen stated that there was no additional public testimony and closed the public hearing for final Staff comments.

Heather Austin stated that she did not agree with Thomas Clause that there has been no contact with City staff regarding this project. Heather stated in February 2006 City staff met with Thomas Clause regarding this project, and that Thomas paid the variance application fees and submitted the appropriate additional required materials. Heather added that Staff deduced that Thomas Clause was the applicant for the variance application, and that she contacted Keith Jehnke at AKS Engineering to confirm the address for sending correspondence to Thomas Clause, and Keith gave Heather c/o Jim & Susan Claus' address of 22211 SW Pacific Hwy. in Sherwood. Heather stated that Jim & Susan Claus are the applicants and should have received notice, which supported Staff's recommendation that the Commission remand the application back to the Planning Department for continued processing.

Vice Chair Allen asked Heather if the Commission were to deny the appeal, the applicant would likely reapply to bring the application back to the Commission arriving at the same place with more time and expense as a result.

Heather agreed and added that the applicant could also file an application with LUBA.

Vice Chair Allen asked if there were further questions for Staff. There were none. Patrick added that it was his recommendation, based on the arguable facts for what may have happened regarding the May 9<sup>th</sup> letter, that they remand the application back to Staff for processing to a future hearing of the facts before Commission for determination on the variance application. Commissioners agreed.

Jean Lafayette moved to follow Staff's recommendation, incorporating public testimony, and remand the application AV 06-01 back to the Planning Department for processing.

Russell Griffin seconded.

Vice Chair Allen asked if there was further discussion. There was none. A vote was taken:  
Yes – 4 No – 0 Abstain – 0

Motion carried.

**6. Old Business – Area 59 Concept Plan Implementation (PA 06-01)** – Continued from July 25, 2006. Vice Chair Allen referred to an emailed list provided by Cynthia Butler earlier to Commissioners that outlined materials on Area 59 that they should have in their packets for review and asked Cynthia to recap these before proceeding, which was done.

Vice Chair Allen recapped that the record for the last public hearing session on Area 59 held July 25<sup>th</sup> remained open until 5 PM on August 1<sup>st</sup>, and that tonight's session was not open for new

public discussion. Patrick added that the task format this evening would be to go through each action item on the emailed list of action items and associated exhibits referred to earlier. Patrick said that the major action items are considering the Mixed Use Zone/Overlay, discussion of adding form based code language to the Code depending on outcome of the MX Zone discussion, and the proposed IP Zone designation. Patrick asked Commissioners if there was any conflict of interest, bias or exparté contact to declare. There was none.

Patrick commented on the email submitted for the record from Eugene Stewart, dated August 1<sup>st</sup> that requested Commissioners who have children in public schools to declare if they can be objective in evaluating the Area 59 application regarding IP zoning for new schools. Patrick stated that he does have children in the Sherwood School District and although he has an interest in the outcome of the project, it does not rise to the level of harboring any bias or potential conflict under statute, or his ability to consider the application.

Russell Griffin stated that he has 3 children in the School District that does not affect his decision making ability on the application.

Vice Chair Allen recommended holding the discussion on the MX Zone/Overlay and the IP zone until getting through some of the first list items. Patrick asked Kevin Cronin to begin the discussion with the first item on the list, Comp Plan – Part 2, Chapter 8.

Kevin stated that the document has not been changed since July 18, 2006, however there was some discussion initiated by Jean Lafayette regarding Policy 16 and the acreage size requirement as a threshold for a full concept planning process.

Jean Lafayette referred to the section on the UGB that references evaluation criteria to develop a concept plan would be for any area over 50 acres, and questioned why the acreage was so high.

Kevin said that the intent was to streamline the smaller areas and process them as plan amendments instead of the lengthy 2-4 year concept planning process. Kevin added he was coordinating with Metro's UGB expansion process. Kevin explained that Metro has 3 ways to expand the UGB: Minor (very small), Major (estimated 50 acres or less), & Legislative (periodic review for large amounts for the 20-year supply of the needed land use). Kevin asked Jean what acreage she would recommend.

Patrick stated that 50 acres seemed reasonable, but asked Kevin if 20 acres would be consistent with Metro. Jean stated that she would be more comfortable with 20 acres going through a public review process, and that 50 acres seems like a very large threshold. Jean recommended changing the threshold acreage to 20.

Vice Chair Allen asked for consensus among Commissioners, which was received.

