



P.O. Box 167  
Sherwood, Oregon 97140  
625-5522            625-5523

City of Sherwood

PLANNING COMMISSION MEETING

September 29, 1986 7:30 P.M.

Senior/Community Center

- I. Planning Commission Minutes from 7-21-86 and 8-4-86.
- II. Request for a Minor Land Partition by Walter Novak to divide one lot into three, located in the NE corner of the Tualatin-Sherwood & Edy Road intersection.
- III. Request for a Minor Land Partition by Joan Tasker to divide one lot into two, located at 475 E. Division Street.
- IV. Request by Commonwealth Property Management Services to revise the approved Smith Farm Estates site plan to move the recreation building and delete construction of the greenway trail.
- V. Public Hearing
  1. Request by Tualatin Fire District for a height Variance to construct a 37' high hose dryer/training tower adjoining the existing district building, located at 655 NE Oregon Street.
- VI. Request by Tualatin Fire District for site plan approval of the hose dryer/training tower.
- VII. For Your Information
  - A. Decision by City Council regarding Emilié List Plan Amendment request.

**STAFF REPORT**

**TO:** City of Sherwood  
Planning Commission

**DATE TYPED:** Sept. 16, 1986

**FROM:** Carole W. Connell, Consulting Planner  
Benkendorf & Associates

**FILE NO.:** 2271-45

**SUBJECT:** Request for a Minor Land Partition of 16 Acres into Three Tax Lots

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**I. PROPOSAL DATA**

**Applicant:** Sabre Construction Company  
R.G. Pike  
P.O. Box 4527  
Portland, Oregon 97208

**Owner:** Walter M. Novak, Et Al  
14600 S.W. 72nd Avenue  
Portland, Oregon 97223

**Location:** Northeast corner of Edy Road and Tualatin-Sherwood Road,  
further described as Tax Lot 502, Map 2S-1-28A.

**II. BACKGROUND DATA**

The applicant is requesting that a 16-acre parcel be divided into three tax lots. The parcel is presently used for agricultural purposes and has no structures on it. The parcel directly adjoins Tualatin-Sherwood Road at the intersection of Edy Road. The property is zoned **General Industrial, GI**, and is located inside the Sherwood city limits. The parcel is adjoined on the west by Paper Transportation Products; on the north by vacant land; on the south by Tualatin-Sherwood and Edy Roads; and on the east by P.M. Marshall's vacant land, on which the City recently approved a subdivision.

### **III. SHERWOOD COMMUNITY DEVELOPMENT CODE PROVISIONS**

1. Section 4.00 Plan Compliance Review Process
2. Table 4.04 Compliance Information
3. Chapter 2, Section 2.16 General Industrial (GI) Zone
4. Chapter 3, Section 3.00 Minor Land Partition
5. Sherwood Comprehensive Plan
6. Chapter 2, Section 5.01F Additional Setbacks

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

1. The subject parcel is 16 acres. The partition request is to divide the parcel into three tax lots. Parcel 1 is 5.84 acres; Parcel 2 is 5.08 acres; and Parcel 3 is 5.08 acres in size.
2. The parcel is generally flat, except for the portion near Tualatin-Sherwood Road, where the elevation rises about 24 feet from the remainder of the parcel. The majority of the parcel is in pasture, with two small stands of fir trees and brush.
3. Natural drainage of the land varies, as indicated on the applicant's sketch map. There are no streams, wetlands, ponds or springs, or floodplains on the site. There is no storm sewer system but, according to the applicant, a natural drainage system complemented by a 12" buried drain tile exists.
4. Road access to the site is available from Tualatin-Sherwood Road. The P.M. Marshall subdivision, although not yet platted, provides road access to the subject parcel from the east. See sketch. Access is also potentially available from Paper Transportation's access road.
5. Water service is available from a line in Tualatin-Sherwood Road. Sewer service is available from the adjoining Tax Lot 600 to the east. There is not a City-approved storm drainage system.

6. Washington County and the Tualatin Fire District have been notified of this request. The Fire District had no comments. Washington County submitted road requirements to be attached to an approval, in a letter dated June 23, 1986. The applicant notified the County early in the process. The County response indicates the following requirements (letter attached):

a) No direct access to Tualatin-Sherwood or Edy Road. Access should be through Marshall Industrial Park, when the site develops, and temporarily through Paper Transportation.

b) Right-of-way dedication of a minimum of 45' from centerline of Edy Road and Tualatin-Sherwood Road frontage, including adequate corner radius. The County reserves the right to require additional right-of-way pending the results of the Environmental Impact Study for the construction of roads. (Note: Washington County is planning a road widening project for Tualatin-Sherwood Road in the near future. Construction plans may identify the need for additional right-of-way.)

c) Consider constructing an access street from the site's east property line to the proposed Marshall Industrial Park access at their west property line.

7. Tualatin-Sherwood Road is a major arterial and requires a 45' building setback from centerline. Edy Road is also a major arterial and requires a 45' building setback from road centerline.

8. The parcel is zoned General Industrial, which requires a minimum lot size of 20,000 square feet and lot width and depth of 100 feet. Each parcel complies with the minimum size, width and depth.

## V. CONCLUSION AND RECOMMENDATION

1. The partition does not require the creation of a street. If the site were to be accessed by a street intersecting with Tualatin-Sherwood Road, a street into the parcel would be required. But the County and City staff

have identified the intersection of Tualatin-Sherwood and Edy Road as a dangerous intersection and recommend avoiding access there. In return, Parcels 2 and 3 are being created without direct access to a public street. If the Marshall Industrial Park is platted and built, Parcel 2 will also have access to a public street. Chapter 3, Section 2.03C Easements of Way states:

2. A private easement of way to be established by deed without full compliance with these regulations may be approved by the Planning Commission; provided it is the only reasonable method by which the rear portion of an unusually deep lot large enough to warrant partitioning into two or more parcels may obtain access; provided, however, that this access shall be in compliance with the access provisions of Chapter 2 of this Part.
2. The proposed partition complies with the GI zone requirements and the Comprehensive Plan.
  3. There is adequate sewer and water service to the subject parcel.
  4. Adjoining land has adequate access and development opportunities.

## RECOMMENDATION

Staff recommends **approval** of the partition request subject to the following conditions:

1. Access shall be provided to each parcel by a permanent easement established by deed from the adjoining parcel owned by Paper Transportation. The final recorded partition shall indicate future access from the adjoining parcel identified as Marshall Industrial Park.
2. The proposed storm drain and collection system to the parcel shall be approved by the City.

3. Dedicate a minimum of 45' of road right-of-way from the centerline of Edy Road and Tualatin-Sherwood Road frontage, including adequate corner radius.
4. There shall be a 45' building setback from the centerline of Tualatin-Sherwood and Edy Roads.
5. The applicant is responsible for recording the partition with Washington County by deed.

