

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 735

AN ORDINANCE ADOPTING AMENDMENTS TO THE TEXT OF THE SHERWOOD COMMUNITY DEVELOPMENT PLAN (PART 2 COMPREHENSIVE PLAN) AND THE COMMUNITY DEVELOPMENT CODE (PART 3 COMPREHENSIVE PLAN), AND SETTING EFFECTIVE DATE.

WHEREAS, the Sherwood Comprehensive plan has been enacted by the city (Ordinance No. 726, August 27, 1980) and in the acknowledgment process certain issues have been raised by Metropolitan Service District (METRO) which the City Planning Director and the Planning Commission have determined should be considered prior to METRO making its recommendations for action to LCDC; and

WHEREAS, plan text amendment proceedings were initiated (PTA-81-01) by the Planning Commission to consider proposed amendments addressing the issues raised by Metro and an issue raised by The Oregon Manufactured Housing Dealers Association, and a public hearing was held by the Planning Commission on the proposed amendments on March 17, 1981, the proposed amendments and staff recommendations all being set forth in the attached Staff Report as Exhibit A hereto; and

WHEREAS, the Planning Commission heard the matter after due and legal notice and has made its recommendations to the City Council by memorandum dated March 18, 1981, marked Exhibit B hereto attached; and

WHEREAS, the City Council, after due and legal notice, held a public hearing on the proposed amendments at its meeting of March 25, 1981 whereat the Staff Report, the recommendation of the Planning Commission, and additional testimony were received by the council; and

WHEREAS the City Council finds that the text amendments hereafter set forth are reasonable and necessary to clarify the language, meaning, context and purposes of the Comprehensive Plan, and will thereby facilitate its expeditious review and acknowledgment as required by law; and further finds that the following amendments conform to portions of the map and text not being considered for amendment, that public interest is best served by passage of the amendments, and that the amendments, being in the nature of clarification of wording and policies relating to administration of the plan, do not involve significant substantive modifications having an impact on the considerations listed in ORS 215,055, which the Council have reviewed in light of the proposed amendments;

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1. Section II E of the Community Development Plan (Comprehensive Plan Part 2) is hereby amended to read as follows:

"E. The Sherwood City Council shall have final authority for the interpretation of the text or maps of the Sherwood Comprehensive Plan. In cases of conflict between the map and text of the Comprehensive Plan, the text of the plan shall take precedence in interpreting plan intent. The location of Planning Designation Areas on the Plan Map shall be determined according to the rules contained in Part 3, Chapter 2, Section 2.13."

Section 2. Section III F of the Community Development Plan (Comprehensive Plan Part 2) is hereby amended by adding thereto sub-part F.2. to read as follows:

"F. 2. Urban Service Extension Outside of Growth Boundary Areas

Policy 11 The City shall not initiate or take any action and shall oppose any action by others which would extend or encourage the extension of urban sewer, water or storm drainage services outside of the regionally adopted Urban Growth Boundary.

Policy 12 Urban Service plans adopted by the City shall be designed to serve areas within the regionally adopted Urban Growth Boundary only. Service line locations and sizing shall be limited to those which are necessary to serve areas within the Urban Growth Boundary. "

Section 3. Chapter 2, Section 9.02D of the Community Development Code (Comprehensive Plan Part 3) be and the same is hereby amended to read as follows:

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"D. Required Findings

No design review approval shall be granted unless each of the following is found:

1. The proposed development is consistent with the purposes and meets the applicable standards of the planning designation area in which it is located and the provisions of Section 9.03.
2. The proposed development can be adequately served by facilities and services including water, sanitary facilities, drainage, solid waste, park and recreation, public safety, electric power, and communications consistent with the Community Facilities and Services Element of the Community Development plan.
3. Covenants, agreements, and other specific documents are adequate to assure an acceptable method of ownership, management and maintenance of structures, landscaping and other on-site features.
4. The proposed development preserves significant natural features including but not limited to natural drainage-ways, trees, vegetation, scenic views and topographical features to the maximum feasible extent.
5. That the design review criteria, standards and conditions applied in the design review process have not been used to deny a request to provide housing types identified in the Plan as needed nor that the application of criteria, standards and conditions, either individually or cumulatively, have the effect of decreasing Plan densities or unduly increasing development costs."

