



## ORDINANCE 2006-021

### **AN ORDINANCE APPROVING A PLAN TEXT AMENDMENT: UPDATING THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE (SZCDC) AND COMPREHENSIVE PLAN BY ADDING INFILL STANDARDS TO THE TEXT AND REMOVING BARRIERS TO NATURAL RESOURCE PROTECTION AND HABITAT-FRIENDLY DESIGN**

**WHEREAS**, the Planning Commission 2006 Work Program included a comprehensive review and update to the Zoning and Community Development Code and Comprehensive Plan to include infill and redevelopment standards; and

**WHEREAS**, the Planning Commission 2006 Work Program included continuing with the Tualatin Basin Natural Resources Protection program implementation which included updates to the Zoning and Community Development Code and Comprehensive Plan to remove existing barriers to natural resource protection; and

**WHEREAS**, the Sherwood Planning Commission conducted a public hearing on the proposed plan text amendments (PA 06-02 and PA 06-03) on September 12, 2006, September 26, 2006, and October 24, 2006 and recommended approval of the Development Code and Comprehensive Plan text amendments (Exhibit A), including the adoption of two new maps to the City Council; and

**WHEREAS**, the Sherwood City Council has received the Planning staff report (PA 06-02 and PA 06-03), the Planning Commission findings, reviewed the materials submitted and the facts of the proposal and conducted a public hearing on December 5, 2006; and

**WHEREAS**, the City provided notice to DLCD at least 45 days prior to the first public hearing per ORS 197.610, provided Measure 56 notice per ORS 227.186 and provided public notice per Section 3.202 of the Sherwood Zoning and Community Development Code; and

**WHEREAS**, the SZCDC Code Section 4.203.01 specifies the criteria to approve a change in the Comprehensive Plan Text, and the Sherwood City Council finds that the proposal complies based on the findings of fact and conclusions of law included in the attached report and recommendation from the Planning Commission (Exhibit B).

**NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:**

Section 1. Commission Review & Public Hearings. The proposal by the Planning Commission for a Plan Text Amendment (PA 06-02 and PA 06-03) to amend the Sherwood Zoning and Community Development Code Sections in Chapters 1, 2, 3, 5, 6, 7, and 8 and the Sherwood Comprehensive Plan Chapters 4 and 5 ("Exhibit A") was subject to full and proper review and public hearings were held before the Planning Commission on September 12, 2006, September 26, 2006 and October 24, 2006 and the City Council on December 5, 2006.

Section 2. Findings. After full and due consideration of the application, the City Staff report ("Exhibit B"), the record, findings, and of the evidence presented at the public hearing, the Council finds that the text of the SZCDC and the Comprehensive Plan should be amended to include infill and redevelopment standards (Section 2.309 and, generally, Chapters 2, 3, and 7 of the SZCDC and Chapter 4 of the Comprehensive Plan) and remove barriers to habitat friendly development to encourage natural resource protection (generally Chapters 2, 5, 6, 7 and 8 of the SZCDC and Chapter 5 of the Comprehensive Plan), accurately reflect such applicable ORS changes, add applicable definitions to Section 1.200, and provide consistency in the Code; therefore, the Council adopts the findings of fact contained in the City Council staff report dated November 22, 2006.

Section 3. Approval. The proposals for Plan Text Amendments (PA 06-02 and PA 06-03) are hereby **APPROVED** as stipulated in the document labeled "Exhibit A" and attached to this ordinance.

Section 4. Manager Authorized. The Planning Department is hereby directed to take such action as may be necessary to document this amendment, including preparation of a certified amendment of the Official City Zoning and Community Development Code and Comprehensive Plan in accordance with City ordinances and regulations.

Section 5. Effective Date. This ordinance shall become effective 30 days after its adoption.

Duly passed by the City Council this 5<sup>th</sup> day of December, 2006.

  
\_\_\_\_\_  
Keith S. Mays, Mayor

Attest:  
  
\_\_\_\_\_  
Sylvia Murphy, City Recorder

	AYE	NAY
Luman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
King	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Heironimus	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Grant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Durrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mays	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Chapter 1- Sherwood Zoning and Community Development Code

### 1.202 SPECIFICALLY

The following terms shall have specific meaning when used in this Code:

- 1.202.01** **Abut:** Contiguous to, in contact with, or adjoining with a common property line; two properties separated by another parcel, lot, tract or right-of-way measuring twenty (20) feet in width or less, shall be considered abutting for the purposes of interpreting the infill-related development standards. See also, Adjacent.
- .04 **Adjacent:** A relative term meaning nearby; may or may not be in actual contact with each other, but are not separated by things of the same kind. For example, a lot is adjacent to a lot across the street because the lots are separated by a street, not an intervening lot.
- .201 **Clean Water Services:** An agency of Washington County providing for sanitary sewer collection and treatment, and for storm water management.
- .375 **Density:** The intensity of residential land uses per acre, stated as the number of dwelling units per net buildable acre. Net acre means an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses.
- .48 **Established Neighborhood:** An existing residential area that is taken into consideration when infill development is proposed. See Section 2.309, Infill Development Standards, intended to promote compatibility between existing residential areas and new development through controls on the type, height, size, scale, or character of new buildings.
- .479 **Environmentally constrained land:** Any portion of land located within the floodway, 100 year floodplain, wetlands and/or vegetated corridor as defined by Clean Water Services.
- .4850 **Environmentally sensitive land:** Land that does not meet the definition of environmentally constrained, but which is identified on the inventory of Regionally Significant Riparian and Wildlife Habitat Map adopted as Map V-2 of the Sherwood Comprehensive Plan, Part 2.
- .1079 **Net Buildable Acre:** Means an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally constrained areas~~sensitive areas~~, public parks and other public uses. When environmentally sensitive areas also exist

on a property and said property is within the Metro urban growth boundary on or before January 1, 2002, these areas may also be removed from the net buildable area provided the sensitive areas are clearly delineated in accordance with this Code and the environmentally sensitive areas are protected via tract or restrictive easement..

.13+137 **“Regionally significant fish and wildlife habitat”**: Those areas identified on the Metro Regionally Significant Fish and Wildlife Habitat Inventory Map, adopted as Map V-2 of the Sherwood Comprehensive Plan, Part 2, as significant natural resource sites.

.171 **Surrounding**: To be encircled on all or nearly all sides; as interpreted for property lines and land uses, a use is surrounded by another use when the other use is abutting on greater than 75% of its perimeter.

.167175 **Unified Sewerage Agency**: The former name of Clean Water Services; ~~An~~ an agency of Washington County providing for sanitary sewer collection and treatment, and for storm water management.

.173181 **Wetlands**: Those land areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are generally identified in the City's 1992 Local Wetland inventory, and the Metro 2004 Natural Resources Inventory, or in the absence of such identification, are based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989).

## Chapter 2- Sherwood Zoning and Community Development Code

### 2.101 VERY LOW DENSITY RESIDENTIAL (VLDR)

#### 2.101.04 Dimensional Standards

##### A. Lot Dimensions

Except as modified under Section 2.309 (Infill Development), Section 8.305.03, or as otherwise provided, required minimum lot areas and dimensions shall be:

1. Lot area (conventional): 40,000 square feet  
Lot area (under PUD): 10,000 square feet
2. Lot width at front property line: 25 feet
3. Lot width at building line: No minimum
4. Lot depth: No minimum

(Ord. 90-927 § 2; 86-851)

##### B. Setbacks

Except as modified under Section 2.309 (Infill Development), Section 8.305.03, or as otherwise provided, required minimum setbacks shall be:

1. Front yard: 20 feet
2. Side yard:
  - a. Single-Family Detached: 5 feet
  - b. Corner Lots (street side): 20 feet
  - c. Single-Family Attached (one side): 20 feet
3. Rear yard: 20 feet

(Ord. 86-851 § 3)

4. Accessory buildings see Section 2.207 – Accessory Uses.

(Ord. 2003-1153 § 1)

##### C. Height



Except as otherwise provided for accessory structures, and for infill development under Section 2.309, the maximum height of structures shall be two (2) stories or thirty (30) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings or to accessory buildings, may exceed this height limitation by up to twenty (20) feet. (Ord. 86-851 § 3)

## **2.102 LOW DENSITY RESIDENTIAL (LDR)**

### **2.102.04 Dimensional Standards**

#### **A. Lot Dimensions**

Except as modified under Section 2.309 (Infill Development), Section 8.305.03, or as otherwise provided, required minimum lot areas and dimensions shall be:

- |                                      |                   |
|--------------------------------------|-------------------|
| 1. Lot area:                         | 7,000 square feet |
| 2. Lot width at front property line: | 25 feet           |
| 3. Lot width at building line:       | 60 feet           |
| 4. Lot depth:                        | 80 feet           |

(Ord. 91-922 § 2; 86-851)

#### **B. Setbacks**

Except as modified under Section 2.309 (Infill Development), Section 8.305.03, or as otherwise provided, required minimum setbacks shall be:

- |                                       |         |
|---------------------------------------|---------|
| 1. Front yard:                        | 20 feet |
| 2. Side yard:                         |         |
| a. Single-Family Detached:            | 5 feet  |
| b. Corner Lots (street side):         | 20 feet |
| c. Single-Family Attached (one side): | 20 feet |
| 3. Rear yard:                         | 20 feet |

(Ord. 86-851 § 3)

4. Accessory buildings see Section 2.207 – Accessory Uses.

(Ord. 2003-1153 § 1)

**C. Height**

Except as otherwise provided for accessory structures, and for infill development under Section 2.309, the maximum height of structures shall be two (2) stories or thirty (30) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet. (Ord. 86-851 § 3)

**2.103 MEDIUM DENSITY RESIDENTIAL LOW (MDRL)**

**2.103.04 Dimensional Standards**

**A. Lot Dimensions**

Except as modified under Section 2.309 (Infill Development), Section 8.305.03, or as otherwise provided, required minimum lot areas and dimensions shall be:

1. Lot areas:
  - a. Single-Family Detached or Attached: 5,000 sq ft
  - b. Two-Family: 10,000 sq ft
  - c. Manufactured Homes: 5,000 sq ft  
(Ord. 89-898 § 1)
2. Lot width at front property line: 25 feet
3. Lot width at building line:
  - a. Single-Family: 50 feet
  - b. Two-Family: 60 feet
  - c. Manufactured Homes: 50 feet
4. Lot depth: 80 feet  
(Ord. 86-851 § 3)

**B. Setbacks**

Except as modified under Section 2.309 (Infill Development), Section 8.305.03, or as otherwise provided, required minimum setbacks shall be:

1. Front yard: 20 feet
2. Side yard:
  - a. Single-Family Detached: 5 feet
  - Corner Lots (street side): 15 feet
  - b. Single-Family Attached (one side): ~~15~~ 10 feet
  - c. Two-Family: 5 feet
  - Corner Lot (street side): 15 feet
  - d. Manufactured Home: 5 feet
  - Corner Lot (street side): 15 feet
3. Rear yard: 20 feet
4. Accessory buildings see Section 2.207 – Accessory Uses.  
(Ord. 2003-1153 § 1)

**C. Height**

Except as otherwise provided for accessory structures, and for infill development under Section 2.309, the maximum height of structures shall be two (2) stories or thirty (30) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet.  
(Ord. 86-851 § 3)

**2.104 MEDIUM DENSITY RESIDENTIAL HIGH (MDRH)**

**2.104.04 Dimensional Standards**

**A. Lot Dimensions**

Except as modified under Section 2.309 (Infill Development), Section 8.305, or Section 2.204 (Townhomes), or as otherwise provided, required minimum lot areas and dimensions shall be:

1. Lot areas:
  - a. Single-Family Detached: 5,000 sq ft
  - b. Single-Family Attached: 4,000 sq ft
  - c. Two-Family: 8,000 sq ft
  - d. Manufactured Homes: 5,000 sq ft
  - e. Multi-Family: 8,000 sq ft  
(for the first two (2) units & 3,200 sq ft  
for each additional unit)



2. Lot width at front property line: 25 feet
3. Lot width at building line:
  - a. Single-Family: 50 feet
  - b. Two-Family & Multi-Family: 60 feet
  - c. Manufactured Homes: 50 feet
4. Lot depth: 80 feet
5. Townhome lots are subject to Section 2.204. (Ord. 2002-1126 § 2; 2001-1123; 86-851 § 3)

**B. Setbacks**

Except as modified under Section 2.309 (Infill Development), Section 8.305.03, or Section 2.204 (Townhomes), or as otherwise provided, required minimum setbacks shall be:

1. Front yard: 20 feet
2. Side yard:
  - a. Single-Family Detached: 5 feet  
Corner Lot (street side): 15 feet
  - b. Single-Family Attached (one side): 5 feet
  - c. Two-Family: 5 feet  
Corner Lot (street side): 15 feet
  - d. Manufactured Home: 5 feet  
Corner Lot (street side): 15 feet
  - e. Multi-Family, for portions of elevations that are:
    - ~~1 Story~~ 24 feet or less in height: 5 feet
    - ~~2 Stories~~ Greater than 24 feet in height See setback requirements in Section 2.309.03B 7 feet
    - ~~2 1/2 Stories~~ 8 feet
    - Corner Lot (street side): 20 feet
3. Rear yard: 20 feet
4. Accessory buildings see Section 2.207 – Accessory Uses. (Ord. 2003-1153 § 1)

5. Buildings which are grouped together in one project on one (1) tract of land shall be separated by a distance equal to the sum of the required side yards for each building (i.e. as though an imaginary lot line is placed between the buildings). (Ord. 91-922 § 2; 86-851)
6. Townhomes, subject to Section 2.204 (Ord. 2002-1126 § 2; 2001-1123; 86-851 § 3)