2271-45.sr

**STAFF REPORT**

**TO:** City of Sherwood  
Planning Commission

**DATE TYPED:** Sept. 19, 1986

**FROM:** Carole W. Connell, Consulting Planner  
Benkendorf & Associates

**FILE NO:** 2271-46

**SUBJECT:** Request by Joan Tasker for a Minor Land Partition to Divide .82  
Acres into Two Parcels

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**I. PROPOSAL DATA**

**Applicant:** Bruce Maplethorpe  
P.O. Box 579  
Sherwood, Oregon 97140

**Owner:** Joan Tasker  
475 E. Division  
Sherwood, Oregon 97140

**Request:** Proposed Minor Land Partition to divide a residential parcel  
into two tax lots.

**Location:** Located at 475 E. Division, further described as Tax Lot 202,  
Map 2S-1-32D.

## **II. BACKGROUND DATA**

The purpose of the partition is to utilize the back portion of an existing residential parcel in order to construct a home. The parcel is narrow and deep, with no access available to the rear of the lot. Utilization of the parcel requires the creation of a flag lot. Access to the parcel is only available from Division Street. The property is zoned Low Density Residential, (LDR) and is inside the Sherwood city limits.

## **III. SHERWOOD COMMUNITY DEVELOPMENT CODE PROVISIONS**

1. Sherwood Comprehensive Plan
2. Section 4.00 Plan Compliance Review Process
3. Chapter 2 Section 2.07 Low Density Residential Zone
4. Chapter 3 Section 3.00 Minor Land Partition

## **IV. FINDINGS OF FACT**

1. The subject parcel, Tax Lot 202, is .82 acres in size. The request is to divide the parcel into two tax lots as shown on the sketch map. Parcel A would be 15,573 square feet and Parcel B 20,000 square feet.
2. The parcel is zoned Low Density Residential and requires each parcel to be a minimum of 7,000 square feet.
3. The parcel is currently occupied by a residence and a driveway. The parcel is narrow and deep, 107 feet wide and 310 feet long. There is a slight slope to the northwest.
4. Access to the parcel is currently from Division Street, a local city street. A local street requires 48 feet of ROW. There is currently 40 feet of ROW.



5. The existing house has city sewer service. However, the line is old and does not have capacity to serve additional users. The sewer line to which the future residence would connect is about 700 feet away, at the intersection of Lincoln and Division. City policy does not require connection to city sewer if existing service is over 300 feet away. Approval of a septic tank and drainfield is subject to the Washington County Health Department.
6. The existing house has city water service from a line located in Division. This line has the capacity to serve a future residence on the subject parcel.
7. The LDR zones requires a minimum road frontage of 25 feet. The proposed lot configuration represents a flag lot in order to acquire the minimum frontage and utilize the back of the property. The applicant proposes to extend the existing driveway to serve a new residence. The existing house is owned by a relative of the applicant. If the existing driveway were to become unavailable in the future, the residence in the back could acquire access along the proposed west property line, along the "stem of the flag."
8. The Tualatin Fire District and Washington County were notified of this request and had no comments.
9. The subject parcel is not within an identified floodplain or significant natural area.

## **V. CONCLUSION AND RECOMMENDATION**

1. The partition does not require the creation of a street.
2. There exists an adequate supply of city water to serve the two parcels. City sewer is not readily available.
3. The proposed partition complies with the LDR zoning and the Sherwood Comprehensive Plan.

4. The proposed partition will have no impact on the access opportunities of adjoining land.

Based on the Background Data, the Findings of Fact and Conclusions, staff recommends approval of the partition request subject to the following conditions:

1. The applicant shall receive County approval of a septic system prior to recording of the partition.
2. The applicant shall agree not to remonstrate against the future extension of city services by participating in a non-remonstrance agreement with the City.
3. A future residence on Parcel B shall connect to city water service.
4. The applicant is responsible for recording the partition with Washington County by deed.

Staff Use

CITY OF SHERWOOD  
APPLICATION FOR LAND USE ACTION

CASE NO. \_\_\_\_\_  
FEE 7125<sup>00</sup>  
RECEIPT NO. 7044  
DATE 8-13-86 -pd. P.L.

Type of Land Use Action Requested

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

Owner/Applicant Information

	NAME	ADDRESS	PHONE
Applicant:	Bruce Maplethorpe	PO Box 579 Sherwood	6256839
Owner:	JOAN Tasker	475 E DIVISION Sherwood	6257764
Contact for	Additional Info: <u>Applicant</u>		

Property Information

Street Location: 475 E DIVISION

Tax Lot No. 202 Acreage .82/100

Existing Structures/Use: Private Residence

Existing Plan Designation: Low Density Residential (LDR)

Proposed Action

Proposed Use Private Residence

Proposed Plan Designation \_\_\_\_\_

Proposed No. of Phases (one year each) One

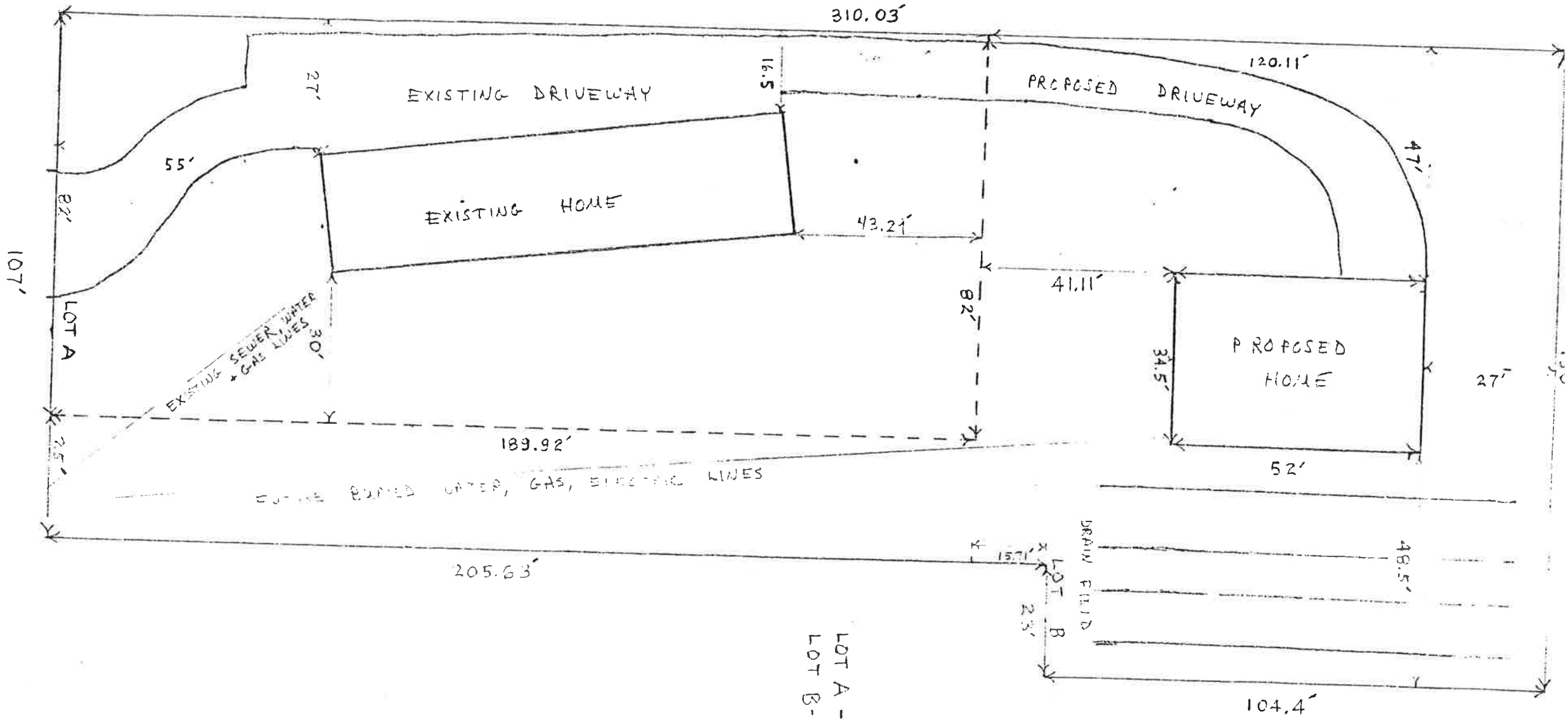
Standard to be Varied and How Varied (Variance Only) \_\_\_\_\_