Section 4. Section IV D 2.b. Policy 2, Strategy 2 of the Community Development Plan (Comprehensive Plan Part 2) be and the same is hereby amended to read as follows:

"Mobile housing will comprise up to 25% of the total dwelling units in the Planning Area. The 75/25 ratio of conventional housing types to mobile housing shall be employed as a guideline to assure a variety of housing types are available at any given time. The ratio shall be reviewed and revised at least every two years on the basis of a local housing needs assessment, taking into consideration the availability of land for various housing types and housing market demand for the various housing styles and tenures.

Section 5. This ordinance shall be effective on the 30th day after its enactment by the City Council and approval by the Mayor.

PASSED: By vote of the Council this 25th day of March, 1981.

Paul R. Miller / Administrator
City Recorder

APPROVED: By the Mayor, this 25th day of March, 1981.

Clyde R. St
Mayor, City of Sherwood

REQUIRED FINDINGS

PLAN AMENDMENT

In order to grant an amendment to the text of this Part, the City Council shall find that:

- (1) The proposed amendment is in conformance to map and text portions of the Comprehensive Plan not being considered for amendment.
- (2) The public interest is best served by granting the amendment at this time.
- (3) The following factors in ORS 215.055 were consciously considered; the various characteristics of the areas in the City; the suitability of the various areas for particular land uses and improvements; the land uses and improvements in the areas, trends in land improvement; density of development; property values; the needs of economic enterprises in the future development of the area; transportation access; natural resources and the public need for healthful, safe and aesthetic surroundings and conditions.

EXHIBIT A

STAFF REPORT

March 9, 1981

CITY CASE NO: PTA-81-01

SUBJECT: Planning Commission Initiated Amendments to the Text of the Sherwood Community Development Code and Community Development Plan Designed to Address Deficiencies Alleged by the Metropolitan Service District and others in their Review of Sherwood's Comprehensive Plan.

APPLICABLE STANDARDS FOR REVIEW: Chapter 1 Section 3.00 Community Development Code: Procedures and Criteria for the Amendment of the Text of the Comprehensive Plan.
(See attached required findings.)

FINDINGS:

1. General Findings

- a. During METRO review of Sherwood's Comprehensive Plan, the METRO staff identified three alleged State Goal violations (See METRO staff findings in Attachment 1). As a result of their findings METRO staff has recommended to the Regional Planning Committee, a METRO Council Subcommittee, that METRO recommend that LCDC continue Sherwood's Comprehensive Plan acknowledgement request until these deficiencies are resolved.
- b. In response to METRO and OMHDA's findings, the Planning Commission decided to initiate plan amendments to address the alleged goal violations on March 3, 1981 and directed City staff to prepare draft amendments for Planning Commission consideration at a public hearing on March 17, 1981.
- c. The Oregon Manufactured Housing Dealers Assoc. (OMHDA) has submitted a letter objecting to the City's policy limiting mobile homes to 25% of the total housing stock (see attachment 2; OMHDA letter dated January 19; item III.b.)

