

SHERWOOD PLANNING COMMISSION AGENDA

MAY 6, 1986

SHERWOOD SENIOR/COMMUNITY CENTER

855 NORTH SHERWOOD BLVD.

7:30 P.M.

1. Minutes of April 3, 1986
11. Discussion of Meeting Day
111. Public Hearing
 - A. Saxony Hills Planned Unit Development General Plan approval request for 83 mobile home lots and 50 apartment units on the north side of Murdock Road.
 - B. Reber Variance approval request to construct a garage that is 120 square feet larger than the allowed maximum garage size, located at 115 N.W. Park Street.
- 1V. Schlitt Minor Land Partition approval request to create one additional lot at 1050 N.W. Meinecke Road.
- V. Code Revisions Update
- VI. Discussion of Greenway/Floodplain Policies

STAFF REPORT

TO: City of Sherwood
Planning Commission & City Council

DATE TYPED: April 28, 1986

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

FILE NO: 2271-27

SUBJECT: Approval Request for a General Development Plan for Saxony Hills PUD
(Ancient Rocks Village Renamed), a Residential Development
Incorporating 83 Mobile Home Lots and 50 Apartments

I. PROPOSAL DATA

Applicant: Sam Gotter and Lawrence Jackson
12995 S.W. Pacific Highway
Tigard, Oregon 97223
639-1111

Owner: Same as above

Representative: Givens, Talbot & Associates, Inc.
15800 S.W. Boones Ferry Road #103
Lake Oswego, Oregon 97034

Location: 21.87 acres on the east side of S.W. Murdock Road; Map 2S-1-33,
Tax Lot 1400.

II. BACKGROUND DATA

The Conceptual Plan for Ancient Rocks Village, renamed Saxony Hills, was approved by the Planning Commission on December 5, 1985. The proposed General Development Plan has the following revisions:

- A. There are 83 proposed mobile home lots versus the original 81 lots.
- B. The multi-family units are clustered together on the east side of the parcel, rather than the original plan locating 12 units and a meeting room near the development entry.
- C. The interior street plan has changed slightly to accommodate the mobile home units in the northwest corner of the parcel.

III. SHERWOOD COMMUNITY PLAN AND CODE PROVISIONS

- A. Sherwood Community Comprehensive Plan
- B. Sherwood Community Development Code
 - 1. Chapter 2, Sections 4.05 and 7.00 Public Notice Requirements
 - 2. Chapter 2, Section 2.08 Medium-Density Residential Low, (MDRL) Planning Designation Area
 - 3. Chapter 2, Sections 3.00, 3.04, 3.05 and 3.06 Planned Unit Development
 - 4. Chapter 3, Section 4.00 Manufactured Housing Subdivision Supplementary Regulations

IV. P.U.D. REQUIREMENTS

- A. The purpose of a residential PUD is to accommodate creative and imaginative development that achieves efficiency in the use of land, energy and natural resources, and facilitates the development of difficult parcels suitable for residential use by virtue of topography or natural landscape features. Further, it is the purpose of these regulations:
 - 1. To permit in a PUD a variety of dwelling types, including single-family, two-family, and multi-family dwellings such as townhouses, garden

apartments and high-rise types, at the maximum density permitted in the primary planning designation area within which the PUD is proposed.

2. To permit the flexible spacing of lots and buildings in order to encourage:
 - a. The separation of pedestrian and vehicular circulation.
 - b. The conservation of natural amenities of the landscape.
 - c. The provision of readily accessible open space.
 - d. The creation of functional and interesting residential areas.
 - e. The provision of a necessary complement of community facilities.
- B. The required findings of fact to be made by the Planning Commission and City Council in approving a PUD are as follows:
1. That the proposed development is in substantial conformance with the Comprehensive Plan for the city.
 2. That exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program.
 3. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatment.
 4. That the system of ownership and the means of developing, preserving and maintaining open spaces is suitable.
 5. That the approval will have a beneficial effect on the area which could not be achieved under the primary planning designation area.
 6. That the proposed development, or a unit thereof, can be substantially completed within one year from date of approval.
 7. That adequate public facilities and services are available or are proposed to be made available in the construction of the project.
 8. That the general objectives of the PUD district and the applicable objectives of the various categories of planned development have been met.

A response to the required findings and purpose of the PUD are in the following section.

V. FINDINGS OF FACT

- A. The applicant is requesting approval of a PUD General Development Plan for Saxony Hills on 21.87 acres and including 83 mobile home subdivision lots and 50 multi-family dwelling units.
- B. A PUD Conceptual Plan was approved by the Planning Commission on December 5, 1986. Modifications to that plan include two (2) additional mobile home lots, relocation of several apartment units and a modified street plan.
- C. The subject property is zoned Medium-Density Residential Low (MDRL), in which a PUD is a permitted use.
- D. The Sherwood Comprehensive Plan policies were reviewed during the Conceptual Plan approval request, and findings were incorporated into the Staff Report dated November 26, 1985.
- E. The purpose of a General Development Plan review is to allow the Planning Commission to hold a public hearing and then make a recommendation to the City Council, which will also hold a public hearing, and make the final decision.
- F. The following is a response to the residential PUD purpose and the required findings of fact:
 - 1. The proposal incorporates two dwelling types: 83 single-family mobile homes and 50 multi-family garden apartments that are within the allowed maximum density of 176 dwelling units for the 22-acre parcel.
 - 2. Pedestrian and vehicular circulation have been separated to some extent. Two pedestrian pathways are proposed in Phase 3 and a sidewalk will be constructed on one side of all streets.

3. The steeply sloped and wooded area on the east side of the property which covers about 6 acres is a natural amenity and has been preserved as open space with a planned pathway.
4. The proposed pathway allows use of the steeply sloping open area. The open area also provides a natural buffer and an aesthetic view to the east. The open area is part of the Rock Creek drainage swale, but is not a part of the defined greenway.
5. The proposed plan is functional in its maximum use of space and interesting in its mixture of housing types and provision of open spaces.
6. As described in the Conceptual Plan Staff Report dated November 26, 1985, essential public services, including sewer, water and streets, are available to the site.
7. As indicated in the Conceptual Plan Staff Report, the proposed plan is in conformance with the Sherwood Comprehensive Plan for the following reasons:
 - a. The Plan encourages a variety of housing styles at higher densities and affordable prices.
 - b. The Plan allows mobile housing to comprise up to 25% of the total dwelling units. Based on the proposal and a 1985 city inventory of residential units, there will be 1,238 dwelling units of which 266, or 21.5% are mobile homes.
 - c. The proposed plan is compatible with the existing and planned residential use of the area.
8. Proposed exceptions to the standards of the MDRL zone are as follows:
 - a. Lot sizes vary in size from 4,250 to 8,500 square feet. The average lot size is 5,330 sq. ft. The minimum lot size of the MDRL zone is 5,000 square feet.
 - b. Interior lots are generally smaller than exterior lots. The applicant requests that building setbacks on interior lots be varied from the standard as follows:

	Required	Proposed
Front	20 ft.	10 ft.
Rear	20 ft.	10 ft.
Street side	15 ft.	10 ft.

9. The purpose of a PUD is to allow for a variance of dimensional standards, lot sizes and land uses in order to develop at the allowed density, but where topographic constraints may prohibit the conventional style of housing development. The subject site is restricted by the adjoining Rock Creek drainage swale. The smallest parcels proposed will require a variance from the standard setbacks in order to accommodate a typical double-wide mobile home. The topography restricts conventional home and mobile home placement, and can better accommodate apartment construction. The proposal includes the amenities of a pedestrian pathway system, RV and mini-storage units.
10. The proposal is generally in harmony with the surrounding, existing and planned residential uses. There are currently no apartments in the immediate vicinity and there is a mobile home subdivision at the intersection of Murdock and Oregon Avenues. Land to the north and west is also zoned MDRL. Land to the south is zoned LDR and land to the east is outside the UGB.
11. The system of ownership is such that the mobile home lots can be sold or leased from the overall owners of the property. The project phasing plan implies that phases may be sold to separate individuals. There is no proposed method of developing and maintaining the open space area or the pathway system.
12. The proposed development will help relieve a current shortage in mobile home sites in Washington County that could not otherwise be available for lease in the MDRL zone. Further, the MDRL zone does not permit apartment units, or the planned mixed use of apartments and mobile home spaces. The current (April 1986) housing mix of single-family/multi-family residential uses is an estimated 1,134/218, or 81/19%. The

Comprehensive Plan encourages an overall target mix of 65/35%. The proposed apartments contribute towards reaching that goal.

13. The project is planned to be completed in four phases. Phase One is planned to be completed within the first year. There is no guarantee that all four phases will be completed. Both Phases One and Two are strictly mobile home sites. The apartments and amenities are a part of Phases Three and Four.
 14. There are adequate public services available to the site.
 15. The general objectives of the residential PUD district have been met.
- G. The mobile housing subdivision regulations require conformance with the minimum standards of the underlying zone. The PUD standards subsequently supercede the underlying zone and become the basis for development standards. There are, in addition, required unit dimensions, structural and installation requirements for mobile homes that must be met.
- H. The Tualatin Fire District, Sherwood School District and Washington County have been notified of this proposal. The Fire District requirements are attached. Washington County and the School District had no comment.
- I. The site is on the eastern edge of the Sherwood UGB. The terrain is uneven with slopes ranging from 10 to over 25%. Existing land use includes a single-family residence, a garage, several outbuildings, a small orchard and some pasture. The eastern portion of the site is forested with a mixture of evergreen and deciduous trees.
- J. A 12-inch water main exists along the frontage of the site. Sanitary sewer is 200 feet north, which must be extended to the site. A developed storm sewer system is not available to the site. Drainage will occur naturally into Rock Creek through planned outlets from the project.

- K. Murdock Road, a designated minor arterial street, provides access to the site where there will be two access roads into the development. Murdock intersects with Oregon Street to the north and Wilsonville Road to the south. A portion of Murdock south of the project is not paved. However, Murdock Road is paved 28 feet wide along the site frontage. To meet the minor arterial standard, 48 feet of pavement in a 70 foot right-of-way is required. Therefore, 5 feet of additional right-of-way from the site must be dedicated for Murdock Road. In addition, Murdock Road along the site's frontage, is paved to a half-street standard. An additional ten feet of paving, a curb and sidewalk improvements are required to meet City standards.

- L. There are two proposed accesses onto Murdock Rd. The northern access aligns with the future extension of Willamette Street.

- M. A Traffic Analysis by Robert Keech, P.E., Inc. was prepared for this project. The proposed site data indicates that the completed project will generate 714 trips per day. At the intersections of the project and Murdock Road, the level of service is estimated to remain at A (little or no delay). At the intersection of Murdock and Oregon, there will be a level of service B (short traffic delays). Level of service ranges from A to F, F being Failure and extreme congestion. Based on the analysis, the project will not detrimentally affect traffic in this area.

- N. Internal streets are proposed to be privately maintained.

- O. There are no identified future park sites on the site. The Greenway Visual Corridor does not include any of the subject site. A bicycle path is planned on Murdock, probably on the opposite side of the street from the project.

- P. Of the 21.8-acre site, 5.7 acres, or 27% are to be designated open space. This area, which is the western slopes of Rock Creek, is steep and wooded.

Q. Section 4.040 of the Code requires a landscaped visual corridor setback from Murdock of 15 feet. The applicant has complied with the requirement.

R. In summary, the proposed modifications to the underlying MDRL zone standards are as follows:

1. **The use of private internal streets that are narrower than required and have sidewalks on one side.**

	Required	Proposed
ROW	48 ft.	35 ft.
Paving	34 ft.	28 ft.
Cul-de-Sac Radius	50 ft.	40 ft.

2. **Modification of building setbacks.**

	Required	Proposed
Front	20 ft.	10 ft.
Rear	20 ft.	10 ft.
Street Side	15 ft.	10 ft.

3. **Reduction of lot size.**

	Required	Proposed
MDRL Single-Family	5,000 sq. ft.	4,250-4,950 on 28 lots
MDRH Multi-Family	161,600 sq. ft.	113,500 for 50 units

S. The proposed modification of the above standards results in the following benefits:

1. **Twenty-seven percent (27%) of the site is open space and preserves the steep slopes and vegetation of the eastern portion of the site.**
2. **A pedestrian pathway system is planned.**
3. **A unique blend of housing opportunities is provided.**

VI. CONCLUSION AND RECOMMENDATION

Based on the Background Data, the Comprehensive Plan Policies, the Community Development Code, the Findings of Fact and the Conceptual Plan approval of this project by the Planning Commission, staff recommends **approval** of the proposal, subject to the following conditions:

1. The applicant shall comply with the attached Tualatin Fire District requirements.
2. The applicant shall provide accurate information regarding the water surface level of the Rock Creek floodplain in this area.
3. The applicant shall dedicate five (5) feet of right-of-way to Murdock Road, ten feet of pavement, curbs and sidewalks to City standards the width of the site. The applicant shall also agree to participate in a non-remonstrance agreement for any future public improvements.
4. The applicant shall comply with the City's systems development charge requirement for parks.
5. The applicant shall provide a 6 foot high fence or vegetative screening on the north and south sides of the site.
6. The landscape buffer along Murdock Road shall be completed as a part of Phase One.
7. The pedestrian pathway shall be built within six months from completion of Phase One or be guaranteed by a bond until it is built. A method for maintenance shall be developed and approved by the City.
8. There shall be a single, consistent and attractive plan for all of the apartment units, despite phasing and ownership.

9. There shall be an approved method of road maintenance and on-street parking requirements.
10. Unless physical conditions demonstrate the propriety of other standards, cut slopes shall not exceed one and one-half feet horizontally to one foot vertically, and fill slopes shall not exceed two feet horizontally to one foot vertically.
11. A final subdivision plat shall be submitted and approved by the City in accordance with Chapter 3 of the Community Development Code. Site plan review can occur at the same time. Each phase shall receive site plan approval.



TUALATIN RURAL FIRE PROTECTION DISTRICT

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

SAXONY HILLS
22700 SW MURDOCK RD WA
WASHINGTON COUNTY
SITE -541-002

April 17, 1986

17550- 1
Insp. Type : RSW

Dear Sherwood Planning Dept.,

This letter is to notify you that a Site Plan Review has been conducted for Saxony Hills in accordance with Uniform Fire Code Article 10 to establish required fire flow, hydrant location and street access for fire apparatus.

Dead-end Fire Department access roads that exceed 150 feet shall be extended and connected to other access roadways (streets) or be provided with a turn-around that is approved by the Fire Department. UFC 10.207(a)

Turning radius in Fire Department access roadway(s) shall be not less than 30 feet inside and 52 feet outside. UFC 10.207(a)

Grade slopes of access road, streets and driveways shall not exceed 15 percent. UFC 10.207(g)

Provide fire hydrant locations so that no part of a single-family residential building is more than 500 feet from a hydrant. Multi-family building and commercial buildings shall not be further than 250 feet from a fire hydrant. UFC 10.301

Approval of submitted plans is not an approval of omissions or oversights by this office or of non-compliance with any applicable regulations of local government.

If you desire a conference regarding this plan review or if you have questions, please feel free to contact me at (503) 682-2601.

Sincerely,

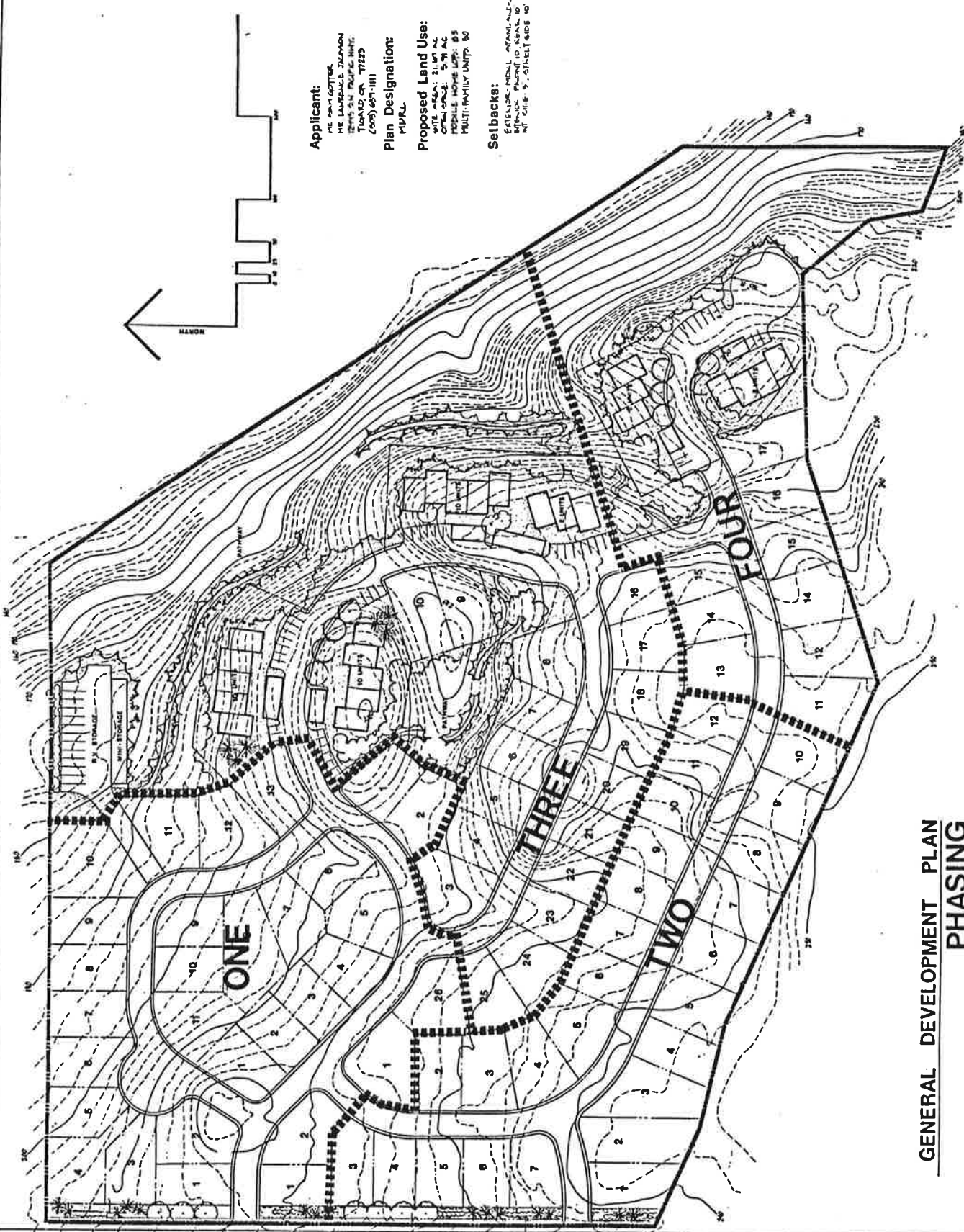
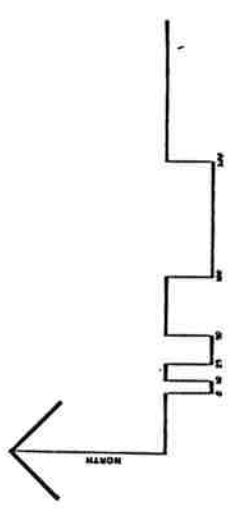
Marie Williams
Fire Prevention Bureau

Applicant:
 Mr. & Mrs. GOTTKE
 1215 S.W. PARKWAY
 TOWN OF TIZZES
 (816) 687-1111

Plan Designation:
 R144L

Proposed Land Use:
 SITE AREA: 21.41 AC
 OPEN SPACE: 5.91 AC
 SINGLE HOME UNITS: 85
 MULTI-FAMILY UNITS: 50

Setbacks:
 ERECTION OF STAIRS AND
 OTHER STRUCTURES
 SHALL BE 5' DISTANCE TO



GENERAL DEVELOPMENT PLAN
 PHASING

CITY OF SHERWOOD

APPLICATION FOR LAND USE ACTION

Staff Use

CASE NO. _____

FEE _____

RECEIPT NO. _____

DATE _____

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: Sam Gotter & Larry Jackson,	PO Box 23023, Tigard, OR 97223	639-1111
Owner: Same as above.		
Contact for		
Additional Info: Richard Givens, Givens/Talbot Assoc., Inc. PH: 636-5422		
15800 SW Boones Ferry Rd., Suite 103, Lake Oswego, OR 97034		

Property Information

Street Location: East side of Murdock Rd., 1300 feet south of Oregon Street.