**C. Height**

Except as otherwise provided for accessory structures, or for townhomes under Section 2.204, or for infill development under Section 2.309, the maximum height of structures shall be two and one-half (2-1/2) stories or thirty-five (35) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet. Height of townhomes may be three (3) stories, subject to Section 2.204. (Ord. 2002-1126 § 2; 2001-1123; 86-851)

**2.105 HIGH DENSITY RESIDENTIAL (HDR)**

**2.105.04 Dimensional Standards**

**A. Lot Dimensions**

Except as modified under Section 2.309 (Infill Development), Section 8.305.03, or under Section 2.204 (Townhomes), or as otherwise provided, required minimum lot areas and dimensions shall be:

1. Lot areas:
  - a. Single-Family Detached: 5,000 sq ft
  - b. Single-Family Attached: 4,000 sq ft
  - c. Two-Family: 8,000 sq ft
  - e. Multi-Family: 8,000 sq ft  
(for the first two (2) units & 1,500 sq ft for each additional unit)
2. Lot width at front property line: 25 feet
3. Lot width at building line:
  - a. Single-Family: 50 feet

- b. Two-Family & Multi-Family: 60 feet
- 4. Lot depth: 80 feet
- 5. Townhome lots are subject to Section 2.204. (Ord. 2002-1126 § 2; 2001-1123; 86-851 § 3)

**B. Setbacks**

Except as modified under Section 2.309 (Infill Development), Section 8.305.03, or under Section 2.204 (Townhomes), or as otherwise provided, required minimum setbacks shall be:

- 1. Front yard: 20 feet
- 2. Side yard:
  - a. Single-Family Detached: 5 feet
  - Corner Lot (street side): 15 feet
  - b. Single-Family Attached (one side): 5 feet
  - c. Two-Family: 5 feet
  - Corner Lot (street side): 15 feet
  - d. Multi-Family, for portion(s) of elevations that are:
    - 1 Story 18 feet or less in height: 5 feet
    - 2 Stories 18-24 feet in height 7 feet
    - 2-1/2 Stories greater than 24 feet in height 8 feet See setback requirements in Section 2.309.03.B
  - Corner Lot (street side) 30 feet
- 3. Rear yard: 20 feet
- 4. Accessory buildings see Section 2.207 – Accessory Uses. (Ord. 2003-1153 § 1)
- 5. Buildings which are grouped together in one project on one (1) tract of land shall be separated by a distance equal to the sum of the required side yards for each building (i.e. as though an imaginary lot line is placed between the buildings). (Ord. 91-922 § 2; 86-851)  
~~Buildings which are grouped together in one project on one (1) tract of land shall be separated by a distance equal to the sum of the required yards for each building. (Ord. 91-922 § 2; 86-851)~~

6. Townhomes, subject to Section 2.204 (Ord. 2002-1126 § 2; 2001-1123; 86-851 § 3)

**C. Height**

Except as otherwise provided for accessory structures, or for townhomes under Section 2.204, or for infill development under Section 2.309, the maximum height of structures shall be three (3) stories or forty (40) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet. (Ord. 91-922 § 2)

**2.302 ADDITIONAL SETBACKS**

**2.302.01 Generally**

Additional setbacks apply when the width of a street right-of-way abutting a development is less than the standard width under shall be provided along streets based on the functional classifications in Section VI of the Community Development Plan. Additional setbacks are intended to provide unobstructed area for future street right-of-way dedication and improvements, in conformance with Section VI. Additional setbacks shall be measured at right angles from the centerline of the street.

Classification	Additional Setback
Major Arterial	<u>45-61</u> feet
Minor Arterial	<u>35-37</u> feet
Collector	<u>27-29</u> feet
Local	<u>24-26</u> feet

(Ord. 86-851 § 3)

## 2.303 FENCES, WALLS AND HEDGES

### 2.303.01 Generally

- A. Purpose: The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effect of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.
- B. Definition: For purposes of this Section, a corner lot adjoining two (2) City streets shall have both yards adjoining the streets considered as front yards.
- C. Types of Fences: The standards apply to walls, fences, hedges, mounds, and screens of all types (or a combination thereof) whether open, solid, wood, metal, wire, masonry, plant vegetation or other materials.
- D. Location:
1. Fences up to forty-two inches (42") high are allowed in required front building setbacks.
  2. Fences up to six feet (6') high are allowed in required side or rear building setbacks, except fences adjacent to public pedestrian access ways and alleys shall not exceed forty-two inches (42") in height unless there is a landscaped buffer at least three (3) feet wide between the fence and the access way or alley.
  3. Rear (flag) lot access drives shall be separated from abutting property(ies) by a minimum of forty-two inch (42") sight-obscuring fence or a 42"-72" high landscape hedge within a four (4) foot landscape buffer. Alternatively, where existing mature trees and vegetation are suitable, the Planning Supervisor may waive the fence/buffer in order to preserve the mature vegetation.
  4.
  3. Additionally, all fences shall be subject to the clear vision provisions of Section 2.301.
- E. Provisional Locations:



1. On corner lots in residential areas, where a home is characterized as back-to-back (See diagram adopted herein as shown in the illustration of these text provisions):
  - a. A six-foot (6') fence may extend into the required second front yard in an amount not to exceed fifty percent (50%) of the distance measured between the house and sidewalk.
  - b. Said fence may not extend beyond eight feet (8') from the rear of the house toward the front.
2. On corner lots in residential areas where a home is characterized as back-to-front (See diagram adopted herein as shown in the illustration of these text provisions):
  - a. A six-foot (6') fence may extend into the second required front yard in an amount no greater than five feet (5') from the house.
  - b. Said fence may not extend beyond eight feet (8') from the rear of the house to the front.
3. Fences in yards affecting cul-de-sacs are exempt from Section E.

F. Provisional Conditions: The following conditions are applied to those fences constructed pursuant to Section E.

1. The clear vision standards of Section 2.301 apply and take precedence over these provisions in the event of conflict between this Section and Section 2.303.
2. Wire/chain link fencing is not allowed along any residential street frontage.

G. General Conditions

1. In all cases, the following standards are applied:
  - a. ~~Fences must be structurally sound and maintained in good repair. Fences may not be propped up in any way from the exterior side.~~
  - ab. Chain link fencing is not allowed in any required residential front yard setback.
  - bc. The finished side of the fence must face the street.
  - c. ~~A fence permit from the City is required for all fences.~~

~~H.~~ Administrative Variance: The City Manager or his/her designee may grant an administrative variance to this Section.

I. Abatement of Fences in Non-Compliance

1. Fences that do not conform to Section E of this Code must come into compliance when ~~building permits are issued for the property, the house is sold, when other permits are issued, or by September 1, 2003, whichever is earlier.~~ Fences constructed affecting cul-de-sacs or fences creating inadequate site distances pursuant to Section 2.301 must come into compliance immediately.
2. Chain link fences forty-two inches (42”) or under in front yard setbacks, erected prior to adoption of this ordinance, or other fences which, when installed, were legal under the Sherwood Code of Ordinances effective at that time, are exempt from Section 1.

J. Penalties: Violations of Section 2.303.01 shall be subject to the penalties defined by Section 1.101.04.

## 2.304 LOT SIZES AND DIMENSIONS

### 2.304.01 Generally

If a lot or the aggregate of contiguous lots or parcels recorded, or platted, prior to the effective date of this Code, has an area or dimension which does not meet the requirements of this Code, the lot or aggregate lots may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located, except that a residential use shall be limited to a single-family dwelling, or to the number of dwelling units consistent with the density requirements of the zone. However, no dwelling shall be built on a lot with less area than thirty-two hundred (3,200) square feet, except as provided in Section 2.309, Infill Development. (Ord. 86-851 § 3)

### 2.304.03 Infill Development

Lot sizes and dimensions shall conform to the underlying zone district except as modified under Section 2.309, Infill Development.

## 2.305 YARD REQUIREMENTS

### 2.305.01 Through Lots

On a through lot the front yard requirements of the zone in which such a lot is located shall apply to ~~each~~the street frontage where the lot receives vehicle access; except where access is from an alley, the front yard requirements shall apply to the street opposite the alley. (Ord. 86-851 § 3)

### 2.305.02 Corner Lots

On a corner lot, or a reversed corner lot of a block oblong in shape, the short street side may be used as the front of the lot provided:

- A. The front yard setback shall not be less than twenty-five (25) feet; except where otherwise allowed by the applicable zoning district and subject to vision clearance requirements.
- B. The side yard requirements on the long street side shall conform to the front yard requirement of the zone in which the building is located.

(Ord. 86-851 § 3)

### 2.305.03 Yards

- A. Except for landscaping, every part of a required yard shall be open and unobstructed from its lowest point to the sky, except that awnings, fire escapes, open stairways, and chimneys may be permitted when so placed as not to obstruct light and ventilation.
- B. Where a side or rear yard is not required, and a structure is not erected directly on the property line, it shall be set back at least three (3) feet. (Ord. 86-851 § 3)

### 2.305.04 Exceptions

A. Architectural features such as cornices, eaves, canopies, sunshades, gutters, signs, chimneys, and flues may project up to two and one-half (2-1/2) feet into a required yard. (Ord. 86-851 § 3)

B. Yard requirements of the underlying zone may be modified for infill developments, as provided in Section 2.309.

## 2.309 INFILL DEVELOPMENT STANDARDS

### 2.309.01 Purpose and Intent

Section 2.309 provides standards for infill development, or the development of properties that have been skipped over by larger subdivisions and, due to their proximity to established residential neighborhoods, require special design controls and flexibility in the City's zoning and land division standards. Section 2.309 is intended to:

- A. Promote housing choice, transportation efficiency and compatibility between existing residential areas and new development;
- B. Allow for greater flexibility in lot size, dimensions and setbacks; and
- C. Control the type, height, size, and scale of new buildings on infill properties.

### 2.309.02 Lot Sizes and Dimensions for Infill Lots

The Approval Authority may approve modifications to the minimum lot size and/or lot dimensions of this Code for residential developments containing less than five (5) acres (i.e., is not otherwise eligible for a Planned Unit Development) and located within the city limits at the effective date of Ordinance 2006-021, subject to all of the following requirements:

- A. Lot area may be reduced below the minimum standard of the applicable zoning district through the land division or lot line adjustment process when the Approval Authority finds:
  - 1. The resulting lot size(s) and dimensions are not less than eighty-five percent (85%) of the standard minimum lot area of the zone; and
  - 2. The resulting average lot size of the development (partition or subdivision) shall be no less than the minimum lot size of the zone in which it is located; the resulting density shall be no more than the allowable density of the zone. Areas reserved as open space, such as central greens, plazas, and other common open space may be counted toward the average lot size and density of the development when such areas are centrally located and accessible to every lot in the development; and
  - 3. The reduction in lot size and/or dimensions shall not be detrimental to any designated natural feature; the Approval Authority may require mitigation to protect and enhance such features, as applicable; and
  - 4. All required local street connections, pedestrian access ways, utility easements, emergency access, and other Code requirements are met; the Approval Authority may require shared driveways (i.e., for two dwellings) for paired lots that individually have less than 40 feet of street frontage, except where driveway access is provided from an alley; and



5. The land division shall be conditioned, and a deed restriction recorded on each lot that contains less than the minimum lot size of the zone, requiring that building elevations and floor plans be submitted to the Planning Department for review and approval prior to issuance of a building permit on such lot, and such plans be binding on future building. Building plans required under this section shall meet the following standards as provided in Section 2-309.04:

a. Floor area ratio;

b. Side setback plane; and

d. Garage orientation and design standards.

6. The land division shall be conditioned, and a deed restriction shall be recorded on each lot that contains less than the minimum lot size of the zone, requiring that a landscape plan be submitted to the Planning Department for review and approval prior to issuance of a building permit on such lot. Landscape plans required under this section shall provide plant materials and irrigation that are equal to are better than those existing residential landscapes in the vicinity. The Approval Authority may consider plant species, quantity/volume of plant material, irrigation, slope, aspect, soil, and other relevant factors in determining the adequacy of landscape plans and in requiring additional landscaping;

B. Lot dimension(s) may be reduced below the minimum standards of the applicable zoning district through the land division or lot line adjustment process provided that the development conforms to Section 2.309.03A, above, and all other applicable Code requirements are met.

C. Lot width and frontage standards may be waived for rear lots created through partitioning where an access easement or tract of not less than twenty (20) feet in width connects the subject lot to a public street with a driveway meeting City standards and the yard requirements for rear lots, as provided in Section 2.309.05, are met. The Approval Authority may require that such driveway be dedicated as a public alley and extended in accordance with local street network plans and connectivity requirements.

