

**City of Sherwood  
Planning Commission Meeting  
Senior/Community Center  
7:30 p.m.**

**AGENDA**

**April 18, 1988**

1. Call to Order
2. Approval of Minutes, March 21, 1988
3. Public Hearing
  - a. Variance request by Lee Strahan of Sherwood Feed and Garden Store from outdoor display screening requirement
4. Status report from Bilet Products regarding noise violation.
5. Recommendation on the S.E. Division Street Annexation

MEMORANDUM

April 6, 1988

To: City of Sherwood, Planning Commission  
From: Carole W. Connell, Consulting Planner  
Subject: Goodrich Products Addition Site Plan

The following two corrections need to be made to the Goodrich Site Plan Approval (File No. SP88-2).

1. Because of the planned Edy Road improvement and realignment, 50 feet of right-of-way must be dedicated along the Goodrich property Edy Road frontage. Condition number 1 should indicate 50 feet rather than 10 feet.
2. The existing Goodrich facility is not connected to City water other than for fire purposes. The existing 3/4" line to the building is from their existing well. It is their intent to extend their 3/4" line to the new building to serve restroom facilities. The City is not in a position to require the new and existing facility to connect to City water. The first sentence in condition number 5 should be deleted.

**STAFF REPORT**

**TO:** City of Sherwood  
Planning Commission

**DATE TYPED:** April 6, 1988

**FROM:** Carole W. Connell  
Consulting Planner  
The Benkendorf Associates Corp.

**FILE NO:** V88-1

**SUBJECT:** Request for a Variance from the Screening of Outdoor Merchandise Display Standard.

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**I. PROPOSAL DATA**

**Applicant:** Lee Strahan  
Route 3 Box 266A  
Sherwood, Oregon 97140

**Owner:** Al Olson

**Location:** 160 W. Pine, further described as Tax Lot 3600, Map 2S-1-32BC.

**II. BACKGROUND DATA**

The applicant is the owner of the Sherwood Feed and Garden Store which occupies the subject property. As a part of the existing business he is interested in utilizing a portion of the property for outdoor merchandise display. Section 5.503 of the Community Development Code requires that merchandise display activities carried on in connection with any commercial activity shall be screened from the view of all adjacent properties and adjacent streets by a six (6) foot high sight-obscuring fence. The applicant is requesting that the Planning Commission approve a variance so that the merchandise can be displayed without being screened.

### **III. COMMUNITY DEVELOPMENT CODE REQUIREMENTS**

- A. Section 2.108 Community Commercial (CC) zone**
- B. Section 2.115 Old Town Overlay zone**
- C. Section 4.400 Variances**
- D. Section 5.503 Material Storage**

### **IV. FINDINGS OF FACT**

- A. The subject property is 10,000 square feet, a portion of which is occupied by a building and a portion of which is vacant. In anticipation of his plan for outdoor display, and since he was unaware of the screening requirement, a fence has been constructed. The applicant intends to display nursery stock, farm gates and tanks and fencing materials. He has indicated that power equipment will not be displayed outside.**
- B. The property is zoned Community Commercial with the Old Town Overlay zone. Although many of the Community Design and Appearance standards are waived in the Old Town Overlay zone, the outdoor display screening standard is not.**
- C. The applicant believes that the display activity will be an attraction to Old Town, not a detraction. He indicated that he has had unanimous support from customers and that Old Town needs more such business activity.**
- D. Surrounding land uses include two antique stores, the Oriental Theater, a tavern, Sherwood Realty, a gas station and the Legionnaires building. A walk through Old Town reveals no significant outdoor display activities.**

E. The material storage standard states that:

Except as otherwise provided, external material storage is prohibited, except in commercial and industrial zones when storage areas are approved by the Commission. All service, repair, storage and merchandise display activities carried on in connection with any commercial or industrial activity and not conducted within an enclosed building shall be screened from the view of all adjacent properties and adjacent streets by a six (6) foot high sight-obscuring fence. Unless adjacent side and rear parcels have adequate, existing evergreen screening or sight-obscuring fencing, evergreen screening no less than three (3) feet in height shall be planted along side and rear property lines. Where evergreen screening, a masonry wall, or landscaped berm is required along side or rear property lines, as provided in Section 5.203, additional screening shall not be required.

F. The only abutting neighbor to the site is Olson Realty, which has a 3 to 4 foot fence along the adjoining property line. The other two sides are streets.

G. The following is in response to the five variance criteria in Section 4.402 of the Community Development Code. The code requires that all of the findings be met in order to grant the variance.

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

**Response:** In the immediate vicinity existing businesses do not have adjoining vacant land which would allow them the opportunity for outdoor display. The most comparable situation is the Old Mill Studio in which the owners have landscaped their adjoining vacant land and provided a mini

town square. Sherwood Auto Repair also has a vacant lot where customers cars are being parked and are not screened. Most businesses in Old Town are limited to their store fronts for display or advertising.

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

**Response:** All commercial businesses in Sherwood are subject to the same outdoor display screening requirements. Other businesses are not enjoying the right to unscreened merchandise display that is being denied the applicant. Technically, the Code does not recognize the need for outdoor display.

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

**Response:** In this case it is unlikely that merchandise display would be materially detrimental to other properties in Old Town, and may add needed life to downtown. The primary purpose of the code screening provision is to control unsightly outdoor display. If a variance is granted and the display becomes unsightly, there is no recourse. If a variance is granted a precedent for similar applications is established. However, the evidence of the applicant's display to date is not detrimental to the area and conditions could be applied to the variance to insure neatness.

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

**Response:** The requirement to screen a merchandise display contradicts the marketing purpose of making products that are for sale visible. Outdoor merchandise display should not be permitted at all if it must be screened. Rather, the code should more specifically address outdoor display specifying appropriate limitations.