Purpose and Description of Proposed Action: Minor partition to build a private residence.

SHERWOOD COMMUNITY DEVELOPMENT CODE-REQUIRED FINDINGS-MINOR  
PARTITION AT 475 EAST DIVISION

- #1 The partition requested does not require the creation of a road or street since there is 25' of road frontage.
- #2 The Sketch Plan complies with the Comprehensive Plan and applicable Planning Designation Area Regulations of the City of Sherwood. The lots will remain Low Density Residential. Each lot will be more than 7,000 square feet. Each lot will have a width of at least 25' or road frontage. Each lot will have a depth of more than 80'. Both private residences will have more than 20' setbacks in front, 5' on sides and 20' on back sides.
- #3 There will exist adequate quantity and quality of water from the City of Sherwood water supply. City regulations permit a septic tank system if there is no service line within 300' of the lot. The nearest service line is approximately 700' located at the intersection of Lincoln and E. Division. The Proposed lot will be over 20,000 square feet which the Washington County Health Department requires for a septic tank system.
- #4 Adjoining land land can be developed or is provided access that will allow its development. The partition will not cut anybody else off from access to their property. A minimum of 25' of frontage access will be provided for each lot.

N



SKETCH PLAN  
5 F. DIVISION

LOT A - 15,573.4  
LOT B - 20,000.0

TO: City of Sherwood Date Typed: August 15, 1986  
Planning Commission

FROM: Carole Connell File No: DR86-05  
Consulting City Planner  
Benkendorf & Associates

SUBJECT: A second request for design review modifications to the  
original Smith Farm Estate Phase 2 site plan.

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I. PROPOSAL DATE

Applicant: Sally Harrington  
Commonwealth Property Mgt. Services Co.  
3718 S.W. Condor Suite 110  
Portland, OR 97201

Owner: Commonwealth Property Mgt. Services Co.

Representative: Mike Nedelisky

II. BACKGROUND DATE

On April 3, 1986 the Planning Commission denied a request by Mike Nedelisky to delete the: 1) greenway path, 2) the fence in Phase II, and 3) to move the recreation center site from lot 46 to an area between lot 55 and 56, as required in the original approvals of Smith Farm Estates.

The applicant did not appeal the decision to the City Council but instead built the fence and is now resubmitting their request to delete the greenway path and move the recreation center site. Their request is based on the premise that the residents of the park, in the form of a petition (attached), do not want a path built and want the recreation center located between lots 55 and 56.

### III. SHERWOOD COMMUNITY CODE PROVISIONS

### IV. FINDINGS OF FACT

1. The original site plan for Smith Farm Estates was approved in 1982. The plan identified a pathway system from the park into the Cedar Creek greenway, then west to Hwy. 99W and east to the Senior Center. In addition the applicant stated:

"A small open area with picnic tables and barbeques is provided at the entrance of the open space ravine. This is the most focal point on the property and provides the best location for open space activities and interesting views into the open space." (Page 1, report dated 1-21-82)

2. The area described above is the requested location for the recreation center.
3. The recreation center was not a requirement of the City. The same report stated:

"A possible future recreation building site is provided on Lot 65. This building will be built in the future if sufficient interest to build such a facility is expressed by the mobile home owners. If the owners do not want this facility, then the lot will be developed with a mobile home unit." (Page 1, report dated 1-21-82)

On the final site plan review, the recreation building site was changed to Lot 46 and again was described as optional.

4. The Cedar Creek greenway was not required to be dedicated to the City when this application was approved. The greenway was to be reserved for up to 3 years for City purchase. However, an improved trail system linking this area with future greenway trails, was required. No improvements have been made.
5. There are 80 mobile home spaces in Smith Farm Estates. Of those, 31 have units placed on them. Of the 31 spaces, owners of 23 units signed the attached petition.
6. During the review of this request the following additional required improvements were identified as incomplete:
  - a. A sight obscuring fence and landscaping around the R.V. storage area;
  - b. Landscaping along the entire NW property line;
  - c. Landscaped screening and picnic facilities adjoining Lot 56, and

- d. Landscaping in the front yard of each lot. The 1-21-82 report indicated that "every lot will be provided with at least one street tree and a combination of lawn, shrubs and ground cover."

#### V. CONCLUSION AND RECOMMENDATION

1. The recreation center is not a City requirement. However, it should not be located between Lots 55 and 56 as this small area was reserved as "the best location for open space activities and interesting views into the open space." There are other centrally located lots available for the center.
2. The Cedar Creek greenway adjoining the mobile park has not been dedicated to the City. It is City policy to acquire greenway areas associated with a proposed development. A majority of the current residents do not want a trail. However, the land is neither dedicated or developed and this portion of the greenway will eventually have to be purchased by the City, who would then have to construct the trail. It appears inequitable that City tax payers must pay for purchase and improvements on this site when other greenway property is gradually being dedicated and improved by property owners.

Staff recommends denial of the request and that the following condition be applied:

1. That all improvements required as part of the 1982 mobile home park approvals be made before the issuance of any further mobile home permits.



# Commonwealth

PROPERTY MANAGEMENT SERVICES CO.