2. Chapter 2 Section 9.02 D 3 and D 4 Sherwood Community Development Code

Required findings 9.02D3, 4 contain vague and discretionary terminology including requirements that a development be "in harmony" or "compatible" with surrounding development and the character of the immediate neighborhood. Although Section 9.00 contains clear and objective standards addressing compatibility of new and existing development, these standards are not properly linked to the general required findings language in D3 and D4. Since the issue of compatibility is addressed

in the specific standards on landscaping, buffering, parking, environmental performance standards etc., these vague standards should be deleted pursuant to the LCDC "St. Helens Housing Policy." (See attachment 3)

3. Section II.E. Community Development Plan

The statement in Section II.E. which implies predominance of the Plan Map over the policies and goals contained in the text is contrary to LCDC Goal 2. The Plan Map as stated elsewhere in the Plan (Section IV H 1) is the expression of those policies and goals and if in conflict with them shall be interpreted in favor of the text of the plan wherein the goals and policies are contained. The intent of the original statement was to clarify how planning designation area boundaries were to be determined. This issue is adequately addressed in Chapter 2 Section 2.02 and 2.03 of the Community Development Code. The reference to the precedence of the Plan Map over the Plan text should be deleted and the precedence of the Plan Text clarified.

4. Lack of specific policies which preclude and/or oppose urban service extension or action which would encourage or create pressure for service extensions outside of the Urban Growth Boundary.

METRO staff are concerned that the location of several sewer lines on the sewer system plan might encourage premature hook-up and development of areas outside of the Urban Growth Boundary. Specifically there are portions of lateral lines (i.e. Off Site Lateral) which pass through areas outside the U.G.B. and which follow roadways which act as the limits of the Urban Growth Area. The staff cited the lack of specific policy which prohibited such lines unless they were absolutely necessary to serve areas within the UGB. The collection system as adopted in the Sewer System Plan has been designed to serve the UGB only and lines which pass through or border areas outside the UGB are necessary to provide gravity flow service to the UGB. The City however should express its resolve to design all service system plans to serve only UGB properties to preserve UGB integrity. In addition policy language should be added to preclude all City actions and oppose all actions which would encourage the premature conversion of lands outside of the UGB.

5. Section IVD, 2, b, Policy 2 Strategy 2 of the Community Development Plan

The Oregon Manufactured Housing Dealers Assoc. has informed the City of its objection to the policy which it says will unduly restrict the market for mobile homes in the area (see attachment 2). The Planning Commission reviewed the OMHDA letter at their meeting of February 17, 1981. The Planning Commission found that 1) the 25% mobile home policy was a reasonable measure in assuring a variety of housing styles and tenures. 2) the strategy is to be understood as a guideline that is intended to be reviewed and revised in response to a periodic assessment of housing needs and market demand for mobile homes and 3) mobile homes are distinguishable from conventional housing (i.e. in structural standards, architectural design and dimensions; and depreciation characteristics), and therefore measures to regulate them as a class of housing is appropriate. In light of the Commission's findings, the City's intent in the use, review and revision of the strategies should be clarified.

STAFF RECOMMENDATION

Based on the above findings, the staff recommends the following amendments to the text of the Comprehensive Plan.

1. Amend Chapter 2 Section 9.02D of the Community Development Code by deleting "Required Findings" D.3. and D.4., renumbering the "Required Findings" and adding an additional "Required Finding ." The amended section shall read as follows:

"D. Required Findings

No design review approval shall be granted unless each of the following is found.

1. The proposed development is consistent with the purposes and meets the applicable standards of the planning designation area in which it is located and the provisions of Section 9.03.
2. The proposed development can be adequately served by facilities and services including water, sanitary facilities, drainage, solid waste, park and recreation, public safety, electric power, and communications consistent with the Community Facilities and Services Element of the Community Development Plan.