5. **The hardship does not arise from a violation of this code.**

**Response:** The hardship to screen an outdoor display does not arise from a violation of the code.

## **V. CONCLUSION AND RECOMMENDATION**

The requirement to screen an outdoor display is not practical, unlike the obvious need to screen the outside storage of unsightly materials. The proposed display will not be materially detrimental to the area and may in fact be a boost for Old Town business. The Commission has the ability to review similar applications on a case by case basis, unless a policy change is made to permit such activities in specific areas of the City. Staff recommends that the Planning Commission develop standards for outdoor display. Based on the Findings of Fact and the Background Data staff recommends **approval** of the variance subject to the following conditions:

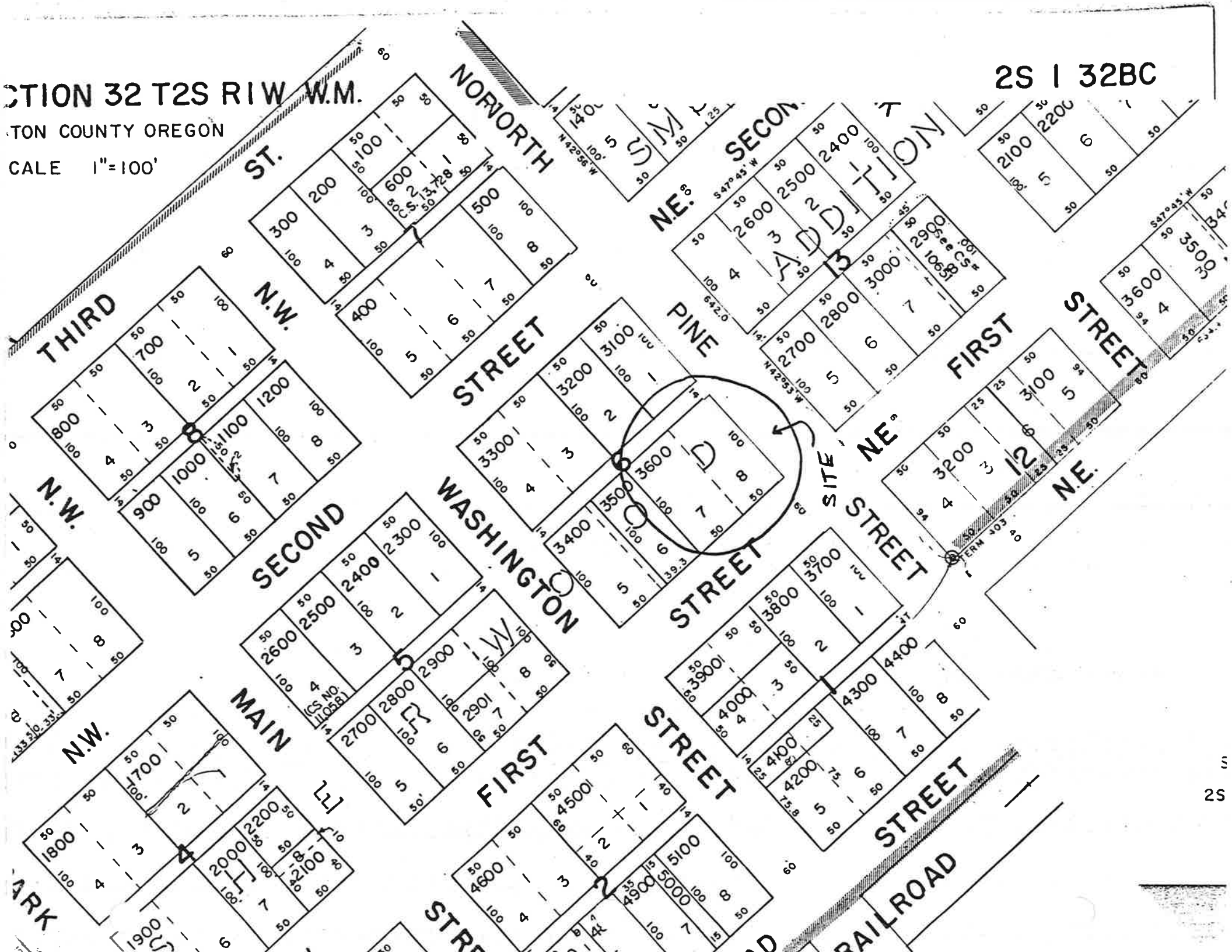
- A. Outside display shall be kept neat, clean and free from litter or debris.
- B. Outdoor display shall not include power equipment, farm implements or metal fencing and gate materials unless they are screened from view.

SECTION 32 T2S R1W W.M.

CLATSOP COUNTY OREGON

SCALE 1"=100'

2S | 32BC





CITY OF SHERWOOD

APPLICATION FOR LAND USE ACTION

Staff Use

CASE NO. V88-1

FEE 200.00

RECEIPT NO. \_\_\_\_\_

DATE 3-22-88

Type of Land Use Action Requested

- Annexation
- Plan Amendment
- Variance
- Planned Unit Development
- Conditional Use
- Minor Partition
- Subdivision
- Design Review
- Other Temporary Use

Owner/Applicant Information

	NAME	ADDRESS	PHONE
Applicant:	<u>Lee R. STRAHAN</u>	<u>RT 3 Box 266A</u>	<u>625-6927</u>
Owner:	<u>AL OLSON</u>		<u>625-6428</u>
Contact for			
Additional Info:	<u>Sherwood Feed (LCC)</u>		

Property Information

Street Location: 1st & Pine TAX LOT

Tax Lot No. 3600 2S1 32 BC Acreage \_\_\_\_\_

Existing Structures/Use: None

Existing Plan Designation: Community Commercial, Old Town  
Overlay Zone

Proposed Action

Proposed Use Outside Storage Nursery Stock, Farm CASES TANKS

Proposed Plan Designation N/A

Proposed No. of Phases (one year each) N/A

Standard to be Varied and How Varied (Variance Only) Approval for  
5.503 Material Storage & Variance on screening

Purpose and Description of Proposed Action: \_\_\_\_\_

Fencing & posts (FARM Merchandise - No power equipment)



## Regulating Outdoor Sales and Storage

An analysis of local restrictions on outdoor sales and storage makes it clear that local zoning officials value neatness, orderliness, and cleanliness. The National City, California, zoning code goes so far as requiring lumber in lumberyards to be "neatly stacked." The Farmington, New Mexico, zoning code requires that any outside display "be kept neat, clean, and free from litter or debris." The underlying assumption in many zoning codes is that outdoor sales and storage businesses are messy and unkempt, and, in most cases, the best location for these activities is indoors.

Another goal of local regulations covering outdoor sales and storage is to define precisely those businesses that rely on outdoor sales and the locations where outdoor storage is allowed. Increasingly, local codes include exhaustive lists of the types of outdoor sales activities that are "customary" and contain detailed descriptions of where outside storage is permitted or prohibited. In many cases, such precise zoning restrictions have been extended even to temporary outdoor activities, such as farmers markets, seasonal sales of Christmas trees and fireworks, sidewalk cafes, and swap meets. This issue of *Zoning News* reports on 25 local zoning codes for outdoor sales and storage.