August 11, 1986

City of Sherwood  
City Council  
P.O. Box 167  
Sherwood, OR 97140

Dear Member of the City Council:

We are requesting the following changes, for Smith Farm Estates, from the original request:

- 1) Location of the recreation building
- 2) Construction of pathway

Please note the enclosed signed petition by the residents of Smith Farm Estates regarding the above mentioned items. There are thirty (30) tenants signatures on the petition in favor of the changes, out of the thirty-four occupied spaces.

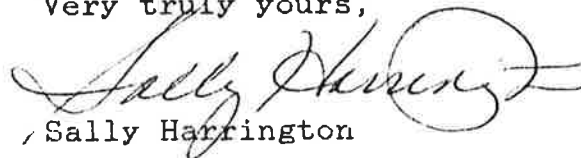
One of the initial three requirements has been completed. The fence in Phase II has been installed as of August 8, 1986.

Enclosed for your reference please find the Planning Commission Agenda for the April 3, 1986 meeting regarding Smith Farm Estates.

Therefore, we are resubmitting our application for the remaining two changes.

Thank you for your attention in this matter.

Very truly yours,

  
Sally Harrington

Commonwealth Property Management  
Services Company

Enc.  
cc: James Rapp, City Manager

June 1986

PETITION

To whom it may concern:

We, the undersigned residents of Smith Farm Estates hereby acknowledge that we are in favor of locating the recreation center adjacent to the parking area between space #55 and #56 (see enclosed site plan). We believe this location is more favorable than the originally proposed site (space #16) for the following reasons:

1. The recreation center will be co-located with guest parking.
2. The recreation center will be centrally located within convenient walking distance of a majority of the park tenants.
3. The new location is a short distance away from additional guest parking spaces located adjacent to space #10 (see enclosed site map).
4. The new location provides direct access to the "greenbelt" common areas and walking paths.

We are opposed to the construction of a pathway between the Sherwood Senior Citizens Center and Smith Farm Estates for security reasons. We believe that an improved pathway would encourage non-resident pedestrian traffic into the park and expose those residents located at the rear of the park to the risk of vandalism and/or burglary.

Name

Address

2-	Heinrich Jean Wuffard	Space # 80
2-	Miss Anthony Bruner	Space # 79
1-	Israel E. Johnson	Space 77
1-	Virginia E. Whitley	Space 73
1-	Markus T. Whitley	Space 73
2-	Jean E. Rob. Marcy	Space 7
1-	Bliss Marshall	Space 6
2-	Bob & Carol Lane	Space 75
2-	Sam J. and E. Louise Cullingsworth	# 60
1-	Eric & Bernice	# 72
1-	Charles J. Clunes	72
1-	Neil Beckman	63

Name

Address

- 1- Dorothy Dickerson
- 1- Howard V. Cluker
- 1- Dale Sparks
- 1- Dale Sparks
- 1- Derashen Williams
- 1- Don Groat
- 1- Carolyn Groat
- 1- Gene Hanson
- 1- Kild P. Nathan
- 1- Clarence M. Doster
- 1- Hazel M. Cluker
- 2- Mary & Carol Wolfe

- Space 63
- Space 49
- Space 16
- Space 16
- Space 24
- Space 2
- space 2
- space 68
- Space 62
- Space 10
- Space 49
- Space 13



P.O. Box 167  
Sherwood, Oregon 97140  
625-5522 625-5523

August 7, 1986

Sally Harrington  
Commonwealth Property Management Services Co.  
3718 S.W. Condor  
Suite 110  
Portland, OR 97201

RE: Smith Farm Estates

Dear Ms. Harrington:

I have received your letter dated August 1, concerning the City's moratorium on issuing permits for the Smith Farms Estates development. After reviewing the letter, and in light of our phone conversation of August 4, I think it would be helpful to outline the situation currently being faced with the development.

As stated in your letter, Phase II of Smith Farms was approved subject to several conditions. This approval was effective January 1982, and the conditions imposed addressed a recreation building, a pedestrian pathway, and a fence. Earlier this year the current operator requested that these conditions be amended or deleted. On April 3, 1986 the Planning Commission denied the request. The City was told that the Commission's decision would be appealed, this never occurred, however. Then, after the appeal period lapsed, it was stated that the matter would be resubmitted to the Commission. To date, no reapplication has been made. At the August 6 meeting you refer to in your letter, an application fee was paid but materials were not submitted.

With four months having elapsed, the suspension of new permits became necessary to ensure that the three disputed conditions of approval were met. The City cannot freely continue

issuing permits in light of your clearly stated objections to the conditions, and the absence of any action towards compliance with, or a reversal of, the Commission decision.

In reviewing the approved site plan, I would like to point out additional improvements that have also not been completed, and that have importance equal to the three originally being considered. They include:

1. Fencing and landscaping around the entire RV storage area;
2. Continuous landscaping along the entire NW property line; and
3. Landscaped screening adjoining Lot 56 and other miscellaneous improvements.

These improvements must also be made before full occupancy of the park. I think it would be helpful if you obtained a copy of the approved site plan, prepared by Bancroft, Peterson and Associates in Hillsboro. City Planner, Carole Connell, informs me that no one currently involved with park management has a copy of this document, which is central to the approval of the development.

The City can, on a case -by-case basis, continue to issue permits, provided that tangible progress is being made. This could, for example, include actual resubmission of an application and construction of the fence, as referenced in your August 1 letter. At some point however, permits will stop unless the entire issue is resolved. If, for instance, an application is not received in time for consideration at the September 15 Commission meeting, permitting will be suspended indefinitely.

One problem is that no one party, at least from the City's perspective, is the final authority on the project. Two weeks ago Mike Nedelisky indicated that one permit was needed, you stated to me that two permits are immediately required. On August 6, Mike Nedelisky stated to Carole Connell that two or three permits were needed immediately. Mr. Hal Roth of Westside Homes is also involved in permit requests. Often the various parties involved do not seem aware of the commitments or statements made by individuals. It would be helpful if you could designate a single, authoritative contact. Carole Connell or myself will serve as such on the City's side.

On a related matter, I understand that Westside Homes is conducting mobile home sales from within Smith Farms. While sales limited to Smith Farms are certainly acceptable, general real estate sales are only permitted in commercial zones. In fact, the property in front of Smith Farms was rezoned some time ago to allow for general home sales. If such activities are ongoing or are contemplated they will have to be cancelled.

Sincerely,



Jim Rapp  
City Manager

cc: Mayor and Council  
Carole Connell  
Leonard Kosatka

21800 S.W. Pacific Hwy.  
Sherwood, Or. 97140

September 1, 1986

Planning Commission  
City of Sherwood, Or.  
Dear Commissioners,

Since I am to undergo major surgery on September 3, 1986, I do not expect to be able to attend the Sept. 15th Planning Commission meeting. I, therefore am submitting the following data relative to the reapplication to your Commission by Commonwealth Property Management Co. of its desire to revise the Smith Farms Estates Phase II Site Plan. I understand that Mike Nedelisky will be making the request for Commonwealth, the managers representing Mr. Kool, the leaseholder of the Smith property.