D. Required Findings continued

3. Covenants, agreements, and other specific documents are adequate to assure an acceptable method of ownership, management and maintenance of structures, landscaping and other on-site features.
 4. The proposed development preserves significant natural features including but not limited to natural drainage-ways, trees, vegetation, scenic views and topographical features to the maximum feasible extent.
 5. That the design review criteria, standards and conditions applied in the design review process have not been used to deny a request to provide housing types identified in the Plan as needed nor that the application of criteria, standards and conditions, either individually or cumulatively, have the effect of decreasing Plan densities or unduly increasing development costs."
2. Amend Section II.E. of the Community Development Plan by deleting the second sentence and adding a new sentence clarifying precedence of the plan text in interpreting plan intent. The amended section shall read as follows:
- "E. The Sherwood City Council shall have final authority for the interpretation of the text or maps of the Sherwood Comprehensive Plan. In cases of conflict between the maps and text of the Comprehensive Plan, the text of the Plan shall take precedence in interpreting plan intent. The location of Planning Designation Areas on the Plan Map shall be determined according to the rules contained in Part 3 Chapter 2 Section 2.03."
3. Amend Section III.F. of the Community Development Plan by adding new policies precluding City action and opposing action by others which would extend or encourage the extension of urban service lines outside of the Urban Growth Boundary. The amended section shall read as follows:
- "F. 2. Urban Service Extension Outside of Urban Growth Boundary Areas.
- Policy 11 The City shall not initiate or take any action and shall oppose any action by others which would extend or encourage the extension of urban sewer, water, or storm drainage services outside of the regionally adopted Urban Growth Boundary.

F. 2. Continued

- Policy 12 Urban Service plans adopted by the City shall be designed to serve areas within the regionally adopted Urban Growth Boundary only. Service line locations and sizing shall be limited to those which are necessary to serve areas within the Urban Growth Boundary.
4. Amend Section IV.D.2.b. Policy 2 Strategy 2 of the Community Development Plan by adding language clarifying how the 25% limit on mobile homes will be used in reviewing new development plans and provisions for periodic review and revision of the policy in light of changed housing market conditions. The amended section shall read as follows.
- ". Mobile housing will comprise up to 25% of the total dwelling units in the Planning Area. The 75/25 ratio of conventional housing types to mobile housing shall be employed as a guideline to assure a variety of housing types are available at any given time. The ratio shall be reviewed and revised at least every two years on the basis of a local housing needs assessment taking into consideration the availability of land for various housing types and housing market demand for the various housing styles and tenures."

SHERWOOD ISSUE OUTLINE

ISSUE	CITY RESPONSE
<u>Goal #1 Citizen Involvement</u>	
No acknowledgment issues identified	
<u>Goal #2 Land Use Planning</u>	
1. Sherwood's population projections are not consistent with Metro's '208' projections (Metro).	Differences in population projections do not interfere with the City's compliance.
<u>Staff position:</u> Sherwood's urban growth area is consistent with the UGB. The City has adopted phased service policies, that assure services will proceed in tandem with growth.	
Not an acknowledgment issue.	
2. Sherwood's plan map takes precedence over all plan policies in interpreting the plan's intent (Metro).	City will consider limiting map precedence to questions of location only.
<u>Staff position:</u> Limiting map precedence to location questions eliminates Metro's concern.	
<u>Goal #3 Agricultural Lands</u>	
Not applicable.	
<u>Goal #4 Forest Resources</u>	
No acknowledgment issues identified.	
<u>Goal #5 Open Spaces, Scenic and Historic Areas & Natural Resources</u>	
No acknowledgment issues identified.	
<u>Goal #6 Air, Land and Water Resources Quality</u>	
No acknowledgment issues identified.	

ISSUE

CITY RESPONSE

Goal #7 Areas Subject to Natural Disasters and Hazards

Sherwood has not adopted drainage management policies (Metro, DLCD).

City has just completed drainage study. Plan commits City to adopting drainage management policies.

Staff position: This is not an acknowledgment issue.

Goal #8 Recreational Needs

No acknowledgment issues identified.

Goal #9 Economy of the State

No acknowledgment issues identified.

Goal #10 Housing

1. Sherwood has established vague and discretionary standards for design review of multi-family housing and mobile homes that could preclude needed housing (Metro, Manufactured Housing Association).

City staff recognizes this problem, and will recommend changes to the City Council.