Jean Lafayette moved to change the threshold of acreage to 20 acres from 50.

Russell Griffin seconded.

Vice Chair Allen asked if there was further discussion. There was none. A vote was taken:

Yes – 4 No – 0 Abstain – 0

Vice Chair Allen opened the discussion on the technical memos on public facilities from the City Engineer, Gene Thomas, and beginning with storm water. Kevin recapped the proposal for storm water and said that the storm water master plan should have a plan amendment that reflects the regional water quality facility that is indicated on the concept plan map. The concept plan map was adopted by resolution that would legally amend the storm water master plan so that it is consistent with the proposal. Patrick asked Kevin how the funding is achieved. Kevin said that those who develop Area 59 would provide their proportionate share of the cost, through various mechanisms yet to be determined and better detailed by Rob Dixon, Community Development Director at the appropriate time. Kevin reiterated that would not be required at this stage of the decision making process to meet the land use requirement.

Pam Beery, City Attorney concurred. Pam said that to do so now would also limit the possibilities and many exist that can be determined at a later date.

Jean asked Kevin if the Commission was required to adopt the technical memos as part of the process. Kevin confirmed, and said they are findings of fact for the record.

Jean Lafayette moved to adopt the technical memo on storm water including a recommendation to amend the existing storm water master plan to include the construction of 2 regional water quality facilities.

Dan Balza seconded.

Vice Chair Allen asked if there was further discussion. There was none. A vote was taken.

Yes – 4 No – 0 Abstain – 0

Motion carried.

Kevin stated that the sanitary sewer technical memo was nearly identical to the storm water language, except for issues regarding a pump station in the NW corner of the site that would be required if immediate development were planned in that area due to the lack of gravity for service. Kevin said that the cost for a pump station would likely be prohibitive for most applicants to build to public standard, and that it may be this area would not be developed until Clean Water Services made regional improvements to the regional system along the Cedar Creek trunk line. Patrick asked Kevin how the school sites would be served. Kevin said the existing sanitary sewer in the Copper Terrace development would need to be extended.

Jean Lafayette moved to adopt the technical memo on sanitary sewer as presented, noting that a pump station would be required for any immediate development in the NW corner of the site, or an applicant would be required to wait until Clean Water Services provided adequate gravity fed services.

Dan Balza seconded.

Vice Chair Allen asked if there was further discussion. There was none. A vote was taken.

Yes – 4 No – 0 Abstain – 0

Motion carried.

Vice Chair Allen asked Kevin to recap the transportation technical memo. Kevin stated that the Transportation System Plan (TSP) would be amended if Commissioners approved the recommendations, which include; the extension of two neighborhood routes, Copper Terrace and the East/West connector from the school site to the NW corner of the property. The remaining streets in the area will be local streets. Kevin said that the street pattern will comply with the concept plan map, which is adopted as part of the legislative amendment and eventually comply with the development code once the application is submitted. Kevin stated that alternative modes of transportation that would reduce vehicle trips, but that no changes to the CAP are recommended at this time. Most of the development in the area is not related to the CAP, except for a small Neighborhood Commercial (NC) area and the existing CAP can address those issues. Kevin stated that no other major amendments are being proposed except for the Pedestrian District and the Policy Map amendments.

Vice Chair Allen asked Kevin about the findings on costs associated with maintaining the level of service indicated for the intersection of Edy and Borchers Rd. Kevin stated that the traffic impact study cited volume capacity threshold issues this location, but Kevin said that traffic impacts will be addressed through the Pedestrian District. Kevin added that when the TSP was updated the intersection of Edy and Borchers Rd. was included at that time. The remaining issue is financing the improvements, which may be met by a new transportation SDC that would cover the gap between the traffic impact fee (TIF) and the existing collector SDC fees. Kevin said an ordinance will be presented to City Council in the coming couple of months that would address a funding mechanism separate from the current land use amendment process. Kevin recapped that any issues ODOT may have regarding this intersection have been addressed by the Pedestrian District and the funding strategy.