At the April 3rd, 1986 meeting of your Commission, Agenda item #5 "Request by Mike Nedelisky to revise the Smith Farms Estates Phase II Site Plan" was unanimously denied. I am deeply concerned about relocating the Recreation Hall from Site # 46 to Site # 55, inasmuch as my wife and I decided to lease Site 56 because the approved Plot Plan indicated that there would not be any type of building on Site 55. We gave Mr. Hal Roth, the then leasing agent, a deposit of \$1000 to reserve Site 56 for us. This was done on April 2, 1983, and a receipt was issued for the said amount. In addition, a letter was given to us, stating that Site 56 would be held for us until our home was sold. We moved to Smith Farms from Florida on March 12, 1984, with full knowledge that there would not be any building or Recreation hall on Site #55. Now the owner of the park and Commonwealth, who manages it for him, are determined to relocate the Recreation Hall to Site #55. A Petition was composed by Commonwealth and submitted to your Commission as part of the re-application, in order to con-

vince the Commission that the residents of Smith Farms want the " Hall" relocated. By this time you have had the opportunity to study said Petition. Please bear in mind that the residents did not initiate the Petition. Attached to the Petition was a note addressed to the resident manager. It stated "Get as many names as possible and we will take it from there." It was signed by Sally Harrington, an executive at Commonwealth. It is very evident that the intent is to force the wishes of Commonwealth on the residents of Smith Farms. The four reasons listed on the Petition, to have you believe that Site #55, which is smaller than #46, is more suitable, are very weak at best. The obvious and predominant reason, which was not listed, is that Commonwealth wants to lease Site #46. Thus they would show greater rental income and as a result gain income for themselves.

Paragraph #2 of the Petition dwells on the exposure of residents to vandalism and burglary. There have been three burglaries. Anyone reading and understanding the reason for eliminating the pathway to the Senior Center would certainly sign the Petition. However, by signing to eliminate the pathway, one automatically signs to relocate the "Hall". Some residents have admitted that they were not aware of the implication. I feel very strongly that the Petition is invalid since it addressed two completely different issues. At the time the Petition was circulated there were sixty residents. There are thirty signatures, some of which I am positive were influenced by the wording in Paragraph #2. The Petition does not indicate how many people oppose the relocation.



On July 17, 1986, a meeting of the residents was held by the resident manager who notified us that he had been advised by Commonwealth that Mr. Kool, the park owner, was supplying a Recreation Hall and that it would be placed on Site # 46 as required by the approved plan. In spite of the fact that we were told that Site #46 was to be the one used, Commonwealth re-applied to the Commission to utilize Site #55. This, in view of your decision of April 3, 1986, appears to be a waste of your valuable time, since the emphasis seems to be on a Petition designed to force Management's will on the residents of Smith Farms Estates.

I respectfully urge the Commission to deny the relocation of the Recreation Hall. By so doing the faith that Mrs. Telsey and I have in your good judgement will certainly be reaffirmed. Thank you so very much for your kind consideration.

Very sincerely yours,

*Gilbert and Helen Telsey*  
Gilbert and Helen Telsey

**STAFF REPORT**

**TO:** City of Sherwood  
Planning Commission

**DATE TYPED:** Sept. 19, 1986

**FROM:** Carole W. Connell, Consulting Planner  
Benkendorf & Associates

**FILE NO.:** 2271-47

**SUBJECT:** Request for a Building Height Variance to Construct a Hose Dryer/Training Tower Adjoining the Tualatin Fire District Building

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**I. PROPOSAL DATA**

**Applicant:** Tualatin Fire District  
Gerald H. Clark  
P.O. Box 127  
Tualatin, Oregon 97062

**Request:** To construct a 37-foot, 4-inch tower that exceeds the 30' height limitation.

**Location:** 655 N.E. Oregon Street, further described as Tax Lot 1200, Map 2S-1-32AB.

**II. BACKGROUND DATA**

The existing Tualatin Fire District Sherwood Station #222 is located at 655 N.E. Oregon Street in Sherwood. The property is developed with a building, two parking lots, and open garden area. The tower is proposed to be located adjacent to the existing building on the west side and in the garden area. Surrounding land uses are residential to the southeast and northwest and industrial to the north and west. The property is zoned Institutional/Public (IP).

### III. SHERWOOD COMPREHENSIVE PLAN AND CODE PROVISIONS

- A. Sherwood Comprehensive Plan
- B. Development Code Sections
  - 1. 4.00 Plan Compliance Review Process
  - 2. 7.00 Public Notice Requirements
  - 3. 2.18 Institutional and Public Zone
  - 4. 8.00 Variance

### IV. FINDINGS OF FACT

- A. The subject property is zoned Institutional/Public, IP. The maximum height of buildings in the IP zone is 50 feet, except that structures within 50 feet of a residential zone shall be limited to the height of that residential zone. The subject property is adjacent to a Medium Density Residential Low (MDRL) zone, which has a height limitation of 30 feet. The proposed facility is 37 feet, 4 inches high.
- B. Existing residences are located on the south and east side of the building. There are no structures in the immediate area that exceed two stories. The code identifies 2½ stories as 35 feet high. The proposed facility is nearly comparable to a 3-story structure.
- C. The following is a response to the five Variance criteria in Section 8.03 of the Code:
  - 1. There are no exceptional or extraordinary circumstances that apply to the property which do not apply to other properties in the area. Such circumstances may result from lot size or shape, topography or other circumstances. There is a wide range of lot sizes in this vicinity and the subject lot is not unusual. Most lots are generally flat, as is the subject lot. There is nothing exceptional about the property.
  - 2. The proposal variance is not necessary for the preservation of a property right available to other properties in the area. All properties are subject to height limitations.

3. Approval of the request will conflict with zoning height limitations of the adjoining residential uses. Construction of the facility will exceed all other building heights existing in the area.
4. The facility would not be functional if lowered to the 30' height limitation, according to the applicant.
5. The fact that a hose dryer/training tower must be a particular height does not arise from a violation of this Code.

The Code states that no variance shall be granted unless each of the above criteria can be found true.

- D. All proposed land uses in an IP zone must receive a conditional use permit. However, an existing use may be expanded if the expansion cost does not exceed 50% of the value of the existing improvements. According to the applicant, the facility would not exceed in cost 50% of the existing building value. Therefore, a conditional use permit is not necessary for the applicant.

#### V. CONCLUSION AND RECOMMENDATION

Due to the inability to meet all of the Variance criteria stated in the Code, staff recommends **denial** of this request.

If approved, the following conditions shall apply:

- A. Dedicate 17 feet of road right-of-way along the Highland Street frontage.
- B. Enter into a non-remonstrance agreement with the City for necessary future City improvements and services.