Tax Lot No. 1400 Map No. 2 S 1 33 Acreage 21.87

Existing Structures/Use: One Single Family Residence and outbuildings.

Existing Plan Designation: MDRL Medium Low Density Residential

Proposed Action

Proposed Use Planned Unit Development - 83 Mobile Home Subdivision Lots, 50 Apts.

Proposed Plan Designation No change.

Proposed No. of Phases (one year each) Four

Standard to be Varied and How Varied (Variance Only) N/A

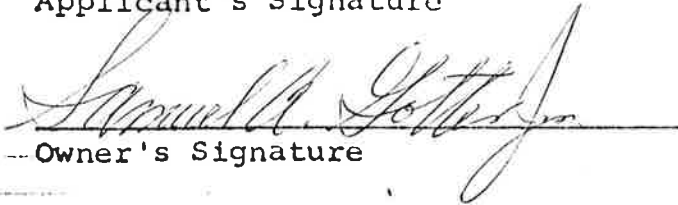
Purpose and Description of Proposed Action: The applicants are seeking approval of the General Development Plan and PD District so that construction of the first phase of the project can begin this spring and summer.

Authorizing Signatures

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

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

Applicant's Signature



Owner's Signature

3/7/86

To Be Submitted With The Application

To complete the application submit nine (9) copies of the following:

1. A brief statement describing how the proposed action satisfies the required findings criteria contained in the Comprehensive Plan for the action requested.
2. Applicable existing conditions and proposed development plan information and materials listed in Part 3 Chapter 1 TABLE 4.04 of the Comprehensive Plan. The information in TABLE 4.04 which is applicable to a given application shall be determined during a preapplication conference with the Planning Department.

March 6, 1986

Sam Gotter
ATTN: SAM
12995 SW Pacific Avenue
Tigard, OR 97223

A consolidated statement of all charges and advances in connection with this order will be provided at closing.

O.P. \$	_____	Prem. \$	_____
M.P. \$	_____	Prem. \$	_____

We are prepared to issue a title insurance policy in the usual form insuring the title to the land described as:

See legal description on attached description sheet.

Vestee: -----SAMUEL A. GOTTER, JR., an undivided one-half interest, and to LAWRENCE JACKSON, LARRY A. JACKSON, and GARY T. JACKSON, each an undivided one-sixth interest, all as tenants in common-----

Dated as of February 26, 1986 at 8:00 a.m.

TICOR TITLE INSURANCE COMPANY

Evelyn D. Buell

By EVELYN D. BUELL
Title Officer

Subject to the usual printed exceptions and stipulations,

1. 1982-83 taxes \$4,399.53 unpaid.
2. 1983-84 taxes \$4,068.79 unpaid.
3. 1984-85 taxes \$4,319.24 unpaid.
4. 1985-86 taxes \$4,605.38 unpaid.

The following applies to the above named taxes:
(Key No. 558159) 2S1 33 01400 Tax Coce 088-10

Report No. 34-129383
MAR1 ('86)

EDB/bja

Con't Preliminary Report Only

Ticor Title Insurance Company of California

4450 S.W. Lombard Street, P.O. Box 38, Beaverton, Oregon 97075 (503) 643-9646

5. City liens, if any, affecting said premises,
City: Sherwood
WE HAVE REQUESTED A SEARCH AND WILL ADVISE.
There will be a \$2.00 charge for this service.

6. The premises herein described are within and subject to the statutory powers, including the power of assessment of the Unified Sewerage Agency of Washington County, a municipal corporation. (No unpaid assessments as of the date hereof.)

7. Reservation of such mineral lands other than iron or coal and easement, including the terms and provisions thereof, as reserved by the United States in Deed recorded July 16, 1891, in Book 32, page 1.

8. Rights of the public in streets, roads and highways.

9. An easement as reserved in deed, including the terms and provisions thereof,
From: W.A. Snyder, et ux
To: A.S. Pattullo, et ux
Recorded: March 1, 1928 Book: 138 Page: 55
Records of Washington County, Oregon.
Affects: South line
For: Roadway

10. Reservations, including the terms and provisions thereof, in Deed,
From: Grace Reisch
To: John Reisch
Dated: July 31, 1942
Recorded: October 26, 1942 Book: 212 Page: 329
Records of Washington County, Oregon.

11. Mortgage, including the terms and provisions thereof, given to secure a note,
Amount: \$167,000.00
Executed by: Gotter/Jaehrling, a partnership
To: Victor H. Vossen and Dorothy G. Vossen, husband and wife, and the survivor of them
Dated: March 24, 1982
Recorded: March 25, 1982 Fee No.: 82007395
Records of Washington County, Oregon.

12. Memorandum of Agreement, including the terms and provisions thereof,
From: Samuel A. Gotter, Jr., Lawrence Jackson, Larry A. Jackson and Gary T. Jackson
To: Victor H. Vossen and Dorothy G. Vossen, husband and wife
Dated: May 2, 1984
Recorded: May 10, 1984 Fee No.: 84017711
Records of Washington County, Oregon.

13. Mortgage, including the terms and provisions thereof, given to secure a note,

Amount: \$90,000.00

Executed by: Samuel A. Gotter, Jr., Lawrence Jackson, Larry A. Jackson and Gary T. Jackson

To: Victor H. Vossen and Dorothy G. Vossen, husband and wife

Dated: May 2, 1984

Recorded: May 10, 1984 Fee No.: 84017712

Records of Washington County, Oregon.

NOTE A: A Real Property Transfer Tax will be imposed at the rate of \$1.00 per \$1,000.00 or fraction thereof of the selling price based upon the provisions of Washington County Ordinance No. 289, effective May 3, 1984.

-----End of Report-----

cc: Sam Gotter

DESCRIPTION SHEET

See Page 1 for vesting and encumbrances, if any.

Description of the tract of land which is the subject of this report:

A tract of land in the Southwest one-quarter of the Northwest one-quarter of Section 33, Township 2 South, Range 1 West of the Willamette Meridian, in Washington County, Oregon, described as follows:

Beginning at the Southeast corner of the Southwest one-quarter of the Northwest one-quarter of said Section 33, said point being the Southeast corner of that tract of land conveyed to LeRoy J. Moser, et ux, by Deed recorded in Book 622, page 150, Washington County, Deed Records, and also a point on the West line of that tract of land conveyed to Gordon H. Snyder, et ux, by Deed recorded in Book 186, page 275, Washington County, Deed Records; thence North along the East line of the Southwest one-quarter of the Northwest one-quarter of said Section 33 and the West line of said Snyder tract, 563.31 feet to an angle corner therein; thence continuing along said Snyder Westerly boundary, North $33^{\circ} 30'$ West, 894.46 feet to a point on the North line of the Southwest one-quarter of the Northwest one-quarter of said Section 33; thence along said North line and a Westerly boundary of said Snyder tract, 810.64 feet to a point in the center of Murdock Road (County Road 2257); thence South along the center line of said road, 703.0 feet to an iron pipe at the Northwest corner of the aforementioned Moser tract; thence following the North boundary of said Moser tract, said line being the center line of a 20 foot roadway, the following courses and distances: South $65^{\circ} 31'$ East, 155.3 feet; South $77^{\circ} 23'$ East, 129.5 feet; South $65^{\circ} 55'$ East, 441.5 feet; North $72^{\circ} 7'$ East, 272.5 feet; North $87^{\circ} 57'$ East, 225.0 feet; South $40^{\circ} 13'$ East, 104.4 feet; South $9^{\circ} 9'$ East, 65.0 feet and South 300.0 feet, more or less, to the point of beginning.-----

SAXONY HILLS
A Planned Unit Development

Sherwood, Oregon

Prepared For:

Mr. Sam Gotter and Mr. Larry Jackson

Prepared By:

Givens · Talbot · Associates, Inc.

March, 1986

SAXONY HILLS

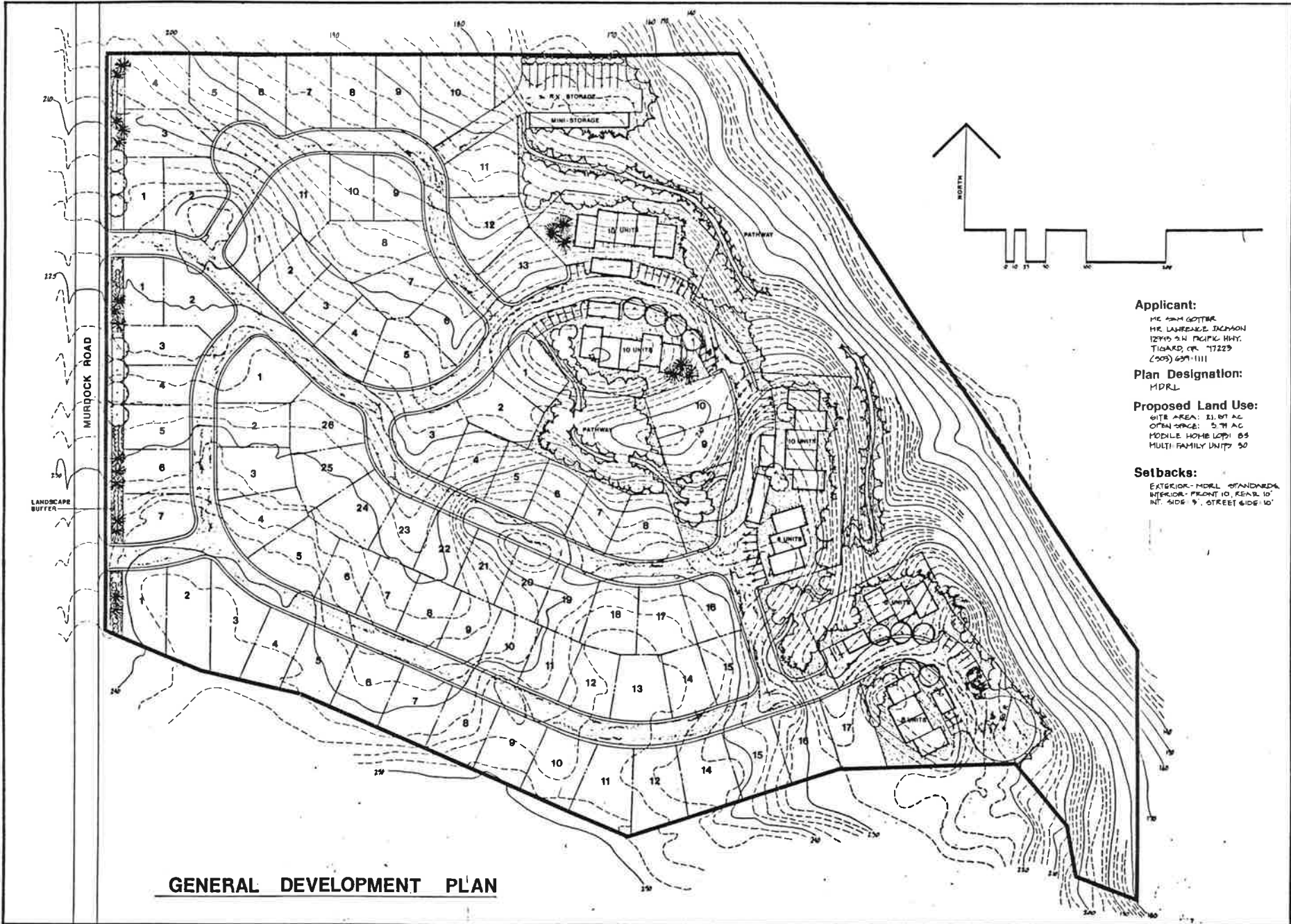
A Planned Unit Development

I. INTRODUCTION

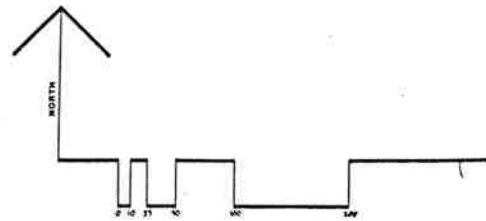
Mr. Sam Gotter and Mr. Larry Jackson are the owners of approximately 21.87 acres of land located on Murdock Road in Sherwood. The subject property is identified as Tax Lot 1400 on Map No. 2S 1E 33. In January of this year the owners were granted approval for a Planned Unit Development (PD) Concept Plan on this site. The development, which was called The Ancient Rocks Village at the time of the initial application, included both mobile homes and apartment units. The applicants have subsequently renamed this project Saxony Hills. The purpose of this application is to obtain a Certificate of Plan Compliance for a Planned Unit Development (PD) conditional use district and a General Development Plan for this project.

As described in the original application, the purpose of this project is to provide an opportunity for mobile home and apartment housing in a low density suburban environment. Because of common zoning practices, these housing choices are generally limited to more dense urban areas. The primary market for this type of housing is seen as late middle-aged and senior households. Because this segment of the population places little demand upon schools and other public services, the proposed development will result in positive tax benefits to the City of Sherwood, while providing for needed housing.

This report will present the project and site information required by Section 4.04 of Chapter 1 of the Community Development Code for the review applications for a Certificate of Plan Compliance. This application will also address the required findings of Section 3.04 for City Council and Planning Commission action on General Development Plan requests.



GENERAL DEVELOPMENT PLAN



Applicant:
 MC GEM GOTTAR
 MR. LAWRENCE JACKSON
 12910 SW PACIFIC HWY.
 TIGARD, OR 97223
 (503) 639-1111

Plan Designation:
 MDRL

Proposed Land Use:
 SITE AREA: 23.87 AC
 OPEN SPACE: 5.71 AC
 MODULAR HOME UNITS: 85
 MULTI-FAMILY UNITS: 50

Setbacks:
 EXTERIOR - MDRL STANDARDS
 INTERIOR - FRONT 10, REAR 10'
 INT. SIDE 9', STREET SIDE 10'

GIVENS-TALBOT ASSOCIATES, INC.
 Landscape Architects & Planners
 15500 SW Milwaukie Ferry Rd. Suite 103
 Lake Oswego, Oregon 97034
 Telephone: 503-5472

Saxony Hills

REVISIONS:	
JOB NUMBER:	DOT 134
DATE:	7-9-84

SHEET:
 1

II. SITE INFORMATION

A. Location

The subject property is located on the eastern edge of the City of Sherwood. The project site, which fronts on Murdock Road along its western property line, was annexed to the City of Sherwood in 1981. Adjacent properties to the north and south are presently outside of the city limits, but within the adopted Urban Growth Boundary (UGB) of the City of Sherwood. The area to the east of the subject property is outside of the city limits and the UGB.

B. Topography

The project site exhibits an uneven terrain which slopes, generally, from the southwest to the north and east. The western portion of the site is fairly level, with slopes generally less than 10 percent. The property drops steeply in the eastern portion of the site, from the upper terrace into the Rock Creek Basin. Slopes in this area are in excess of 25 percent. Topography in portions of the upper levels of the site is marked by knolls and swales; the result of scouring of top soil from the site by flood flows during the break-up of glaciers after the last Ice Age.

C. Vegetation

The western portion of the subject property has been cleared for use as pasture. Vegetation in this area is composed primarily of grasses and low brush. A small filbert orchard is located behind the existing home in the southern portion of the site. The eastern portion of the property is predominantly forested, with areas of open meadow. Forested areas are comprised primarily of maple, cedar, fir, oak and alder.

D. Existing Land Use

The area containing the project site is in the process of transitioning from a rural to an urban pattern of

land use. Properties to the north and south are designated for urban residential development. The property to the north is vacant, while the property to the south contains one single family home. To the west, the land immediately adjacent to Murdock Road is vacant, with the April Meadows subdivision located approximately 300 to 400 feet west of Murdock Road. Lots in this single family subdivision range in size from 7000 to 8000 square feet. To the east of the project site, the land falls away into the Rock Creek drainage basin. This area is designated Rural and is undeveloped.

The project site presently contains one older single family residence, a garage and several outbuildings. The remainder of the site is vacant.

E. Public Facilities and Services

1. Sanitary Sewer: Sanitary sewer service is available to the project site from an existing sewer line located in Murdock Road, approximately 200 feet to the north of this site. The invert elevation of this sewer line is approximately 181 feet, allowing gravity sewer service to the area of the site proposed for development.

2. Water Service: An existing 12 inch water line is located in Murdock Road along the project frontage and is capable of providing service to this site.

3. Storm Sewer: The subject property drains, generally, to the east, into the Rock Creek basin. No formal storm sewer system is available to service this site. Adequate storm sewer service can be provided, however, by providing for outlet to the drainage basin to the east.

4. Streets: The transportation network which services this area of the city provides for good traffic flow from the project site to other areas of the city. Murdock Road, a designated minor arterial street, connects with Wilsonville Road to the south of the subject property, and with Oregon Street to the north of this site. Both Wilsonville Road and Oregon Street are designated as minor arterials, thus allowing access

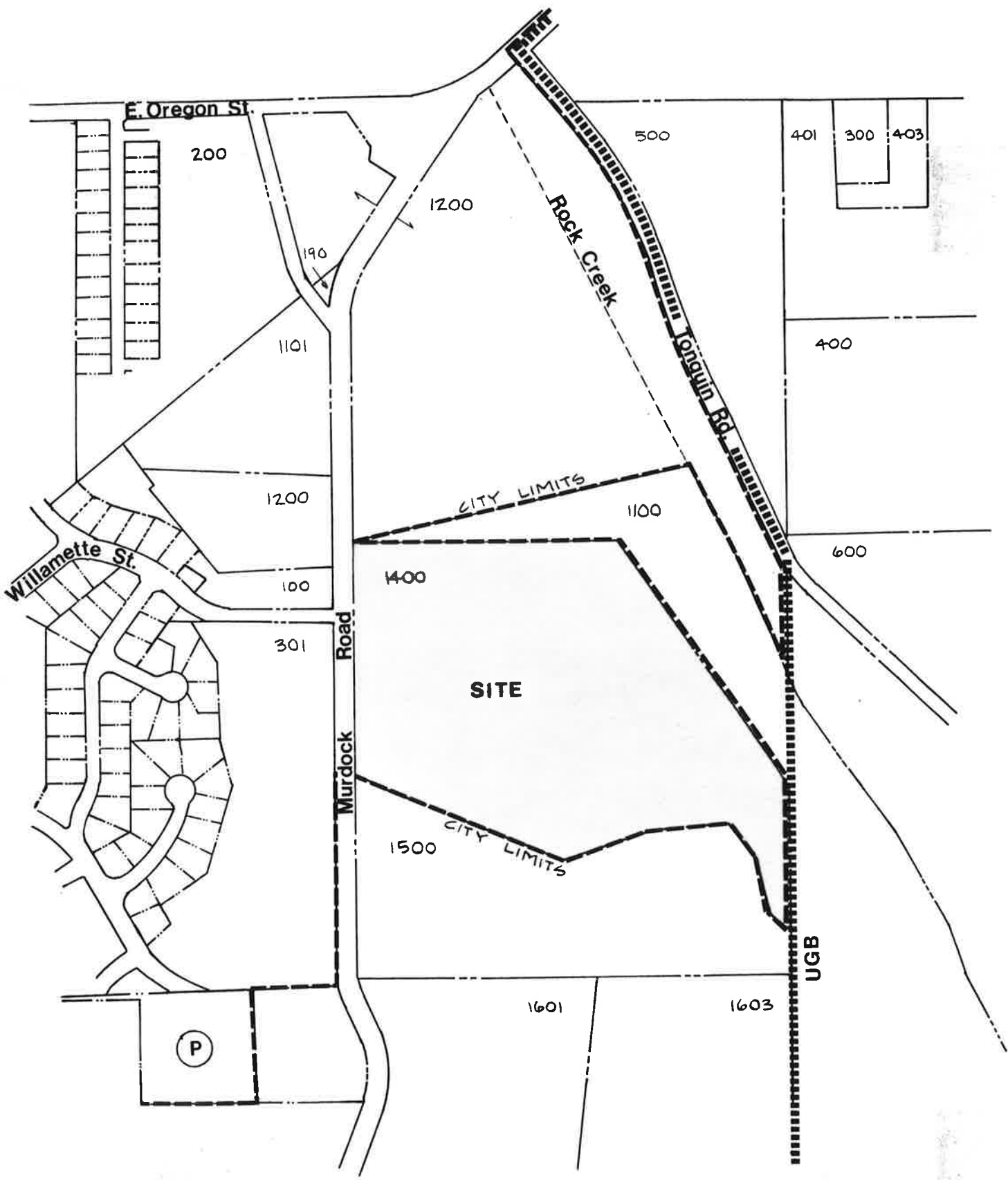
from this site to other areas of the city without requiring the use of local streets.