### Outdoor Retail Sales

Some zoning codes limit outdoor sales to busy commercial districts and prohibit them in neighborhood commercial districts. Outdoor sales, however, are considered standard practice for many types of businesses, and local zoning codes typically only require that these businesses comply with normal setback and yard requirements. Many zoning codes, however, try to identify those businesses for which outdoor sales are customary and to limit such sales to those businesses. The zoning codes of Daytona Beach, Florida; Abilene, Texas; and Watsonville and Lompoc, California, include long lists of permitted types of outdoor sales.

The Daytona Beach code allows outdoor sales of vehicles; swimming pool equipment; newspapers; garden supplies and landscaping; fresh cut flowers; temporary or seasonal sales or promotions; food and beverage sales; tire and motor oil sales; and, perhaps unique to Daytona Beach, the outdoor sale of sea shells and Florida citrus products. The Daytona Beach code includes tougher licensing and special permit requirements for outdoor recycling stations and for itinerant merchants who set up souvenir stands during the city's major racing events.

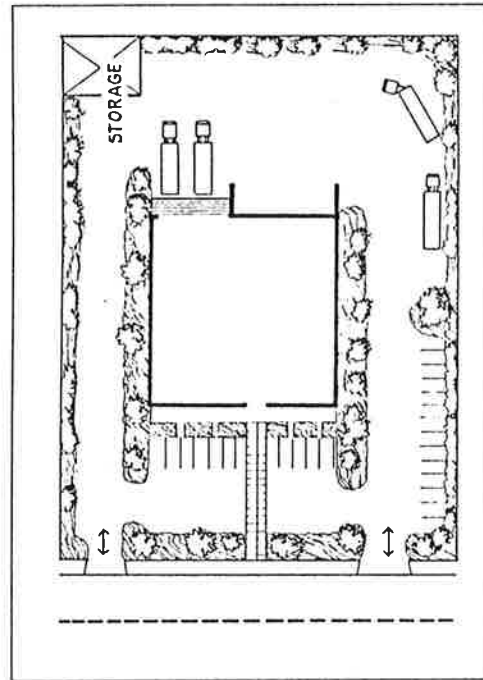
The Abilene, Texas, zoning code also includes a thorough list of permitted outdoor businesses, including some not identified by Daytona Beach, such as sales of boats and aircraft; farm equipment; motor homes, travel trailers, and campers; manufactured homes; and burial monuments. All other outdoor sales must comply with city requirements that outdoor activities be screened from view.

The Lompoc and Watsonville codes add other permitted

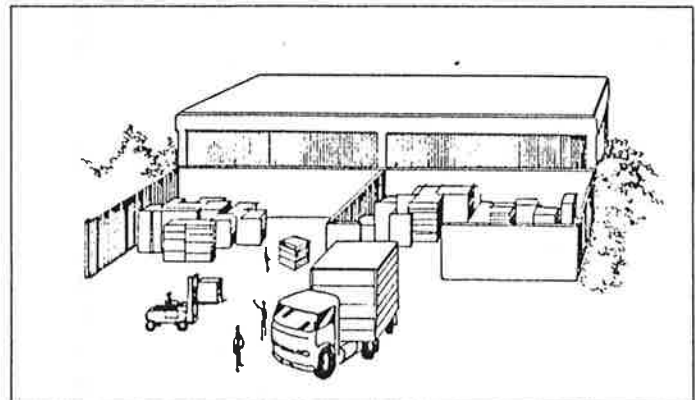
activities to those already mentioned—areas for selling building materials and supplies; vending machines; sidewalk cafes; and temporary uses, such as circuses and carnivals.

### Commercial/Industrial Storage Yards

A variety of businesses and industries rely on on-site storage of the materials they use in production, manufacturing, and processing. They also store equipment, scrap, flammable materials, and compressed gases. Most communities recognize that storage of the materials is an accessory part of these businesses. The most common requirement for on-site storage in commercial and industrial districts is that storage



*In its industrial design guidelines, San Jose, California, recommends that storage be confined to rear yards and be enclosed.*



City of San Jose, California

yards be screened or landscaped. Most storage areas are limited to rear yards, and, in most cases, they must comply with side- or rear-yard setbacks.

The zoning codes of some communities, such as Farmington and Los Alamos County, New Mexico; James City County, Virginia; Redmond, Washington; Plano, Texas; Bridgewater Township, Somerset County, New Jersey; Anne Arundel County, Maryland; Bethany, Oklahoma; and Benicia and Santa Maria, California, include detailed standards on outside storage. The most common types of standards are:

- Outside storage must be on the premises of the business or in close proximity to the premises.
- Outside storage must be obscured from view by opaque fencing, screening, or landscaping. In most cases, the height of the stored materials may not exceed the height of the screening, and, in many cases, the plans or drawings for any proposed screening must be submitted with an application for a storage yard.
- All stored goods, merchandise, vehicles, or implements must be secured against theft, vandalism, or loss.
- Unsafe storage of waste or hazardous material that creates a pollution threat or a fire hazard, or is an attraction to rodents or insects, is not permitted.
- Storage is not permitted in any required front- or side-yard setbacks, and most storage is limited to the rear of the principal building.
- All storage areas open to vehicles must be paved with asphalt surfacing, crushed rock, or other dust-free materials.
- All storage of corrosive, flammable, or explosive materials must comply with local fire codes. Any storage of toxic or hazardous materials must comply with all federal, state, and local environmental and public safety requirements.

The Redmond, Washington, and Santa Maria, California, zoning codes also include detailed descriptions of where outside storage is prohibited. In Redmond, these areas include floodways; residential lots used for home businesses; required waterfront setbacks; slopes greater than 15 percent; industrial and business parks that are adjacent to residential districts; and designated parking areas, fire lanes, or pedestrian areas. In Santa Maria, California, outside storage is prohibited in vehicle circulation areas, landscaped areas, or public or private sidewalk areas.