### **2.309.03 Building Design on Infill Lots**

Structures exceeding twenty four (24) feet in height shall conform to the following standards:

A. Floor Area. Floor area in any dwelling with a height greater than twenty four (24) feet shall not exceed the following floor area ratios, except that the first 200 square

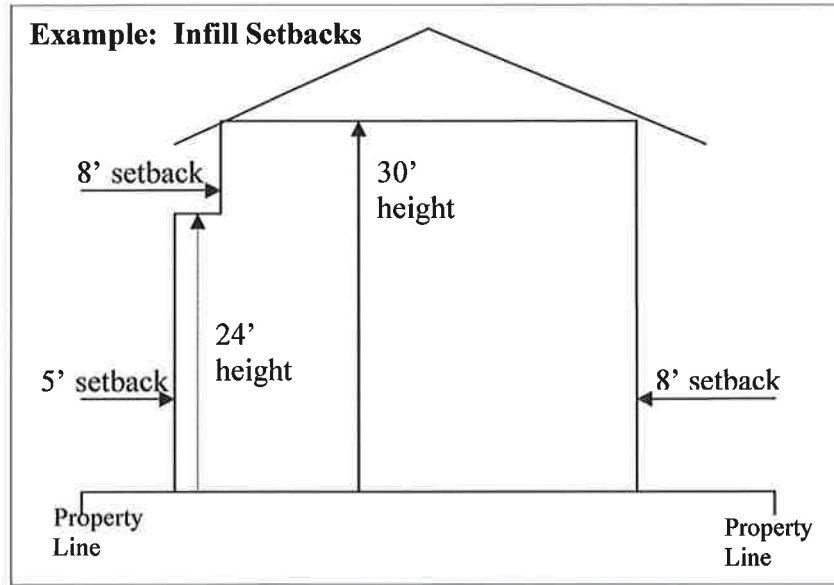


feet of floor area in a detached garage or other accessory structure shall be exempt when the accessory structure is located behind a single family dwelling (dwelling is between accessory structure and abutting street), the lot is not a through lot, and the accessory structure does not exceed a height of eighteen (18) feet. Floor area shall not exceed:

1. Low Density Residential (LDR): 50% of lot area
2. Medium Density Residential Low (MDRL): 55% of lot area
3. Medium Density Residential High (MDRH): 60%
4. High Density Residential (HDR): 65%

B. Interior Side Setback and Side Yard Plane. When a structure exceeds twenty four (24) feet in height:

1. The minimum interior side setback is five (5) feet, provided that elevations or portions of elevations exceeding twenty (24) feet in height shall be setback from interior property line(s) an additional one-half (½) foot for every one (1) foot in height over twenty four (24) feet (see example below); and
2. All interior side elevations exceeding twenty four (24) feet in height shall be divided into smaller areas or planes to minimize the appearance of bulk to properties abutting the side elevation: When the side elevation of such a structure is more than 750 square feet in area, the elevation shall be divided into distinct planes of 750 square feet or less. For the purposes of this standard, a distinct plane is an elevation or a portion of an elevation that is separated from other wall planes resulting in a recessed or projecting section of the structure that projects or recedes at least two (2) feet from the adjacent plane, for a length of at least six (6) feet. The maximum side yard plane may be increased by ten percent (10%) for every additional five (5) feet of side yard setback provided beyond the five (5) foot minimum.



**C. Garage Orientation. On lots with a minimum width of sixty (60) feet or less, the garage shall meet the following orientation and design standards:**

1. The garage shall not be located closer to the street than the dwelling, unless the combined width of garage opening(s) does not exceed fifty percent (50%) of the total width of the front (street-facing) elevation. For the purpose of meeting this standard, the exterior wall of at least one room of habitable space, which may include habitable space above the garage, shall be located closer to the street than the garage door. Any garage opening width beyond fifty percent (50%) standard shall be set back at least (2) feet further from the front property line than the façade of the other garage volume. Alternatively, and subject to the Approval Authority's approval, the front elevation may incorporate a decorative trellis, pergola or other architectural feature that provides a shadow line giving the perception that the garage opening is recessed;
2. The standard in subsection c.1, above, does not apply where the average slope of a parcel or lot exceeds twenty percent (20%) where the garage is proposed to be set back at least forty (40) feet from the public right-of-way, or where the garage is to be accessed from an alley;
3. When the side or rear elevation of a front-loading garage is exposed to the street or an abutting property, such elevation(s) shall have more than one plane (offset or projection of 2 feet or more) or shall have window area equal to at least ten percent (10%) of the exposed garage wall.

[Note: The intent of the above code changes is to avoid the appearance of large houses on small lots and to provide compatibility within existing neighborhood



without reducing property rights or allowable density. The specific standards should allow floor area similar to existing houses, but require massing, scale, and orientation that does not overwhelm the site, assuming the lots will get smaller with the changes proposed elsewhere in the code.]

#### **2.309.04 Height**

The maximum heights specified in the underlying zone shall be the maximum height for any infill development.

#### **2.309.05 Yard Requirements for Infill Development**

The Approval Authority may approve modifications to the minimum yard dimensions of this Code for residential developments containing less than five (5) acres (i.e., is not otherwise eligible for a Planned Unit Development), subject to all of the following requirements:

- A. Side and/or rear yard(s) may be reduced below the minimum standard of the applicable zoning district when the Approval Authority finds:
  - 1. The resulting yard(s) is/are not less than eighty-five percent (85%) of the standard of the zone; and
  - 2. Where a side or rear yard abuts another residential property outside the subject development, it shall not be reduced to less than eighty five percent (85%) of the abutting yard dimension, except where the yard of the abutting property is less than the minimum standard of the zone, in which case a reduction equal to the yard of the abutting property may be permitted. In no case shall a yard of less than five (5) feet be permitted, unless the structure is approved as a zero-lot line or common wall dwelling; and
  - 3. The reduction in yard dimension shall not be detrimental to any designated natural feature; the Approval Authority may require mitigation to protect and enhance such features, as applicable; and
  - 4. All required local street connections, pedestrian access ways, utility easements, emergency access, and other Code requirements are met.
- B. Front yards may be reduced below the minimum standard of the applicable zoning district when the Approval Authority finds:
  - 1. The front yard is reduced by no more than six (6) feet; and
  - 2. All garage openings are setback twenty (20) feet or more from all street rights-of-way.

3. The reduction is to accommodate an unenclosed front porch; or
4. The reduction is necessary to protect natural features on or adjacent to the subject lot; or
5. The reduction allows for greater separation or buffering between infill development and existing residential use(s) at lower densities (or larger lot sizes).

C. Rear lots, also known as flag lots, are those that have less than twenty (25) feet of street frontage, are oriented with their buildable area (flag) behind another lot that has standard street frontage, and receive access from a narrow strip of land (flag pole). The Approval Authority may approve a rear lot only upon finding that it has sufficient lot area after excluding the access drive (easement, tract, or flag pole), it meets emergency access and circulation requirements, and side lot lines adjacent to the access drive have adequate landscape buffering in accordance with Section 2.303.01D. Where two rear lots are proposed contiguous to one another, the Approval Authority may require the two lots share a common access and driveway to reduce the number of curb cuts and turning movement conflicts and to minimize impervious surfaces.

D. In approving reductions to yard dimensions, the Approval Authority must find that the provisions of Section 2.309.03 through 2.309.05, and all other applicable Code requirements, are met.

**2.309.05**      **Public Notice**

The public shall be notified of pending land use applications for projects that are subject to Section 2.309, consistent with the provisions of Section 3.202.03, Mailed Notice.

## Chapter 3- Sherwood Zoning and Community Development Code

### 3.202.03 Mailed Notice

- A. For Type II, III, IV and V actions on zoning map amendments, conditional uses, variances, site plans, planned unit developments, minor land partitions, subdivisions, annexations, landmarks, and other land use action specific to a property or group of properties, the City shall send written notice by regular mail to owners of record of all real property within one hundred (100) feet from the property subject to the land use action.
- B. Except as otherwise provided herein, written notice to property owners shall be mailed at least twenty (20) calendar days in advance of the initial public hearing before the Hearing Authority. If two (2) or more hearings are required on a land use action, notices shall be mailed at least ten (10) calendar days in advance of the initial hearing before the Commission or Council. Written notice to property owners for Type II actions shall be mailed in accordance with Section 3.200.
- C. For the purposes of mailing the written notice, the names and addresses of the property owners of record, as shown on the most recent County Assessor's records in the possession of the City, shall be used. Written notice shall also be mailed to homeowners associations when the homeowners association owns common property within the notification area and is listed in the County Assessor's records.
- D. For written notices required by this Code, other than written notices to property owners of record, the City shall rely on the address provided by the persons so notified. The City shall not be responsible for verifying addresses so provided.
- E. If a zone change application proposes to change the zone of property which includes all or part of a manufactured home park, the City shall give written notice by first class mail to each existing mailing address for tenants of the manufactured home park at least twenty (20) days but not more than forty (40) days before the date of the first hearing on the application. Such notice costs are the responsibility of the applicant.
- F. If a project is proposed for review under the Infill Development Standards (Section 2.309), the developer shall send public notice to all owners of property within the same area indicated on the Sherwood Infill Notification Map in which the development is to occur. Alternatively, the developer may send notice to all property owners within 250-feet of the subject site. The Planning Department shall maintain a map of the Established Neighborhoods.



## Chapter 5- Sherwood Zoning and Community Development Code

### 5.102 SITE PLAN REVIEW

#### 5.102.01 Review Required

Except for single and two family uses, and manufactured homes located on individual residential lots as per Section 2.205.01, but including manufactured home parks, no building permit shall be issued for a new building or structure, or for the substantial alteration of an existing structure or use, and no sign permit shall be issued for the erection or construction of a sign relating to such building or structure until the proposed development has been reviewed in accordance with Section 3.200. For the purposes of Section 5.102, the term "substantial alteration" shall mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

- A. The activity alters the exterior appearance of a structure, building or property.
- B. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial.
- C. The activity involves non-conforming uses as defined in Section 2.206.
- D. The activity constitutes a change in a City approved plan, as per Section 5.102.03.
- ~~E.~~ The activity involves the cutting of more than five (5) existing mature trees per acre per calendar year.
- ~~E,F~~ The activity is subject to site plan review by other requirements of this Code.
- ~~F,G~~ Review of any proposed activity indicates that the project does not meet the standards of Section 5.102.04.

#### 5.102.02 Exemptions

The City shall make an initial determination whether a proposed project requires a site plan review or whether the project is exempt. The City Manager or his or her designee is authorized to waive site plan review when a proposed development activity clearly does not represent a substantial alteration to the building or site involved. The findings of the City Manager or his or her designee shall be made in writing to the applicant. The action of the City Manager or his or her designee may be appealed as per Section 3.400.

#### 5.102.03 Plan Changes and Revocation

##### A. Changes

Construction, site development, landscaping, tree mitigation, habitat preservation and other development activities shall be carried out in accordance with the site development plans per section 3.200. Any proposed changes to approved plans shall be submitted for review to the City. Changes that are found to be substantial, as defined by Section 5.102.01, that conflict with original approvals, or that otherwise may conflict with the standards of Section 5.102.04, shall be submitted for supplemental review together with a fee equal to one-half (1/2) the original site plan review fee.

**B. Revocation**

Any departure from approved plans shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of site plan approval are not or cannot be satisfied, the site plan approval, or building and occupancy permits, shall be revoked.

**5.102.04 Required Findings**

No site plan approval shall be granted unless each of the following is found:

- A. The proposed development meets applicable zoning district standards and all provisions of Chapters 5, 6, 8 and 9.
- B. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.
- C. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.
- D. The proposed development preserves significant natural features to the maximum ~~feasible~~-extent feasible, including but not limited to natural drainageways, wetlands, trees, vegetation ~~(including but not limited to environmentally sensitive lands)~~, scenic views, and topographical features, and conforms to the applicable provisions of Chapter 8 of this Code and Chapter 5 of the Community Development Code.
- E. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 6.307 Highway 99W Capacity Allocation Program, unless excluded herein.

- F. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant shall provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate for impacts attributable to the project. The determination of impact or effect and the scope of the impact study shall be coordinated with the provider of the affected transportation facility.
- G. The proposed commercial, multi-family development, and mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:
1. Primary, front entrances shall be located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.
  2. Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
  3. The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding, metal roofs, and artificial stucco material shall be prohibited. Street facing elevations shall have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain shall be installed unless other architectural elements are provided for similar protection, such as an arcade.
  4. As an alternative to the above standards G.1-3, the Old Town Design Standards (Section 9.202) may be applied to achieve this performance measure.

## 5.200 LANDSCAPING

### 5.201 LANDSCAPING PLAN

All proposed developments for which a site plan is required pursuant to Section 5.102 shall submit a landscaping plan which meets the standards of Section 5.200. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan. Maintenance of existing non-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.

### 5.202 LANDSCAPING MATERIALS

#### 5.202.01 Varieties

Required landscaped areas shall include an appropriate combination of native evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of Section 5.200.

#### **5.202.02 Establishment of Healthy Growth and Size**

Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.

#### **5.202.03 Non-Vegetative Features**

Landscaped areas as required by Section 5.200 may include architectural features interspersed with planted areas, such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, semi-pervious decorative paving, and graveled areas. Impervious paving shall not be counted as landscaping. Artificial plants are prohibited in any required landscaped area.

#### **5.202.04 Existing Vegetation**

All developments subject to site plan review as per Section 5.102.01 and required to submit landscaping plans as per Section 5.202 shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Commission review authority, in addition to complying with the provisions of Section 8.304.07 and 8.305.

### **5.203 LANDSCAPING STANDARDS**

#### **5.203.01 Perimeter Screening and Buffering**

A minimum six (6) foot high sight-obscuring wooden fence, decorative masonry wall, or evergreen screen shall be required along property lines separating single and two-family uses from multi-family uses, and along property lines separating residential zones from commercial or industrial uses. For new uses adjacent to inventoried environmentally sensitive areas, screening requirements shall be limited to vegetation only so as to preserve wildlife mobility. In addition, plants and other landscaping features may be required by the Commission review authority in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of adjoining uses.

#### **5.203.02 Parking and Loading Areas**

##### **A. Total Landscaped Area**

A minimum of ten percent (10%) of the lot area used for the display or parking of vehicles shall be landscaped in accordance with Section 5.200. In addition, All areas not covered by buildings, required parking, and/or circulation drives shall be landscaped or maintained with plants native to the Pacific Northwest in accordance with Section 5.200.