Murdock Road is paved to a width of 28 feet in front of the project site. Existing right-of-way width is 60 feet. City street standards require a minimum right-of-way width of 70 feet and a minimum paved width of 48 feet for minor arterials. In order to comply with this standard, an additional 5 feet of right-of-way is proposed to be dedicated to the city.

F. Soil Characteristics

The subject property contains two types of soils. Saum silt loam is found on the western portions of the site, along Murdock Road. The Saum series consists of well-drained soils which were formed in mixed eolian material, old alluvium, and residuum from basalt. This soil is found in upland areas. Bedrock is at approximately 50 inches. No major limitations are listed in SCS materials for residential buildings and site development.

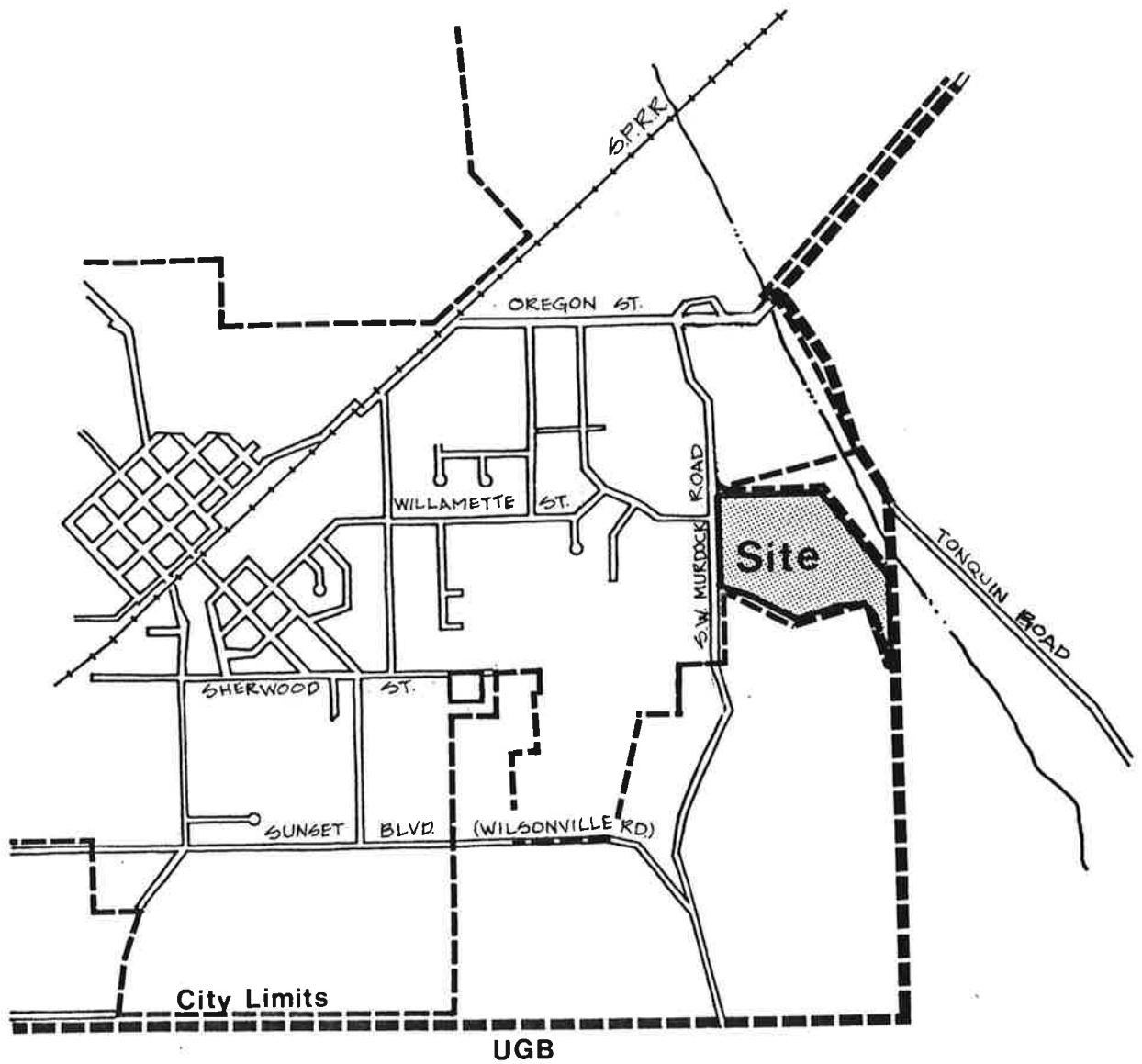
The soils in the eastern portion of the property are of the Xerochrepts-Rock outcrop complex. This complex is composed of approximately 50 percent Xerochrepts soils and 30 percent Rock outcrop. Soils are shallow with barren exposures of basalt bedrock. SCS data indicates that building and site development is difficult in this soil because of depth to rock and areas of steep slope. The proposed site plan eliminates concerns regarding slope by preserving steep areas in open space. Site development will require the use of heavy machinery and some blasting due to the presence of rock outcroppings, but these conditions are within the range of normal development practices. SCS data does not indicate any soil characteristics which would result in a hazard to future occupants of the development.




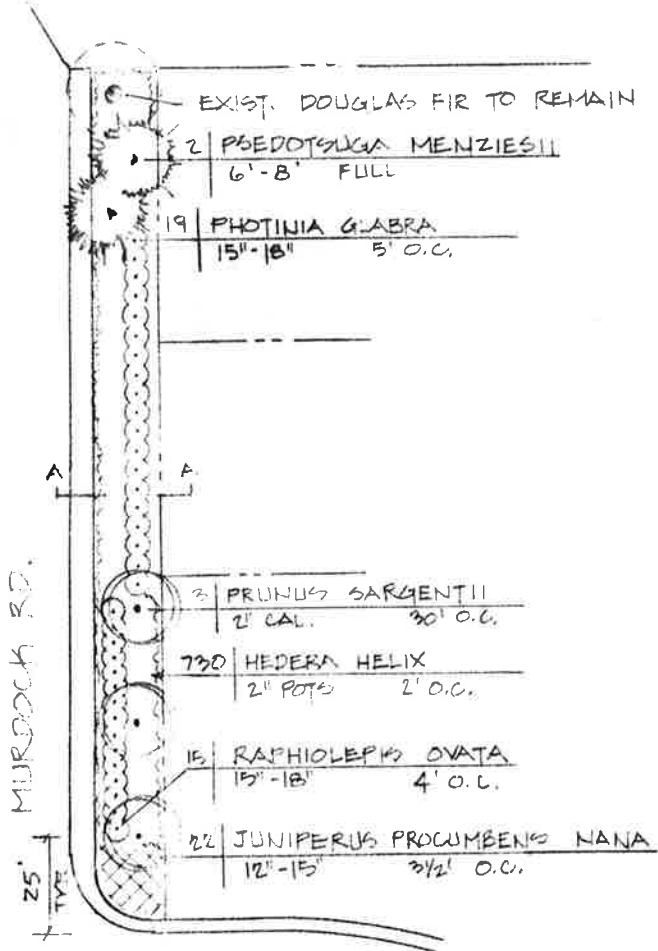
Tax Map

Figure 1

1" = 400'

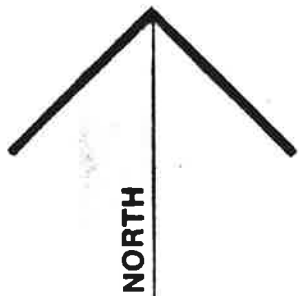
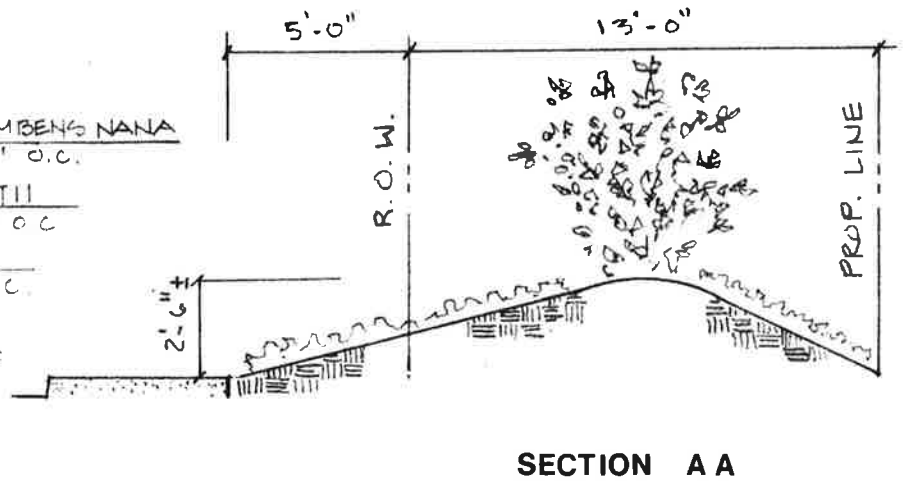
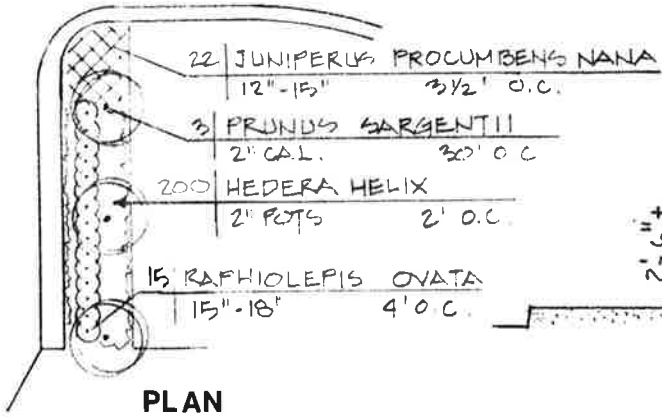


Vicinity Map 
 Figure 2 1" = 1600'



NOTE:

BERM SHALL BE CONSTRUCTED W/ IMPORTED TOPSOIL. ALL PLANTING AREAS WILL BE PREPARED BY ROTOVATING ROTTED SAWDUST AND FERTILIZER INTO THE TOPSOIL



LANDSCAPE PLAN

0 25 50 100

Figure 3

III. CERTIFICATE OF PLAN COMPLIANCE

The following information is presented in response to the application information required by Table 4.04 for Subdivision and PD requests for a Certificate of Plan Compliance:

EXISTING CONDITIONS INVENTORY

A. General Information:

1. Tax Map: See Figure 1.
2. Preliminary Title Report: See attached report.
3. Vicinity Map: See Figure 2.
4. Owner: Mr. Sam Gotter
Mr. Larry Jackson
P.O. Box 23023
Tigard, OR 97223
5. Existing Conditions Information by: Givens/Talbot Associates, Inc.
15800 SW Boones Ferry Rd.
Suite 103
Lake Oswego, OR 97034

B. Citizen & Agency Involvement

1. Tax Lot/Ownership List: Attached

C. Growth Management:

1. Relation to City Limits/
Growth Boundary See Figures 1 and 2

D. Land Use

1. Site Acreage: 21.87 Acres

- 2. City Plan Designation: MDRL Medium-Low Density
- County Plan Designation: N/A
- 3. Maximum Allowable Density: 11 Units per Net Build-able Acre
- 4. Existing Land Uses: See pages 2 & 3 of this report.
- 5. Easements: See Preliminary Plan

E. Environmental Resources:

- 1. Topography Map: See Site Analysis Map
- 2. SCS Soil Data: See Site Analysis Map. See pg. 4 of this report for soil characteristics.
- 3. Flood Plain/Drainage: See Site Analysis Map
- 4. Vegetation/Natural Areas/
Sun & Wind Exposures/Etc.: See Natural Features Map

F. Environmental Quality

- 1. Air, Water, Land Pollution/
Noise Sources: See Natural Features Map

G. Recreational Resources

- 1. Existing facilities: See Vicinity Map

H. Transportation

- 1. Existing facilities: See Figure 5, Site Plan
- 2. Traffic Volumes: See Traffic Analysis by

Robert Keech, P.E.

I. Community Facilities

1. Water/Sewer/Drainage,etc: See Utilities Plan

PROPOSED DEVELOPMENT PLAN

A. General Information: See Site Plan

B. Citizen and Agency Involvement: See file on Concept Plan for comments received to date.

C. Growth Management: See Figures 1 and 2 for UGB/City Limits location.

D. Land Use: See Site Plan

E. Environmental Resource/Natural Resources and Hazards

1. Topography @ 2' intervals: Topography depicted on site plan is at 2' intervals and is from map prepared by Spencer Gross Engineering.

2. Location of Trees, Streams, etc.: See Natual Features Map

3. Landscaping: See for Figure 3 for landscaping of buffer area along Murdock Rd.

4. Natural Hazards: The only natural hazard associated with this site is the 100 year flood plain of Rock Creek. No development will occur in the flood plain area.

5. Significant Natural Areas: The steep slope and associated vegetation along the bank of Rock Creek is

the major significant natural area on this site. This area will be preserved as common open space.

6. Relationship to sun & wind exposure:

See Figure 4, Natural Features.

F. Environmental Quality:

The requirements of Section 4.02 apply only to commercial and industrial development.

G. Recreational Resources:

1. Park/Open Space Needs Identified by Plan:

The Comprehensive Recreation Master Plan does not identify any park or open space features on the subject property. The flood plain area of Rock Creek, to the east of this site, is designated as a Greenway/Visual corridor. The proposed development would not impact this area. A bike path is identified along Murdock Road. Since the neighborhood park to the south of this site is on the west side of Murdock Rd., however, it makes the most sense to locate the path on the west side of the street.

2. Proposed Open Space:

Open space is identified on the site plan in three areas: along Murdock Road as a landscape tract provided to buffer the site from Murdock Road and single family areas to the west; in a tract between apartment and mobile home uses in Block 6; and along the eastern border of the site, adjacent to the Rock Creek flood plain. A pedestrian pathway is proposed to be developed along the latter of these open areas. Open space areas will be commonly owned and maintained by the homeowners association.

H. Transportation

See Preliminary Plat for circulation plan and street dimensions. Internal streets are proposed to be privately owned and maintained. The Transportation Network Plan designates Murdock Rd. as a minor arterial. An additional 5 feet of right-of-way is proposed to be dedicated along the project frontage, consistent with an ultimate 70' R/W width as identified for minor arterial streets. Two access points have been provided along Murdock

Rd. in order to provide adequate emergency vehicle access. Additionally, the internal circulation has been designed to provide a looped traffic pattern to ensure adequate access to all areas of the development. All mobile home lots will be developed to provide a minimum of two off-street parking spaces. Parking for apartment areas is shown on the plan and provides a minimum of 1.5 spaces per unit as required by the ordinance. See Traffic Analysis report for discussion of traffic volumes and project traffic generation. See Utility Plan for street sections.

I. Community Facilities and Services:

See Utilities Plan

Economic Development:

1. Market Strength:

Since there are no similar developments in the area which combine both mobile home housing and apartments in a Planned Unit Development, there is no means of directly gauging the market strength for this type of housing. There are vacant mobile home lots in both Gregory Park and

Orland Villa, but the developments are not comparable to the proposed project in terms of location and design features. There is a tremendous demand for mobile home housing in Washington County as evidenced by the low vacancy rates in mobile home parks in the area. The conversion of mobile home parks to commercial uses in some areas of the County has added to this demand and necessitated the formation of a task force to study the lack of mobile home spaces.

IV. REQUIRED PUD FINDINGS

- A. That the proposed development is in substantial conformance with the comprehensive plan for the City.**

Comment: The comprehensive plan designation for the subject property is Medium Low Density Residential (MDRL), which allows 5 to 8 dwelling units per acre. The subject Concept Plan application proposes a total of 133 units on 21.87 acres, or 6.08 units per acre. The density proposed falls within the density range identified for this plan designation.

Residential Policy 2 of the Comprehensive Plan requires that the City "insure that an adequate distribution of housing styles and tenures are available." The second strategy under this policy states:

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

Data assembled by City of Sherwood staff indicates that there are, at the present time, 1105 housing sites either built upon or approved for construction. Of this total, 183 sites contain or are planned for manufactured homes. Based on this data, manufactured housing currently comprises 16.6 percent of the housing stock.

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The proposed development would add 83 mobile home units and 50 site built units. At full development, manufactured homes would account for 266 out of a total of 1238 housing units, or 21.5 percent of the housing stock. Based upon this analysis, it is clear that the

proposed development is compatible with the 75%/25% conventional housing to mobile housing ratio set forth in this Residential Strategy.

Two other housing policies are relevant to this development:

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

a) The City will encourage the use of the planned unit development on parcels of five acres or more in all residential categories.

2. The City will ensure the availability of affordable housing and locational choice for all income groups.

a) The City will reduce housing costs by allocating land for smaller lot single-family, mobile home parks and subdivisions.

b) Housing shall be of a design and quality compatible with the neighborhood in which is is located.

Comment:

The project site is proposed to be developed as a PUD, in conformance with plan policies supporting such development on parcels greater than five acres in area. The development of mobile home subdivision lots and apartments within this PUD provides for needed housing at affordable prices, as required by Plan policies. The project is compatible with the adjacent neighborhood. The area to the north and west is zoned MDRL, as is the subject property, and will be developed at some point to urban densities with uses similar to those proposed for the subject site. The property to the south is zoned Low Density Residential (LDR). In order to provide compatibility, the lots along the southern boundary of the site are larger than interior lots. The rural area to the east is buffered from the

developed areas of this site by the open space and the Rock Creek flood plain areas.

Finding B: That exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program.

Comment: Proposed modifications to the standards of the underlying MDRL district include:

1. The use of private internal streets.
2. Development of apartment units.
3. Modification of internal setbacks.
4. Reduction of minimum lot size provisions.

These modifications have the benefit of allowing the preservation of approximately 27 percent of the site as open space. This open space will have the following beneficial uses:

1. Provision of landscaping buffer along the Murdock Road Frontage.
2. Protection of steep slopes and vegetation in the eastern portion of the site.
3. Provision of outdoor areas for hiking and recreation.

The development of the PUD as proposed also will provide a unique blend of housing opportunities for mobile homes and apartments in a suburban setting. The advantage to the City in approving this development is the provision of these needed types of housing.

Finding C: The proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatment.

Comment: The compatibility of the proposed development with adjacent land uses has been discussed above under

Finding A. Mobile home units to be placed within this development will comply with the design standards set in the Mobile Home Subdivision provisions of the ordinance. Apartment units will be developed in Phase IV and will be subject to Design Review at that time to ensure compatibility.

Finding D: That the system of ownership and the means of developing, preserving and maintaining open spaces is suitable.

Comment: It is proposed that all open spaces be plat-
ted as tracts to be commonly owned and maintained by a Homeowners Association. Monthly dues will be collected to provide for the maintenance of common areas.

Finding E: That the approval will have a beneficial effect on the area which could not be achieved under the primary planning designation area.

Comment: The development of the site as a PUD has the beneficial effect of allowing the development of the site at a density within the planned density of the underlying district, while preserving sensitive areas of the site as open spaces. This could not be accomplished under the standard provisions of the MDRL Designation Area. An additional benefit is the provision of a unique mixture of housing types, apartments and mobile homes, in a single development. These two housing types are in high demand by adult households.