Staff position: Sherwood should eliminate vague and discretionary design review approval standards or adopt limits on design review that will prevent it from discouraging or raising the price of needed housing types.

2. Sherwood's plan limits mobile homes to not more than 25% of the City's housing stock.

Staff position: Not an acknowledgment issue. Sherwood more than meets its regional housing responsibilities by providing new construction densities of 7 units per acre and a housing mix that is 51.5% single family and 48.5% multi-family.

ISSUE

CITY RESPONSE

Goal #11 Public Facilities and Services

Sherwood's sewer services plan would extend lateral sewers through areas outside the UGB. The presence of sewers creates pressure for inclusion within the UGB and annexation to the City (Metro).

Sewer service outside the City limits is not a Sherwood acknowledgment issue.

Staff position: The city should adopt plan policies and agreements with sewer providers limiting hookups outside the UGB.

Goal #12 Transportation

No acknowledgment issues identified.

Goal #13 Energy Conservation

No acknowledgment issues identified.

Goal #14 Urbanization

See Goal #11.

Staff position: City service policies should support the regional Urban Growth Boundary.

ATTACHMENT 2
MHDA LETTER



Suite 203
3850 Portland Rd. N.E.
Salem, Oregon 97303
Phone: 364-2470

JAN 22 1980

January 19, 1980

Mr. Todd Dugdale, Planning Director
City of Sherwood
P O Box 167
Sherwood, OR 97140

Re: Comprehensive Plan provisions for manufactured housing

Dear Todd:

I have completed my preliminary review of the 3 volume Sherwood Comprehensive Plan. My primary focus was on the provisions for manufactured housing and I will try to limit my comments to that issue.

I

Inventory Part I - The inventory documents were particularly impressive. The environmental resources inventory was one of the best I have seen.

The Housing inventory of Chapter IV contained a wealth of good information on housing in general. I was unable to find more specific information on manufactured housing. Providing more detailed information on manufactured housing might be of benefit to the City. With the information the cost/benefit of this housing type and relative need could be better understood.

II

I noted a statement at Part I, page IV-30, to the effect that "almost twice the amount of buildable land statistically required to meet these growth needs is provided..." It is unclear to me whether this is a so called market factor. If so, you might have to provide further justification in order to satisfy LCDC.

III

Development Plan, Part 2

- a) The Growth Management Policy seems well balanced and should serve the City's needs while promoting orderly development.
- ✓ b) The findings in Chapter IV seemed to be well supported by the inventory information in Part I. However, as previously noted, the projection that manufactured housing will comprise 25% of future housing, seems to be unsupported. If present housing trends continue, manufactured housing might comprise in excess of 25% of the housing stock (see Betty Niven paper enclosed). We feel that this support is necessary if you are to distinguish Sherwood from the Tualatin situation.

January 19, 1980
Comprehensive Plan provisions for manufactured housing
page two

We interpret the Plan to say that at no time could manufactured housing exceed 25% of the total housing supply. This is of potential concern to us. We realize, that coming from the percentage of housing presently made up of manufactured housing, 25% may be far in the future. Nevertheless, we feel that the limitation may be bad policy.

By setting the limitation, the City may be placing itself in a straight jacket and not have the flexibility to respond to future conditions in the housing market.

The policy seems to assume that there may be a market demand for this housing in excess of the 25%. If this assumption is correct, we are unable to understand the rationale for restricting this choice in the market place.

We assume that the City feels that this policy is necessary to insure that the City will not have to accommodate demand shifted from surrounding areas. This rationale recognizes the generous provisions for manufactured housing contained in the Zoning Ordinance. However, the rationale fails to recognize the progress surrounding jurisdictions are making to accommodate manufactured housing. The jurisdictions of Washington County, Tualatin, Beaverton, Newberg, Wilsonville and Tigard etc., all accommodate manufactured housing within parks or subdivisions.