Jean Lafayette referenced the Functional Class map from the TSP and said it appears that Edy Rd. should be changed to an arterial status to achieve the correct spacing and right-of-way, and asked Kevin why this was not recommended. Kevin responded that the TSP is based largely on connectivity over capacity, and the capacity on Edy Rd. should not be significantly greater with Area 59 that should require a change in the functional classification. Kevin added that the traffic study reported that there was not a need for a change in the functional classification. There are various cross-sections within the collector, arterial and local street that can be selected to meet the transportation need, so that when development is proposed for Edy Rd. the best cross-section selected will come into play. Kevin reiterated that much of the determination of process will depend on who has jurisdiction over the street, Washington County or the City of Sherwood. If the County maintains their portion it will be their urban standard, if the City takes ownership there is more flexibility within our TSP to select the appropriate cross-section. Jean asked Kevin to clarify that the significant difference between an arterial and a collector is the spacing of the intersections. Kevin confirmed. Jean recapped that Edy is currently experiencing significantly increased traffic. Kevin responded that earlier in the process when the concept plan mapping was undertaken, the number of access points to Edy Rd. were reduced to address spacing issues. Jean said she is looking ahead when the applications for development begin to come in and asked Kevin if there was any reason that Edy Rd. could not be planned as an arterial.

Russell Griffin agreed with Jean and stated reiterated that there will be two new schools, and elementary and a middle school added and that Edy Rd. should be an arterial.

Vice Chair Allen asked Kevin to clarify if Metro determined under the next periodic review that additional land to the north should be included into the UGB, could the designation for Edy Rd. as an arterial also be done at a later date. Kevin confirmed. Patrick asked Kevin what the difference in spacing was between an arterial and a collector. Kevin estimated 600 feet for arterial and 100-200 for collector. Commissioners expressed concern over the significant difference in spacing between these. Jean reiterated that if the schools are built and traffic increases especially during peak hours, the spacing designated in an arterial would be more effective to alleviate some of these concerns. Russell asked Kevin what improvements the School District will be required to make along the portion of Edy Rd. where there is school property. Kevin stated that the School District does not have frontage property on Edy Rd., but is slightly south. Kevin added that there is a pre-application meeting scheduled tomorrow with the School District to discuss potential future development issues. Russell asked Kevin to clarify that the School District will be responsible for constructing the north/south access road that connects Edy Rd. to the school site. Kevin confirmed they would build the half street plus 20, per the Code. Russell asked Kevin to clarify that any improvements along Edy Rd. would be required by the developers when applications are submitted. Kevin confirmed, and added that the Planning Commission would have the opportunity to evaluate each application at that time.

Jean reiterated that in the TSP surrounding areas are arterials and asked Kevin why Edy Rd. remained a collector. Kevin said that an engineering study would need to be conducted and that Staff has been relying on the traffic impact study that has already been conducted that did not report a need to change the status of Edy Rd. at this time.

Pam Beery referenced the City Engineer's transportation memo at the bottom of Page 2 and the top of Page 3 that recaps Edy Rd. is approaching the traffic characteristics of an arterial road and that access will be restricted to protect the road's functional integrity. Additionally, a minimum of spacing of 600 feet between intersections will be required. Kevin stated that he would like to reference the Code before provides additional comments regarding this.

Rob Dixon agreed that spacing should not be less than 600 feet regardless of the road's classification. Discussion regarding the current language in the Code and the TSP ensued, and clarification on tonight's decision requirements regarding these. Kevin stated that no changes to the Code were reflected and Pam Beery clarified that amending the TSP was not the task at hand this evening. Vice Chair Allen asked for consensus among Commissioners if the decision was to as Staff to develop findings regarding changing Edy Rd. to an arterial. Commissioners agreed. Jean asked Kevin if this would hold the process up significantly. Kevin said it would not and he would develop findings in a separate addendum staff report to the City Council.

Vice Chair Allen stated that he would like the East/West street connector to be named Mandel Avenue. Commissioners agreed. Kevin confirmed this could be done.

Jean Lafayette moved to adopt the transportation memo with the recommendation to Council of 600 feet minimum spacing standards on Edy Rd., and the recommendation to name the East/West connector in Area 59 Mandel Avenue.

Russell Griffin seconded.

Vice Chair Allen asked if there was further discussion on the motion. There was none. A vote was taken:

Yes – 4 No – 0 Abstain – 0

Motion carried.

Vice Chair Allen requested a 10 minute break, which was taken.  
< 10 minute break >

Vice Chair Allen reconvened the session at 8:20 PM. Discussion began on Exhibit 2-B, Mixed Use Zone(MX)/Overlay. Patrick suggested discussing how the Overlay Zone would affect the School District and discuss form based codes. Russell asked if the discussion could first address the need for the Mixed Use zones and if the Commission needs to make a decision now. Russell added that a suggestion may be to use existing codes initially and change at a later date if needed or desired.