2271-47.sr



# *Tualatin Fire District*

P.O. BOX 127 • TUALATIN, OREGON 97062 • PHONE 682-2601



August 27, 1986

Planning Commission  
City of Sherwood  
90 NW Park Avenue  
Sherwood, OR 97140

Dear Commissioners,

The Tualatin Fire District would like to make application for request for Variance and Design Review in the proposed construction of a Hose Drying/Training Tower at Sherwood Station #223, 655 NE Oregon Street. Please refer to attached deed, plot plan, and tower design and location layout for applicable specifications criteria.

### Statement of Design Criteria for Review.

The proposed action to construct a Hose Drying/Training Tower is determined to have no impact on existing services to said property owner (Tualatin Fire District) or services to adjoining properties. No provision is required for additional telephone or gas service. Minimal noise will result during construction due to nature of materials and methods.

Hose Drying: Since initial construction of the Sherwood Fire Station, in 1972, personnel have had to drive to Tualatin Station #222 to hang hose for drying. Construction of a hose tower would facilitate this activity and maintain suppression vehicles in the primary service area.

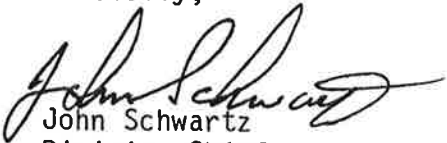
Training: Sherwood station is the probationary training station for the district. Limited vertical structure training with ladders, on the outer surface of the tower, would enhance basic training of new personnel.

### Statement of Design Criteria for Request for Variance.

The vertical height requirement of thirty seven feet and four inches (37'4") at roof line is established by the use and drying of standard (50') lengths of fire hose. The proposed structure provides for hoisting and track mechanism in the tower ceiling to load a looped section (25' vertical length) of hose on to a rack structure at the ceiling. Sufficient clearance of six feet (6') is required at the bottom of tower for unload and transit activities. Similar drying mechanism are currently in place at Tualatin Station and Elligsen Road.

A detailed explanation of design and useage will be available during any and all review hearings. Thankyou for your consideration of the district's request. Please do not hesitate to contact myself or Gerald Clark for further information.

Cordially,

  
John Schwartz  
Division Chief  
Operations/Support Services  
TUALATIN FIRE DISTRICT

attachments

- (9) Deed/Plot #54133
- (9) Site Plan
- (9) Elevation Drawing
- (1) Tower Design; blue print
- (9) Tower Design; reduction
- (1) Request for Variance
- (1) Request for Design Review
- (1) T.F.D. check #30890 for fees

Staff Use

CITY OF SHERWOOD  
APPLICATION FOR LAND USE ACTION

CASE NO. \_\_\_\_\_  
FEE \$100.00  
RECEIPT NO. \_\_\_\_\_  
DATE August 27, 1986

Type of Land Use Action Requested

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

Owner/Applicant Information

	NAME	ADDRESS	PHONE
Applicant:	TUALATIN FIRE DISTRICT	P.O. BOX 127 Tualatin, OR 97062	682-2601
Owner:	SAME		
Contact for	Additional Info: Gerald H. Clark - Support Services Coordinator		

Property Information

Street Location: 655 NE Oregon Street

Tax Lot No. 1200 2South 132AB Acreage 1.25 approx.

Existing Structures/Use: One (1) ea. Fire Station #223

Existing Plan Designation: I.P.

Proposed Action

Proposed Use HOSE DRYING/TRAINING TOWER

Proposed Plan Designation I.P.

Proposed No. of Phases (one year each) One.

Standard to be Varied and How Varied (Variance Only) \_\_\_\_\_

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

Purpose: (1) Dry fire hose in vertical position (2) Vertical structure training with ladders.

Description: Construct vertical structure at S.W. corner of existing station to ajoin station. Tower design/specifications per attached drawing #1 of #1.

Staff Use

CITY OF SHERWOOD

APPLICATION FOR LAND USE ACTION

CASE NO. \_\_\_\_\_

FEE \$200.00

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

DATE August 27, 1986

Type of Land Use Action Requested

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

Owner/Applicant Information

	NAME	ADDRESS	PHONE
Applicant:	TUALATIN FIRE DISTRICT	P.O. BOX 127 Tualatin, OR 97062	682-2601
Owner:	SAME		
Contact for	Additional Info: <u>Gerald H. Clark - Support Services Coordinator</u>		

Property Information

Street Location: 655 NE Oregon Street

Tax Lot No. 1200 2South 132AB Acreage 1.25 approx.

Existing Structures/Use: One (1) ea. Fire Station #223

Existing Plan Designation: Institutional / Public IP

Proposed Action

Proposed Use HOSE DRYING/TRAINING TOWER

Proposed Plan Designation I.P.

Proposed No. of Phases (one year each) One.

Standard to be Varied and How Varied (Variance Only) Vertical Height.  
 Height of 37'4" at roof line to extend above adjoining MDRL standard of 30'.

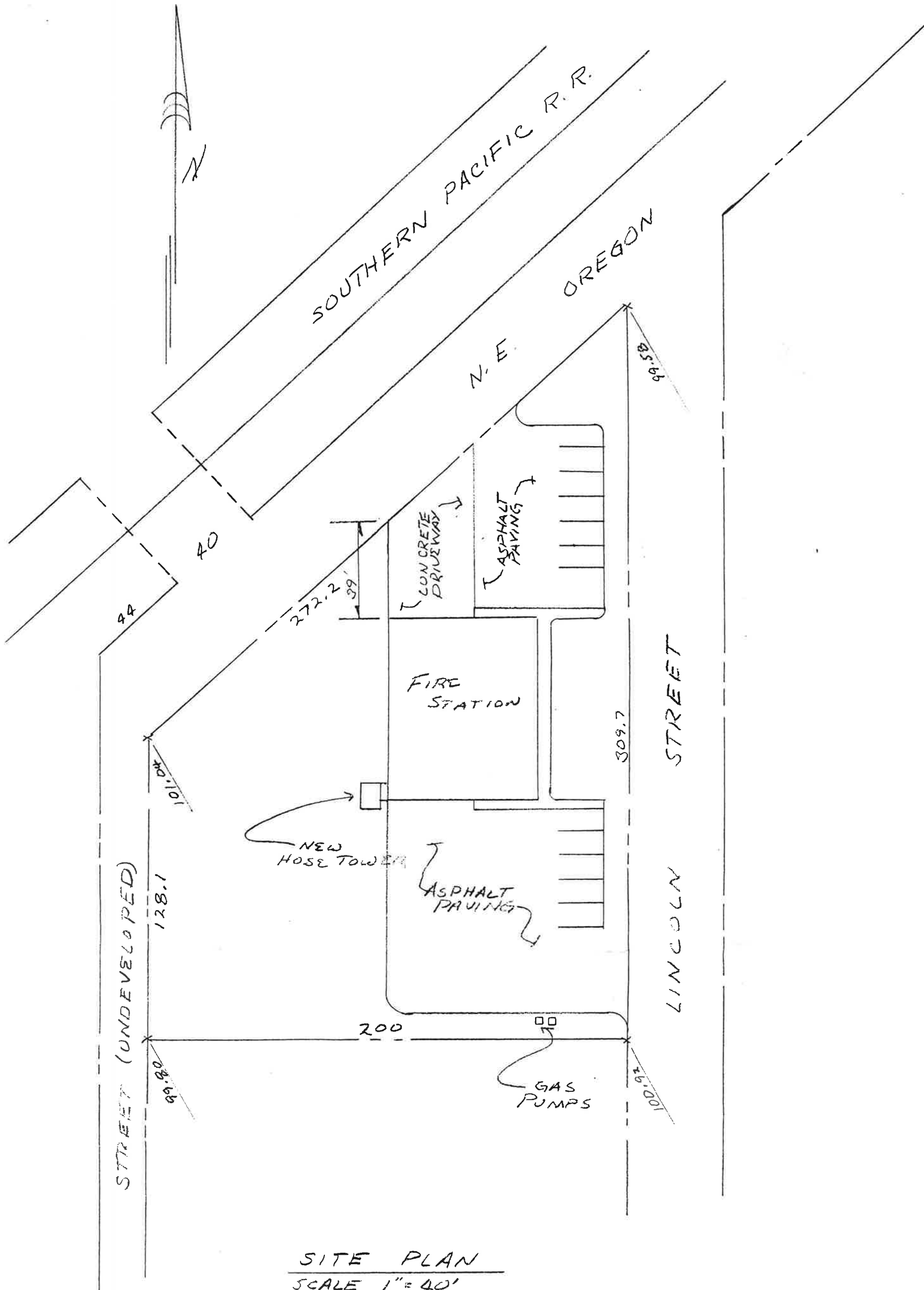
Purpose and Description of Proposed Action:

Purpose: (1) Dry fire hose in vertical position (2) Vertical structure training with ladders.

Description: Construct vertical structure at S.W. corner of existing station to ajoin station. Tower design/specifications per attached drawing #1 of #1.

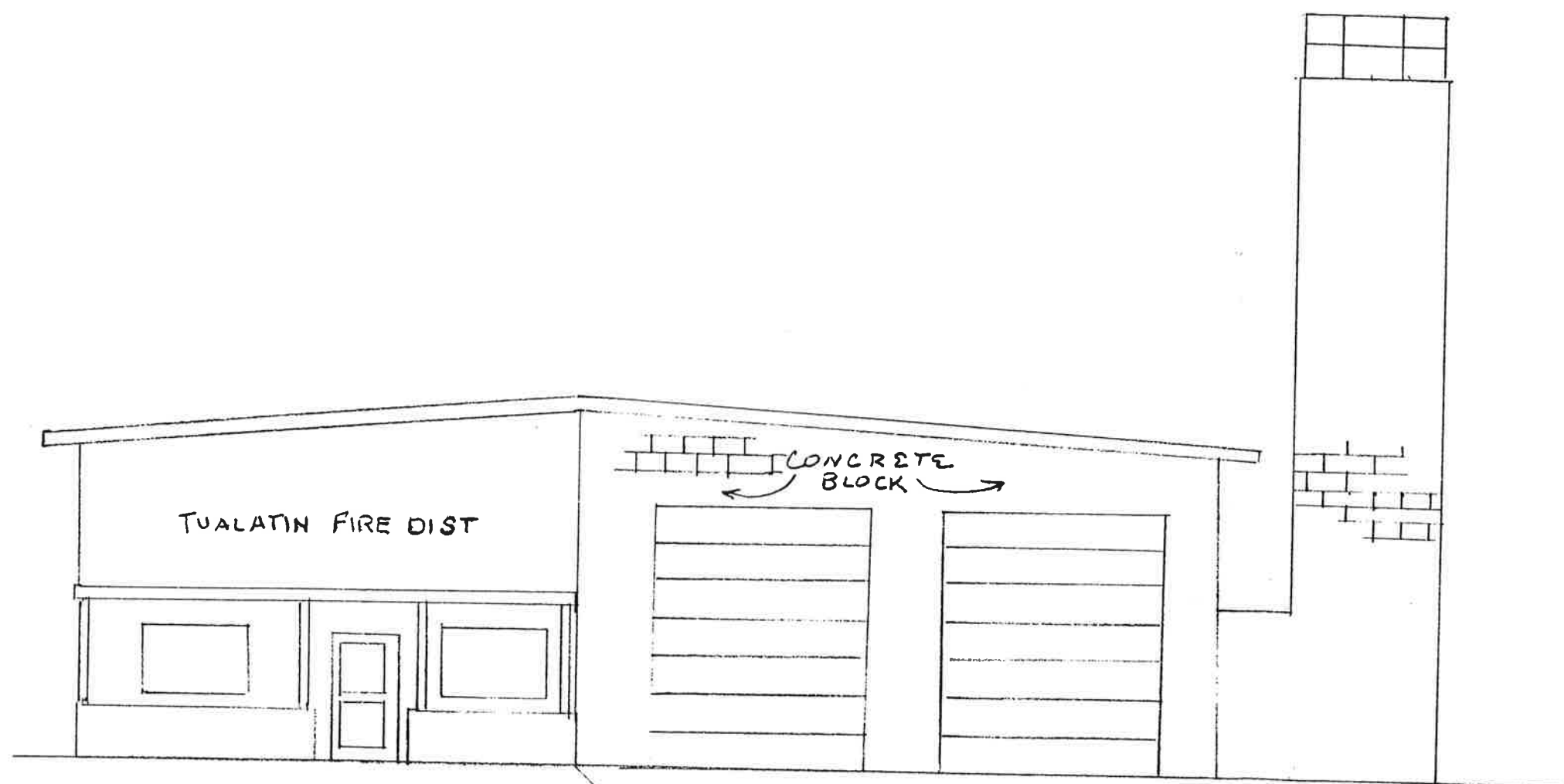






SITE PLAN  
SCALE 1" = 40'

TUALATIN FIRE DIST.  
SHERWOOD STATION  
SHERWOOD, OR.  
8/26/86



NORTH ELEVATION  
SCALE: 1/8" = 1'-0"





P.O. Box 167  
Sherwood, Oregon 97140  
625-5522 625-5523

September 11, 1986

Emilie List  
21235 S.W. Pacific Hwy.  
Sherwood, OR 97140

RE: Request to Rezone a 2.7 Acre Portion of Lot 1300: 30D,  
from HDR to CC

Dear Mrs. List:

As you know, on September 10, 1986, the Sherwood City Council denied your request for the captioned rezone. The vote was: 1 for, 3 against, and 1 abstention.