V. CONCLUSION

This report has demonstrated that the proposed Saxony Hills development complies with the development requirements and required findings of the PUD section of the Community Development Code. Additionally, we have demonstrated that the proposal is compatible with surrounding zoning and future development patterns.

Approval of this project will provide for needed housing in Sherwood and will bring additional tax revenues to the City. In consideration of these factors, we request that this development be approved.

STAFF REPORT

TO: City of Sherwood
Planning Commission

DATE TYPED: April 22, 1986

FROM: Carole W. Connell, Consulting City Planner **FILE NO:** 2271-38
Benkendorf & Associates

SUBJECT: Request for a Variance to Construct a Garage that Exceeds the Maximum
Allowed Size

I. PROPOSAL DATA

Applicant: Daniel H. and Carolyn M. Reber
115 N.W. Park Street
Sherwood, Oregon 97140

Owner: Same as above

Request: To construct a residential garage that exceeds the maximum
allowed garage size of 720 square feet by 120 square feet.

Location: 115 N.W. Park Street, further described as Tax Lot 6100,
Map 2S-1-32BC.

II. BACKGROUND DATA

The subject property is an older residence with a garage in downtown Sherwood that is used for residential purposes. The residence has been identified as an historic building. Surrounding land uses are primarily residential, although City Hall is directly across Park Street. The applicant has stated that the existing garage,

which is shared with the adjoining neighbor, is dilapidated and not economical to repair. The applicant plans to tear down the existing garage and build a new one on his property.

III. SHERWOOD COMPREHENSIVE PLAN AND CODE PROVISIONS

- A. Sherwood Comprehensive Plan
- B. Community Development Code
 - 1. Section 4.00 Plan Compliance Review Process
 - 2. Section 7.00 Public Notice Requirements
 - 3. Section 2.07 Low-Density Residential (LDR)
 - 4. Section 5.00 General Supplementary Regulations and Exceptions
 - 5. Section 8.00 Variance

IV. FINDINGS OF FACT

- A. The subject property is zoned Low-Density Residential LDR.
- B. Section 5.01A1a states an accessory building shall have no more than 720 square feet of ground floor area. The proposed garage is 840 square feet. The Uniform Building Code allows up to 1,000 sq. ft.
- C. The subject property currently uses an existing garage, shared with the neighbor, that is old and stated to be deteriorating. The common property line runs through the center of the garage.
- D. The subject parcel is irregular in shape.
- E. The Reber residence has been identified by the Washington County Cultural Resource Inventory as an historic building in Sherwood. The garage is not included specifically in the historic inventory, but it was built in conjunction with the house and contributes to the historic setting. If the garage were to be renovated, it must conform to the Uniform Building Code, which, at a minimum, would require a one-hour fire wall in the center of the garage.

F. The Comprehensive Plan states on page V-12 that:

d. **Historic and Cultural Resources:** Structures and sites which maintain continuity with the City's past and which provide places for persons to congregate and enjoy cultural activities will be developed and/or preserved. The City will encourage the preservation of structures and sites of historic and/or architectural significance including the present City Hall and the St. Francis Catholic Church building and will periodically re-evaluate structures and sites which should be preserved. It is the intention of this plan to preserve and develop distinctive historic or cultural features of the Planning Area so as to maintain the City's unique identity in the face of urban growth.

G. The proposed location of the new garage is limited by an existing 75 year old Pink Dogwood tree and an existing view from the southwest side of the house, which the Rebers want to retain.

H. The garage is intended to be used for two cars, an R.V. and storage.

I. Washington County and the Tualatin Fire District were notified of this request and had no additional requirements.

J. The following responses to the five variance criteria in Section 8.03 of the Code are provided:

1. The subject property is unique in that it was plotted 80 to 90 years ago with an irregular, V-shaped rear property line. No other lots in the vicinity have this limitation. The lot shape may affect the shape of the garage, but does not necessarily dictate the size. The subject property is also unique in that the original garage was built down the center of the property line, or the lot was later divided that way, in order for shared use of the garage.

2. The preservation of a property right for the applicant to own a garage is not dependent on a variance to build a garage larger than allowed. The applicant could build a smaller garage on the same site that would not require a variance.
3. The authorization of this variance will allow a garage larger than otherwise permitted, which may set a precedent for future large garage requests that would be difficult to deny. Further, authorization encourages the destruction of a related historic building, which, if possible, the Plan recommends be preserved.
4. The size of the garage is a need determined by the applicant, not by any City requirements. The irregular shape of the lot is not self-imposed, but the shape of the lot does not cause the personal need for a larger than normal garage.
5. Construction of a garage larger than permitted is a violation of this Ordinance, unless a variance is granted. The hardship, an irregular lot, does not arise from a violation of this Ordinance. The shape of the lot, however, does not require a larger than allowed garage.

V. CONCLUSION AND RECOMMENDATION

Based on the Background Data, the Comprehensive Plan and the variance criteria, staff recommends **denial** of this request.

CITY OF SHERWOOD

APPLICATION FOR LAND USE ACTION

Staff Use

CASE NO. _____

FEE _____

RECEIPT NO. _____

DATE _____

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:	DANIEL H. + CAROLYN M.	REBER	6256011
Owner:	SAME		
Contact for	Additional Info: SAME		

Property Information

Street Location: 115 NW PARK ST.

Tax Lot No. 6100 Acreage .31

Existing Structures/Use: HOUSE GARAGE

Existing Plan Designation: LOW DENSITY RESIDENTIAL

Proposed Action

Proposed Use BUILD A NEW GARAGE

Proposed Plan Designation _____

Proposed No. of Phases (one year each) ONE

Standard to be Varied and How Varied (Variance Only) SIZE OF GARAGE EXCEEDS LIMIT BY 120 SQUARE FEET

Purpose and Description of Proposed Action: TO REMOVE EXISTING SHARED GARAGE AND BUILD NEW GARAGE ON MY PROPERTY

Authorizing Signatures

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

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



Applicant's Signature

3-24-86



Owner's Signature

3-24-86

To Be Submitted With The Application

To complete the application submit nine (9) copies of the following:

1. A brief statement describing how the proposed action satisfies the required findings criteria contained in the Comprehensive Plan for the action requested.
2. Applicable existing conditions and proposed development plan information and materials listed in Part 3 Chapter 1 TABLE 4.04 of the Comprehensive Plan. The information in TABLE 4.04 which is applicable to a given application shall be determined during a preapplication conference with the Planning Department.

TABLE 4.04

CERTIFICATE OF PLAN COMPLIANCE
APPLICATION INFORMATION BY TYPE
OF PROPOSED ACTION

Reference Numbers By Type of
Proposed Action Used in the Table Below

REFERENCE NUMBER	TYPE OF PROPOSED ACTION
1	Annexation
2	Plan Map Amendment
3	Variance
4	Conditional Use
5	Minor Partition
6	Subdivision/Planned Unit Development
7	Design Review

TYPE OF INFORMATION/ PLAN ELEMENT	TYPE OF APPLICATION (See Index Above)	INFORMATION ITEM
<u>EXISTING CONDITIONS</u> <u>INVENTORY</u> General Information MAP IS ATTACHED	1-7	A tax map with scale (1"= 100' or 1"= 200') north point, date and legend showing property within 300 feet.
NA MAP IS ATTACHED	1-7	A current preliminary title report or lot book search.
DAN REBER ASSISTED BY CAROL CONNELL SHERWOOD PLANNER	1-7	A vicinity map showing properties within one-half mile of the subject property.
Citizen and Agency Involvement List ATTACHED	1-4	Name, address of record owner or owners and the person who prepared existing conditions information.
Growth Management INSIDE CITY	1-7	A list of tax lots, owners and their addresses for properties within 300 feet of the subject property.
		Indicate the relationship of subject property to City Limits, Immediate Growth Boundary and Urban Growth Boundary on maps.

TYPE OF INFORMATION/ PLAN ELEMENT	TYPE OF APPLICATION	INFORMATION ITEM
Land Use .31 L.D.R.	1-7	Acreage of Property
3-5 UNITS PER ACRE	1-7	City and County Comprehensive Plan Designation
L.D.R.	1-7	Comprehensive Plan Maximum Allowable density (DU/gross acre)
NONE - WE USE A SHARED DRIVEWAY	1-7	Existing land use including nature, approximate sizes and location of existing structures for subject property and adjacent properties within 300 feet.
NONE - WE USE A SHARED DRIVEWAY	1-7	Easements - indicate location purpose, dimensions and ownership on tax map.
Environmental Resources Natural Resources and Hazards	4-7	Topography map of subject property overlayed on tax map with 5 foot contour intervals related to an established bench mark.
NONE	2-7	SCS Soil Information - Indicate on tax map the following: 1) Areas with severe soil limita- tions for building sites, roads and streets, and the nature of the limitation including weak foundation, slopes above 10%, slide hazards, etc. (SCS general map, Table 2) 2) Areas with adverse soil characteristics including rapid runoff, high erosion hazard and poor natural drainage, (SCS general map and table 1) 3) Agricultural capability class (see Part 1, figure V-3)
NONE	2-7	Flood Plains - Indicate all 100 year flood plain and flood way lines on tax/topo map. (US Corps of Engineers map)
EAVE DRAIN	2-7	Natural Drainage - Indicate location of streams, wetlands, ponds springs and drainage patterns.

TYPE OF INFORMATION/ PLAN ELEMENT	TYPE OF APPLICATION	INFORMATION ITEM
Community Facilities and Services Water	1-7	Existing Facilities - indicate locations and sizes of and distances to all water mains in area of subject property on tax map.
SEE MAP	1-7	Existing Service - indicate service levels, capacity, pressure and fire flow characteristics of water mains available to the subject property.
NONE	1-7	Planned Improvements - indicate the sizes and location of any planned capital improvements
Sewer SEE MAP	1-7	Existing Facilities - indicate location, size, and distances to the nearest connection on tax/topo map.
GRAVITY	1-7	Existing Service - describe whether or not gravity flow, capacity and condition of lines available to property.
NONE	1-7	Planned Improvements - indicate sizes and location of any planned capital improvements.
Drainage SEE LAVE DRAIN ON PLAN	3-7	Existing Facilities - indicate location, size and distances to all drainage facilities or natural drainageway on tax/topo map.
	3-7	Existing Service - describe capacity and condition of on-site and downstream drainage courses and facilities.
NA	3-7	Runoff Analyses - indicate SCS soil permeability ratings.
NONE	3-7	Planned Improvements - indicate sizes and locations of any planned capital improvements.
Private Utilities	3-7	Existing facilities and Services - Describe response from utility companies concerning the availability of services to proposed site.
Power		
Gas		
Telephone		
Schools	3-7	Existing facilities and Services - indicate location, type, enrollment, capacity and distance to nearest schools.

TYPE OF INFORMATION/ PLAN ELEMENT	TYPE OF APPLICATION	INFORMATION ITEM
75 YEAR OLD PINK DOGWOOD THAT MUST BE PRESERVED. SEE PLAN	2-7	Significant vegetation- indicate general location size and species of trees on tax/topo map.
	2-7	Distinctive natural areas - indicate views, historic sites, rock out- croppings, etc. (See Part 1, V-
	2-7	Sun and wind exposures - indicate general orientation on tax map.
Environmental Quality NA	3-7	Air, Water, Land Pollution; Noise Sources - indicate the location of existing uses producing signi- ficant levels of air, water, land or noise pollution.
Recreational Resources NA	3-7	Existing Facilities - indicate the location, size and distance to nearest park and open spaces on tax map.
Transportation SEE MAP	1-7	Street Locations and Dimensions - indicate location centerline locatio pavement and right of way widths for all streets, alleys and rights of way within 300 feet of subject property on tax map.
	1-7	Traffic Volumes - indicate existing volumes for all streets on and within 300 feet of subject property.
SEE MAP	2-7	Access points - indicate access points to subject property and adjacent property within 300 feet on tax map.
	3-7	Street Condition - indicate general condition of streets within 300 feet of subject property on tax map.
	3-7	Street Capital Improvements - indicate any committed street improvement projects within 300 feet and projected completion date (if known)
	3-7	Public transit - indicate routes and stops within 300 feet of subject property.
BUS STOP AT FIRST AND MAIN ST.	3-7	Bikeways/Pathways -indicate location and destination of existing routes within 300 feet on tax map.

TYPE OF INFORMATION/ PLAN ELEMENT	TYPE OF APPLICATION	INFORMATION ITEM
SEE PLAN NA NA NA NA	2-7	Setbacks - indicate all setbacks as required by the City.
	1-7	Buildable Acres - indicate net buildable acres (gross acres minus land devoted to public facilities and land unbuildable due to natural features.)
	3-7	Proposed Land Use - Indicate the location of all proposed land use. Show relationship to existing land use to be retained. Provide tables showing total acres, dwelling units, floor area percentage distribution of total site acreage by use (commercial, industrial, residential, public facilities, parking; park open space and landscaped areas.) Percentage dwelling unit distribution by dwelling type (single family/multi-family; owner/renter; structure design)
	2-7	Location of structures - indicate general location and dimensions of proposed structures on the plan/plat.
	2-7	Proposed Easements - indicate locations, purposes, widths of proposed easements on plan/plat.
Environmental Resource Natural Resources and Hazards	5, 6, 7	Topography - Provide 2 foot contours by registered surveyor on plan/plat.
	5, 6, 7	Location and species of all trees four (4) inches or more on plan/plat. Describe how proposal will preserve to maximum extent.
	6, 7	Landscaping Plan - indicate existing trees to be retained/removed; location and design of landscaping/screening including varieties and sizes of plants/trees and other features; and how these are to be maintained.
	4-7	Streams, Ponds, Wetlands - indicate location and how proposal will protect resources from environmental degradation.

TYPE OF INFORMATION/ PLAN ELEMENT	TYPE OF APPLICATION	INFORMATION ITEM
<i>NONE</i>	3-7	Planned Improvements - describe any planned capital improvements.
<u>PROPOSED DEVELOPMENT PLAN</u>		
General Information	1-7	A plat or plan map outlining the subject property which depicts the proposed land use or change on development including properties within 300 feet with scale (appropriate to project size), north point, date name, address and phone number of owners and person preparing the plan/plat.
<i>SEE PLAN</i>		
<i>GARAGE</i>	1-7	Name of development - Indicate name of proposed development on plan/plat.
<i>NA</i>	1-7	A vicinity map outlining the subject property showing property within one-half mile.
Citizen and Agency Involvement	1-7	Results of any preliminary contact with affected or involved citizens or agencies including the Sherwood Citizens Planning Advisory Committee (SCPAC), Tualatin Fire District, Public and Private Utility Agencies, etc.
<i>NONE</i>		(Note: The City will give affected citizens and agencies the opportunity for review and comment pursuant to Part 2 Section II B, C of the Sherwood Comprehensive Plan following completion of application requirements)
Growth Management	1-7	Indicate the relationship of the subject property to the City Limits, Immediate Growth Boundary and Urban Growth Boundary on the maps
Land Use	1-7	Existing lots - indicate existing lot lines and dimensions on plan/plat map.
<i>NA</i>	5, 6	Proposed lots - indicate proposed lots with lot lines, dimensions, average and minimum lot sizes, block and lot numbers on plan/plat map.

TYPE OF INFORMATION/ PLAN ELEMENT	TYPE OF APPLICATION	INFORMATION ITEM
	3-7	Future right of ways - Indicate distances from property lines to street center line and pavement consistent with future City right of way requirements.
	5, 6, 7	Traffic Volumes - Indicate existing and future traffic volumes to be generated by the development (see ITE Standards).
	5, 6, 7	Street Profiles - Provide profiles and indicate cuts and fills for roads with grades of 15% or more on plat/plan.
	5, 6, 7	Parking - indicate the location number and size of off street parking spaces and loading and maneuvering areas, consistent with City policy.
Community Facilities and Services		
Water	5, 6, 7	Proposed Facilities - Indicate the location and size of the proposed water distribution system and fire hydrants consistent with the water service plan.
Sewer	5, 6, 7	Proposed Facilities - Indicate the location and size of the proposed sewage collection system consistent with the Sewer Service Plan.
Drainage	5, 6, 7	Proposed Facilities - Indicate the proposed runoff control and conveyance system consistent with the drainage management Plan.
Private Utilities		
Power	5, 6, 7	Lighting Plan - indicate location, height, and sizes of structures and their connection points to power lines
Telephone Gas	5, 6, 7	Proposed Facilities - indicate provision for service
Economic Development		
	4-7	Industrial and Commercial Uses - indicate number of new jobs to be created; the ratio of employees to site acreage, and anticipated capital investment.

TYPE OF INFORMATION/ PLAN ELEMENT	TYPE OF APPLICATION	INFORMATION ITEM
	5, 6, 7	Natural Hazards - If landslide, erosion, flood, weak foundation soil hazards exist as determined in existing conditions inventory, a soil analysis by a registered Soils Engineer or Geologist and a description of how proposal protects against each hazard is required.
N.A.	3-7	Significant natural areas - Indicate how areas are protected by development proposal.
	5, 6, 7	Energy Conservation - indicate relationship of site design to sun and wind exposure.
Environmental Quality	4-7	Provide certification by a registered engineer that pursuant to Part 2, Section 4.02, the proposed use can meet or exceed City environmental performance standards.
Recreational Resources	4-7	Describe how proposal meets park and open space needs as defined by the Standards and General Plan Map in Part 2 Section V (E).
	5, 6, 7	Indicate existing and proposed park and open space areas for active or passive recreational use on plan and they will be maintained.
Transportation	5, 6, 7	Proposed facilities - provide a general circulation plan indicating the location, widths and direction of existing and proposed streets, bicycle and pedestrian ways and transit routes and facilities. Show how the proposed circulation plan conforms to the Transportation Network Plan Map and bicycle and pedestrian way plan.
	5, 6, 7	Indicate estimated curve and curb radii and typical street cross sections.
	5, 6, 7	Emergency access - Indicate adequate emergency access.
	5, 6, 7	Lot Access - Show the location and size of accesses; sight distances based on topography, fixed objects on collectors or arterials.