### Salvage Yards and Junkyards

Many communities save their toughest screening requirements for outdoor salvage yards where wrecked automobiles, junk, scrap, or discarded building materials are stored. The St. Petersburg, Florida, zoning code requires junkyards to be "entirely surrounded by a substantial, eight-foot, continuous, solid masonry wall." Even the entrances and exits must be screened by "solid eight-foot-high gates." The zoning code also requires any existing nonconforming junkyard to comply with the city's screening and landscaping requirements within one year.

The Lompoc, California, zoning code requires that fences or walls surrounding salvage yards must be "masonry, slumpstone, or split-face block" or "metallic panels at least .024 inches thick, painted with baked-on enamel or similar permanent finish."

The Contra Costa County, California, zoning code states

that junkyards are "useful and necessary" and "essential to the economic life of the county," but it also requires that any applicant for a permit post a bond that will ensure compliance with the county's screening requirements and standards for property maintenance. The maintenance standards prevent junkyards from becoming breeding grounds for rats or vermin and prevent the storage of any materials that are an environmental or public safety hazard.

According to most zoning codes, outdoor sales, storage, and salvage yards must be kept in their place and, usually, that means hidden behind effective screening. With increasing precision, zoning codes identify those businesses that rely on outdoor sales and limit those that do not customarily use outside displays. In the case of outdoor storage and salvage yards, the object of most zoning codes is to keep these activities out-of-sight and therefore out of the minds of sensitive neighbors.

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## Federal Court Rejects Takings Claim

Last October, the Ninth Circuit Court of Appeals rejected a developer's claim that the San Luis Obispo County zoning code denied them reasonable use of their land, thereby constituting a taking requiring compensation. (*Lake Nacimiento Ranch Company v. County of San Luis Obispo*, Docket No. 85-6475, October 15, 1987) The court concluded that the challenge of the ordinance was not yet ripe for consideration because the developer had never proposed a development plan or sought variances from county restrictions.

In 1981, the Lake Nacimiento Ranch Company sought a rezoning for 800 acres surrounding Lake Nacimiento, which is a man-made reservoir in northern San Luis Obispo County. The rezoning asked for the property to be redesignated as "recreational," a classification the property had enjoyed until 1980 when the county downzoned it to a more restrictive rural zoning district. The county planning commission unanimously recommended the redesignation, but the county board of supervisors turned down the request on a 3-2 vote. After the county board rejected the rezoning petition, the developer sued.

The appeals court applied the U.S. Supreme Court's rules from *Williamson County Regional Planning Commission v. Hamilton Bank*; namely, the developer must take all the administrative steps possible, including proposing a development plan and seeking variances, before challenging the code as a taking. The court also ruled that the zoning substantially advances legitimate state interests and that the developer had failed to prove that the current zoning denied an economically viable use of the land. Specifically, the court ruled that the Ranch Company failed to prove that the uses permitted by the existing zoning or those that might be permitted through a variance application would not be economically viable.

The ruling is significant because it came on the heels of the U.S. Supreme Court's decision in *First Evangelical Lutheran Church of Glendale v. County of Los Angeles*, which held that property owners had the right to seek compensation in court if zoning regulations were so restrictive that they constituted a taking of property. The Court of Appeals referred to *First Church* in a footnote and concluded that its decision was consistent with Supreme Court rulings, which have found that,

City of Sherwood, OR

RESOLUTION No. 88-403

A RESOLUTION INITIATING ANNEXATION TO THE CITY OF A TERRITORY MORE PARTICULARLY DESCRIBED AS:

A PARCEL OF LAND SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON BEGINNING AT A POINT ON THE CENTERLINE OF S.E. DIVISION STREET, SAID POINT BEING NORTH 88 DEGREES 21'00" EAST 1000 FEET, MORE OR LESS, FROM THE CENTER OF SAID SECTION 32; THENCE CONTINUING ALONG THE SAID CENTERLINE OF S.E. DIVISION STREET, NORTH 88 DEGREES 21'00" EAST 318.5 FEET, MORE OR LESS; THENCE LEAVING THE SAID CENTERLINE, SOUTH 330 FEET; THENCE SOUTH 88 DEGREES 21'00" WEST 318.5 FEET, MORE OR LESS; THENCE NORTH 330 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, CONSISTING OF 2.26 ACRES, MORE OR LESS.

WHEREAS, annexation to the City of the territory so bounded would constitute a "minor boundary change" under the boundary commission law, ORS 199.410 to 199.510; and

WHEREAS, by authority of ORS 199.490 (1)(a) the City Council may initiate the annexation of this territory; and

WHEREAS, two of the three tax lots within the territory proposed for annexation are currently serviced by the City water system, and the owner of the third lot has requested extension of water service.

NOW THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The Council, pursuant to ORS 199.490 (a) hereby initiates proceedings for annexation of this territory, known as Tax Lots 100, 201, and 203, 2S1-32D, and portions of adjacent public rights-of-way, to the City.

Section 2. The Council hereby approves the proposed annexation, and requests approval by the Portland Metropolitan Area Local Government Boundary Commission.

Section 3. The City Recorder is hereby directed to file with the Boundary Commission a certified copy of this Resolution and supporting documentation.

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Norma Jean Oyler, Mayor  
City of Sherwood, Oregon

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Polly Blankenbaker, Recorder

Passed by the City Council April 27, 1988

	<u>AYE</u>	<u>NAY</u>
OYLER	---	---
CHAVEZ	---	---
BIRCHILL	---	---
STEWART	---	---
HITCHCOCK	---	---

PMALGBC FORM #6

BOUNDARY CHANGE DATA SHEET FOR  
ANNEXATION TO THE CITY OF Sherwood

I. EXISTING CONDITIONS OF TERRITORY DESCRIBED IN BOUNDARY CHANGE

A. Land Area: Acres 2.26 or Square Miles \_\_\_\_\_

B. General Description of Territory: (include topographic features such as slopes, vegetation, drainage basins, flood plain areas which are pertinent to this proposal)

Two lots developed residences, property slopes east and south  
primarily open field

C. Existing Land Use:

Number of single family units 2 multi-family units 0  
Number of commercial structures 0 industrial structure 0  
Public facilities or other uses (Please describe)  
0

D. Total Current Year Assessed Valuation \$ 153,700.00

E. Total Estimated Population: 4

F. Current County Zoning Status (if territory contains more than one land use zone, please indicate tax lot numbers and existing zoning designation for those tax lots)

City Plan = LDR (5 units to acre)  
County Plan = R-6 (6 units to acre)

G. Is the area adjacent to the territory to be annexed (and not in the city or district) of the same general character or degree of development as the territory to be annexed? Yes \_\_\_\_\_ No \_\_\_\_\_ See below

If Yes, why isn't the adjacent area included in the proposal?