Having been present at the meeting, you are also aware that the Council generally favored some device whereby the "Gramma's Place" type of operation can continue on your property. The Council felt, however, that a rezoning left the concerns of access, traffic safety and future use of the land, too open-ended.

Therefore, the Council directed that a specific text amendment to the Community Development Code be included as part of the current comprehensive revisions to the Code. Presently "...agricultural uses, including commercial building and structures", are permitted as conditional uses in four of the five City residential zoning categories. The Council directed that this clause be included in the HDR category also.

I anticipate that the revised overall Code will be adopted in the next few weeks. The Planning Commission has recommended approval, and the Council held the required public hearing on September 10. At such time a new Code, including the new provision in the HDR Zone, becomes law, you or your tenant, can apply to the Planning Commission for a conditional use permit. At the same time, you can ask the Council for a reduction in fees, if you so wish.

At the conditional use phase the exact scope of the operation , the terms of access and parking, any site improvements, and other factors will be set.

In the interim, the business can continue in its present configuration.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Rapp".

James Rapp  
City Manager

cc: Mayor & Council  
Carole Connell, Consulting City Planner  
Planning Commission

# **APPROVED MINUTES**

**PLANNING COMMISSION MEETING**  
**September 29, 1986**

I. Call to Order: Meeting was called to order by Chairman David Crowell at 7:35 p.m.

II. Roll Call: Commissioners present were Walt Hitchcock, Marian Hosler, Ken Shannon, David Crowell, Glen Warmbier and Grant McClellan. Consulting Planner Carole Connell was also present.

III. Planning Commission Minutes 7/21/86 and 8/4/86 approval: Walt Hitchcock moved to approve the minutes. Ken Shannon seconded, motion carried.

IV. Minor Land Partition by Walter Novak: Carole Connell read from the Background, Findings of Fact and Conclusion and Recommendations of the Staff Report. The Staff recommended approval with 5 conditions which were enumerated.

Dick Pike from Sabre Construction Company stated he was a personal friend of Mr. Novak. Mr. Pike said he wanted to develop the property in an orderly manner and the major problem was access. They intended to put a road in to connect with the Marshall property, however because they did not know when Mr. Marshall intended to develop the road, an alternate route was needed. Mr. Pike explained further what was intended for the property and that a permanent easement onto Edy Road would be put in.

Mr. Hitchcock asked if Mr. Pike had talked with Mr. Marshall regarding the use of Marshall's roadway and whether the parcels and roadway could develop at the same time, perhaps sharing costs. Mr. Pike said he did not talk with Mr. Marshall and didn't feel it was necessary.

There was further discussion regarding the Marshall's dedicated street and the easement Mr. Pike intended to use.

There was discussion about drainage, Mr. Pike stated tile was already in place which could be utilized and that after construction, dry wells could be used.

Mr. Hitchcock felt it would be a good idea to add the remonstrative clause to the conditions and recommendations. Committee members agreed. Mr. Hitchcock was also concerned about the substandard streets because it was 3 lots rather than 4 lots. He felt that Mr. Marshall should be advised of this also.

Commission agreed it might be better to try to get Mr. Marshall's access developed because it was a better access to the property. Mr. Pike also believed it was the preferred access. It was suggested that either Mr. Pike or a member of the Planning Commission find out from Mr. Marshall when he planned to develop



this road. Mr. Hitchcock said that Mr. Pike and Mr. Marshall should get together and see if something could be worked out.

Mr. Warmbier moved to table the application for 30 days to allow time to contact and inquire of Mr. Marshall when he intended to develop his road. If after 30 days Mr. Marshall is reluctant to give an indication about his intentions, then the Commission would convene and move on Mr. Pike's proposal. Also included in the motion was the recommendation to add the remonstrance agreement and also find out the legalities of public use of the easement Mr. Pike proposed on the property. Mr. Shannon seconded the motion and the motion carried unanimously.

V. Request for Minor Land Partition by Joan Tasker 475 E. Division Street - Grant McClellan said that he lives across the street and felt he should disqualify himself from this application request. Carole Connell read the Background from the Staff Report. She stated Staff recommended approval of the application with conditions. Mr. Crowell asked to hear from the applicant.

Mr. Bruce Maplethorpe rose stated he agreed with the conditions of the staff report and did not have anything else to add. Mr. Warmbier asked if there was room for a septic tank. Mr. Maplethorpe said there was, but it had to be approved by Washington County. Mr. Crowell asked if there were further questions. Mr. Hitchcock wanted to have a time limit set on the septic system approval and if it is not approved in the specific time limit that the partition be rescinded. Committee members and Mr. Maplethorpe agreed to this.

Mr. Hitchcock moved to approve the land partition with the conditions set forth. Mr. Warmbier seconded. Application was approved unanimously.

VI. Public Hearing: Public Hearing was opened regarding the Tualatin Fire District's application for a variance in order to construct a fire hose drying/training tower. Carole Connell read from the Background Data Staff Report. She noted that because of the many criteria which must be met, the staff had to conclude to deny the request. She asked the Commission to take into consideration however the safety uses of the tower which makes the request a special case.

Mr. John Schwartz, Division Chief Tualatin Fire District brought to the Commission's attention that the fire tower was over 100 feet from a residential zone and therefore should not need a variance approval. Mrs. Connell stated that she believed that because it adjoined a residential zone, it would need a variance approval. Mr. Schwartz brought pictures showing towers across the street which were as high or higher than the one they intended to build. There was further discussion regarding requirements.

Mr. Crowell asked for further discussion. No one else wished to speak.

Mr. Crowell said he would like to see the variance approved with conditions. Mr. Warmbier moved to approve with the conditions recommended in the Staff Report which were a) dedicate 17 feet of road right-of-way along the Highland Street frontage and b) Enter into a non-remonstrance agreement with the City for necessary future City improvements and services. Marian Hosler seconded the motion. The motion carried unanimously.

**VII. Site Plan Approval - Tualatin Fire District -** This request is for the site approved for the tower. Carole Connell read from the Background and Findings of Fact. Staff recommended approval subject to three conditions.

Mr. Schwartz, speaking on behalf of the Tualatin Fire District felt low-lying shrubs would better than the trees recommended along the Oregon Street frontage because he felt the trees would obscure safe view because of the railway. He also felt that the trees installed around the base of the tower would hinder training use because of the ladders. Mr. Schwartz said the lights would be needed for the training, but could be pointed downward, and would not be a problem for the neighbors.

After some discussion Mr. Warmbier moved to approve the request with the following conditions:

1. Small shrubs to be planted along the Oregon St. corridor
2. Trees to be planted but not in close proximity of the tower in order to minimize the visual impact of the tower.
3. Lighting would be allowed but only as high as the existing structure.

Mr. Hitchcock seconded the motion and the motion carried unanimously.

There being no further items on the agenda, Mr. Crowell adjourned the meeting at 9:50 p.m.

Rebecca L. Burns  
Minutes Secretary