TYPE OF INFORMATION/
PLAN ELEMENT

TYPE OF
APPLICATION

INFORMATION ITEM

Structural Design
and Construction
Considerations

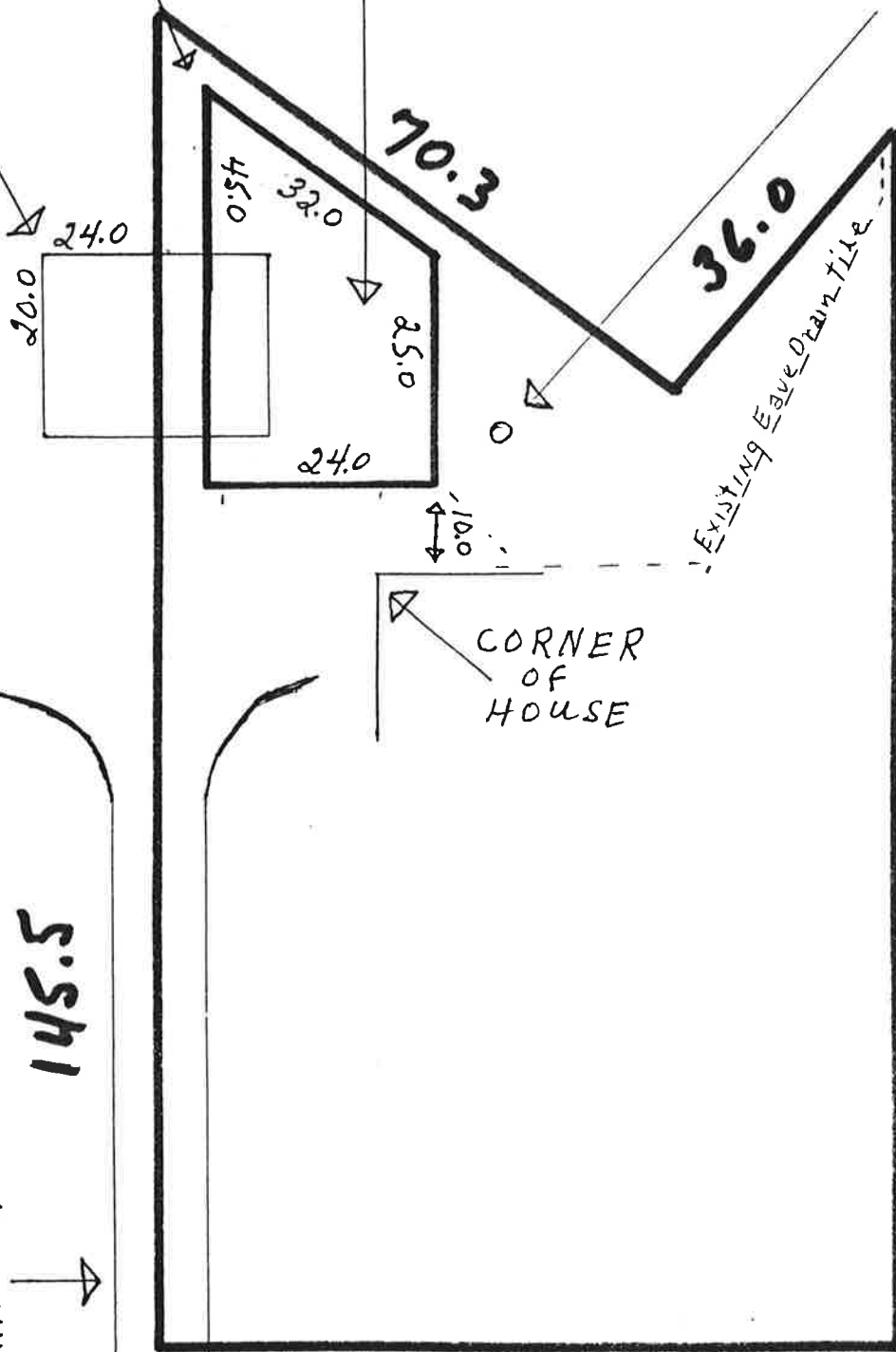
- 4-7 Commercial Uses - provide any available evidence of local market strength for the service or product to be marketed.
- 4-7 Residential Uses - provide any evidence of local market strength for type of housing proposed (i.e. vacancy rates, affect on multiple family/single family, and owner/renter ratios.)
- 7 Proposed Structures - provide architectural sketches and elevations of all proposed structures as they will appear upon completion of construction.
- 7 Construction Materials - provide a description of external structural design including the use of materials, textures and colors. Describe how design will be internally compatible with uses/natural features the site and externally compatible with adjoining uses/natural features
- 7 Energy Conservation - Show the relationship of building orientation and sun and wind exposures. Describe how structures address energy conservation
- 7 Hazard Protection/Resources Preservation - Show how proposed structures relate to natural features and natural hazards.
- 7 Signs - indicate the locations size and design of proposed signs.
- 7 Solid Waste Storage - indicate the location and design of storage facilities.
- 7 Privacy - Describe how the proposal protects privacy.
- 7 Construction Measures - describe how erosion, siltation and noise will be controlled during construction.
- 7 Fencing and Screening - indicate the location, size and design of screening including fencing, berms, and walls.

EXISTING SHARED GARAGE TO BE REMOVED

FIVE FOOT SETBACK

PROPOSED NEW GARAGE

EXISTING 75 YEAR-OLD PINK DOGWOOD TREE THAT MUST BE PRESERVED



115 N.W. PARK STREET

DAN REBER

March 24, 1986

To: The City of Sherwood

The existing garage is a two-car garage with the center line on the property line, one-half owned by Mr. Roos and one-half owned by us, with a shared driveway.

This existing garage is very old and beyond economical repair and it's rotten and ready to fall down.

We want to completely remove this garage and build a new garage completely on my property. Mr. Roos has agreed to remove this old garage.

My property is unique as it has a vee-notch in the rear, the only one in Sherwood, creating two triangles. I would like to build a new garage on the large triangle with legal five foot setbacks and set back ten feet from the house. This is the only way I can build a garage totally on my property; utilize this triangle, preserve the seventy five year old dogwood tree and retain our view.

Don Reber
Carolyn Reber

Ms Carol Connell
City of Sherwood

4-2-86

page 1

Ms Connell

Please reference our telephone conversation of today regarding my application for a variance. My response to your request for further information on Attachment "C" follows:

- A. Our property is unique in that it was plotted 80 or 90 years ago with a notch in the rear, the only one like it in Sherwood. The only way to erect a new garage is to utilize the point of the large triangle created by the notch. In order to maintain the required setbacks and still have a usable garage we must be over the square footage limit by 120 square feet.
- B. The existing garage is astride the property line and shared with Mr. Soos. This existing garage is beyond economical repair and must be removed before it falls down. A variance would allow me to erect a new garage on the long side of the large triangle parallel to the property line and completely on my property and not shared with Mr. Soos. Please note the proposed garage will meet all setback requirements.
- C. This variance will have no detrimental effect on the Comprehensive Plan. It will actually help as the proposed garage will be totally on my property and not shared.
- D. This hardship is not self-imposed. The old garage is beyond economical repair and must be removed before it falls down.

continued.

The variance requested is the minimum needed to erect a usable building on.

E. This hardship does not come from any ordinance violation. The existing garage is 70 or 80 years old and would not pass today's ordinance. The proposed garage will meet the ordinance, with the variance requested.

If you have a need for further information please call me at 620 0611 between 8 AM and 5 PM

Very Truly Yours

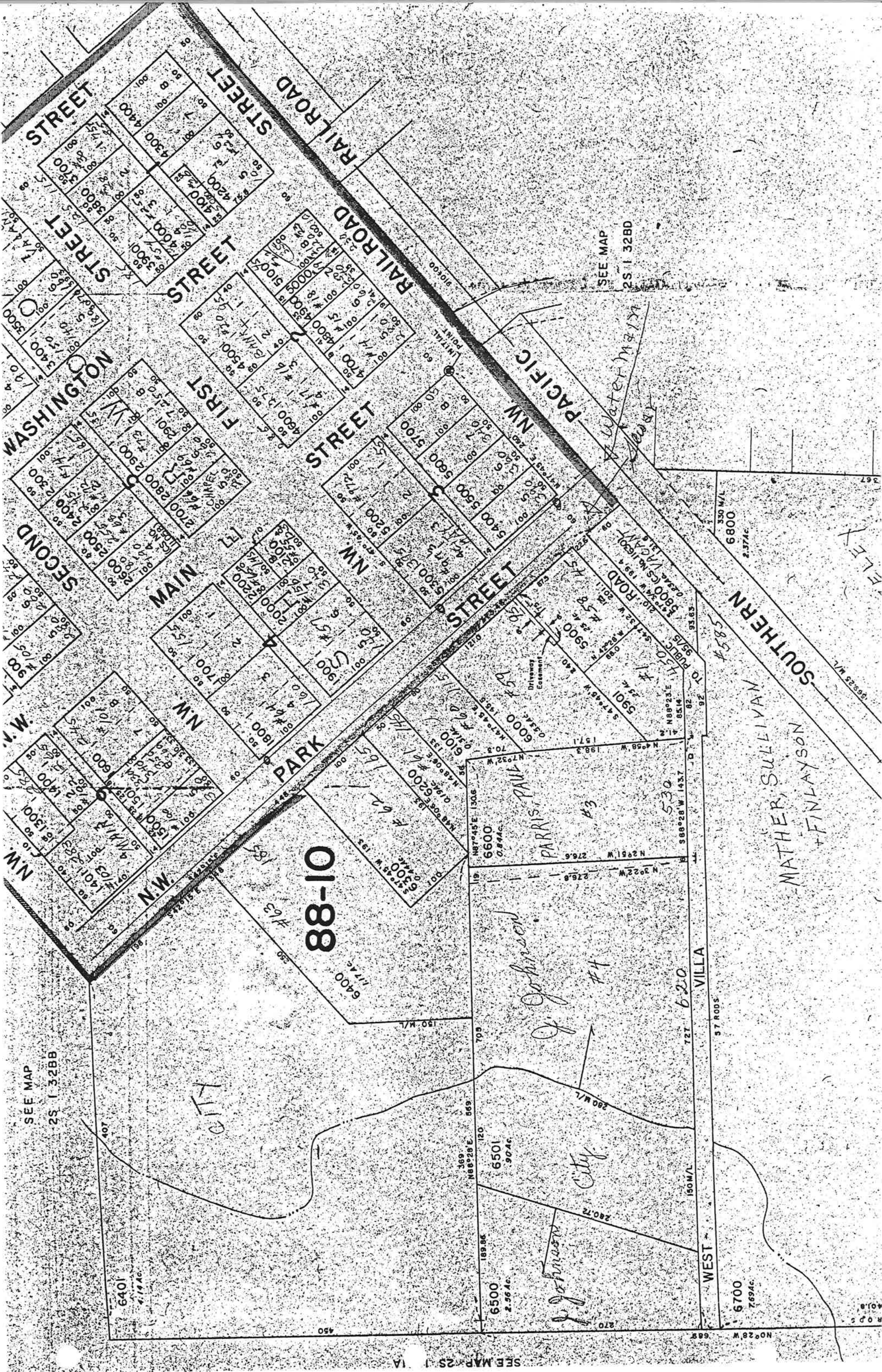
Dan Fieber
115 N.W. Park St
Sherwood 97140

2 51 32 BC

5900	45	W W Park	Donald Rhodes P. O. Box 576 Sherwood -
6000	95	N W Park	Francis Rose 12355 SW Tooge Rd. Sherwood -
6200	145	N W Park	Fred Carson
6300	165	N W Park	Lois Drummond P. O. Box 195
6400	185	N W Park	Eugene Bigham P. O. Box 42 City of Sherwood
5800		W. Pella Rd.	Thomas + Barbara Reynolds
5901	450	W. Pella Rd.	
6500	620	W. Pella Rd.	Jack Johnson P. O. Box 241
6501			
6501		Creek	City of Sherwood
6600	530	W. Pella Rd.	Paul Paris P. O. Box 324
6700	585	W. Pella Rd.	K. Maher, J. E. Sullivan Thomas Finlayson 5924 N. Willamette Portland - 97203 ^{Ln.}
5400	390	N W Railroad	Baerum - Kenneth + Maria, Keith, Lucille et al P. O. Box 473 Sherwood (same as above)
5500	360	N W Railroad	

5600	340 NW Railroad	Ralph Bauer P. O. Box 493
5700	05. NW Main	Louie Drummond P. O. Box 195
5200 5300	City of Sherwood	P. O. Box 167
1600		245 NW Main
1700	155 NW Main	Mark Seaman, Jr. 8407 SW 58 th Portland - 97219
2200	145 NW Main	Florence Osborn Sherwood
2100	125 NW Main	Robt. Eaton + Penny Revera Gen. Del. Sherwood
1800	160 N. W. Park	Mary Redenbacher P. O. Box 62
1900	140 N. W. First	Emily Cochran P. O. Box 434
2000	340 N. W. First	Eunice Strang P. O. Box 52
1500	380 N. W. Second	Susan Selby P. O. Box 162
1501	330-340-350-360 N. W. Second	Tom Pettijohn Rt. 4 Box 241-A Sherwood

SEE MAP
2S 1 32BB



88-10

CITY

City of Johnson

MATHER, SULLIVAN
+ FINLAYSON

SEE MAP
2S 1 32BD

SEE MAP 2S 1 32BB

STAFF REPORT

TO: City of Sherwood
Planning Commission

DATE TYPED: April 29, 1986

FROM: Carole W, Connell, Consulting City Planner **FILE NO:** 2271-39
Benkendorf & Associates

SUBJECT: Request for a Minor Land Partition for Caroline Schlitt at
1050 N.W. Meinecke Road

I. PROPOSAL DATA

Applicant: Caroline J. Schlitt
1050 N.W. Meinecke Road
Sherwood, Oregon 97140

Location: 0.65 acres on the west side of Meinecke Road; Map 2S-1-31, Tax
Lot 300.

II. BACKGROUND DATA

The purpose of the request is to create one additional buildable lot that exceeds the minimum lot size for future use as a single-family dwelling site. The subject property is Low-Density Residential (LDR), which has a minimum lot size of 7,000 square feet. The subject property is owned by Caroline Schlitt, and is currently occupied by a single-family dwelling and a small storage building. Surrounding land uses are large lot residential to the east, west and north, and a residential subdivision zoned LDR and the High School to the south. The applicant is not planning to build at this time.

III. SHERWOOD COMPREHENSIVE PLAN AND CODE PROVISIONS

- A. Sherwood Comprehensive Plan
- B. Development Code Section 4.00 Plan Compliance Review Process
- C. Section 4.04 Compliance Information
- D. Chapter 2 Section 2.07 LDR Zone
- E. Chapter 3 Section 3.00 Minor Land Partition
- F. Chapter 2 Section 5.01F Additional Setbacks
- G. Chapter 2 Section 10.05 Streets

IV. FINDINGS OF FACT

- A. The subject parcel, Tax Lot 300, is 0.65 acres. The partition request is to split the site into two tax lots, one 16,509.5 square feet in size (Parcel 1), and the other 11,900 square feet in size (Parcel 2).
- B. The property is zoned Low-Density Residential (LDR), which has a minimum lot size of 7,000 square feet. Division of the existing site will comply with the minimum lot size and dimension requirements of the zone.
- C. The parcel is generally flat, with dense vegetation and landscaping.
- D. The site is inside the Sherwood city limits and the Metro UGB.
- E. Road access to the property is from Meinecke Road. Meinecke Road is a designated minor arterial street. A minor arterial requires 70 feet of road right-of-way with 48 feet of paving. The present right-of-way width of Meinecke Road along the site's frontage is 50 feet. The applicant must dedicate 15 feet to Meinecke Road.
- F. Section 5.01F of the Community Development Code requires an additional building setback from the centerline of a minor arterial of 35 feet.

- G. Sewer service is located near the site at the intersection of N.W. Marshall and Meinecke Roads. Water service is available along the entire frontage of the site.
- H. The Comprehensive Plan "encourages development within the city limits, especially on large passed-over parcels that are available," (p. III-1).
- I. The Plan states that the LDR designation is intended to provide for the most common urban single-family detached home, (p. IV-16).
- J. The Plan further states that:
 - 1. All new development must have access to adequate urban public sewer and water service, (p. III-6).
 - 2. Focus growth into areas contiguous to existing development, rather than "leap-frogging" over developable property, (p. III-1).
- K. The Tualatin Fire District and Washington County have been notified of this project. Their responses will be presented at the meeting.
- L. The following is a response to the required findings for a minor partition in Chapter 3 Section 3.00 C.
 - 1. The proposed partition does not require the creation of a road or street.
 - 2. The Sketch Plan complies with the Comprehensive Plan and applicable Planning Designation Area regulations.
 - 3. An adequate supply and quality of water is available to the site. Future use of the proposed Parcel 2 will connect to the existing sewer service at the Marshall and Meinecke Road intersection.
 - 4. Adjoining land can be developed and is provided access. The adjoining Tax Lot 400 was partitioned in the past such that it only has 30 feet of frontage on Meinecke, creating a flag lot. Future development of Tax Lot 400 will require access provisions to City standards which may require use of a portion of the proposed Parcel 2 or Tax Lot 500.

M. The site is not within an identified floodplain or natural area.

V. CONCLUSION AND RECOMMENDATION

Based upon the Background Data and the Findings of Fact, staff recommends **approval** of the proposed minor land partition, subject to the following conditions:

1. The applicant shall dedicate 15 feet of frontage to Meinecke Road right-of-way.
2. The applicant shall enter into a non-remonstrance agreement for future utility improvements.
3. The applicant is responsible for recording the approved partition at Washington County.



RECEIVED

APR 24 1986

APR 23 1986

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

TUALATIN FIRE DISTRICT
TUALATIN, OREGON

DATE: 4-23-86

TO: Tualatin Fire District

IN REFERENCE TO: Schlitt Minor Land Partition

The enclosed material has been referred to you for your information and official comments. Your recommendations and suggestions will be used to guide the City's planning consultant when reviewing the proposal. If you wish to have your comments on the enclosed material considered, please complete and return a copy of this form by 5/5/86, to Sherwood City Hall, P.O. Box 167, Sherwood, OR 97140. 625-5522.

Your prompt reply will help to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below:

1. We have reviewed the proposal and find no conflicts with our interests.
2. Additional time is necessary for our board or commission to act upon a recommendation. The decision will be submitted by _____.
3. A formal recommendation is under consideration and will be submitted to you by _____.
4. Please contact our office immediately.
5. We would like to suggest some changes to the proposal (please attach comments).
6. Please refer to the enclosed letter.

COMMENTS

Signed *Eric Beahm*
Title *Beahm*

Staff Use

CITY OF SHERWOOD

APPLICATION FOR LAND USE ACTION

CASE NO. _____
FEE 100⁰⁰
RECEIPT NO. 6957
DATE 4-16-86

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: <u>Caroline J. Schlitt</u>	<u>1050 NW Meinecke Rd. Sherwood, Or</u>	<u>625-6781</u>
Owner: <u>Same as the above applicant</u>		
Contact for		
Additional Info: _____		

Property Information

Street Location: 1050 NW Meinecke Road (C.R. 449)

Tax Lot No. 300 Sec 31 T. 25 R.I.W., W.M. Acreage 0.65 Acres

Existing Structures/Use: Single Family Dwelling & Small Storage Bldg

Existing Plan Designation: Low Density

Proposed Action

Proposed Use Future Single Family Dwelling

Proposed Plan Designation Low Density

Proposed No. of Phases (one year each) One to create additional lot

Standard to be Varied and How Varied (Variance Only) None

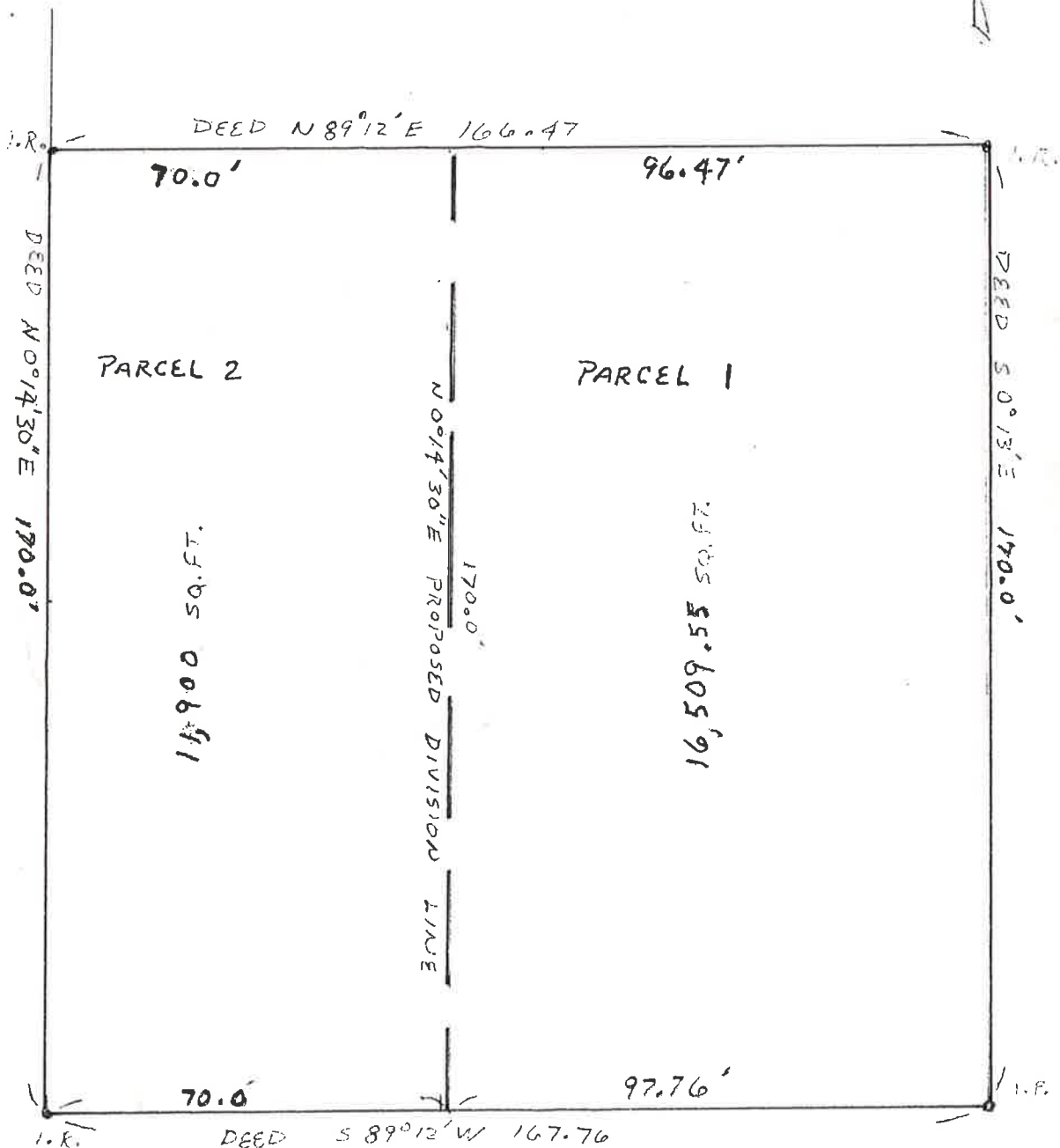
Purpose and Description of Proposed Action: Create Additional
Buildable Lot For Possible Future Use As Single Family Dwelling Site.