**B. Adjacent to Public Rights-of-Way**

A landscaped strip at least ten (10) feet in width shall be provided between rights-of-way and any abutting off-street parking, loading, or vehicle use areas. Landscaping shall include any combination of evergreen hedges, dense vegetation, earth berm, grade, change in grade, wall or fence, forming a permanent year-round screen, except in clear vision areas as per Section 2.303.

**C. Perimeter Landscaping**

A ten (10) foot wide landscaped strip shall be provided between off-street parking, loading, or vehicular use areas on separate abutting properties or developments. A minimum six (6) foot high sight-obscuring fence or plantings shall also be provided, except where equivalent screening is provided by intervening buildings or structures.

**D. Interior Landscaping**

A minimum of fifty percent (50%) of required parking area landscaping shall be placed in the interior of the parking area. Landscaped areas shall be distributed so as to divide large expanses of pavement, improve site appearance, improve safety, and delineate pedestrian walkways and traffic lanes. Individual landscaped areas shall be no less than sixty-four (64) square feet in area and shall be provided after every fifteen (15) parking stalls in a row. Storm water bio-swales may be used in lieu of the interior landscaping standard.

**E. Landscaping at Points of Access**

When a private access-way intersects a public right-of-way or when a property abuts the intersection of two (2) or more public rights-of-way, landscaping shall be planted and maintained so that minimum sight distances shall be preserved pursuant to Section 2.301.

**F. Exceptions**

For properties with an environmentally sensitive area and/or trees or woodlands that merit protection per Sections 8.304 and 8.305, the landscaping standards may be reduced, modified or "shifted" on-site where necessary in order to retain existing vegetation that would otherwise be removed to meet the above referenced landscaping requirements. The maximum reduction in required landscaping permitted through this exception process shall be no more than 50%. The resulting landscaping after reduction may not be less than five feet in width unless otherwise



permitted by the underlying zone. Exceptions to required landscaping may only be permitted when reviewed as part of a land use action application.

### 5.203.03 Visual Corridors

Expect as allowed by 5.203.02.F. ~~N~~new developments shall be required to establish landscaped visual corridors along Highway 99W and other arterial and collector streets, consistent with the Natural Resources and Recreation Plan Map, Appendix C of the of the Community Development Plan, Part II, and the provisions of Section 8.304.

## 5.204 INSTALLATION AND MAINTENANCE

### 5.204.01 Deferral of Improvements

Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to 125% of the cost of the landscaping is filed with the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the landscaping is not completed within six (6) months, the security may be used by the City to complete the installation.

## 5.300 OFF-STREET PARKING AND LOADING

### 5.301.03 Joint Use

Two (2) or more uses ~~or~~ structures; ~~or on multiple~~ parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap, provided that satisfactory evidence is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use.

### 5.301.04 ~~Multiple~~Mixed Uses

When several uses occupy a single structure or parcel of land, the total requirements for off-street parking and loading shall be the sum of the requirements of the several uses computed separately, with a reduction of up to 10% to 25% to account for cross-patronage of adjacent businesses or services. If the applicant can demonstrate that the peak parking demands for the combined uses are less than 25%, (i.e., the uses operate on different days or at different times of the day) the total requirements may be reduced accordingly.

### 5.301.05 Prohibited Uses

Required parking, loading and maneuvering areas shall not be used for long-term storage or sale of vehicles or other materials, and shall not be rented, leased or assigned to any person or organization not using or occupying the building or use served.

#### **5.301.06 Location**

a. Residential off-street parking spaces shall be located on the same lot as the residential use.

b. For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within 500 feet of the use. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.

Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to side or rear of buildings where feasible. All new development shall include preferential spaces for car pool and van pools, if business employs 20 employees or more. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.

#### **5.301.07 Marking**

All parking, loading or maneuvering areas shall be clearly marked and painted. All interior drives and access aisles shall be clearly marked and signed to show the direction of flow and maintain vehicular and pedestrian safety.

#### **5.301.08 Surface and Drainage**

a. All parking and loading areas shall be improved with a permanent hard surface such as asphalt, concrete or a durable pervious surface. Use of pervious paving material is encouraged and preferred where appropriate considering soils, location, anticipated vehicle usage and other pertinent factors.

b. Parking and loading areas shall include storm water drainage facilities approved by the City Engineer or Building Official.

### **5.302 OFF-STREET PARKING STANDARDS**

#### **5.302.01 Generally**

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. Off-street parking and loading requirements for a use not specifically listed in Section 5.302.02 shall be determined by the Commission-review authority based upon the requirements of comparable uses.

### 5.302.03 Miscellaneous Standards

#### C. Wheel Stops

Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high, located three (3) feet back from the front of the parking stall as shown in Appendix G. Wheel stops adjacent to landscaping, bio-swailes or water quality facilities shall be designed to allow storm water run off.

#### D. Service Drives

Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers, and shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points fifteen (15) feet from their intersection.

#### ~~E. Bicycle Parking Facilities~~

~~1. Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). Bike parking may be located inside the main building or protected or otherwise covered near the main entrance. If the first two options are unavailable, a separate shelter provided on-site is appropriate as long as it is coordinated with other street furniture. Street furniture includes benches, street lights, planters and other pedestrian amenities. Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U-shaped" design is appropriate. Alternative, creative designs are strongly encouraged.~~

~~2. Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;~~



3. ~~Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;~~

4. ~~Lighting. Bicycle parking shall be least as well lit as vehicle parking for security.~~

5. ~~Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.~~

6. ~~Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.~~

**MINIMUM RECOMMENDED BICYCLE PARKING SPACES**

<b>USE CATEGORIES</b>	<b>MINIMUM RECOMMENDED SPACES</b>
<b>Residential Categories</b>	
Household Living	Multi-dwelling—2 or 1 per 10 auto spaces. All other residential structure type—None.
Group Living	1 per 20 auto spaces
<b>Commercial Categories</b>	
Retail Sales/Service Office	2 or 1 per 20 auto spaces, whichever is greater.
Drive-Up Vehicle Servicing	None
Vehicle Repair	None
Commercial Parking Facilities Commercial Outdoor Recreation Major Event Entertainment	4 or 1 per 20 auto spaces, whichever is greater.
Self-Service Storage	None
<b>Industrial Categories/Service Categories</b>	
Basic Utilities	2 or 1 per 40 spaces, whichever is greater.
Park and Ride Facilities	2 or 1 per 20 auto spaces
Community Service Essential Service Providers Parks and Open Areas	2 or 1 per 20 auto spaces, whichever is greater.
Schools	High Schools—4 per classroom Middle Schools—2 per classroom Grade Schools—2 per 4 <sup>th</sup> & 5 <sup>th</sup> grade classroom
Colleges Medical Centers Religious Institutions Daycare Uses	2 or 1 per 20 auto spaces whichever is greater.
<b>Other Categories</b>	
Agriculture	None
Aviation Facilities Detention Facilities	Per CU review
Mining, Radio and TV Towers	None
Utility Corridors	None

**FE. Credit for On-Street Parking**

1. On-Street Parking Credit. The amount of off-street parking required shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards. The following constitutes an on-street parking space:

- a. Parallel parking, each 24 feet of uninterrupted curb;
- b. 45/60 degree diagonal, each with 10 feet of curb;
- c. 90 degree (perpendicular) parking, each with 8 feet of curb;
- d. Curb space must be connected to the lot which contains the use;
- e. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
- f. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

**GF. ~~Off-Street Vehicle Parking Requirements~~ Reduction in required parking spaces**  
**Developments utilizing engineered storm water bio-swales or those adjacent to environmentally constrained or environmentally sensitive areas may reduce the amount of required parking by 10% when 25-49 parking spaces are required, 15% when 50-74 parking spaces are required and 20% when more than 75 parking spaces are required, provided the area that would have been used for parking is maintained as a habitat area or is generally adjacent to a environmentally sensitive or constrained area.**

1. Parking Location and Shared Parking.

~~a. — Location. Vehicle parking is allowed only on approved parking shoulders (public streets), within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to side or rear of buildings. All new development shall include preferential spaces for car pool and van pools, if business employs 20 employees or more. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.~~

~~b. — Off-site Parking. Except for single family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves. The distance from the parking area to the use shall be~~



measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.

e. — Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly.

d. — Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written notarized letter or legal instrument establishing the joint use.

eg. — Availability of facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable.

#### **5.302.04 Bicycle Parking Facilities**

1. Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). Bike parking may be located inside the main building or protected or otherwise covered near the main entrance. If the first two options are unavailable, a separate shelter provided on-site is appropriate as long as it is coordinated with other street furniture. Street furniture includes benches, street lights, planters and other pedestrian amenities. Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" design is appropriate. Alternative, creative designs are strongly encouraged.

2. Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;

3. Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;

4. Lighting. Bicycle parking shall be least as well lit as vehicle parking for security.

5. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

6. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

**MINIMUM RECOMMENDED BICYCLE PARKING SPACES**

<b><u>USE CATEGORIES</u></b>	<b><u>MINIMUM RECOMMENDED SPACES</u></b>
<b><u>Residential Categories</u></b>	
<u>Household Living</u>	<u>Multi-dwelling – 2 or 1 per 10 auto spaces, whichever is greater. All other residential structure type – None.</u>
<u>Group Living</u>	<u>1 per 20 auto spaces</u>
<b><u>Commercial Categories</u></b>	
<u>Retail Sales/Service Office</u>	<u>2 or 1 per 20 auto spaces, whichever is greater.</u>
<u>Drive-Up Vehicle Servicing</u>	<u>None</u>
<u>Vehicle Repair</u>	<u>None</u>
<u>Commercial Parking Facilities</u> <u>Commercial Outdoor Recreation</u> <u>Major Event Entertainment</u>	<u>4 or 1 per 20 auto spaces, whichever is greater.</u>
<u>Self-Service Storage</u>	<u>None</u>
<b><u>Industrial Categories/Service Categories</u></b>	
<u>Basic Utilities</u>	<u>2 or 1 per 40 spaces, whichever is greater.</u>
<u>Park and Ride Facilities</u>	<u>2 or 1 per 20 auto spaces, whichever is greater</u>
<u>Community Service</u> <u>Essential Service Providers</u> <u>Parks and Open Areas</u>	<u>2 or 1 per 20 auto spaces, whichever is greater.</u>
<u>Schools</u>	<u>High Schools – 4 per classroom</u> <u>Middle Schools – 2 per classroom</u> <u>Grade Schools – 2 per 4<sup>th</sup> &amp; 5<sup>th</sup> grade classroom</u>
<u>Colleges</u> <u>Medical Centers</u> <u>Religious Institutions</u> <u>Daycare Uses</u>	<u>2 or 1 per 20 auto spaces whichever is greater.</u>
<b><u>Other Categories</u></b>	
<u>Agriculture</u>	<u>None</u>
<u>Aviation Facilities</u> <u>Detention Facilities</u>	<u>Per CU review</u>
<u>Mining, Radio and TV Towers</u>	<u>None</u>
<u>Utility Corridors</u>	<u>None</u>

## 5.400 ON-SITE CIRCULATION

### 5.401 On-Site Pedestrian and Bicycle Circulation

On-site facilities shall be provided that accommodate safe and convenient pedestrian access within new subdivisions, multi-family developments, planned unit developments, shopping centers and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers. All new development, (except single family detached housing), shall provide a continuous system of private pathways/sidewalks at least 6 feet wide.

### 5.402 MINIMUM RESIDENTIAL STANDARDS

Minimum standards for private, on-site circulation improvements in residential developments:

#### 5.402.01 Driveways

- A. Single-Family: One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.
- B. Two-Family: One (1) shared driveway improved with hard surface pavement with a minimum width of twenty (20) feet; or two (2) driveways improved with hard surface pavement with a minimum width of ten (10) feet each. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.
- C. Multi-Family: Improved hard surface driveways are required as follows:

Units	# Driveways	Minimum Width	
		One-Way Pair	Two-Way
3 - 49	1	15 feet	24 feet
50 & above	2	15 feet	24 feet

#### 5.402.02 Sidewalks and Curbs

A. **Single, Two-Family, and Manufactured Home on Individual Residential Lot:**  
No on-site sidewalks and curbs are required.

—B. **Multi-family:**

1. A system of private pedestrian sidewalks/pathways extending throughout the development site, shall connect each dwelling unit to vehicular parking areas, common open space, storage areas, recreation facilities, to adjacent developments, to transit facilities within 500 feet of the site, and future phases of development. Main building entrances shall also be connected to one another.
2. Required private pathways/sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators, on one side of approved driveways connecting to the public sidewalk or curb of the public street which provides required ingress and egress. Curbs shall also be required at a standard approved by the Commission.
3. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, brick,/masonry pavers, or other pervious durable surface, at least 5 feet wide and conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump).
4. Exceptions. Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

**5.403 MINIMUM NON-RESIDENTIAL STANDARDS**

Minimum standards for private, on-site circulation improvements in non-residential developments:

**5.403.01 Driveways**

A. Commercial: Improved hard surface driveways are required as follows:

Required Parking Spaces	# Driveways	Minimum Width	
		One-Way Pair	Two-Way
1 - 49	1	15 feet	24 feet



50 & above                      2                      15 feet                      24 feet

B. Industrial: Improved hard surfaced driveways are required as follows:

Required Parking Spaces	# Driveways	Minimum Width	
		One-Way Pair	Two-Way
1 - 249	1	15 feet	24 feet
250 & above	2	15 feet	24 feet

C. Surface materials are encouraged to be pervious when appropriate considering soils, anticipated vehicle usage and other pertinent factors.