Annexation extends to two tax lots receiving City water service. The third lot is in common ownership with one of the developed lots

If No, how does the adjacent area differ?

II. PROPOSED DEVELOPMENT OF TERRITORY DESCRIBED IN BOUNDARY CHANGE

A. If the property is entirely or substantially undeveloped, what are the plans for future development? (Be specific--if site or development plans have been prepared please submit a copy.)

Two lots developed. Third lot being considered for single family house and City services are desired

B. Can the proposed development be achieved under current county zoning?

Yes   X   No           

If No, has a zone change been sought from the county either formally or informally for the property under consideration.

Yes            No            N/A

Please describe outcome of zone change request if answer to the above question is 'Yes'

          N/A          

C. Is the proposed development compatible with the county comprehensive plan and/or the Regional Framework Plan?

Yes   X   No           

Briefly explain compatibility or incompatibility.

  Property is zoned residential and is developed or proposed for development to residential uses.  

D. Is the proposed development compatible with the city's Comprehensive Land Use Plan for the area?

Yes   x   No            City has no plan for the area           

Has the proposed development been discussed either formally or informally with any of the following: (please indicate)

City Planning Commission   x   City Planning Staff   x  

City Council   x   City Manager   x  

Please describe the reaction to the proposed development from the persons or agencies indicated above.   Supportive - see Attached resolution  

E. If a city and/or county-sanctioned citizens' group exists in the area of the annexation, please list its name and the name and address of a contact person.

  C.P.O. #5 Kelly Sampson Chairman 682-1321  

III. REASON FOR BOUNDARY CHANGE

A. ORS 199.462 of the Boundary Commission Act states: "When reviewing a boundary change, a boundary commission shall consider economic, demographic, and sociological projections pertinent to the proposal, and past and prospective physical developments of land that would directly or indirectly be affected by the proposed boundary change." Considering these points, please provide the reasons the proposed boundary change should be made. Please be very specific. Use additional pages if necessary.

  Two of three lots are serviced by City water. Third lot desires service.  

  Annexation is implementation of policy requiring incorporation into the City in order to receive services.



B. If the reason is to obtain specific municipal services such as water service, sewerage service, fire protection, etc., please indicate the following:

1. Proximity of facilities (such as water mains, sewer laterals, etc.) to the territory to be annexed. (Please indicate location of facilities--for example: 8" water main in Durham Rd. 500 feet from east edge of territory.) Please indicate whose facilities they are and whether in fact these facilities will be the ones actually providing service to the area. If the facilities belong to another governmental entity, explain the agreement by which they will provide the service and what the city's policy is on subsequent withdrawal and/or compensation to the other unit.

-8" waterline passes property along Division Street

-8" sewerline runs parallel to property but is one row of lots north of property

2. The time at which services can be reasonably provided by the city or district.

Water and sewer available (in the case of sewer line must be extended approximately 500')

3. The estimated cost of extending such facilities and/or services and what is to be the method of financing? (Attach any supporting documents.)

Cost of sewer extension \$20-22 linear foot at expense of property owner

4. Availability of the desired service from any other unit of local government. (Please indicate the government.)

N/A

#### IV. EXISTING GOVERNMENTAL SERVICES IN THE TERRITORY

A. If the territory described in the proposal is presently included within the boundaries of any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved:

City Sherwood County Service Dist. Sheriffs patrol and Urban Road  
Hwy. Lighting Dist. -- Park & Rec. Dist. --  
Rural Fire Dist. Tualatin Rural Sanitary District U.S.A.  
Water District City of Sherwood

B. If any of the above units are presently servicing the territory (for instance, are residences in the territory hooked up to a public sewer or water system), please so described.

Two of three lots on City water

NAME: James H. Rapp, City Manager (Title)

ADDRESS: 90 NW Park Street, Sherwood

TELEPHONE NO: 625-5522

AGENCY: City of Sherwood

DATE: April 6, 1988



PMALGBC FORM #5

(This form is NOT the Petition)

ALL OF THE OWNERS OF PROPERTY INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA

(To be completed IF the proposal contains 10 or fewer properties--  
tax lots or parcels). Please indicate the name and address of all  
owners of each property. This is for notification purposes.

	NAME OF OWNER	ADDRESS	PROPERTY DESIGNATION (Indicate Tax Lot, Section number, and Township Range)
1)	Pauline McKeel	Box 249, 615 SE Division Sherwood, OR 97140	100:2S-1-32D
2)	Pauline McKeel	Box 249, 615 SE Division Sherwood, OR 97140	203:2S-1-32D
3)	Craig W. & Julia K. Kurath	585 SE Division Sherwood, OR 97140	201:2S-1-32D
4)			
5)			
6)			
7)			
8)			
9)			
10)			

SE 1/4 SECTION 32 T2S R1W W.M.

WASHINGTON COUNTY OREGON

SCALE 1"=200'