PROPOSED MINOR PARTITIONING
FOR
CAROLINE SCHLITT
OF

TAX LOT 300 SEC. 31 T. 25 S. R. 1W
WASHINGTON COUNTY, OREGON
APRIL 8, 1986

WILLAMETTE MERIDIAN

SCALE 1" = 30'



N.W. MEINECKE RD. (C.R. 449)

25-1-31 TL 300

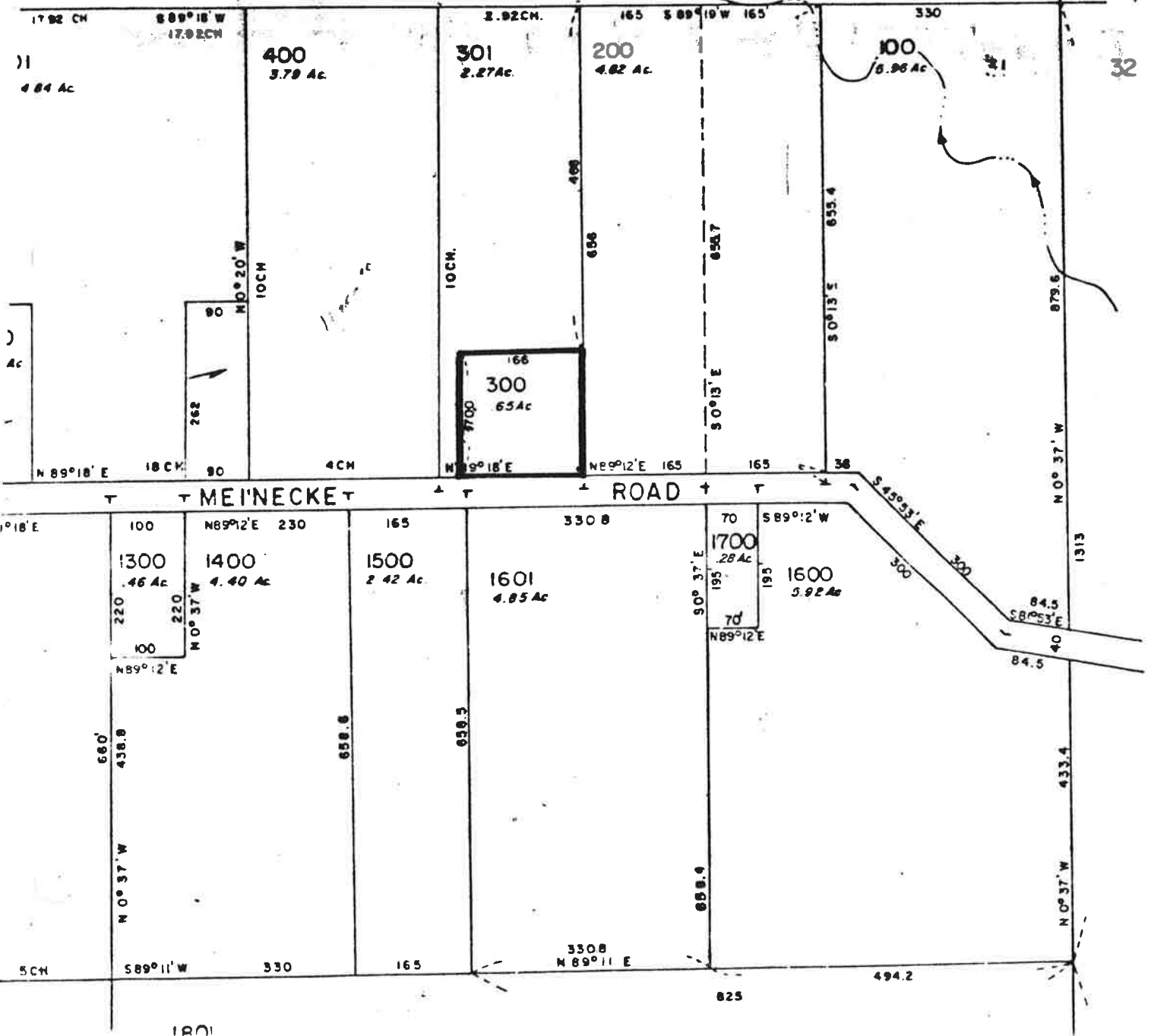
no liability for variations, if any, in dimensions and location ascertained by actual survey.

Pioneer National Title Insurance Company
Title and Trust Division

SCALE 1" = 200'

SEE MAP
2S 1 30D

30



APRIL 11, 1986

COMPREHENSIVE PLAN

THE COMPREHENSIVE PLAN HAS THIS PROPERTY ZONED AS LOW DENSITY RESIDENTIAL (3 to 5 LOTS PER ACRES). THE PROPOSED MINOR PARTITIONING OF TAX LOT 300 SEC.31 AA OF T.2 S.R.1 W., W.M. WOULD MAINTAIN THIS DESIGNATION AND WILL NOT REQUIRE CREATING A ROAD OR STREET. SEWERAGE IS AVAILABLE ON N.W. MEINECKE RD. AT THE INTERSECTION WITH N.W. MARSHALL AND WATER IS AVAILABLE ALONG ENTIRE FRONTAGE ON N. W. MEINECKE RD. ADJOINING LAND TO THE EAST HAS ADEQUATE FRONTAGE TO DEVELOPE, WHILE ADJACENT LAND TO THE WEST COULD NOT DEVELOPE WITHOUT CREATING A ROAD OR STREET AND LAND LAND WEST OF THEM IS FOR SALE SO ACQUISITION OF ADEQUATE FRONTAGE IS AVAILABLE. THE EXISTING DRIVEWAY TO THE LAND ADJACENT ON THE WEST WAS ACQUIRED FROM THE ORIGINAL PROPERTY CONTAINING TAX LOT 300 AND ANY FURTHER REDUCTION OF TAX LOT 300 WOULD CAUSE UNDO HARDSHIP IN DEVELOPEMENT OF THIS TAX LOT. CURRENTLY T.L. 300 CONTAINS SUFFICIENT ACREAGE TO CREATE TWO LARGE LOTS (ONE TO CONTAIN 11,900 SQ FT AND THE OTHER TO CONTAIN 16,509.55 SQ FT). I WISH TO CREATE THE TWO LOTS AT THIS TIME SO AS TO HAVE THE ADDITIONAL LOT AVAILABLE FOR POSSIBLE FUTURE BUILDING SITE. I AM NOT PLANNING TO BUILD AT THIS TIME.

CAROLINE J. SCHLITT

PARCEL I

A PORTION OF THAT TRACT OF LAND IN SECTION 31, TOWNSHIP 2 SOUTH, RANGE I WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, CONVEYED TO CAROLINE J. SCHLITT, BY INSTRUMENT #84025865 AS DESCRIBED IN DEED RECORDED JULY 14, 1972 IN BOOK 877, PAGE 215, WASHINGTON COUNTY, OREGON DEED RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MONUMENT MARKING THE NORTHEAST CORNER OF SAID SECTION 31, AND RUNNING THENCE S $80^{\circ}19'$ W - 660.0 FEET ALONG THE NORTHERLY LINE OF SAID SECTION 31 TO AN IRON PIPE; THENCE S. $0^{\circ}13'E$ - 466.0 FEET TO AN IRON ROD, SAID IRON ROD MARKING, THE NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO CAROLINE J. SCHLITT IN DEED RECORDED JULY 14, 1972 IN BOOK 877, PAGE 215, WASHINGTON COUNTY, OREGON DEED RECORDS, THE TRUE POINT BEGINNING; THENCE CONTINUING S. $0^{\circ}13'E$ - 170.0 FEET TO AN IRON PIPE ON THE NORTHERLY RIGHT-OF-WAY LINE OF N.W. MEINECKE RD (C.R. 449); THENCE ALONG SAID RIGHT-OF-WAY S. $89^{\circ}12'W$ - 97.76 FEET TO A POINT; THENCE N. $0^{\circ}14'30''E$ 170.0 FEET TO A POINT; THENCE N $89^{\circ}12'E$ - 96.47 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL II

A PORTION OF THAT TRACT OF LAND IN SECTION 31, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, CONVEYED TO CAROLINE J. SCHLITT BY INSTRUMENT #84025865 AS DESCRIBED BY DEED RECORDED JULY 14, 1972 IN BOOK 877, PAGE 215, WASHINGTON COUNTY, OREGON DEED RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MONUMENT MARKING THE NORTHEAST CORNER OF SAID SECTION 31, AND RUNNING THENCE S. $89^{\circ} 19' W$ - 660.0 FEET ALONG THE NORTHERLY LINE OF SAID SECTION 31 TO AN IRON PIPE; THENCE S. $0^{\circ} 13' E$ - 466.0 FEET TO AN IRON ROD, SAID IRON ROD MARKING, THE NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO CAROLINE J. SCHLITT IN DEED RECORDED JULY 14, 1972 IN BOOK 877, PAGE 215, WASHINGTON COUNTY, OREGON DEED RECORDS, THENCE CONTINUEING S $0^{\circ} 13' E$ - 170.0 FEET TO AN IRON PIPE ON THE NORTHERLY RIGHT-OF-WAY LINE OF ~~N~~.W. MEINECKE RD (C.R.449); THENCE ALONG SAID RIGHT-OF-WAY LINE S. $89^{\circ} - 12' W$ - 97.76 FEET TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUEING ALONG SAID RIGHT-OF-WAY LINE S, $89^{\circ} - 12' W$ - 70.0 FEET TO AN IRON ROD: THENCE N, $0^{\circ} 14' 30''$ - 170.0 FEET TO AN IRON ROD; THENCE N. $89^{\circ} 12' E$ - 70.0 FEET TO A POINT: THENCE S. $0^{\circ} 14' 30'' W$ - 170.0 FEET TO THE TRUE POINT OF BEGINNING.

ORIGINAL DEED DESCRIPTION OF

T.L. 300 SEC 31 AA - T.2 S. R.1. W. W.M.


WASHINGTON COUNTY, OREGON

The land referred to in this policy is described as

A portion of that tract of land in Section 31, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, conveyed to Jay V. Camden, et ux, by deed recorded July 12, 1944 in Book 232, page 477, Washington County, Oregon Deed Records, more particularly described as follows:

Beginning at a stone monument marking the Northeast corner of said Section 31, and running thence S 89° 19' W - 660.0 feet along the Northerly boundary line of said Section 31 to an iron pipe; thence S 0° 13' E - 466.0 feet to an iron rod, said iron rod marking, the most Easterly Southeast corner of that tract of land conveyed to Floyd A. Carlson, et ux, by deed recorded May 26, 1961 in Book 444, page 578, Washington County, Oregon deed records, the true point of beginning of this description; thence continuing S 0° 13' E along the East line of said Camden tract, a distance of 170.0 feet to an iron pipe set in the Northerly right-of-way line of S.W. Meinecke Road (County Road No. 449); thence following said right-of-way line S 89° 12' W - 167.76 feet to an iron rod at the most Southerly Southeast corner of said Carlson tract; thence leaving said right-of-way line and running N 0° 14' 30" E along the East line of said Carlson tract 170.0 feet to an iron rod; thence N 89° 12' E along the South line of said Carlson tract 166.47 feet to the true point of beginning of this description.-----

TO: City Planning Commission
City Parks Advisory Board

FROM: Jim Rapp, City Manager 

RE: Greenway/Floodplain Policies

Attached find a wealth of materials relating to the City's greenway and floodplain policies. My memorandum of April 10 (first item in your packet) discusses the contradictions in these policies or at least the inconsistencies in their application. Municipal Attorney, Derryck Dittman feels that policies for preserving greenway and for using floodplain are not necessarily incompatible, but that the manner of implementing and choosing the approach to be taken with any given subdivision needs to be firmly established. This would be a good point on which to initiate discussion.

The Council has asked the Planning Commission and Parks Advisory Board to meet jointly and discuss the formulation and implementation of the City's greenway and floodway practices and report back as soon as possible.

cc: Carole Connell
Tad Milburn

10g



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

March 20, 1986

Beth Bretz
MBA Properties
9800 S. W. Beaverton-Hillsdale Highway
Beaverton, OR 97005

RE: Walden Property

Dear Ms. Bretz:

I received your March 7, 1986 letter on the captioned subject on March 14 and appreciate the time you took to fully outline Mr. Walden's position. The City's financial staff has reviewed your calculations regarding the Cedar Creek Sewer LID assessment for this property. When taken alone, we have initially found your numbers to be essentially correct, with a minor exception. The total "Zero" assessment should be 4.17 acres, not 4.07 acres, and the total "Type II" assessment is actually 12.0 acres. There is however a major inconsistency when the assessments are compared to the greenway/floodplain area. I believe this arises from your assumption that the "Type I" assessment area and the greenway/floodplain area are one and the same. In fact, they are not, and this has a potential impact on the size of your claim.

On page one, paragraph six of your letter you identify 13.8 acres as being required for greenway dedication or "proposed park" as you term it. This is consistent with the original subdivision application. Yet in the very next paragraph at the top of page two, after subtracting the 4.07 acre "Zero" assessment (essentially the floodway area) you call out 11.73 acres as remaining in the "proposed park". This total is 15.8 acres. This may just be a typo but also appears to reflect an inaccurate definition of "Type I" assessment.

An examination of the mapping you attached to your letter reveals the probable source of the inconsistency. I have included a re-drawn map as an illustration. For purposes of the LID, the "Type I" assessment area was measured out for 200 feet on either side of the actual sewer line. The "Type I" assessment was not, as you state, measured from the "Zero" assessment area. Rather it was established for "all properties within 200 feet of the sanitary sewer," and the "Zero" assessment area was then

deducted from the total acreage. The "Zero" assessment area was measured for 40 feet on either side of the actual creek channel. This area is the creek floodway. While the straight sewer line and meandering creek are approximately in the same alignment, there is obviously some divergence. This divergence is the root, I believe, of the inconsistency in your figures.

Depending on how we proceed from this point I may be asking our City Engineer to calculate precisely the amount of land that is both physically between the 178 foot elevation and the floodway, and within the "Type I" assessment area.

The Planning Commission's decision at the preliminary plat stage, to preclude development of the 100 year floodplain, was consistent with the City's "Greenway" designation and FP overlay zoning policies. Nevertheless, I agree that to an extent the decision to assess floodplain areas as developable land for the purposes of the Cedar Creek Sewer Line LID contradicts these open space policies.

As I stated on the telephone last month, I saw three possible avenues, at that time, towards making Mr. Walden "whole" in this matter:

1. Waiver of the Parks and Open Space Systems Development Charge (approximately \$20,000.00) that will be due from this development. This would be done in exchange for the dedication of the greenway/floodplain.
2. Housing density transfers based on the area dedicated to open space. I estimate that approximately 30 more units could be allowed.
3. A "buy-back" of the assessed land that is in the floodplain and platted for dedication, equal to principal and interest payments on the LID to date. This solution primarily depends on the fiscal condition of the Parks SDC, could not fund a \$22,000.00 buy-back.

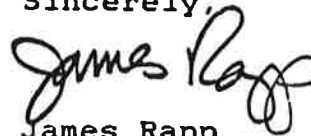
From your letter I understand that options #1 and #2 are not of interest to Mr. Walden, as he is selling the land for subdivision, as compared to selling subdivided and developed land. You feel therefore, that he would receive no financial benefit from either a SDC waiver or density transfer. Again, as we discussed on the telephone, I feel that these options do provide a financial benefit as they should legitimately be a factor in any land value and sale price. Especially when, as you stated to me, no final price and/or sales contract has been established between Mr. Walden and Mr. Hughes. Nevertheless, I can appreciate that out-front cash in hand, paid directly to Mr. Walden by the City, may appear to be more attractive to the present landowner.

To these three possibilities, I can add a fourth option, which I presently prefer in light of my now more complete

understanding of the City's actions with respect to the Cedar Creek LID. The City can accept the implication of that LID decision and only require dedication of the 80' wide creek floodway (the "Zero" assessment area). The balance of the property would be Mr. Walden's or Mr. Hughes to subdivide, develop and sell as they saw fit, within the limits of the City's zoning and floodplain regulations. I think this is the proper and fair approach in light of past decisions made as to the developability of this land. Therefore I am prepared to take this matter before Council in April with a recommendation that Mr. Walden or Mr. Hughes be allowed to resubmit an amended plat (at no additional fee) showing the reduced dedication (and presumably more or larger lots). I will also be preparing a discussion paper on the City's general policy towards acquisition of the greenway and suggesting to the Council that this overall policy be reviewed prior to any specific decision on Mr. Walden's land.

One final note, Mr. Walden's signature appears on the preliminary plat application. Therefore, contrary to your statements on page two of your March 7 letter, it appears Mr. Walden did in fact authorize the plat submitted by Mr. Hughes. I understand that Mr. Walden still claims he did not sign anything. Attached find a copy of the original application for your (and his) examination. From other documents signed by Ed, it does appear to be a bona-fide signature.

Sincerely,



James Rapp
City Manager

cc: Carole Connell
Tad Milburn
Polly Blankenbaker
Mayor and Council

CITY OF SHERWOOD

APPLICATION FOR LAND USE ACTION

Staff Use

CASE NO. 2271-29
FEE \$ 375
RECEIPT NO. 6830
DATE 10-23-85

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:	Roy Hughes	3895 S.E. Morgan Road, Hillsboro, Oregon 97123	640-5874
Owner:	Ed Walden	Rt. 3 Box 53, Sherwood, Oregon, 97140	625-7529
Contact for			
Additional Info:	<i>John</i> Technical Engineering Corp.	8835 S.W. Canyon Lane, #405 Portland, Oregon 97225	297-3721

Property Information

Street Location: Sunset Blvd., West of St. Charles Way

Tax Lot No. 200, Tax map 2S1 31 D Acreage 26.9

Existing Structures/Use: One existing dwelling and one shed

Existing Plan Designation: Medium Density

Proposed Action

Proposed Use Single family residential

Proposed Plan Designation Medium Density and open space

Proposed No. of Phases (one year each) 3

Standard to be Varied and How Varied (Variance Only) _____

Purpose and Description of Proposed Action: Applicant proposes to create a 69 lot subdivision for single family dwellings on minimum 5000 square foot lots.


Authorizing Signatures

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

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


Applicant's Signature

10/14/85


Owner's Signature

10/14/85

To Be Submitted With The Application

To complete the application submit nine (9) copies of the following:

1. A brief statement describing how the proposed action satisfies the required findings criteria contained in the Comprehensive Plan for the action requested.
2. Applicable existing conditions and proposed development plan information and materials listed in Part 3 Chapter 1 TABLE 4.04 of the Comprehensive Plan. The information in TABLE 4.04 which is applicable to a given application shall be determined during a preapplication conference with the Planning Department.