The Sherwood Zoning Ordinance, as it pertains to manufactured housing subdivisions, is very progressive. We feel that these regulations will insure that only compatible high quality manufactured housing developments will occur. Therefore, we request that the 25% limitation on manufactured housing be deleted.

IV

Conditional use Ordinance, Part 3, Chapter 2 § 6.04

The Conditional Use required findings may not comply with the LCDC Housing Policy (St. Helens Policy).

The public need tests are no longer required after a Comprehensive Plan has been acknowledged, see Neuberger v. City of Portland. The Post Acknowledgment test is whether or not the conditional use is in accordance with the Comprehensive Plan. To require an additional showing of public need may only delay approval and add unnecessary costs.

The test of whether the conditional use will adversely affect surrounding properties seems to violate the spirit of LCDC Housing Policy and ORS 227.173(1). Vague standards place the City in a position of having to make subjective determinations without objective criteria to rely on. We suggest that the City amend § 6.04 so that it expressly states the criteria which will be relevant to a conditional use determination, i.e. setback, height, landscaping, etc.

January 19, 1980

Comprehensive Plan provisions for manufactured housing
page two

The enclosed information is for your use. The Betty Niven material may be especially valuable in discussing the affordability of manufactured housing and its fiscal impact upon the City.

If we can be of further assistance, please feel free to call.

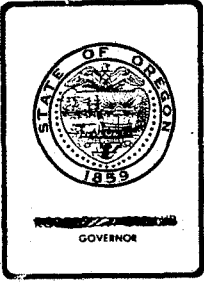
Sincerely,



Donald W. Miner
Staff Attorney

DM:st

cc: Kathy Keene, Oregon Business Planning Council
Bill Latham, WMHI
Mary Holly, Dept of Commerce-Hsng Division
OMHDA Wash/Yamhill Chapter



ATTACHMENT 3
LCDC ST. HELENS POLICY

APR 20 1979

Department of Land Conservation and Development

1175 COURT STREET N.E., SALEM, OREGON 97310 PHONE (503) 378-4926

M E M O R A N D U M

April 18, 1979

TO: Mayors and Board Chairman/Judges, City and County Planning Directors, Local Coordinators, COG's, other Interested Persons

FROM: W. J. Kvarsten, Director

SUBJECT: POLICY PAPERS:

- ✓ 1. SPECIAL DISTRICT COORDINATION PAPER (FINAL)
2. CLARIFICATION OF THE ST. HELENS HOUSING POLICY

On April 5, 1979 the Land Conservation and Development Commission approved as final policy the Special District Coordination Policy Paper. The Commission requested staff preparation of the policy paper to better explain special district coordination requirements in ORS 197. The Department received many helpful comments from planners, coordinators and special districts in the development of this paper. We appreciate your efforts. This paper is also being distributed to special districts throughout the state.

The Commission also approved the distribution of the draft Clarification of the St. Helens Policy for review and comment. The Commission requested this clarification in the light of recent acknowledgment requests. The thrust of the St. Helens policy is to ensure that housing development decisions made at the local level are not arbitrary. The attached policy paper draft states that the St. Helens policy is not to be construed as an infringement on a community's prerogative to, 1) set approval standards under which a particular housing type may be permitted; or 2) require special conditions upon approval of a specific development proposal. In order to meet the St. Helens test, approval standards for permitted or conditional uses must: 1) be clear and objective; 2) be reasonable in terms of their cost impacts; and 3) must not have the cumulative effect of discouraging a needed housing type.

The Department would appreciate your review and comment on the draft Clarification of the St. Helens Policy. This paper will go to the Commission for final adoption at their June meeting. In order for your comments to be incorporated in the final, we must receive them by May 18.

WJK:RLM:cf

ENC.

CLARIFICATION OF THE ST. HELENS HOUSING POLICY

Discussion:

The present St. Helens policy reads as follows:

"Residential zones need to be consistent with plan policies and map designations. Where a need has been shown for a particular type of housing, it should be permitted outright in some zones, although it may be a conditional use in other zones. Care should be taken to remove vague approval standards from zoning ordinances. In determining compliance with Goal #10, an important part of staff analysis will be the amount of vacant buildable land available for each housing type."