S.E. DIVISION  
ANNEXATION

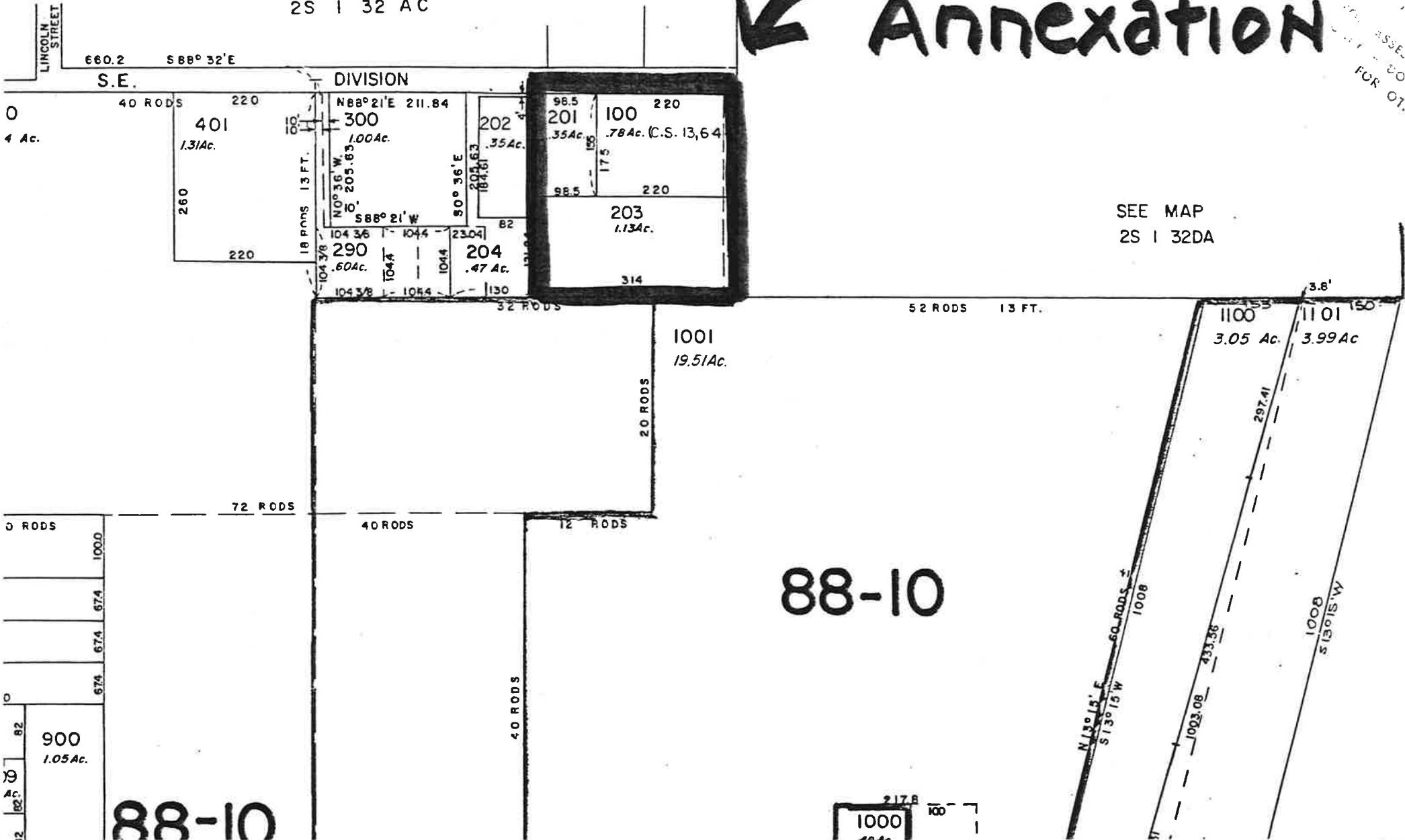


SEE MAP

2S 1 32 AC

SEE MAP

2S 1 32DA



FOR OT.

88-10

88-10

1000



90 NW Park Street  
Sherwood, Oregon 97140  
625-5522 625-5523

April 6, 1988

Craig W. and Julia K. Kurath  
585 SE Division St.  
Sherwood, Ore. 97140

Re: Annexation of Tax Lot 201:32D

Dear Mr. and Mrs. Kurath:

Over the last year the City of Sherwood has been actively pursuing a policy of annexing all properties receiving City water service. Since early 1987 the City has advanced ten separate annexations to the Portland Metropolitan Area Local Government Boundary Commission. All have been approved with the result that 195 acres have been newly incorporated into the City. Presently only three homes serviced by City water remain outside of the City limits. Your home on SE Division Street is one of those remaining residences.

In April, 1987 the Sherwood City Council conducted a public hearing on the annexation program to which, we thought, all out-of-City water services were invited. Unfortunately your home and the home of your neighbor (Pauline McKeel) were inadvertently omitted from the list of unincorporated City water users. I sincerely apologize for this oversight. Until a few days ago I thought our "out-of-City" water user annexation program was nearly complete, now I must inform you that, consistent with Council's policy, an annexation application for your property will be forwarded to the Boundary Commission. The City will bear all the costs of the annexation application.

An approving resolution will be before the City Planning Commission on Monday, April 18, and before the City Council on April 27, with probable scheduling before the Boundary Commission in June. In order to assist you in evaluating the impact of annexation, I have prepared the following information:

## ZONING AND PLANNING

The permitted land uses for Tax Lot 201 are essentially identical under the County and City plans. The City designation is Low Density Residential (LDR) which is intended for single family housing at densities of up to five dwelling units per acre.

S.E. Division Street is designated as a local street on the City's long range transportation plan. As a result of a newly approved sixteen lot subdivision due east of your property, Division Street will be partially constructed to Mansfield Road in the April Meadows subdivision. This work will go forward if the subdivision is developed this summer.

Attached for your information is a City zoning map.

## TAXATION

Actual City of Sherwood tax rates for 1987-88 are:

Basic Tax Rate:	\$2.90 per \$1,000
Water Reservoir Bonds:	.46 per \$1,000
Library Levy:	.77 per \$1,000
<b>TOTAL RATE</b>	<b>\$4.13 per \$1,000</b>

You can estimate the City's share of your future tax bill by multiplying \$4.13 by every \$1,000 of assessed value for Tax Lot 201. The City property tax would be in addition to the taxes currently charged by the other jurisdictions in our area (County, Fire District, School District, etc.). Your total tax bill depends on what these other agencies do annually with their budgets and tax bases. Thus, year to year your tax bill could increase by more than the City share, or could decrease to below pre-annexation levels. Changes in property values can also dramatically alter your taxes in either direction.

As your lots are presently part of urban unincorporated Washington County you are in two special taxing districts: an Enhanced Sheriff's Patrol District and an urban road maintenance district. Once Lot 201 is annexed these taxing districts will be deleted from your annual tax assessment.

If annexed, your property would not be taxed for the City at least until 1988-89, and we have no way of developing fully accurate tax rate or property value estimates that far in advance. The City base rate could vary depending on City General Fund budget size, total assessed value in the City, the success or failure of a tax base or special levy election, or a combination of these three factors. In fact, the current two year City Library Levy will expire in 1988-89, and could be subject to a vote by Sherwood's citizens for renewal.

Alternatively library costs could be reincorporated into the general tax base and tax rate. Also, the water reservoir bonds approved in 1972 to construct the two million gallon Division Street reservoir will be paid up by 1992, and this special tax rate will continue to decline annually until then.