**5.403.02 Sidewalks and Curbs**

- A. Industrial and Commercial: A private pathway/sidewalk system extending throughout the development site shall be required to connect to existing development, to public rights-of-way with or without improvements, to parking and storage areas, and to connect all building entrances to one another. The system shall also connect to transit facilities within 500 feet of the site, future phases of development, and whenever possible to parks and open spaces.
- B. Curbs shall also be required at a standard approved by the Hearing Authority. Private pathways/sidewalks shall be connected to public rights-of-way along driveways but may be allowed other than along driveways if approved by the Hearing Authority.
- C. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other pervious durable surface. Primary pathways connecting front entrances to the right of way shall be at least 6 feet wide and conform to ADA standards. Secondary pathways between buildings and within parking areas shall be a minimum of four (4) feet wide and/or conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump). At a minimum all crosswalks shall include painted striping.
- D. Exceptions. Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

#### **5.502 SOLID WASTE AND RECYCLING STORAGE**

All uses shall provide solid waste and recycling storage receptacles which are adequately sized to accommodate all solid waste generated on site. All solid waste and recycling storage areas and receptacles shall be located out of public view. Solid waste and recycling receptacles for multi-family, commercial and industrial uses shall be screened by six (6) foot high sight-obscuring fence or masonry wall and shall be easily accessible to collection vehicles.

## Chapter 6- Sherwood Zoning and Community Development Code

### 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, has a design life equal to a traditional paved street and can be maintained easily in that location.

#### 6.300 STREETS

##### 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.

## 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**

- A. Future Street Systems. The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 8-8).
- B. Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street Connectivity map contained in the TSP. A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical constraints, it shall provide an alternate connection approved by the Planning Commission. Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future. Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property lines (i.e., by building more than a 3/4-width street), the developer shall be entitled to System Development Charge credits, as determined by the City Engineer.

#### **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.

##### **6.305.11 Curbs**

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

#### **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.

## 6.603 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 storm water floodwater discharge from the upstream area. If downstream drainage systems are not sufficient to receive an increase in floodwater-storm water 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.

## Chapter 7- Sherwood Zoning and Community Development Code

### 7.400 DESIGN STANDARDS

#### 7.401 BLOCKS

##### 7.401 Connectivity (2005-006 § 5)

- A. **Block Size.** The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety. (Ord. 86-851 § 3)
- B. **Block Length.** Block length standards shall be in accordance with Section 6.304.02. Generally, blocks ~~Blocks~~ shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.(2005-009 § 5; 2000-1103 § 3)
- C. **Pedestrian and Bicycle Connectivity.** Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401. (Ord. 2005-009 § 5)

#### 7.404 LOTS

##### 7.404.02 Access

All lots in a subdivision shall abut a public street, except as allowed for infill development under Section 2.309. (Ord. 86-851 § 3)

### 7.500 LAND PARTITIONS

#### 7.501 GENERALLY

##### 7.501.01 Approval Required

A tract of land or contiguous tracts under a single ownership shall not be partitioned into two (2) or more parcels until a minor partition application has been approved by the City Manager or his/her designee. (Ord. 98-1053 § 1; 86-851)

##### 7.501.02 City Action

The City Manager or his/her designee shall review the minor partition applications submitted in accordance with Section 4.100 and shall approve, approve with conditions or deny the application. The action of the City Manager or his/her designee shall be noted on two (2) copies of the partition, including references to any attached documents describing any

conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City with other applicable records.  
(Ord. 98-1053 § 1; 86-851)

### 7.501.03 Required Findings

Minor partitions shall not be approved unless:

~~A. No new rights of way, roads, or streets are created, except for widening of existing rights of way. Partitions creating such new streets shall be processed as subdivisions.~~

BA. The partition complies with the standards of the underlying zoning district and other applicable standards of this Code.

CB. The partition dedicates to the public all required common improvements and areas including but not limited to streets, parks, floodplains, and sanitary sewer, storm water, and water supply systems.

DC. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land, as determined by the City and are in compliance with City standards. For the purposes of this section:

1. Adequate water service shall be deemed to be connection to the City water supply system.
2. Adequate sanitary sewer service shall be deemed to be connection to the City sewer system if sewer lines are within one-hundred fifty (150) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within one hundred fifty (150) feet.
3. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.

ED. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.  
(Ord. 91-922 § 3)



## Chapter 8- Sherwood Zoning and Community Development Code

### 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)

#### 8.304.04 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 lands designated on the Natural Resources and Recreation Plan Map, attached as Appendix C, or in Chapter 5 of the Community Development Plan, 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 City.~~

**BA. 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 those listed in ~~As per~~ Appendix J of this Code.

#### **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 and/or those subject to farm forest deferral, 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 and/or subject to farm forest deferral, 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.

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.

#### 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.

#### 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.

**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 total 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 Regionally Significant Fish and Wildlife Habitat map indicates there are resources on the site or within 50 feet of the site and the applicant wished to utilize flexibility permitted by 8.305.03, When the 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. Simple delineation.** For applicants who concur with the Significant Habitat Area Maps the following process shall be used:

a. Submit the following to the Planning Director or their designee:

1. A detailed property description
2. A scale map of the property showing the locations of Significant Habitat Areas, any existing built area, wetlands or water bodies, Clean Water Services vegetated corridor, the 100-year floodplain, the 1996 flood inundation line, and contour lines (2-ft intervals for slope less than 15% and 10-ft intervals for slopes 15% or greater); and
3. A current aerial photograph of the property.

The Planning Director or their designees shall consider the submitted information, site visit information and other factual information to determine location of Significant Habitat areas. IF the property owner does not concur with the Director's determination of location, the precise boundaries shall be verified by the applicant in accordance with the detailed delineation method outlined in 8.305.02.C.2.

**12. 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. Vegetative cover status shall be as identified on the Metro Vegetative Cover Map. In the event of a discrepancy between the Metro Vegetative Cover Map and the existing site conditions, document the actual vegetative cover based on the following definitions along with a 2002 aerial photograph of the property:
  1. Low structure vegetation or open soils - Areas that are part of a contiguous area one acre or larger of grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream (low structure vegetation areas may include areas of shrub vegetation less than one acre in size if they are contiguous with areas of grass, meadow, crop-lands, orchards, Christmas tree farms, holly farms, or areas



of open soils located within 300 feet of a surface stream and together form an area of one acre in size or larger).

2. Woody vegetation - Areas that are part of a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown closure) located within 300 feet of a surface stream.

3. Forest canopy - Areas that are part of a contiguous grove of trees of one acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 feet of the relevant water feature.

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 Clean Water Services Vegetated Corridor methodology); and

d. Identify the riparian habitat classes applicable to all areas on the property using Table 8-1.

**Table 8-1**

Distance in feet from Water Feature	Development/Vegetation Status			
	Developed areas not providing vegetative cover	Low structure vegetation or open soils	Woody vegetation (shrub and scatted 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	Class I	Class I
100-150		Class II if slope >25%	Class II if slope >25%	Class II
150-200		Class II if slope >25%	Class II if slope >25%	Class II if slope >25%
<b>Wetlands (Wetland feature itself is a Class I Riparian Area)</b>				
0-100			Class I	Class I
100-150				Class II
<b>Flood Areas (undeveloped portion of a flood area is a Class I Riparian area)</b>				
0-100			Class II	Class II

**23. 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 – Notwithstanding density transfers permitted through 2.202, when a development contains ~~inventoried regionally significant fish and wildlife habitats~~ Environmentally Sensitive Lands 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.
  - c. In no case shall the setback be reduced to less than five feet unless otherwise provided for by the underlying zone.
3. Density – per Section 1.202.109 (Net Buildable Acre definition), properties with environmentally sensitive areas on site may opt to exclude the environmentally sensitive areas from the minimum density requirements provided the sensitive areas are protected via tract or restrictive easement. A proposal to remove said area from the density

calculation must include: a delineation of the resource in accordance with 8.305.02.C, the acreage being protected and the net reduction below the normally required minimum for accurate reporting to Metro.

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~~ Environmentally Sensitive Lands 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.

## Chapter 4- Sherwood Comprehensive Plan

### E. RESIDENTIAL LAND USE

#### 2. RESIDENTIAL PLANNING DESIGNATIONS

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

**Strategy:**

- Higher density residential development will be located so as to take advantage of arterial and major collector streets; nearby shopping, parks, mass transit and other major public facilities and services.
- All residential development will be located so as to minimize the impact of nonresidential uses and traffic.
- New housing will be located so as to be compatible with existing housing. Infill and redevelopment projects will not adversely affect established neighborhoods, and additional public notice will be required for infill projects, as depicted on the "Infill Notification Area" map, Map IV-1.
- Buffering techniques shall be used to prevent the adverse effects of one use upon another. These techniques may include varying densities and types of residential use, design features and special construction standards.
- The City will encourage the use of the Planned Unit Development (PUD) on parcels of five acres or more in all residential land use categories in order to allow flexibility and innovation in site development and land use compatibility.

**INSERT INFILL NOTIFICATION AREA MAP HERE**

## Chapter 5- Sherwood Comprehensive Plan

### 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.

#### 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 ~~ln~~ ln number of individual and community objectives.

#### 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) for properties located inside the Metro Urban Growth Boundary on or before December 28, 2005.

## **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. 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. ENVIRONMENTAL QUALITY**

**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.

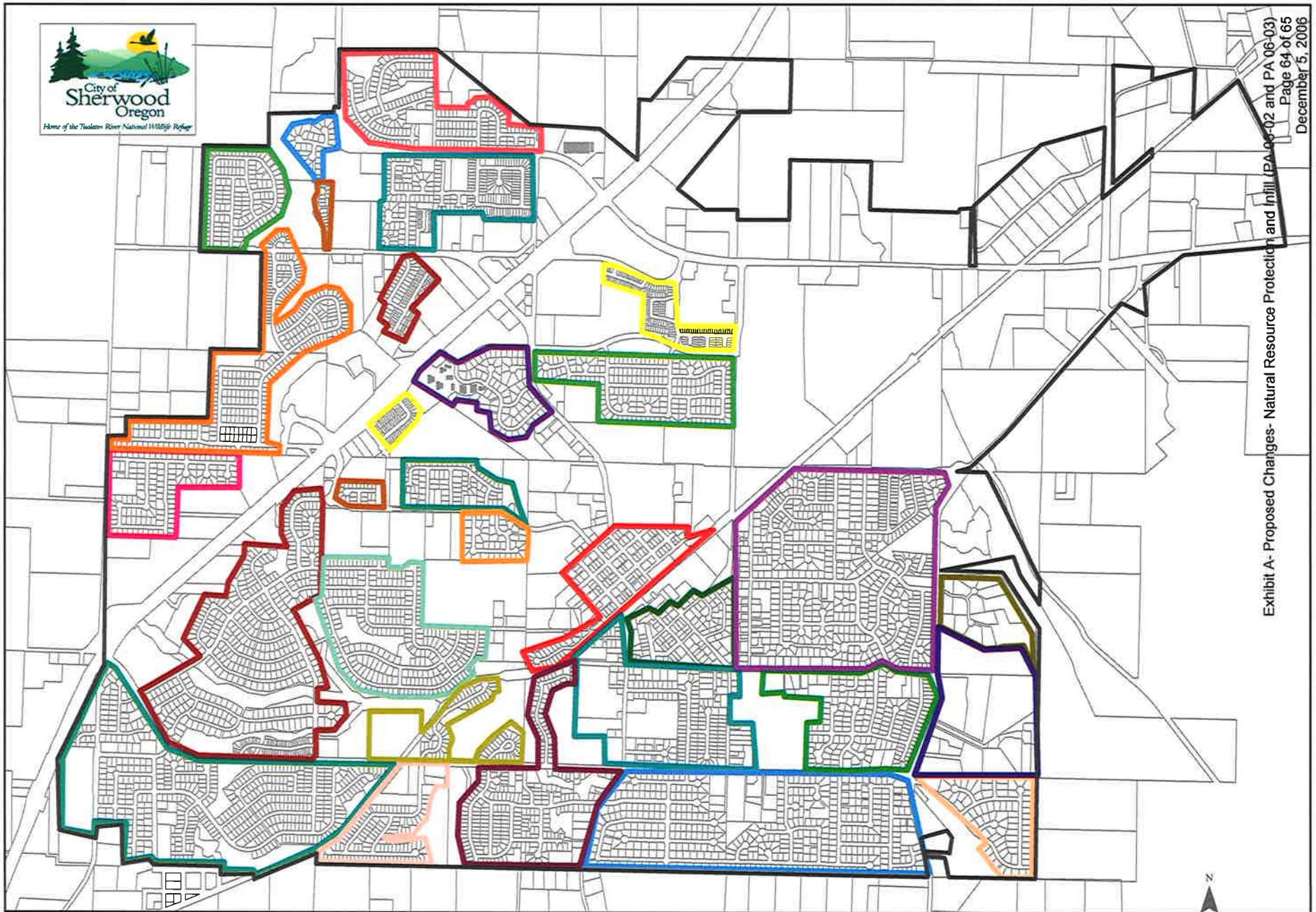
**Strategy:**

- 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.