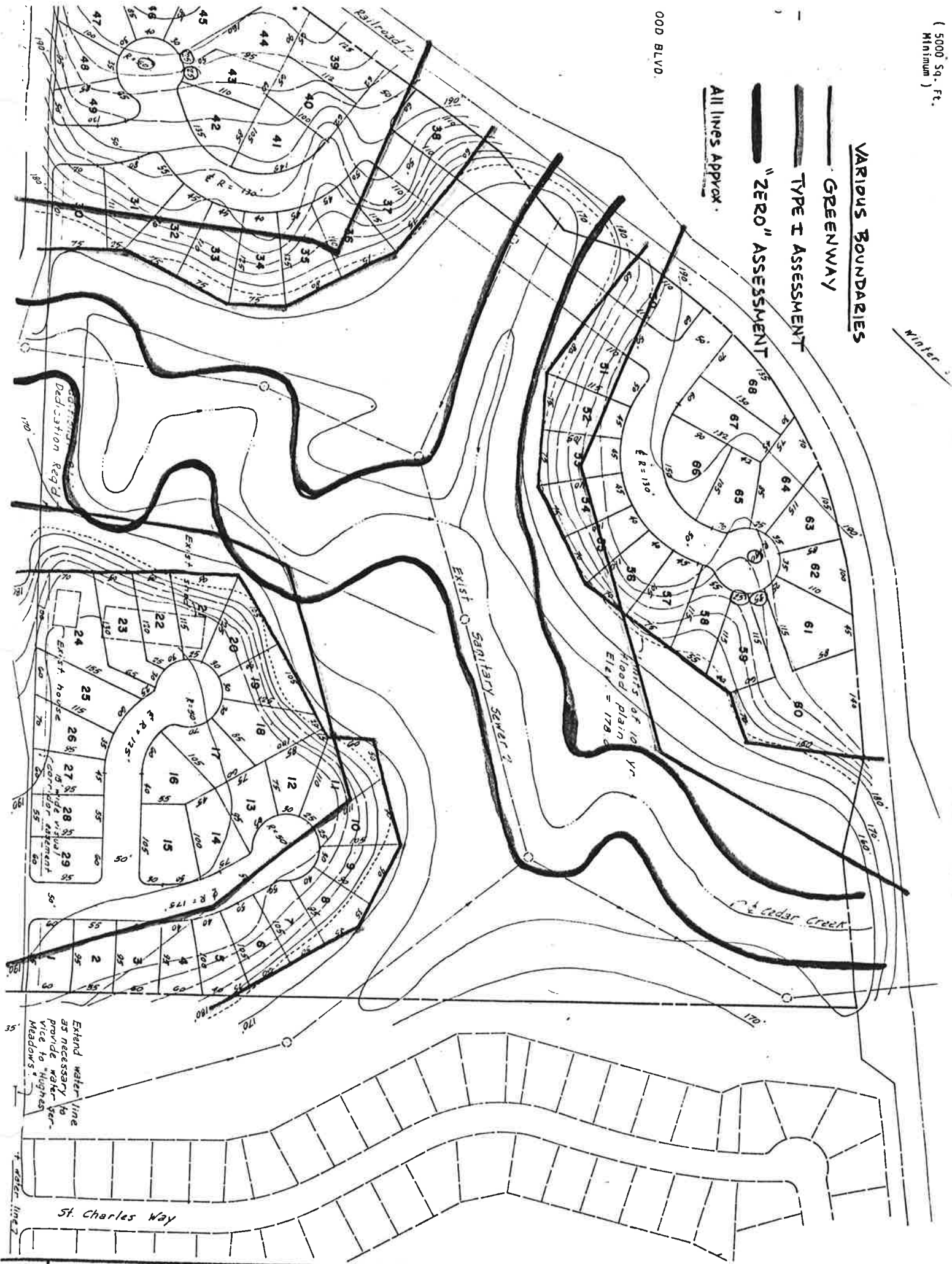
(5000 Sq. Ft.
Minimum)

Winter

VARIOUS BOUNDARIES

- GREENWAY
- TYPE I ASSESSMENT
- "ZERO" ASSESSMENT
- All lines APPROX.

ODD BLVD.



Dedication Req'd

EXIST. SANITARY SEWER 2

Limits of 10 yr Hood plain E.L. = 178.0

Cedar Creek

St. Charles Way

Extend water line as necessary to provide water service to Hughes Meadows.

MAR 14 1986



MBA Properties, ROBERT BOONE & Associates

9800 Southwest Beaverton-Hillsdale Highway • Beaverton, Oregon 97005 • (503) 641-7600

March 7, 1986

Mr. Jim Rapp
City of Sherwood

RE: WALDEN ACREAGE/CEDAR CREEK SEWER ASSESSMENT

In our recent conversation you asked me to review the assessment charge and methodology on this parcel.

The original breakdown was as follows:

Total acreage subject to assessment	26.94	acres
Zero assessment	4.07	"
Type I assessment	10.77	"
Type II assessment	12.10	"

The zero assessment referred to the ground historically designated as "floodway" on which the physical installation of the sewer occurred, 40' on either side of the creek bottom.

Type I assessment applied to a strip of land 200' wide on either side of the zero assessment strip described above.

Type II assessment applied to the remaining acreage all located outside of the Type I area.

After the original assessment was calculated and submitted, the physical work done, and the sewer installed, there was a reassessment reducing and adjusting the costs to all parcels.

These figures are as follows:

	ORIGINAL ASSESSMENT	ADJUSTED REASSESSMENT
Type I	10.77 acres @ 3844.45= \$41,403.65	@ 2888.37= \$31,107.70
	12.10 acres @ 547.33= 6,567.96	411.00= 4,934.69
Totals	\$47,911.61	\$36,042.39

As you can see from these figures the bulk of the assessment applied to land that the City of Sherwood is now asking be donated to a park, under the conditions for approval of development. The City is asking for a total of 13.80 acres which specific acreage was originally mostly assessed at the Type I assessment rate.

X
Page 2
Rapp/Sherwood

If the "zero assessment" acreage of 4.07 acres is subtracted from the acreage requested by the City for park use, there is a remaining 11.73 acres of assessed acreage that would be included in the proposed park; and of that amount 10.77 acres was assessed at the Type I assessment rate for a cost of \$31,107.70 and .96 of an acre at Type II assessment for a total of \$395.00. This adds up to \$31,502.07 for all of the acreage now considered by the city as future park.

As of April 1st, 1986 the sum of \$26,697.88 will have been paid and charged to the property owner, plus interest at 6% PA from April 1st, 1983. Another payment is due October 1st, 1986 in the amount of \$2692.82 and at that time there will be a remaining balance of \$18,585.02 plus interest at 6% PA yet to be paid.

In short the property owner has been assessed at least \$31,502.07 for property that is now excluded from development; has paid already \$26,697.88 and has another \$18,585.02 plus accrued interest to pay to satisfy this obligation.

At the time the original acreage calculation was made, we understand that the Corp of Engineers was in the process of reevaluating the flood plain and flood way designations. The current designation according to the Cedar Creek Flood Plain District sets the 100 year line at 178' elevation

We think the original assessment was made on incomplete information and inaccurate judgement of usable ground. At this point the amount of assessment on this bottom land exceeds its value. I have seen bottom land sold in various transactions at a price of \$2500 to \$3000.00 per acre.

There has as yet been no sale on the Walden property. If a sale is put together with Hughes or another buyer and subsequent development of the parcel does occur, it would be the subsequent owner who would accede to the city's request for donation of the acreage and might, we assume, receive some consideration in the form of reduced or waived systems charges, as is customary in such cases.

Whatever agreement is negotiated in the future between City of Sherwood and a future purchaser or developer of this property, the negotiation and trade off is surely between these parties.

Mr. Walden, the present property owner, did not authorize or participate in the submission of any plat or proposal to the city and was not a signatory to the to the proposed preliminary plat submission.

Whether or not a sale occurs on the property now or in the future, there is still the problem of a very large assessment on ground now deemed marginally usable or unusable, and this seems improper as the levy of improvements against property assumes a benefit and enrichment of value in the property served, to justify the costs of said improvements to the property owner.

We therefore ask the City of Sherwood to recalculate the assessment on this parcel and suggest that the proper assessment should be:

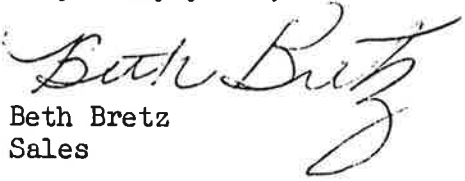
12 acres Type II assessment less .96 acres which fall below the 178' line leaving a net assessable acreage of 11.04 total acres. At the Type II assessment rate of \$411.00 per acre, the total assessment should be \$4537.00.

X
Page 3
Rapp/Sherwood

We further ask that the City of Sherwood refund the excess amount already collected, of approximately \$22,160.88 plus interest accrued as of the date of the settlement and forgive the remaining balance due, plus any interest accrued.

We ask additionally that the City of Sherwood respond to this matter in a proper manner before March 25, 1986.

Very truly yours,


Beth Bretz
Sales

CC: WALDEN
CC: PHELPS ATTORNEY

Area Assessed @ 100% Assessment Rate
 Area within 100-year Floodway or within
 Overline Easements
 Total of (1) & (2)

Map No. LB85.603
 August 16, 1902

For Explanation of Type I & Type II Area
 Assessments, See Page 1

ESTIMATED ASSESSMENTS
 CEDAR CREEK SANITARY SEWER LOCAL IMPROVEMENT DISTRICT
 SHERWOOD, OREGON

Washington County Tax Map/ Tax Lot Nos.	Name & Address of Owner	Total Tax Lot Area (Acres) (Area Within LID-ACRES)	SANITARY SEWER ASSESSMENT				Service Connection Charge (S)	TOTAL ASSESSMENT (S)
			Type I Area Assessment		Type II Area Assessment			
			Area (Acres)	Assess. (S)	Area (Acres)	Assess. (S)		
25 1 310 (cont.)								
200	Edward Walden ✓ Rt. 3 Box 53 Sherwood, OR 97140	26.94 [26.94]	(1) 10.77 (2) 4.07 (3) 11.84	41,403.65	(1) 12.00 (2) 0.10 (3) 12.10	6,567.96	47,971.61 ✓	
300	Margaret Ritchie Rt. 3 Box 57 Sherwood, OR 97140	18.91 [18.91]	-0-		(1) 18.91	10,350.01	10,350.01	
400	Charles Kennerly Rt. 8 Box 58 Sherwood, OR 97140	9.77 [9.77]	-0-		(1) 9.77	5,347.41	5,347.41	
401	Clara Alton Rt. 3 Box 58 Sherwood, OR 97140	4.81 [4.81]	-0-		(1) 4.81	2,632.66	2,632.66	
	Sharon Pajarl Rt. 3 Box 58 Sherwood, OR 97140	4.97 [4.97]	-0-		(1) 4.97	2,720.23	2,720.23	
	Charles Mays Rt. 3 Box 55 Sherwood, OR 97140	16.42 [16.42]	-0-		(1) 16.42	8,987.16	8,987.16	
501	Fred Anderson P.O. Box 23006 Tigard, OR 97223	15.00 [15.00]	-0-		(1) 15.00	8,209.95	8,209.95	
502	Walter Hitchcock Rt. 3 Box 55 Sherwood, OR 97140	9.81 [9.81]	-0-		(1) 7.34 (2) 2.47 (3) 9.81	4,017.40	4,017.40	
503	Charles Mays c/o Grice Investment 12610 No. Simmons Rd. Portland, OR 97203	16.48 [16.48]	(1) 0.62 (2) 0.25 (3) 0.87	2,383.50	(1) 15.60 (2) 0.01 (3) 15.61	8,538.35	10,921.85	
504	John Seely Rt. 8 Box 275 So. Brookman Rd. Sherwood, OR 97140	7.61 [7.61]	-0-		(1) 7.50 (2) 0.03 (3) 7.61	4,144.76	4,144.76	
505	David & Lenora Cohoon Rt. 3 Box 54 Sherwood, OR 97140	0.92 [0.92]	-0-		(1) 0.89 (2) 0.03 (3) 0.92	487.12	487.12	
506	Glenn Fisher 517 SW Fourth Suite 400 Portland, OR 97204	0.92 [0.92]	-0-		(1) 0.56 (2) 0.36 (3) 0.92	306.50	306.50	
507	Kristi Hitchcock Rt. 3 Box 55 Sherwood, OR 97140	2.10 [2.10]	-0-		(1) 2.10	1,149.39	1,149.39	
508	Kristi Hitchcock Rt. 3 Box 55 Sherwood, OR 97140	1.87 [1.87]	-0-		(1) 1.87	1,023.51	1,023.51	
600	Earl & Betty G. Knight Rt. 3 Box 52A Sherwood, OR 97140	1.26 [1.26]	-0-		(1) 1.26	689.64	689.64	
	Marle Moefs & Donna Clark c/o Philip Knight Rt. 3 Box 52 Sherwood, OR 97140	0.85 [0.85]	-0-		(1) 0.85	465.23	465.23	

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF SHERWOOD, OREGON, DECLARING INTENTION TO CONSTRUCT A SANITARY TRUNK SEWER IN AN AREA DETERMINED TO BE A SEWER IMPROVEMENT ASSESSMENT DISTRICT TO BE KNOWN AS CEDAR CREEK SANITARY SEWER LOCAL IMPROVEMENT DISTRICT, PROVIDING FOR THE ASSESSMENT OF THE TOTAL COSTS AGAINST ALL LANDS IN THE DISTRICT AS BEING SPECIALLY BENEFITED, AND SETTING A HEARING DATE PASSED BY THE CITY COUNCIL OF SHERWOOD, OREGON AT ITS MEETING OF _____, 1981.

WHEREAS, the City Council proposes to delineate a sewer improvement assessment district for the purpose of constructing a sewer trunk line to service the hereinafter described lands within an area to be known as the Cedar Creek Sanitary Sewer Local Improvement District; and

WHEREAS, pursuant to ordinance, the City Council finds it expedient and necessary to order the improvement of the hereinafter described lands by the construction of sewer trunk facilities, and pursuant thereto the City's engineer has submitted to the Council plans, specifications, and estimates for the work to be done and the probable costs thereof, together with a statement of the lots, parts of lots, and parcels of land to be benefited, and the total cost of the improvements which each of such lots, parts of lots, and parcels of land shall pay on account of the benefits to be derived; and

WHEREAS, the City Council finds that such plans, specifications, and estimates are satisfactory;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sherwood, Oregon as follows:

(a) That the City Council does deem it expedient and necessary, and does hereby declare its intention, to construct a sanitary sewer system for the purpose of providing sewer service to the area within and without the City of Sherwood, as described on the attached sheet marked Exhibit "A", by this reference made a part hereof.

(b) That all lands situated within the boundaries described on the attached Exhibit "A" are determined and declared to be a sewer improvement assessment district, and it is further declared that each lot, part of lot, and parcel of land within said boundaries will be specially benefited by the said improvement.

(c) That the total probable cost of said improvements, including engineering, superintendence, advertising, legal expense, and all other miscellaneous costs, is the sum of \$59,000.00 and said total sum of \$59,000.00 shall be paid by the property owners, based upon the benefits derived from the improvement by the properties to be assessed within the district.

(d) That the report, plans, specifications and estimates with respect to the sewer improvement as submitted by the City's engineer be, and the same are hereby, adopted and ordered to be maintained on file by the City Recorder for public inspection.

(e) That _____, the _____ day of _____, 1981 at the hour of 8:00 p.m. at Sherwood, Oregon be, and the same are hereby, set as the time and place for hearing and considering objections or remonstrances to the proposed improvement by any parties aggrieved thereby.

X

(f) That the City Recorder be, and she is hereby, directed to give notice by causing to have this resolution published in the Tigard Times at least twice, provided that the first publication shall be not less than fifteen days prior to the time when all interested persons may present their objections to the improvement.

(g) Within fifteen days from the date of the first publication of the notice of this resolution, the owners of 75% or more in area of the property within the boundaries described on Exhibit "A" hereto attached, may make and file with the City Recorder written objections or remonstrances against the proposed amendment.

DATED at Sherwood, Oregon this 17 day of August, 1981.

Clyde List
Clyde List, Mayor

ATTEST:

Polly Blankenbaker
Polly Blankenbaker, City Recorder

GARY M. BUFORD & ASSOCIATES, INC.

415 N. STATE STREET • P.O. BOX 1411 • LAKE OSWEGO, OREGON 97034 • PHONE (503) 635-3511

• consulting engineers
• land surveyors

January 5, 1982

Rec. No. L885.30

X Copy

Mr. Tad L. Milburn
City Administrator
City of Sherwood
City Hall
Sherwood, Oregon 97140

RE: Engineer's Report
PROPOSED CEDAR CREEK SANITARY SEWER LOCAL IMPROVEMENT DISTRICT
Sherwood, Washington County, Oregon

Dear Mr. Milburn:

Pursuant to request of City Council, during their meeting of December 9, 1981, we have completed investigation on alternative assessment methods for the Cedar Creek Sanitary Sewer Local Improvement District. In addition we have re-evaluated the original assessment methodology as set forth in the Engineer's Report submitted to Council dated October 5, 1981. Included within this report is a summary on our investigation, and our recommendation to City Council on assessment methodology for the subject project.

ALTERNATIVE ASSESSMENT METHODS

On November 24, 1981 a public meeting was held to explain the basis of proposed methodology and answer questions relevant the project. We noted the general consensus among landowners outside City Limits was that their property should incur a lesser assessment rate than property inside the City. Evolving from this meeting were two (2) alternative methods suggested by the landowners as being more appropriate for the proposed improvement district. For this report those suggestions have been labeled as "Ratio Method" and "Oversize Cost Method". We have thoroughly examined both methods with Mr. Derryck Dittman, City Attorney. We find that both alternatives would substantially reduce estimated assessment on land presently outside City Limits while increasing the Type I and II Area Assessment for land within the City.

Ratio Method. The "Ratio Method", provides that a constant ratio of assessment rate between properties inside and outside City Limits must be pre-selected. Regardless of how carefully considered, selection of this ratio is arbitrary. In summary, it is our position that in developing an assessment methodology, arbitrary elements cannot be substantiated and thus, weaken the basis of the methodology.

Oversize Cost Method. Primary focus of the "Oversize Cost Method" is on location of the City Limit line. This political boundary itself is located by somewhat an arbitrary basis and has no general or permanent relevance to benefit received from the sewer system. Properties on either side of this line would be subject to extreme differences in assessment rate while physical access to the sanitary sewer system or benefit would be virtually the same.

In conclusion, we suggest neither of the proposed alternatives improve the correlation between actual benefit and assessment rate. Moreover, we foresee that both methods yield potential for producing substantially more inequity than equity in both the immediate and future sense. To our knowledge, neither alternative method has ever been employed in a local improvement district.

RECOMMENDATION ON ASSESSMENT METHODOLOGY

With regard the assessment methodology set forth in our Engineer's Report dated October 5, 1981, we acknowledge objections to it by land-owners outside present City Limits of Sherwood. However, this method has been successfully employed on numerous improvement districts in the area. We maintain that this method, in general, is the most practical and equitable basis of assessment for the Cedar Creek Sanitary Sewer Local Improvement District.

We and the City Attorney concur to recommend the October 5 assessment methodology, slightly modified with regard Type I Area Assessment. In our previous report of October 5, 1981, we recommended application of Type I Area Assessment only to property within City Limits and within 200 feet of the proposed sanitary sewer. The modification would provide that all property within 200 feet of the proposed sanitary sewer be included within Type I Area Assessment category. Property subject to this modification consists of approximately 9.8 acres of land presently outside City Limits. We propose this modification from the standpoint of fairness and equity in consideration of physical assess to the sanitary sewer system. The City Limit line will not ultimately affect benefit received by property presently outside the City. The significant result of this modification will be a slight reduction in overall Type II assessment.

We have modified applicable portions of this report accordingly, and provide herewith for your consideration.

This report includes a boundary description and description of real property within the proposed District, estimated project cost, a recommended assessment methodology with estimated assessment rates, and a distribution of land areas within the Local Improvement District.

PROJECT DESCRIPTION

The enclosed drawing outlines the proposed Cedar Creek Sanitary Sewer Local Improvement District. In general, the L.I.D. boundaries were established by including all areas within Sherwood's Urban Growth Boundary that would be served by the Cedar Creek Trunk Sewer. The L.I.D. area includes approximately 550 acres of residential property, estimated to be approximately ninety-five percent (95%) undeveloped.