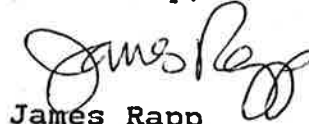
WATER AND OTHER SERVICES

Your Tax Lot 201 is serviced by an 8" diameter waterline. As an "out-of-City" user you are currently charged a 100% surcharge for City water. Thus, once annexed, your water bill will be halved.

The other major underground service is sewer. An 8" line is in place behind the row of lots on the north side of Division Street opposite your property. Extension would be dictated by development. Presently the location of the sewer line and the topography of the area does not make connection to this sewer line truly economical for just one or two homes. At current development levels, unless an unexpected ground or well water contamination occurred, annexed properties can continue with current individual sewage treatment systems.

Finally, attached for your information is a set of sheets summarizing many City fees and charges and a list of City officials. Please contact me without hesitation with any questions you may have.

Sincerely,



James Rapp  
City Manager

cc: Planning Commission  
Boundary Commission  
City Council



90 NW Park Street  
Sherwood, Oregon 97140  
625-5522 625-5523

April 6, 1988

Mrs. Pauline McKeel  
P.O. Box 249  
615 SE Division St.  
Sherwood, Ore. 97140

Re: Annexation of Tax Lots 100 and 203:32D

Dear Mrs. McKeel:

As we discussed on the telephone the other day, the City of Sherwood has been actively pursuing a policy of annexing all properties receiving City water service. Since early 1987 the City has advanced ten separate annexations to the Portland Metropolitan Area Local Government Boundary Commission. All have been approved with the result that 195 acres have been newly incorporated into the City. Presently only three homes serviced by City water remain outside of the City limits. Your home on SE Division Street is one of those remaining residences. I also understand that you may wish to annex a vacant tax lot to the rear of your home (Lot 203).

In April, 1987 the Sherwood City Council conducted a public hearing on the annexation program to which, we thought, all out-of-City water services were invited. Unfortunately your home and the home of your neighbors (Craig and Julia Kurath) were inadvertently omitted from the list of unincorporated City water users. I sincerely apologize for this oversight. Until a few days ago I thought our "out-of-City" water user annexation program was nearly complete, now I must inform you that, consistent with Council's policy, an annexation application for your property will be forwarded to the Boundary Commission.

An approving resolution will be before the City Planning Commission on Monday, April 18, and before the City Council on April 27, with probable scheduling before the Boundary Commission in June. In order to assist you in evaluating the impact of annexation, I have prepared the following information:

## ZONING AND PLANNING

The permitted land uses for Tax Lots 100 and 203 are essentially identical under the County and City plans. The City designation is Low Density Residential (LDR) which is intended for single family housing at densities of up to five dwelling units per acre.

S.E. Division Street is designated as a local street on the City's long range transportation plan. As a result of a newly approved sixteen lot subdivision due east of your property, Division Street will be partially constructed to Mansfield Road in the April Meadows subdivision. This work will go forward if the subdivision is developed this summer.

Attached for your information is a City zoning map.

## TAXATION

Actual City of Sherwood tax rates for 1987-88 are:

Basic Tax Rate:	\$2.90 per \$1,000
Water Reservoir Bonds:	.46 per \$1,000
Library Levy:	.77 per \$1,000
<b>TOTAL RATE</b>	<b>\$4.13 per \$1,000</b>

You can estimate the City's share of your future tax bill by multiplying \$4.13 by every \$1,000 of assessed value for Tax Lots 100 and 203. The City property tax would be in addition to the taxes currently charged by the other jurisdictions in our area (County, Fire District, School District, etc.). Your total tax bill depends on what these other agencies do annually with their budgets and tax bases. Thus, year to year your tax bill could increase by more than the City share, or could decrease to below pre-annexation levels. Changes in property values can also dramatically alter your taxes in either direction.

As your lots are presently part of urban unincorporated Washington County you are in two special taxing districts: an Enhanced Sheriff's Patrol District and an urban road maintenance district. Once Lots 100 and 203 are annexed these taxing districts will be deleted from your annual tax assessment.

If annexed, your property would not be taxed for the City at least until 1988-89, and we have no way of developing fully accurate tax rate or property value estimates that far in advance. The City base rate could vary depending on City General Fund budget size, total assessed value in the City, the success or failure of a tax base or special levy election, or a combination of these three factors. In fact, the current two year City Library Levy will expire in 1988-89, and could be subject to a vote by Sherwood's citizens for renewal.

Alternatively library costs could be reincorporated into the general tax base and tax rate. Also, the water reservoir bonds approved in 1972 to construct the two million gallon Division Street reservoir will be paid up by 1992, and this special tax rate will continue to decline annually until then.

WATER AND OTHER SERVICES

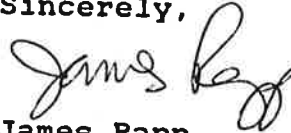
Your Tax Lot 100 is serviced by an 8" diameter waterline. As an "out-of-City" user you are currently charged a 100% surcharge for City water. Thus, once annexed, your water bill will be halved. Tax Lot 203 can be serviced by a simple lateral extension.

The other major underground service is sewer. An 8" line is in place behind the row of lots on the north side of Division Street opposite your property. Extension would be dictated by development. Presently the location of the sewer line and the topography of the area does not make connection to this sewer line truly economical for just one or two homes. At current development levels, unless an unexpected ground or well water contamination occurred, annexed properties can continue with current individual sewage treatment systems.

Please let me know if you do not want Tax Lot 203 included in the annexation. As this lot is not presently serviced, the Council's policy of incorporating out-of-City water users does not apply. Annexation will be required as a condition of any future extension however. The City will bear all costs of annexation if both lots are included in a single annexation now.

Finally, attached for your information is a set of sheets summarizing many City fees and charges and a list of City officials. Please contact me without hesitation with any questions you may have.

Sincerely,



James Rapp  
City Manager

cc: Planning Commission  
Boundary Commission  
City Council



# **APPROVED MINUTES**

Planning Commission Meeting

April 18, 1988

**1. Call to Order**

Chairman Glen Warmbier called the meeting to order at 7:30 p.m. Commission members present were Marian Hosler, Glenn Blankenbaker, Joe Galbreath, Grant McClellan, Jim Scanlon and Clarence Langer Jr. Commission members Ken Shannon and Gene Birchill were absent. Planning Consultant Carole Connell and City Recorder Polly Blankenbaker were also present.