Kevin stated that the Commission does not have to adopt the MX Zone or the Overlay at this time, but gave reasons why it was recommended. Kevin said that the Citizen's Advisory Committee (CAC) for Area 59 initially recommended the Mixed Use zone earlier in the process largely for walk ability purposes in the Pedestrian District, which current zoning cannot accommodate. The MX zone would also help close the density gap between MDRH and HDR zoning, and provide revenue to the tax base for commercial uses. The new zone would also reduce vehicle trips by encouraging walking and bike use. Kevin said there are currently no form based codes in the zoning code except for in the Old Town Overlay District.

Vice Chair Allen stated that he liked the MX Zone for the practical uses of walk ability and its design appeal. Patrick added that form based codes encourage positive design standards. Kevin added that deciding on the MX Zone now instead of later is a golden opportunity because the area is new and can be designed from the ground up, instead of piece meal design after-the-fact. Patrick asked Kevin how the MX zone Overlay affects the school site. Kevin stated that the Overlay zone allows different uses to occur and if it is removed he is concerned about the affects on other aspects of the overall site.

Jean stated that the Overlay zone standards did not make sense for a school and reaffirmed that the reason for bringing the area into the UGB was specifically for schools. Russell recapped that the work session held on July 18<sup>th</sup> reflected concern about the creation of smaller lot sizes that would result. Jean asked Kevin if the MX zone could be altered so that lot sizes were not as small. Kevin confirmed, and referred to Page 14 of his staff report. Discussion on existing density requirements ensued regarding single family attached units, and Jean confirmed in the Code that presently the minimum lot size for single family attached housing in HDR zoning is 4,000 sq. feet. Kevin stated that he recommends an average of 3,500 sq. feet.

Rob Dixon confirmed that lot size was an issue and that the concept of flexibility is positive. Further discussion on various possible lot size options continued.

Vice Chair Allen suggested that more time may be needed to consider the lot size issue, and to determine whether or not to remove the Overlay zone from the school site. Patrick asked Kevin if there needed to be more discussion regarding the design of the schools. Kevin reiterated more

information would be available after meeting with the School District tomorrow at the pre-application conference. Patrick stated that he would like to have follow-up information and discussion about the design of the schools. Kevin stated that a volunteer commissioner could attend design group meetings. No decision was made regarding this suggestion.

Jean recommended adding language to the MX zone that no adult entertainment uses would be allowed. Kevin confirmed.

Vice Chair Allen suggested that the agenda on Area 59 be continued to September 12<sup>th</sup> and resume discussion on the MX zone, Chapter 2 language of the Code, and the Pedestrian District as shown on the Pedestrian Master Plan map. Russell added that a continuation would also include discussion on the designation of the IP Zone. Patrick confirmed.

Russell seconded.

Vice Chair Allen asked if there was further discussion on the motion to continue the aforementioned issues to September 12<sup>th</sup>. There was none. A vote was taken:

Yes – 4 No – 0 Abstain – 0

Motion carried.

**7. New Business – Parks Master Plan** – PowerPoint presentation provided by Karen Badalamenti from Greenplay, Inc., consultants. Karen presented information to recap the process to date, including initial public surveys, findings and recommendations to move forward on a Parks Master Plan for the City of Sherwood. Kevin said that policy directions are the next steps and that the Planning Commission will have an opportunity to review a Comprehensive Plan amendment and the PUD zoning codes in the future, that will have an impact on future land use applications. Kevin recapped that the Planning Commission will review the Parks Master Plan at a public hearing scheduled for the September 26<sup>th</sup> session.

**8. Comments from Commission:** Jean referred to discussion after the parks presentation and expressed surprise at the City's lack of systems in place to more accurately glean current and historical statistical information for use in parks analysis. Kevin stated that information is available, but that coordinating various areas of information effectively has not been consistently done in the past and is currently being addressed.

Vice Chair Allen asked if there were further comments by the Commission. There were none.

**9. Next Meeting:** September 12, 2006 – AV 06-02 Columbia Lot Depth Variance; Area 59 Concept Plan hearing continued; Goal 5 & Infill Standards

**10. Adjournment** – Vice Chair Allen adjourned the session at 9:45 PM.

End of minutes.