In order to clarify and effectively implement the St. Helens policy, this paper will focus on the concept of "conditional use." Considerable confusion exists with respect to this term. In Anderson v. Peden, a case relating to a denial of a conditional use permit for a mobile home, the Oregon Supreme Court provided three distinct interpretations:

"Standing alone, the term 'conditional use' can convey quite different meanings. It could mean that the specified use is a permitted use whenever certain conditions exist or are satisfied. Or, second, it may mean that the use will be permitted subject to special conditions attached to the individual permit. Third, 'conditional use' historically has often been employed simply as a device to permit discretionary decisions on certain uses, without much attention to the meaning of conditional." 284 Or at 316

Conditional use permits of the first two types may be consistent with the St. Helens policy; the third type of "conditional use" clearly would not. (See examples attached.) Thus, it would be entirely appropriate for a community to require, for example, that all multifamily development be located on a paved city street with full city services, or that garden apartments be limited to two stories and provide for 30% landscape coverage (the first type of conditional use). So long as the specified standards are clear and objective, and reasonable in terms of their cost impact, a community may establish conditions under which a given housing type may be developed.

It would also be appropriate for a community to condition approval of a particular development proposal by, for example, requiring additional screening, controlling access, or even by specifying design features in order to ensure that development will be safe and compatible with the surrounding neighborhood. In order for such a conditional use provision to meet the St. Helens test, the range of conditions that may be imposed on a specific development must be clearly stated and must not have the effect of discouraging a needed housing type.

The third type of conditional use is where approval is discretionary and dependent upon vague criteria such as "no adverse impact on the neighborhood." Such standards may be appropriate for review of service stations, junk yards, or public utility outlets--but can have an exclusionary effect when applied to housing.

In many instances, all three types of conditional uses will apply to a specific housing type. In practice, it is possible for a housing development to meet all objective requirements and still be denied on the basis of vague and discretionary standards, or approved subject to conditions that would render the development infeasible.

When viewed in the context of Anderson, the distinction between outright use and conditional use becomes somewhat blurred. A housing type may be listed as "permitted outright" in a particular zone, but approval standards may be highly discretionary (this may be the case with respect to some site/ design review standards). Conversely, a housing type may be listed as a conditional use, with clear standards for approval, although this is infrequently the case. In order to meet the St. Helens test, approval standards for permitted or conditional uses must: 1) be clear and objective; 2) be reasonable in terms of their cost impact; and 3) must not have the cumulative effect of discouraging a needed housing type.

In conclusion, the St. Helens policy is not to be interpreted as an attack on a community's ability to apply approval standards to housing development. It does, however, require that these standards not have the potential for arbitrarily restricting a needed housing type that has been recognized in the comprehensive plan.

Policy Clarification

The above (St. Helens) policy statement should not be construed as an infringement on a community's prerogative to (1) set approval standards under which a particular housing type may be permitted, or (2) require special conditions upon approval of a specific development proposal. However, these standards and conditions must be clear and objective.

The application of such standards should be reviewed in terms of their effect on housing costs, and must not have the cumulative effect of discouraging a needed housing type.

EXAMPLES OF CONDITIONAL USE STANDARDS

TYPE I

Mobile home parks shall be approved provided that:

-the park is located on either a collector or arterial street paved to city standards, and is served by the full range of city services;

-a landscape plan prepared by a registered landscape architect has been provided which includes
a) a 4' berm with coniferous trees of at least 6' in height planted at 10' intervals; b) deciduous trees of at least 8' in height planted at 15' intervals along all private roads.

Multiple family development shall be approved provided that:

-landscaping exceeds 30% of lot area;

-units are clustered in groups of six or fewer;

-the project is served by paved city streets with sidewalks;

-lighting is designed so as not to shine on adjoining properties and is limited to 10' in height.