**2. Approval of Minutes, March 21, 1988**

Mr. Galbreath moved the minutes be approved as presented. Mrs. Hosler seconded the motion. The motion passed unanimously.

Mrs. Connell called the Commission's attention to her memo dated April 6, 1988 regarding Goodrich Products Addition Site Plan. Mrs. Connell explained that at the last meeting the Planning Commission reviewed and approved the site plan. The Edy Road realignment will require a dedication of 50' additional right-of-way. Mr. Warmbier asked if 50' will be required on both sides of Edy Road. Mrs. Connell explained the road will be realigned and the center line will be changed. Mrs. Connell explained Goodrich Products intends to connect the building addition to an existing well. Mrs. Connell asked the Planning Commission to revise their approval and make the changes identified in her memo.

Mr. Scanlon moved the memorandum dated April 6, 1988 regarding Goodrich Products Addition Site Plan be approved as written requiring a 50' dedication rather than a 10' dedication and connection of the addition to their existing well water rather than City water. Mr. Blankenbaker seconded the motion. The motion carried.

**3. V-88-1 Variance request by Lee Strahan of Sherwood Feed and Garden Store from outdoor display screening requirement**

Mrs. Connell explained Mr. Strahan was seeking permission to place merchandise outside on display as part of his existing business. Mrs. Connell reviewed the staff report and the required findings with the conclusion the variance be granted with two conditions. Mrs. Connell said it appears the code does not distinguish between outdoor display and outdoor storage of junk. She felt this was a weakness in the code.

Chairman Warmbier invited Mr. Strahan to present his request. Mr. Strahan objected to condition #2 which would not allow

the display of fencing materials. Mr. Strahan stated he had sold alot of the fencing materials since it has been on display. He said the business is growing and running out of room. Mr. Olson, owner of the display lot, is willing to sell the lot. Mr. Strahan said he wasn't interested in purchasing it if there were going to be restrictions on the display. Mr. Strahan said he would be forced to leave Sherwood if he couldn't get the variance without restrictions.

Mr. Warmbier invited Commission members to comment. Mr. Blankenbaker said it was too bad Mr. Strahan got this far along before being referred to this body. Mr. Blankenbaker took exception to Mr. Strahan's fence, and felt it was more suited to a farm setting rather than downtown. Mr. Blankenbaker was also concerned about grass and weeds growing among the display, and felt the lot should be blacktopped and a chainlink fence should be installed and a few arborvitae should be planted.

Mr. Strahan said the grass will be taken care of. A chainlink fence would cost \$750 and was too expensive.

Mr. Scanlon asked what Mr. Strahan's plans were in 6 to 8 months when the nursery stock isn't a fast mover. Mr. Strahan said he would leave it empty and bare. Some of the nursery stock may be converted to more of an evergreen type of plant.

Mr. Galbreath said he felt guilty questioning the man when Mr. Strahan's display had cleaned up an eye sore.

Mr. Strahan said the City needs to address the parking in Old Town. Mr. Strahan said his business had 200 sales on Saturday and was bringing alot of customers into town.

Olive Gribble, Sherwood resident and Old Town business owner, said she was very pleased with what Lee has done, and felt the City needs to help people with their business not make problems.

Stu Olsen, Sherwood resident and Old Town business owner, said he wasn't sure if he was here in favor of Mr. Strahan's request or here to castigate the City for requiring the Variance.

Archie Breneman said the bypass will be diverting people around town and felt the City will need a draw such as Mr. Strahan's business.

Mr. Scanlon said I think we can go by what we see. Mr. Strahan has already demonstrated the display will be attractive.

Mr. Blankenbaker felt a time limit should be placed on the

variance approval. Mrs. Connell reviewed the Code and said the Code does not refer to time limits on variance approvals.

Mr. Langer moved to approve the variance request with staff Condition A. " Outside display shall be kept neat, clean and free from litter or debris" and delete Condition B. Mr. Blankenbaker requested Mr. Langer add, after debris, "and weeds" to Condition A. Mr. Langer did not revise his motion. Mr. Galbreath seconded the motion. The motion carried 6-1 with Mr. Blankenbaker voting nay.

**4. Status report from Bilet Products regarding noise violation.**

Mr. Bill Blakeslee said he has not brought his plant into compliance. He is working with ABMatics' engineer Wayne Freeman. Mr. Blakeslee explained Mr. Freeman is not an accoustical engineer but specializes in blower systems. The blower system creates excessive noise.

Mr. Warmbier asked how the ambient noise was measured, and if it was taken into consideration when DEQ measurments were made. Mrs. Connell felt DEQ takes ambient levels into consideration.

Mr. Blankeslee said a swing shift was working until 1:30 a.m. Mr. Blakeslee asked to be put on the May agenda because by then corrections to the fan will be made.

Mr. Galbreath moved to approve a 30 day extension. Mr. Blankenbaker seconded the motion. The motion carried unanimously.

**5. Recommendation on the S.E. Division Street Annexation**

Mrs. Connell explained this was a City initiated annexation. Two of the three lots currently have City water service.

Mr. Blankenbaker moved to recommend approval of the annexation. Mr. Scanlon seconded. The motion passed unanimously.

Mrs. Connell asked if the Planning Commission wanted separate requirements allowing outdoor display. Mr. Warmbier said we need to discuss whether this should be City wide or just apply to certain zones or areas. Mr. Warmbier favored review on a case by case basis. Mr. Blankenbaker disagreed and felt that would leave it open to individual biases and interpretation. Mr. Warmbier asked Mrs. Connell to research the issue and bring back recommendations on outdoor display.

Mr. Blankenbaker explained he voted no on Mr. Strahan's request because he felt the Commission was setting a very dangerous precedent there because a block away there are 80 - 100 old appliances stored outside. Mr. Blankenbaker said he hadn't seen any activity to take care of it and felt it was a very dangerous

situation. Mr. Scanlon said he spoke with Jim Rapp over two weeks ago about this issue and Mr. Rapp said Walt was going to clean it up. Mr. Blankenbaker moved the Planning Commission instruct Mrs. Connell to forward to the City Council a recommendation that a citation be issued to Walts Appliance. Mrs. Hosler seconded. The motion carried 6-1 with Mr. Galbreath voting no.

Mr. Scanlon moved to adjourn. Mr. Galbreath seconded the motion. The motion carried unanimously.

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Polly Blankenbaker, City Recorder