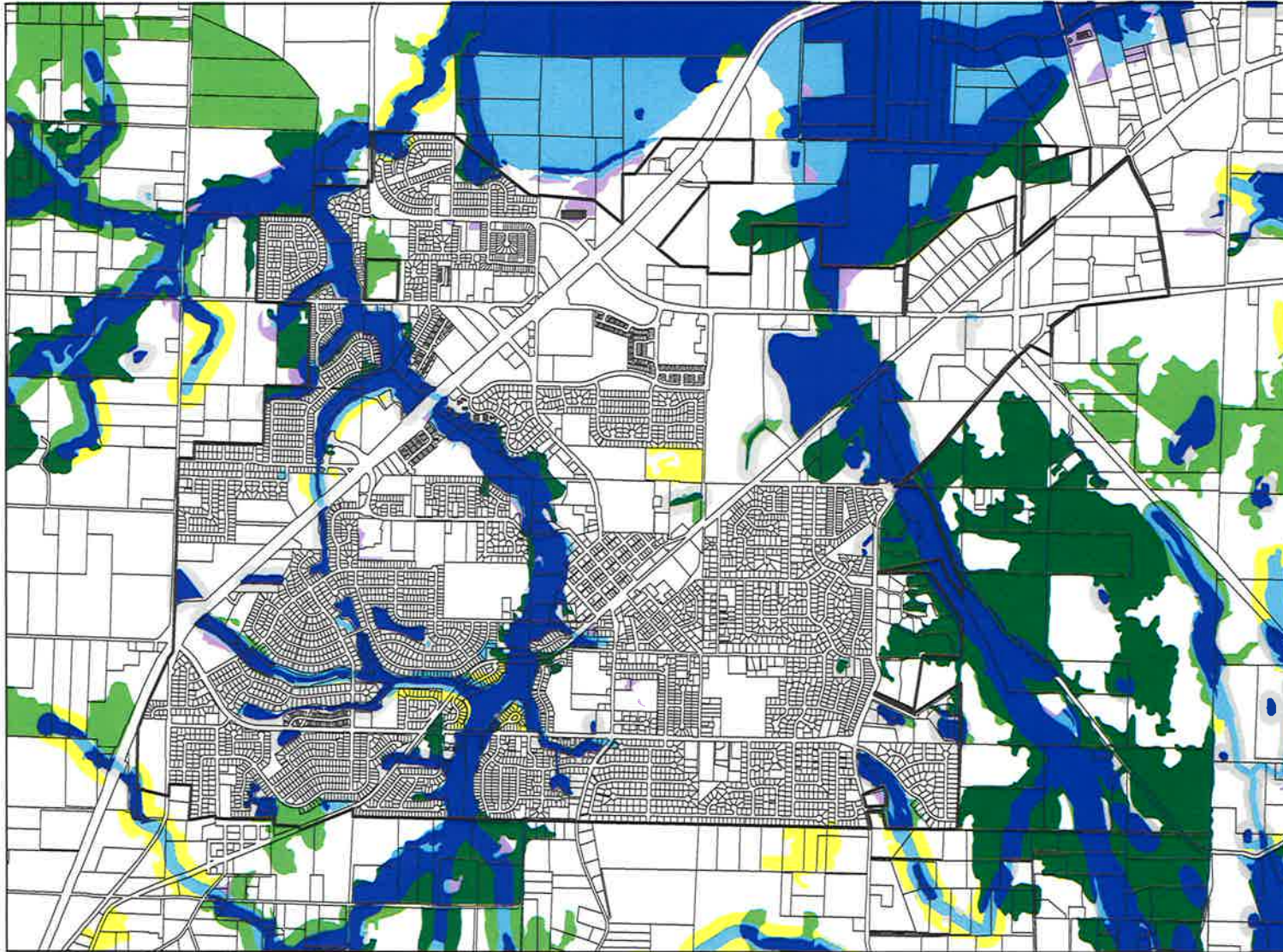
# Sherwood Infill Notification Areas

September 27, 2006



Note: Color coding not significant.  
Used to visually distinguish notification areas.





## Regionally Significant Fish and Wildlife Habitat Inventory Map

### Resource Classes\*

- Riparian Corridors/Wildlife Habitat Class I
- Riparian Corridors/Wildlife Habitat Class II
- Riparian Corridors Class III
- Upland Wildlife Habitat Class A
- Upland Wildlife Habitat Class B
- Upland Wildlife Habitat Class C
- Impact Areas



Map Created August 30, 2006  
 Map Updated October 16, 2006  
 Source: Metro RLIS Lite 2006 Data  
 and Metro Resource Inventory Data

\*Data from this map obtained directly from Metro Inventory (adopted 2002) based on specific criteria evaluated at broadbrush level. This map is not intended to indicate any additional regulation on any property. Actual resource value to be determined on a site-by-site basis using methodology established by Metro.

## CITY OF SHERWOOD- Staff Report

PA 06-02: Natural Resource Protection / Goal 5 Implementation  
PA 06-03: Infill and Redevelopment Zoning Code Update

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TO: Sherwood City Council  
FROM: Sherwood Planning Department

Report Date: November 13, 2006  
Public Hearing Date: December 5, 2006



Julia Hajduk, Senior Planner



Heather Austin, AICP, Associate Planner

### Proposal:

The purpose of this staff report is to summarize proposed plan amendments for natural resource protection and infill and redevelopment while providing separate findings of fact for each proposal. Because both projects are drawing to conclusion at the same time and changes in one standard can often conflict or complement a change in another standard, it is imperative that the proposed changes, while presented for differing reasons, be reviewed and implemented as a whole to achieve consistent and effective public policy. On October 24, 2006, the Planning Commission voted to recommend approval of the plan amendments to the City Council. It should be noted that, based on public input received, the Planning Commission also recommended that the City Council consider placing a more comprehensive tree protection ordinance review on the work program for future development and consideration. The following provides a general summary of the proposed amendments.

**PA 06-02 Natural Resource Protection/Goal 5 Implementation** – Proposed amendments are intended to implement the fourth element of the Tualatin Basin Program by removing policy and zoning code barriers that may currently discourage or even prohibit habitat friendly development practices. The proposal provides a limited amount of outright flexibility in standards when an inventoried resource will be protected. The standards also provide greater tree protection while recognizing the inherent need and existing right of private property owners to remove hazardous or nuisance trees on their property.

**PA 06-03 Infill and Redevelopment** – Proposed amendments are intended to provide clear and objective standards for the development of “infill” projects through changes to lot and building size, as well as dimensional standards, while ensuring the protection and sustainability of established neighborhoods with little or no opportunities for infill and redevelopment. The proposal provides some flexibility with regards to size and shape of infill lots but in return for the flexibility requires increased setbacks, landscape buffers and public notice to neutralize any potential adverse effects to established neighborhoods.

### Report Overview:

- This staff report is organized into three parts:

#### **Part 1 - Background Information**

#### **Part 2 - Plan Amendment Review, Findings and Recommendation**

### City Council Action Requested:

The City Council will be asked to make a decision to approve, approve with conditions, or deny the proposed plan amendments.

## Part I. Background Information

### *Natural Resources Protection/Goal 5 Implementation:*

#### Background

Sherwood currently has natural resource protections in place and meets the statutory requirements under Goal 5 (OAR 660-023). The protections address both riparian and upland wildlife habitat areas. In addition, the City completed a Local Wetland Inventory in 1992 that met the statutory requirements at the time. Since then, amendments to Goal 5 administrative rules were enacted.

Metro initiated a regional look at Goal 5 in 2000 to ensure a regional consistency in how natural resource protection is provided. The Metro Goal 5 program will ensure Sherwood's continued compliance with Statewide Planning Goal 5, as well as address federal requirements under the Clean Water Act and Endangered Species Act. Ten Washington County cities, including the City of Sherwood, along with the County, Clean Water Services (CWS) and Tualatin Hills Park and Recreation District (THPRD) have been working in a collaborative effort to develop a program for fish and wildlife habitat protection under the auspices of Goal 5 since 2002. The group is referred to as the Tualatin Basin Partners (Basin), which was formed in response to Metro's requirement to adopt Statewide Land Use Planning Goal 5 policies and implementation strategies. The Goal 5 process, under OAR 660-023, has three main components:

- 1) Inventory,
- 2) Environmental, Social, Economic and Energy (ESEE) analysis or protecting the resources identified in the inventory, and
- 3) Program development to protect the significant resources after considering the ESEE consequences.

Metro completed a regional inventory of fish and wildlife habitat in 2002. The basin-wide and local ESEE analysis was conducted for the Tualatin Basin by the Basin Partners and formally completed in 2004. In February 2005, the Natural Resources Coordinating Committee (NRCC), comprised of elected officials from participating jurisdictions, provided direction for a Basin program approach that would augment existing regulatory programs with an investment strategy for future improvements, as well as a commitment for continued cooperation among Basin Partners. Mayor Keith Mays and Council President Dennis Durrell have served on the NRCC while Kevin A. Cronin and Julia Hajduk have served on the Steering Committee, which is comprised of technical staff.

Metro adopted a regional natural resource protection program, referred to as "Nature in Neighborhoods," in September 2006. One of the elements of the larger program included the Tualatin Basin Natural Resources Protection Program. The ultimate goal of the Basin effort is to improve the overall environmental health of the Tualatin River Basin. To do this, while also minimizing the potential of Measure 37 claims, the NRCC approved a program built upon four primary components. Collectively, the components can provide for significant improvements to the environmental health of the watershed:

1. *Revenue* for capital improvements using CWS Surface Water Management fees;
2. *Existing regulations* to protect the health of riparian corridors using the CWS vegetated corridor standards under Title 3 (Metro Functional Plan);
3. *Administration* of Goal 5 programming through the continuation of the NRCC that includes monitoring changes to natural resource conditions and program adjustments if necessary to achieve program goals; and
4. *Voluntary* activities, including a key commitment that requires local partners to make regulatory changes to facilitate habitat sensitive or low impact development.



As a result of program adoption in September 2005, local jurisdictions have been tasked with implementing the program over the last year to comply with a December 2006 deadline. Sherwood is the first city to hold hearings on a proposed legislative implementation package.

Review Criteria:

The required findings for a "Plan Amendment" are identified in Section 4.203.02 of the Sherwood Zoning and Community Development Code. In addition, applicable Comprehensive Plan policies are found in Chapter 5 - Environmental Resources. Applicable Metro Urban Growth Management Functional Plan Titles are: Title 3 - Water Quality, Flood Management and Fish and Wildlife Conservation and Title 13 - Nature in Neighborhoods; and applicable Statewide Land Use Planning Goals are: 1 - Citizen Involvement, 2 - Land Use Planning, 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources, and 6 - Air, Water and Land Resources Quality. Compliance with the applicable criteria is discussed in "Part 2."

Public Involvement:

The Tualatin Basin Partners developed the program through a lengthy series of outreach efforts. The following summarizes the related public outreach efforts to-date.

- In September 2003 the Partners organized three open houses to share Goal 5 progress, one of which was held at the TVF&R Training Facility between Tualatin and Sherwood. In all, approximately 240 people attended the open houses.
- Additional outreach activities through 2004 included publication of a Newssheet, two televised presentations, the creation of a Partners' website, media releases and posters. Outreach from other entities include multiple Metro presentations to interested parties, a well-attended Goal 5 Business Summit in October 2003, a Raindrops to Refuge open house, and other outreach by organizations such as the Audubon Society of Portland and the Tualatin Riverkeepers.
- In March 2004 the Partners held three open houses, one in Hillsboro, one in Tualatin, and one in Beaverton to share the results of the ESEE analysis and the proposed Allow-Limit-Prohibit maps; 255 people attended. The public notice for these events was created and mailed jointly by the Partners and Metro to 43,011 citizens. Planners from various jurisdictions were available with laptop computers loaded with property information for one-on-one interaction. A second edition of the Newssheet was produced for wide distribution.
- The March 29, 2004 Open House in Beaverton was followed by the Partners' first Goal 5 Public Hearing. Taped by Tualatin Valley TV, it was rebroadcast around the Basin through June of 2004 approximately a dozen times. About 100 persons attended, with 40 providing formal testimony.
- Public outreach efforts continued throughout the spring and summer of 2004. Media releases and editorial briefings resulted in stories in the major newspapers, as well as in the newsletters of all the Partners.

Locally, Sherwood mailed 463 postcards to property owners with inventoried resources inviting them to the March 30, 2006 open house. A laptop with Metro's online property database search engine, various maps, and examples of low impact development practices were available. 10 people attended the open house. In addition to the post cards, notice of the open house was posted throughout the City, posted on the City's project web site, and flyers were produced and distributed by staff and through Raindrops to Refuge. Throughout the process updates were published in the Archer. The Planning Commission held four (4) work sessions in 2006 (March 14, April 25, June 27 and August 8), all of which were open to the public to discuss in detail proposed code changes.

#### Public Comments:

The City received public comments following the open house. The Planning Commission received copies of the public comments at the April 25, 2006 work session. Direct mailed notice is not required for a plan amendment. However, as a service to our customers, staff maintains an e-notice list for interested parties. Staff e-mailed notice on August 15, 2006. A copy of the e-mail is included in the file. At the September 26, 2006 Planning Commission meeting, testimony was provided on the issue of the Natural Resource Protection amendments. Based on the input received at the hearing, the Planning Commission continued the hearing to allow staff additional opportunities to solicit public input on the proposed changes. Additional testimony was provided at the October 24, 2006 public hearing which led the Planning Commission to recommend approval to Council with the additional recommendation that the City Council consider adding the review and development of more comprehensive tree ordinance standards to the work program in 2007.

#### Agency Comments:

Staff mailed notice to DLCD in accordance with their 45-day notice requirements on July 27, 2006. DLCD staff reviewed the proposal and indicated general support for the proposed amendments. DLCD recommended adding language to the Comprehensive Plan policies reflecting that all residents in the basin, not just stream side neighbors, are responsible for improving stream health. Furthermore, DLCD suggested a new look at the shared parking discussion in Section 5.301.04 to allow reduction in off street parking to the total parking demand at any given time in the event that two uses never overlap. Finally, DLCD pointed out that in addition to addressing natural resources, some of the amendments also provide benefit to the transportation system.

In addition, staff sent e-notice to affected agencies on August 15. A copy of the e-mail is included in the file. No comments have been received to date. See below for discussion of comments from Mayor Mays.