WJK:GW:mh/MC

TYPE II

The Planning Commission may impose the following conditions to minimize conflict between proposed and existing uses:

-increase setbacks to a maximum of 20' to ensure adequate sunlight to adjoining properties;

-screen unsightly development such as trash receptacles, mechanical apparatus, storage areas, or windowless walls;

-retain trees or other natural features under specified conditions;

-require design details in harmony with existing development in an historic overlay zone;

-require landscaping and lighting plans to accomplish specified ends;

-modify access provisions for safety reasons;

-require the staggering of units to avoid a "barrack-like" effect;

-require participation in an improvement district to ensure provision of basic services, parks, or streets and sidewalks directly benefiting the proposed development.

TYPE III

Evidence shall be provided to demonstrate that the proposed use will:

-be in harmony with the surrounding neighborhood;

-preserve and stabilize the value of adjacent properties;

-encourage the most appropriate use of the land;

-have a minimal adverse impact on the livability, value and appropriate development of abutting properties and the surrounding area compared with the impact of development that is permitted outright;

-preserve assets of particular interest to the community;

-not be detrimental or injurious to property and improvement in the neighborhood or to the general welfare of the community;

-will not unduly impair traffic flow or safety in the neighborhood;

Failure to meet any of the above standards shall be grounds for denial.

EXHIBIT B

March 18, 1981

MEMORANDUM



TO: City Council
From: Planning Commission
Gene Stewart, Chairman
Re: PTA-81-01, Recommended Plan Amendments to Address
Objections Raised by METRO and the Manufactured Housing
Dealers Association Following Their Review of the Sherwood
Comprehensive Plan

On March 3, 1981, upon the request of the staff, the Planning Commission initiated plan text amendments to address three issues raised by METRO and one issue raised by the Oregon Manufactured Housing Dealers Association (OMHDA) following their review of our Plan. At that time they directed the staff to prepare amendment language which would meet the objections and at the same time preserve plan intent.

The objections raised by METRO and OMHDA are summarized in findings contained in the attached staff report dated March 9, 1981. In addition, the staff report contains the recommended amendments to address the issues which were reviewed by the Commission at a public hearing on March 17, 1981. Actions and findings of the Commission on the recommendations of the report are summarized below.

Recommendation #1

Amendment of Chapter 2 Section 9.02D of the Community Development Code to eliminate vague and discretionary language in required findings to be applied during design review.

The Commission decided to recommend that existing required findings #3 and #4 be retained as they are currently worded. They found that a change in the wording to delete references to allegedly vague and discretionary language would unduly limit the discretion of the Design Review Board.

Recommendation #2

Amendment of Section II.E. of the Community Development Code to clarify the precedence of the plan text over the plan map.

The Commission decided to recommend approval of the amendment as stated in the Staff report based on the Staff findings.

March 18, 1981

PTA-81-01

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Recommendation #3

Amendment of Section III.F. of the Community Development Plan to add policies precluding City action and opposing action by others which would extend or encourage the extension of urban services outside of the Urban Growth Boundary.

The Commission decided to recommend approval of the amendment as stated in the staff report based on staff findings.

Recommendation #4

Amendment of Section IV.D.2.b. Policy 2 Strategy 2 of the Community Development Plan to clarify how the 25% limit on mobile homes as a percentage of the total housing stock will be used in reviewed new development and how it will be periodically reviewed and revised.

The Commission decided to recommend retaining the existing policy wording without additional language clarifying the policy's use and periodic review. They found that the OMHDA objection did not take into account or give proper weight to the fact that the Sherwood Plan has allocated adequate land for mobile homes as both outright permitted and conditional uses. Further, they found that the intent of the plan to be periodically reviewed and revised in response to changing conditions is implied or stated elsewhere in the Plan Text.