#### ***Infill and Redevelopment:***

Background: In the last several years, the City of Sherwood has been faced with a number of small developments (less than 2 acres) where application of the standards in the development code has resulted in less than ideal development that does not respond to the surrounding established neighborhood or other existing conditions. In addition, application of the standards in the development code has resulted in the loss of important transportation connectivity opportunities that were not anticipated or addressed to a level of specificity in the Transportation System Plan. Currently, there are no standards in the Sherwood Zoning and Community Development Code that specifically pertain to infill or the development of "remnant parcels" created from larger subdivision projects that left these surrounding parcels vacant or older plats that created oversized lots. These developments prompted staff to apply for a Transportation and Growth Management (TGM) Smart Development Code Assistance grant to hire a consultant to review the zoning code and propose changes that would allow for infill development while preserving established neighborhoods and transportation connections.

City staff applied for TGM technical assistance in September 2005. The City Council approved Resolution 2005-070 authorizing and supporting the project. Subsequently, the City was awarded the assistance and a contract was signed between TGM and Siegel Planning Services, LLC in January 2006. Scot Siegel was hired to review the code and propose changes. Over the course of six months City staff, TGM staff, and the consultant vetted the proposal in three work sessions with the Planning Commission. These meetings occurred on April 25, 2006, June 13, 2006 and July 25, 2006.

#### Review Criteria:

The required findings for the Plan Amendment are identified in Section 4.203.02 of the Sherwood Zoning and Community Development Code. In addition, an applicable Comprehensive Plan Policy is Residential Land Use Policy 1, applicable Metro Functional Plan Titles are: Title 1 - Housing and Employment Accommodation and Title 12 - Protection of Residential Neighborhoods; and applicable

Statewide Land Use Planning Goals are: 1 - Citizen Involvement, 2 - Land Use Planning, 10 - Housing and 12 - Transportation. Compliance with the applicable criteria is discussed in "Part 2."

Public Involvement: Three work sessions with the Planning Commission were held over six months. These work sessions were open to the public with public notice provided via the weekly posting of the Planning Commission agenda.

Public Comments: At the September 26, 2006 Planning Commission meeting, testimony was provided on the issue of the Infill and Redevelopment amendments. Based on the input received at the hearing, the Planning Commission continued the hearing to allow staff additional opportunities to solicit public input on the proposed changes. No additional testimony on the Infill and Redevelopment amendments was provided at the October 24, 2006 public hearing which led the Planning Commission to recommend approval to Council.

Agency Comments: Staff mailed notice to DLCD in accordance with their 45-day notice requirements on July 27, 2006. As of the date of this report, staff has not received any comments from DLCD. Staff sent e-notice to additional affected agencies on August 25. No comments have been received to date.

## **PART 2 - Plan Amendment Review - Natural Resources Protection**

### **A. APPLICABLE DEVELOPMENT CODE CRITERIA**

#### **4.203.01**

**Text Amendment-** This section states that an amendment to the text of the Comprehensive Plan may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and the Zoning and Community Development Code.

The plan amendments for both PA 06-2 and PA 06-03 are reviewed for compliance with applicable Comprehensive Plan policies, statewide planning goals and Metro Functional Plan policies in accordance with this standard.

**FINDING (both):** As discussed in detail throughout this report, both proposed amendments comply with this standard.

#### **4.203.03 - Transportation Planning Rule Consistency**

- A. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.**
- B. "Significant" means that the transportation facility would change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification, allow types of land use, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility, or would reduce the level of service of the facility below the minimum level identified on the Transportation System Plan**
- C. Per OAR 660-12-0060, Amendments to the Comprehensive Plan or changes to land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan.**

### ***Natural Resources Protection***

**DISCUSSION:** The modifications in the Sherwood Zoning and Community Development Code to encourage habitat friendly development will not negatively affect any transportation facilities in the City or surrounding areas. Rather, the proposed changes provide flexibility that can help to ensure development is respectful of the natural habitat while ensuring a safe transportation system. The proposed code changes make it clear that alternative pavement materials or street designs are options and provide encouragement for their consideration by removing excess process and fees.

**FINDING:** The proposed changes to implement the Natural Resources Protection Program are consistent with the Transportation Planning Rule and this standard has been met.

### ***Infill and Redevelopment***

**DISCUSSION:** The addition of infill standards to the Sherwood Zoning and Community Development Code will not negatively affect any transportation facilities in the City or surrounding areas. The proposed plan text amendment will not change the functional classification of any existing or planned transportation facility, will not change the standards implementing a functional classification, will not allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility, and will not reduce the level of service of any transportation facility below the minimum level identified in the Transportation System Plan. The proposed infill and redevelopment standards would increase opportunities for local vehicle, bicycle and pedestrian connectivity and would therefore reduce vehicle miles traveled and preserve the function and capacity of existing transportation facilities.

**FINDING:** The proposed Infill and Redevelopment plan amendment is consistent with the Transportation Planning Rule and this standard has been met.

## **B. APPLICABLE COMPREHENSIVE PLAN POLICIES**

### ***Natural Resources Protection***

The applicable Comprehensive Plan Policies for Natural Resources Protection are found in Chapter 5 - Environmental Resources. The following goals and policies from Chapter 5 of the Comprehensive Plan are applicable:

- **Natural Resources and Hazards Goal #5** “Protect fish and wildlife habitats and significant Natural Areas where feasible.”
- **Environmental Quality Goal #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...”
- **Environmental Quality Policy #1** “Water quality will be protected from erosion and other forms of degradation.”

**DISCUSSION:** The proposed changes are consistent with each of the above policies and goals. In order to further augment these environmental goals and policies, amendments to the Comprehensive Plan have also been proposed to define the objectives more clearly and to accurately reference the extensive process that was undertaken to develop the Tualatin Basin Natural Resources Protection Program. While none of the proposed amendments to the Comprehensive Plan or Development Code conflict with existing Comprehensive Plan policies, a new policy was added to specify that habitat friendly development shall be encouraged. The proposed Comprehensive Plan amendments also include adoption of the “Regionally Significant Fish and Wildlife Habitat Map,” which identifies where habitat friendly development is most appropriate for consideration.



**FINDING:** As discussed above, the proposed Natural Resource Program implementation amendments to the Development Code and Chapter 5 of the Comprehensive Plan are consistent with and supportive of existing Comprehensive Plan policies.

### ***Infill and Redevelopment***

The applicable policy for Infill and Redevelopment is Section 4.E.2.B Policy 1, "Residential areas will be developed in a manner which will insure that the integrity of the community is preserved."

**DISCUSSION:** This policy of the Comprehensive Plan identifies two strategies that the proposed plan amendment specifically addresses: new housing located so as to be compatible with existing housing and buffering techniques used to prevent the adverse effects of adjacent uses, including varying densities and types of residential use. The proposed Infill and Redevelopment Standards include an "Established Neighborhoods" map and the requirement that infill projects consider and respond to existing residential uses in surrounding areas. The proposed change to Section 4.E.2.B of the Comprehensive Plan refers to the "Established Neighborhoods" map and incorporates the map into this section (Map IV-1). The proposed Code changes require developers of infill parcels to notify all property owners within established neighborhoods or a set distance from the proposed project. There are also standards included that require landscape and/or fence buffering between "flag" lots and adjacent properties, as well as increasing setbacks as the height of multi-family residential developments increase.

**FINDING:** Based on the discussion above, the proposed Infill and Redevelopment plan amendment complies with the applicable Comprehensive Plan policy.

## **C. APPLICABLE REGIONAL (METRO) STANDARDS**

### ***Natural Resources Protection***

The applicable Functional Plan criteria are: Title 3 - Water Quality, Flood Management and Fish and Wildlife Conservation and Title 13 - Nature in Neighborhoods.

**Title 3 (Metro Code Sections 3.07.310 - 3.07.370) - Water Quality, Flood Management and Fish and Wildlife Conservation - The goal of the Stream and Floodplain Protection Plan (Title 3) is to protect the region's health and public safety by reducing flood and landslide hazards, controlling soil erosion and reducing pollution of the region's waterways. Title 3 specifically implements the Oregon Statewide Land Use Goals 6 and 7 by protecting streams, rivers, wetlands and floodplains by avoiding, limiting or mitigating the impact on these areas from development.**

The Tualatin Basin program relies on the existing Clean Water Services standards for regulatory protection of riparian habitat. Clean Water Services regulations implement the Title 3 regulations; therefore, by adopting the Tualatin Basin Program by reference in the Comprehensive Plan the amendments are consistent with and support compliance with Title 3. The City updated its Comprehensive Plan and Code in 2000 to comply with Title 3.

### **Title 13 – Nature in Neighborhoods**

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

Title 13 (Nature in Neighborhoods) was adopted by the Metro Council September 29, 2005. Upon acknowledgement from the Land Conservation and Development Commission (LCDC), local jurisdictions must show compliance with the Title within a specified timeframe. Per the IGA the Tualatin Basin Partners have with Metro, the City must come into compliance within one year after Metro adoption or 60 days from LCDC acknowledgement, whichever is later. The LCDC is currently expected to review and consider acknowledgement of Metro's Fish and Wildlife Program (Nature in Neighborhoods), including the applicable TBNRCC adopted elements of that program, at their October 4-6, 2006 meeting. Assuming the earliest possible acknowledgement date is October 5, 2006, the resulting deadline for the Basin Partners to complete final ordinance adoption and related actions would be December 4, 2006.

The proposed changes to increase protection of trees throughout the City compliment, but are not required to comply with Metro Title 13. The changes are consistent with the existing comprehensive plan policies regarding natural resources, specifically Natural Resources and Hazards Goal #5 "Protect fish and wildlife habitats and Significant Natural Areas where feasible." No additional inventory or analysis is needed beyond the existing acknowledged comprehensive plan because the changes only affect when the tree protection standards apply, not where the standards apply. The existing tree protection standards apply throughout the entire City, but only when a development application is under review. The additional standards do not provide a greater level of limit to any particular tree or area, but rather provides a more fair application of existing standards by not "penalizing" a developer who follows the rules. The tree protection standards will not prohibit the removal of any tree; however mitigation may be required for trees removed that are healthy and above the specified number permitted to be removed (five trees per acre per calendar year up to a maximum of 100 total inches for all trees removed). The proposed changes therefore are consistent with the existing comprehensive plan and Goal 5 standards and exceed the requirements of Title 13.

**Section 3.A of Title 13 provides five options for local jurisdictions to comply. Option 5 is available for jurisdictions in the Tualatin Basin to amend their Comprehensive Plans and implementing ordinances to comply with the Tualatin Basin Program. There are also seven conditions that Metro has placed on local jurisdictions in order for them to be in compliance with the Tualatin Basin option. These conditions are discussed below, along with discussion on how the City complies.**

**a. Within the compliance timeline described in Paragraph 6 of the IGA, the TBNRCC and its members comply with the six steps identified in section B of Chapter 7 of the Tualatin Basin Program;**

The Tualatin Basin Partners, through both the Steering Committee and the Coordinating Committee, are complying with the six implementation steps referenced above. The member jurisdictions have met on multiple occasions to develop "model" low impact development (LID) guidelines that each jurisdiction in turn has considered and applied as appropriate or necessary. The Cities and County continue to meet regularly as partners with Clean Water Services to implement the Healthy Streams Plan. This plan will guide capital improvements in the Basin to improve stormwater capacity and quality as well as improve fish and wildlife habitat. In addition, the City of Sherwood coordinated with the TBNRCC and adopted Resolution 2006-016 in support of the Metro bond measure.

Per the IGA with Metro, the City of Sherwood has until at least December 4, 2006 to adopt implementing ordinances. Therefore, this proposal is in compliance with these specified deadlines.

**b. Clean Water Services approves and begins implementing its Healthy Streams Plan;**

Clean Water Services approved and began implementing the Healthy Stream Plan in June 2005.

**c. The TBNRCC members agree to renew and extend their partnership to implement the projects on the Healthy Streams Project List and target projects that protect and restore Class I and II Riparian Habitat, including habitat that extends beyond the Clean Water Services "vegetated corridors," and the TBNRCC shall continue to coordinate its activities with Metro and cooperate with Metro on the development of regional public information about the Nature in Neighborhoods Initiative;**

The City of Sherwood signed the IGA renewing their partnership in the TBNRCC on October 18, 2005 via Resolution 2005-047.

**d. The city or county has adopted provisions to facilitate and encourage the use of habitat-friendly development practices, where technically feasible and appropriate, in all areas identified as Class I and II riparian habitat areas on the Metro Regionally Significant Fish and Wildlife Habitat Inventory Map. Table 3.07-13c provides examples of the types of habitat-friendly development practices that shall be encouraged and considered;**

The proposed changes incorporated in the amendments to Chapters 2, 5, 6, 7 and 8 (Exhibit B) are intended to facilitate and encourage the use of habitat friendly development practices by removing regulatory barriers and providing flexibility and options without added process. The City will apply these options to any property with identified resources on the Regionally Significant Fish and Wildlife Habitat map; not limiting this encouragement to Class I and II riparian habitats.

**e. The city or county has adopted provisions to allow for the reduction of the density and capacity requirements of Title 1 of the Urban Growth Management Functional Plan, Metro Code sections 3.07.110 to 170, consistent with Section 3(H) of this title. Particularly, the provisions shall (1) apply only to properties that were within the Metro urban growth boundary on January 1, 2002; (2) require the protection of regionally significant habitat on the property, such as via a public dedication or restrictive covenant; and (3) allow only for a reduction in the minimum number of units required to be built based on the amount of area protected as provided in part (2) of this paragraph. In addition, cities and counties will be required to report to Metro as provided in Section 3(H)(3) of this title;**

The City has proposed changes to the definitions sections (Section 1.200) which define environmentally sensitive areas (those areas with resources that are not already regulated through wetland, floodplain and/or Clean Water Services regulations) and amended the definition of density to allow the removal of environmentally sensitive areas from the density calculation when the identified area is protected. In order to comply with this condition, the definition also clearly states that this option is only applicable to those properties located within the Metro urban growth boundary on January 1, 2002.

**f. The city or county complies with the provisions of subsections 3(B)(1) to 3(B)(3) of this title as those provisions apply to upland wildlife habitat in territory added to the Metro urban growth boundary after the effective date of this title. For example, (1) each city and county shall either adopt and apply Metro's Title 13 Model Ordinance to upland wildlife habitat in new urban areas, (2) substantially comply with the requirements of Section 4 of this title as it applies to upland wildlife habitat in new urban areas, or (3) demonstrate that it has implemented an alternative program that will achieve protection and enhancement of upland wildlife habitat in new urban areas comparable with the**

**protection and restoration that would result from one of the two previous approaches described in this sentence;**

The City of Sherwood is proposing to strengthen the existing tree removal standards to apply to any property regardless of whether a land use application is in process. In addition, the existing tree removal standards require only trees minimally necessary be removed as part of a land use action (avoidance) and trees that must be removed shall be mitigated. In addition to applying to properties in the City and urban growth boundary at this time, the standards will also apply to any properties added into the Urban Growth Boundary after the effective date of Title 13 (December 28, 2005). In addition, proposed amendments to the Comprehensive Plan have been proposed which make it explicit that any properties added to the Urban Growth Boundary after December 28, 2005 shall go through a detailed Goal 5 analysis which shall include, but not be limited to, review of and compliance with the Regionally Significant Fish and Wildlife Habitat Map and the Metro Habitat Conservation Areas Map.

**g. The TBNRCC and the city or county complies with the monitoring and reporting requirements of Section 5 of this title;**

The City of Sherwood will comply with this condition through the continued participation in the TBNRCC. If not renewed, the formation IGA will expire on December 31, 2007; therefore the Comprehensive Plan has been amended to reflect the Tualatin Basin Program and the commitment of the City's participation in the TBNRCC. The Tualatin Basin program assumes that the majority of monitoring will be conducted by CWS and Metro. The City of Sherwood will provide reports to the NRCC and/or Metro in accordance with Metro requirements.

**In addition to the above conditions, Section 3.C through 3.H also apply:**

**3.C. The comprehensive plan and implementing ordinances relied upon by a city or county to comply with this title shall contain clear and objective standards...**

The proposed amendments to the Development Code provide clear and objective standards that allow some variation to the standards when habitat friendly development is proposed and inventoried habitat protected.

**3.D. In addition to complying with subsection 3(C) of this section, the comprehensive plan and implementing ordinances that a city or county relies upon to satisfy the requirements of this title may include an alternative, discretionary approval process that is not clear and objective ...**

No changes to the Development Code are necessary to comply with this standard as variances as well as Planned Unit Developments are options available to applicants and having inventoried resources that are being protected would be a consideration in reviewing these types of applications. For example, a density transfer is available when inventoried resources are identified on site and the applicant wants to preserve the same level of units but designed in a manner that avoids the impacts.

**3.E. Use of Habitat-Friendly Development Practices in Regionally Significant Fish And Wildlife Habitat. 1. Each city and county in the region shall: a. Identify provisions in the city's or county's comprehensive plan and implementing ordinances that prohibit or limit the use of the habitat-friendly development practices such as those described in Table 3.07-13c; and b. Adopt amendments to the city's or county's comprehensive plan and implementing ordinances to remove the barriers identified pursuant to subsection 3(E)(1)(a) of this title, and shall remove such barriers so that such practices may be used, where practicable, in all regionally significant fish and wildlife habitat; provided, however that**



**such practices shall not be permitted if their use is prohibited by an applicable and required State or Federal permit issued to a unit of local government having jurisdiction in the area, such as a permit required under the Clean Water Act, 33 U.S.C. §§1251 et seq., or the Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit.**

In coordination with the other Tualatin Basin Partners in developing the implementation program, the City of Sherwood conducted a detailed audit of the Development Code to evaluate the existing provisions for habitat friendly development (Exhibit D). The proposed amendments to the Development Code that are included in this proposal are the result of the code audit and four work sessions with the Planning Commission. These amendments effectively remove barriers to habitat friendly development to the extent acceptable to the City.

**3.F. Cities and counties shall hold at least one public hearing prior to adopting comprehensive plan amendments, implementing ordinances, and maps implementing this title or demonstrating that existing city or county comprehensive plans, implementing ordinances, and maps substantially comply with this title. The proposed comprehensive plan amendments, implementing ordinances, and maps shall be available for public review at least 45 days prior to the public hearing.**

In addition to the four public work sessions, the City has had the proposed amendments located on the City's project website. This website also includes extensive information and direct links relating to the Tualatin Basin Program and Nature in Neighborhoods. In accordance with City standards, the City will hold at least two public hearings; one before the Planning Commission and one before the City Council. While the proposed amendments have been available in draft form for more than 45 days the most recent draft was completed on August 21, 2006. The staff report, including all exhibits, was available September 1, 2006, which is greater than 45 days from the last tentatively scheduled public hearing before the City Council for October 17, 2006.

**3.G. The comprehensive plan provisions and implementing ordinances that each city or county amends, adopts, or relies on to comply with this title shall provide property owners with a reasonable, timely, and equitable process to verify the specific location of habitat areas subject to the provisions of the city's or county's comprehensive plan or implementing ordinances...**

The Comprehensive Plan amendments include adoption of the Regionally Significant Fish and Wildlife Habitat map. This map provides the basis for identification of potential habitat areas. In addition, the Development Code amendments include a process in accordance with the delineation process identified by Metro to determine the exact location of resources. This process will ensure an accurate account of the resources existing on any given property and will provide staff the factual information needed to report to Metro the amount of resources protected or removed through the development process. If it is determined that a resource that was originally identified in 2002 is not an actual resource, documentation of the conditions will provide verification that will be made available to Metro who may then update their records. It should be noted that the Regionally Significant Fish and Wildlife Habitat inventory utilized and built upon local wetland inventories, national wetland inventories and Title 3 inventories. Therefore, if a regulated resource is found to be inaccurately inventoried through one of those regulatory processes, the value and/or location of habitat on the Regionally Significant Fish and Wildlife Habitat map.

**3.H. Reducing Regional Density and Capacity Requirements to Allow Habitat Protection. Cities and counties may approve a subdivision or development application that will result in a density below the minimum density for the zoning district when the property lot or parcel was within the Metro UGB on January 1, 2002; an area of the property lot or parcel to be developed has been identified as regionally significant fish and wildlife habitat on the Metro**

Inventory Map or as a significant resource on a local Goal 5 riparian, wetlands, or wildlife resource inventory map that had been acknowledged by the LCDC prior to the effective date of Metro Ordinance No. 05-1077; and such a decision will directly result in the protection of the remaining undeveloped regionally significant fish and wildlife habitat or significant resource located on the property lot or parcel, such as via a public dedication or a restrictive covenant.

As discussed above under Section 3.E, the City has proposed amendments which will allow developments to reduce the density when inventoried resources are protected.

**FINDING:** As discussed above, the proposed amendments to implement the Natural Resources Protection program comply with Metro Functional Plan Titles 3 and 13.

### ***Infill and Redevelopment***

The applicable Functional Plan criteria are: Title 1 - Housing and Employment Accommodation and Title 12 - Protection of Residential Neighborhoods.

**Title 1 (Metro Code Sections 3.07.110 - 3.07.170) - Requirements for Housing and Employment Accommodation** - This section of the Functional Plan facilitates efficient use of land within the Urban Growth Boundary (UGB). Each city and county has determined its capacity for providing housing and employment which serves as their baseline and if a city or county chooses to reduce capacity in one location, it must transfer that capacity to another location. Cities and counties must report changes in capacity annually to Metro.

**Title 12 (Metro Code Sections 3.07.1210 - 3.07.1240) - Protection of Residential Neighborhoods** - The purpose of this title is to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services.

**DISCUSSION:** Two of the stated intentions of Title 1 -Housing and Employment Accommodation are the efficient use of land and the increase in a City's capacity to accommodate housing and employment. The proposed Infill and Redevelopment Standards allow for a more efficient use of land by providing opportunities where development is currently limited. This also increases the City's ability to accommodate needed housing on "remnant parcels" and encourage compatible redevelopment and infill on smaller properties with constraints. This policy focuses new development inward, in existing neighborhoods, rather than on the urban fringes. The proposed standards would provide for the protection of established neighborhoods while increasing opportunities for infill development. Title 12 requires the protection of residential neighborhoods from air and water pollution, noise and crime and an adequate level of public services provided. While the proposed changes to the Code do not directly address air and water pollution, noise or crime, the increase in opportunities for local transportation connections through the Infill and Redevelopment Standards provides a higher level of public service.

**FINDING:** Based on the discussion above, the proposed Infill and Redevelopment plan amendment complies with the applicable Metro Functional Plan criteria.

## **D. APPLICABLE STATEWIDE PLANNING GOALS**

**Goal 1 (CITIZEN INVOLVEMENT)** calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

**Goal 2 (LAND USE PLANNING)** outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

**Goal 5 (OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES)** covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

**Goal 6 (AIR, WATER AND LAND RESOURCES QUALITY)** requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

**Goal 10 (HOUSING)** specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

**12 (TRANSPORTATION)** aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

Goals 1 and 2 are applicable to both proposed amendments. The proposed amendments comply with Goal 1. For the Natural Resources Protection Program implementation, the background section of the this report documents the extensive public involvement throughout all phases of the process culminating locally with a series of work sessions with the Planning Commission. The infill and redevelopment process also included reviewing the current Code and proposing changes in a series of three work sessions with the Planning Commission. All these work sessions were open to the public and announced to the public through the weekly postings of the Planning Commission Agenda. The public hearings at the Planning Commission and the City Council will be open to the public and an opportunity for public testimony will be provided. Notification of the first public hearing was posted at five (5) conspicuous locations throughout the City as well as printed for two consecutive weeks in the Tigard Times newspaper. This notification included contact information for the Planning Department and detailed the availability of all materials for review.

Goal 2 is met because the proposals, through the Plan Amendment process, comply with the established process and policy framework for all decisions and actions related to the use of land in the City of Sherwood. Notice of the proposed changes was sent to the Department of Land Conservation and Development on July 27, 2006, forty-five (45) days in advance of the first public hearing on September 12, 2006. The review of the proposed changes will be done through public hearings at both the Planning Commission and City Council. Finally, Metro mailed notice to comply with Measure 56 on August 8, 2005 and October 24, 2005. Compliance with all applicable local, regional and statewide criteria is addressed in this report.

The remaining applicable goals are not applicable to both proposed Plan Amendments:

***Natural Resources Protection***

**DISCUSSION:** Goals 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources, and 6 - Air, Water and Land Resources Quality are applicable to the proposed amendments for implementation of the Natural Resources Protection Program. While the City already has an accepted Goal 5 program, the state requires a periodic review and update of local plans and ordinances. Metro, a regional land use planning agency, is required to adopt a Goal 5 program as well. Consequently, through the regional and Tualatin Basin process, the City has participated and complied with an updated inventory of significant fish and wildlife habitats and proposed amendments that provide greater protection of habitat resources through the removal of barriers and explicit encouragement of development that considers habitats. This update process helps provide a foundation for future, comprehensive updates of the Comprehensive Plan, which evaluate Goal 5, as new land is added to the Sherwood UGB.

The proposed amendments are also consistent with Statewide Planning Goal 6 in that development that is sensitive to fish and wildlife habitats are inherently sensitive to water quality. The proposed amendments encourage low impact development techniques that reduce stormwater run-off, encourage more landscaping, and the integration of landscaping into the treatment of storm run-off through bioswales and other pervious methods. The proposed Comprehensive Plan changes adopt by reference the Tualatin Basin Program which relies heavily on existing Clean Water Services regulations and the Healthy Stream Program for storm water quality enhancement. Sherwood is a participating jurisdiction within CWS special district boundary and therefore must comply with their standards.

**FINDING:** As discussed above, the proposed amendments are consistent with Statewide Planning Goals 5 and 6.

***Infill and Redevelopment***

**DISCUSSION:** Goals 10 - Housing and 12 - Transportation are applicable to the proposed amendments for infill and redevelopment. The proposed infill and redevelopment standards provide flexibility for development of areas of the City already designated for residential development; therefore it is consistent with Goal 10. By increasing opportunities for infill development while protecting established neighborhoods, the City is allowing for additional housing in existing residential areas.

One goal of the Infill and Redevelopment Standards is to increase local transportation connectivity for vehicles, bicycles and pedestrians in compliance with Goal 12. This is done by allowing development of smaller parcels contingent upon compliance with the Local Connectivity Map and a review of connectivity in the surrounding area. This will encourage and provide a safe, convenient and economic transportation system, thus implementing the intent of this goal. Furthermore, the elimination of the distinction that a partition can not create right-of-way allows the City to acquire right of way and thus lead to better connectivity through the partition process.

**FINDING:** Based on the discussion above, the proposed Infill and Redevelopment plan amendment complies with the applicable Statewide Planning Goals.



**Staff assessment and recommendation on Plan Amendments:** Based on the recommendation of the Planning Commission, discussion, findings of fact and conclusions of law detailed above, staff finds that both proposed plan amendments meet the applicable local, state and regional criteria.

Staff recommends the City Council **APPROVE** PA 06-02 Natural Resource Protection/Goal 5 Implementation and PA 06-03 Infill and Redevelopment and adopt the Ordinance changing the Comprehensive Plan and Zoning and Community Development Code.