PRELIMINARY DESIGN

The proposed Cedar Creek Sanitary Sewer Local Improvement District consists of: Cedar Creek Trunk extending from the existing manhole south of Meinecke Road at Cedar Creek, southerly along the creek to Wilsonville

Road; West Villa Road Lateral (West), extending westerly from Cedar Creek Trunk, approximately 3,400 feet to City Limits; West Villa Road Lateral (East), extending easterly from Cedar Creek Trunk; Wilsonville Road Creek Lateral, extending westerly from Cedar Creek Trunk to Southern Pacific Company railroad right-of-way; and West Sunset Boulevard Lateral, from Cedar Creek Trunk, southerly and easterly to Sherwood Boulevard at Sunset Boulevard.

Preliminary alignment and pipe sizes of proposed sanitary sewer improvements are shown on the enclosed drawing. They are essentially as set forth in the Sewer Service Plan, element of Sherwood Comprehensive Plan, prepared by R.A. Wright Engineering. The improvements as shown include adequate capacity to serve all property within the Local Improvement District.

ASSESSMENT METHODOLOGY

The following assessment method is recommended for assessing the project cost:

Type I Area Assessment applies to all properties within 200 feet of a proposed sanitary sewer and which contain or abut a sanitary sewer. The Type I assessment rate is approximately \$3,950 per acre. This rate is calculated as the sum of two area costs. The "first area cost" is derived by dividing the lineal foot cost to construct 8-inch sanitary sewer, by a land area 400 feet wide, extending 200 feet on each side of the sewer. The "second area cost" is calculated by deducting the first area cost applied to total land area of Type I properties from the total project cost, and dividing the remaining cost by the total benefitted area within the District.

Type II Area Assessment applies to all remaining property within the Local Improvement District, outside the Type I Assessment Area. The Type II assessment rate is approximately \$670 per acre. This rate is the "second area cost" described above, under Type I Area Assessment.

Both rates include a proportionate share of the legal, administrative, engineering, and contingency costs. Allowance is provided for right-of-way acquisition within contingency costs.

Service connections: We recommend assessing actual construction cost to each property requesting sewer service connection.

The Sherwood Comprehensive Plan sets forth guidelines for development within the 100-year floodplain and floodway. Accordingly, we recommend that property within the 100-year floodway (as defined by the U.S. Army Corp of Engineers) be given a zero assessment because the use of these lands is severely restricted by development guidelines. Final determination of property subject to 100-year floodway will be based on final report documents of the recently completed study by U.S. Army Corp of Engineers.

A Summary of estimated project costs for Cedar Creek Sanitary Sewer

X
Local Improvement District is shown on Table "A". Approximate distribution of land areas within the District which may anticipate assessment is shown on Table "B".

Sincerely,


Gary R. Alm
Design Engineer

GRA/1d

Enclosures

Rec. No. L885.30
August 7, 1981

TABLE "B"
DISTRIBUTION OF LAND AREAS
WITHIN LOCAL IMPROVEMENT DISTRICT

	<u>TYPE I LAND AREA ACRES (Approximately)</u>	<u>TYPE II LAND AREA ACRES (Approximately)</u>
Assessor Map 2S 1 31B		
Tax Lot 500	2.5	1.2
Assessor Map 2S 1 31A		
Tax Lot 2000	6.9	3.1
2100	5.3	7.2
2090	-0-	2.5
2201	1.00	1.05
1800	0.75	0.48
2200	1.00	-0-
Assessor Map 2S 1 32BC		
Tax Lot 6500	2.6	0.3
6600	0.64	0.20
6700	4.6	2.6
6800	-0-	2.37
Assessor Map 2S 1 31D		
Tax Lot 200 WALDEN	11.7	11.2
Assessor Map 2S 1 32C		
Tax Lot 1600	8.7	9.7
1900	-0-	4.1
1800	-0-	2.5
1700	-0-	2.2
1301	3.0	2.0
2603	2.5	2.6
3000	1.2	41.1
3001	-0-	1.31
3002	-0-	0.92
3003	-0-	4.39

X

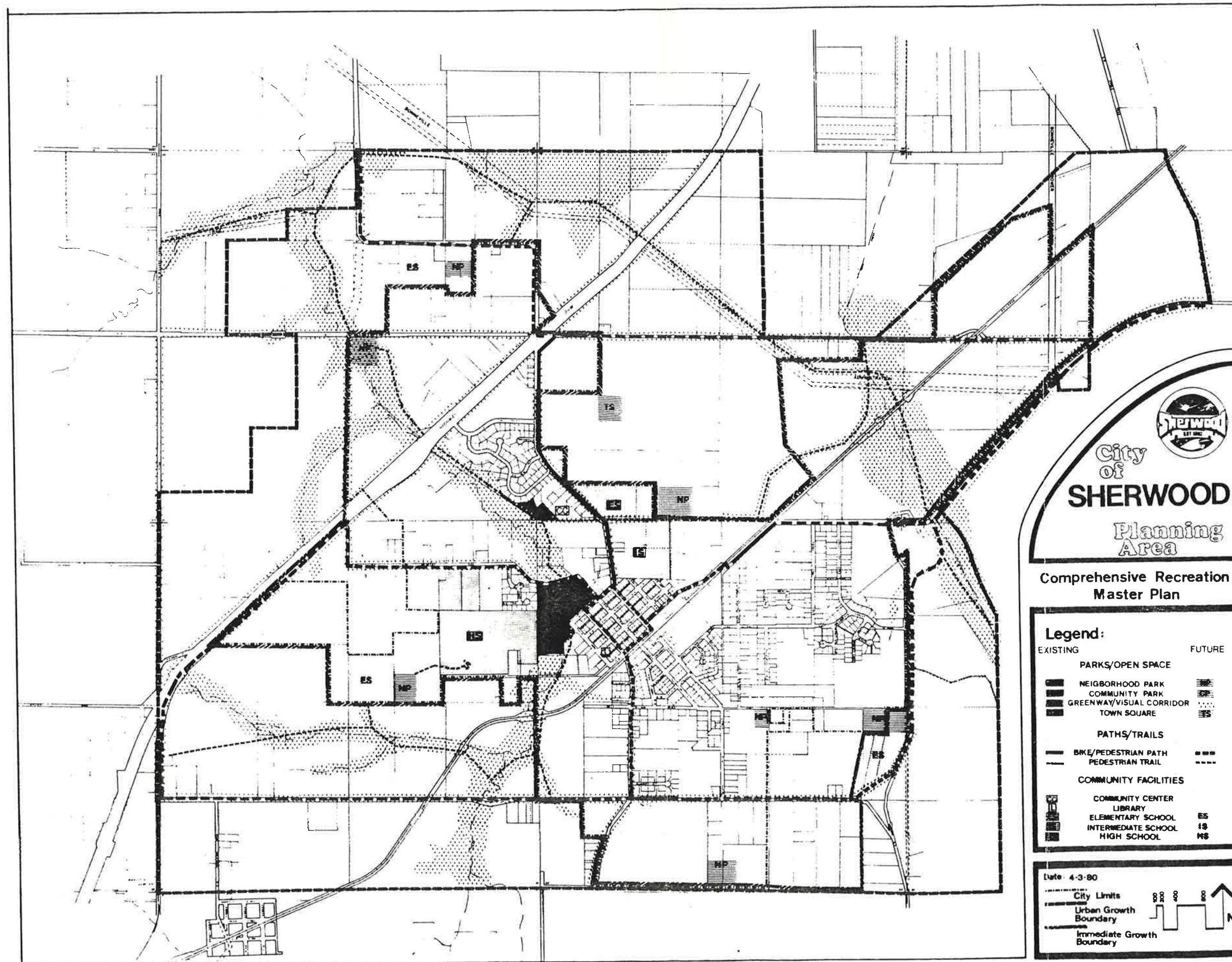


Figure V-2

April 10, 1986

TO: Mayor and Council

FROM: Jim Rapp, City Manager



RE: Greenway/Floodplain Policies

BACKGROUND

Included in the "For Your Information" section of the City Council's April 9 agenda, were copies of correspondence between myself and realtor Beth Bretz, regarding the Walden/Hughes Subdivision on Sunset Blvd. The specific issues raised by this correspondence warrant an overall review of the implementation of the City's Greenway/Floodplain policies, and potentially a reassessment of the policies themselves.

GREENWAY POLICIES

The City's approach to waterways and open space is framed in two sections of the City Comprehensive Plan. Part 2 of the Plan, discusses open space in Section V, pp. 1-13. Various policy statements (attached as Exhibit A and highlighted) call for the preservation and protection of the Cedar and Rock Creek floodplains. Section V also calls for the acquisition of a "greenway" open space system along these creeks. The Section further goes on to state that "floodplain ordinances and acquisition programs will focus on protection of the Rock and Cedar Creek greenways." Finally, greenways are defined by the statement: "An open space system consisting of the floodplains of Cedar Creek and Rock Creek will be acquired and preserved for public use as passive open space and natural drainage ways" (see Section V, pg. 12).

Both the City Plan Map and Recreation Master Plan Map show distinct Greenway "zoning" overlaying the Rock and Cedar Creek systems. The Storm Drainage Plan Map also shows a "100- year floodplain" that is substantially identical to that mapped on the first two plans. Therefore, the greenway and floodplain are clearly considered one and the same within the context of the Comprehensive Plan.

The City's planning documents are not quite so definite in defining just how greenway/floodplain is protected and acquired. One firm policy statement is made in Section V, pg. 4: "Greenway parcels will be obtained as donation portions of PUD or

subdivision developments". However, other portions of this Section contemplate the possibility of purchase (see pages 2,3,4,6, etc). In fact, the Recreation Resources Management section of the Plan (see Exhibit B) sets out the process whereby greenway is purchased.

FLOODPLAIN POLICIES

Exhibit C is the regulation for the Floodplain (FP) zoning designation contained in Part 3 of the Comprehensive Plan. This twelve page regulation (pp. 95 - 106) details the limits and restrictions to the use of floodplain areas and natural waterways.

The floodplain is defined as "the flood-hazard area adjoining a stream or drainageway feature that is subject to inundation by a 100 year flood." As cited earlier in this memorandum, greenway is defined as the floodplain.

Other key definitions of the FP zone are:

1. Floodway: The normal stream or drainage channel and adjoining area needed to convey waters.....without increasing the surface elevation more than one foot.
2. Floodway Fringe: The area of floodplain outside of the floodway.....

The FP zone does permit limited use of the total floodplain for "general farming; accessory uses such as yards and parking; and minor accessory structures."

Additionally a broader range of uses are allowed in the area physically above the floodway (in the "flood fringe") given certain criteria (Section 71 through 74, pp 100 - 104). Detailed engineering or plans; physical improvements ensuring the protection of drainage patterns; and special building code and design requirements come into play.

HISTORY

The actual history of floodplain dedication or development in the City of Sherwood reflects the Comprehensive Plans indecisiveness:

1. The current Walden, Saxony Hills, and Steel Tek subdivisions where the outright dedication of the entire greenway/floodplain is being required.
2. The Cedar Creek LID where only the floodway was deemed to have no development value.

3. The Rock Creek LID where in some cases, no distinctions were made between floodway, floodplain, or uplands.
4. The Gregory Park subdivision where floodplain/greenway was dedicated outright.
5. Smith Farm Estates where floodplain was not required to be dedicated but was required to be reserved for possible purchase within three years.
6. A minor subdivision between Stella Olsen Park and Villa Road where the floodplain/greenway was purchased with Parks SDC.
7. The Gleneagle subdivision where some floodplain parcels were acquired by the City, while others remain in private ownership.

CODE CONFLICTS

Obviously some critical conflicts exist in the City's land use codes and policies as now written. One part of the Comprehensive Plan, the FP Zone, clearly recognizes that the floodplain has development potential, albeit within some limiting criteria. Another portion of the Comprehensive Plan, the Environmental Resources section, mandates floodplain/greenway acquisition for open space. The several year old decision to assess the Walden property as developable land rests on one section of the Plan; the current Planning Commission decision to require dedication as undevelopable open space rests on another. Both determinations, although in opposition, find broad policy support within the Comprehensive Plan.

Secondly, the proper approach to the aquisition of greenway/floodplain is not clearly stated in the Comprehensive Plan. It is most important to all parties that the applicable requirements be applied consistently. An appropriate policy could in fact be dedication or purchase, depending on circumstances. This needs to be clearly stated and standards established guiding the choice between the purchase or dedication options.

SUMMARY

City of Sherwood policies towards the two major creek ravines within the City limits vary both in terms of written regulations and in practical application. Certain sections of the Comprehensive Plan call for the preservation of these "greenways" as undeveloped open space, other sections contemplate at least partial uses of the creek areas. Further, if the

greenway is to be preserved, the Comprehensive Plan is indecisive as to the means by which private property is converted to public open space. The result has been a varying series of decisions at the Council and Planning Commission levels, and a lack of consistency for property owners and developers.

RECOMMENDATION

That the matter of Greenway/Floodplain use and preservation be referred to the Planning Commission for a recommendation of a consistent policy, and any implementing regulations or exceptions.

A. INTRODUCTION

The growth of Sherwood will bring with it increasing demands on its environmental resources creating conflicts between the competing values of conservation and development. Environmental resources planning in Sherwood must include a recognition of the limits to the natural resource base, the carrying capacity of the environment and the availability of non-renewable energy resources. The Environmental Resources Element of the Plan includes an inventory of Sherwood's environmental resources and planning goals, policies and strategies for their management. For the purposes of this element, environmental resource management shall be addressed under the categories of natural resources and hazards, environmental quality, recreational resources and energy resources.

B. ENVIRONMENTAL RESOURCES POLICY GOALS

The following policy goals were the result of work by several Sherwood Citizen Planning Advisory Committee (SCPAC) subcommittees. The goals define the direction that resource management should take in the Sherwood Planning Area.


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

Planning Goals: Natural Resources and Hazards

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


EXHIBIT A: OPEN SPACE

Planning Goals: Environmental Quality

- 
1. Protect the water quality of Rock Creek and Cedar Creek through control of runoff water by the following means:
 - a. Construction site sediment control.
 - b. Storm sewer design and location.
 - c. Regulation of floodplain alterations.
 2. Protect the air quality of the city through control of pollutants by the following means:
 - a. Cooperation with the DEQ and METRO air quality programs.
 - b. Encouraging the development of nonpolluting industries in designated well-planned industrial areas.
 3. Protect residential areas from the effects of noise by the following means:
 - a. Encouraging buffer zones between Highway 99W and residential areas.
 - b. Cooperation with the DEQ noise control program to control industrial noise.
 - c. Adopt a city residential noise control ordinance.

Planning Goals: Recreational Resources

An open space and recreation system will be established in the city through the preservation of natural resources and the development of facilities which satisfy residential needs.

- 
1. Preserve the scenic values of the Rock Creek and Cedar Creek drainages and recreational opportunities along their shorelines. Access to the creeks should be provided wherever possible for water-oriented recreation and for a system of trails. The city favors the development of a wetlands greenway similar to that being developed along the Willamette River, and will work with other governmental agencies toward its realization.
 2. Incorporate easements and rights-of-way for utilities and drainage into a system of greenways and trails.
 3. Acquire park and open space land as far in advance as possible to avoid high land costs and the possibility of having to purchase developments later on. The City intends to take full advantage of matching funds from state and federal agencies in the development of its park system.
 4. Work with school boards of the area in the selection of new school sites so that adjoining neighborhood parks can be acquired at the same time.
 5. Avoid extending streets, utilities, or other urban services into planned open space areas in order that additional pressures for their development are not generated.
 6. Support taxation policies for planned permanent open space areas which will make it feasible to keep them from being developed.
 7. Give priority to neighborhood and community parks and to such open spaces as can be secured through administration of the City's implementing ordinances. To work with appropriate agencies to realize other park and open space elements of this plan.
 8. Utilize sites required for public buildings or works for park and open space purposes where feasible. For instance, water tanks or reservoirs on elevated location may also provide a suitable location for a neighborhood park or a place for viewing surrounding terrain.
 9. Develop parks and open spaces in Sherwood in accordance with neighborhood planning principles set forth previously and the standards and guidelines contained in Section E.

10. Development of open space and recreational facilities shall include a consideration of the carrying capacity of the air, land and water resources of the area.
11. Open space and recreational facility planning will be coordinated with adjacent communities for maximum benefit. Examples of co-ordinated planning may include, the extension of the Rock Creek open space area which separates Sherwood from Tualatin, and the development and access north to the Tualatin River. Also, the potential development of the Tonquin natural area will be coordinated with the City of Tualatin and Washington County.
12. The National Register of Historic Places and the recommendations of the State Advisory Commission on Historic Preservation will be utilized in the designation of historic sites.
13. Provide and maintain a wide variety of recreational facilities based on a determination of the recreational needs of local residents.

14. Encourage the timely and efficient implementation of open space, natural resource and recreation objectives through the use of all available means including but not limited to:

- a. Land acquisition by purchase, donation, etc.
- b. Tax incentives for limiting development.
- c. Land development controls in hazardous or ecologically sensitive areas, i.e., Floodplain Zoning.
- d. Standards for new development requiring adequate provision of open space and recreation areas and the preservation or replacement of natural features.
- e. Financing and program administration techniques including park district formation, systems development charges and joint city-school district projects.

Planning Goals: Energy Resources

1. Encourage the conservation of non-renewable energy resources.
2. Identify the role of the City in energy conservation and coordinate local efforts with county, regional and State agencies.
3. Encourage the expanded use of renewable energy resources.
4. Encourage energy efficiency in the design and use of sites, structures, transportation systems and utilities.

C. NATURAL RESOURCES AND HAZARDS

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

The City of Sherwood has three major natural resources:

1) Aggregate, 2) Agricultural Soils, and 3) Fish and Wildlife Habitat. The floodplains of Rock Creek and Cedar Creek and areas with steep slopes present hazards to development.

The following natural resources are not present within the City:

1) Energy sources, 2) Significant natural areas, 3) Wilderness, 4) Cultural areas, 5) Oregon Recreation Trails.

2. OBJECTIVES

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

- a. Encourage preservation of important natural habitat associated with Rock and Cedar Creeks and, at the same time, discourage development in flood hazard areas.
- b. Phase land-use changes to maintain agricultural production until land is needed for development.
- c. Preserve suitable areas for aggregate harvest by industrial zoning.
- d. Discourage incompatible development on steep slopes.

3. POLICIES AND STRATEGIES

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

Policy 1 — **Floodplain and shallow groundwater areas will be prohibited from development that will alter flood flows or create the potential for property loss.**



Strategy:

- *A floodplain ordinance will be adopted that regulates development or fill in designated floodplains.*

- *Greenway areas along Rock and Cedar Creeks will be acquired to allow recreational trails and preservation of wildlife habitat.*

- *Greenway parcels will be obtained as donation portions of PUD or subdivision developments.*

- *Adopt ordinance provisions regulating construction practices in identified shallow groundwater areas (see Figure V-6 Background Data and Analysis.)*

- *Density transfer may be allowed on land adjacent to or included in designated greenways.*

- *A greenway master plan will be developed to identify critical parcels, appropriate uses, and purchase options.*

Policy 2 — Prime agricultural soils will be reserved from development until required for other uses.

Strategy:

- *A plan for phased land use transition will be developed.*

Policy 3 — Reserve suitable land for aggregate extraction.

Strategy:

- *Zone areas of appropriate geological structure for industrial use.*

- *Develop second use plans for extraction sites.*

Policy 4 — Provide drainage facilities and regulate development in areas of runoff or erosion hazard.

Strategy:

- *Identify low density development for steep lands.*

- *Adopt runoff and erosion control standards and practices during and after construction in identified runoff and erosion hazard areas (see Figure V-6 Background Data and Analysis.)*

- *Complete a Drainage Management Plan Study to comprehensively address runoff and erosion hazards.*

- *Implement the Drainage Management Plan through the use of appropriate financing options which may include but are not limited to local improvement districts, system charges and user fees.*

D. ENVIRONMENT QUALITY

1. EXISTING CONDITIONS

The City of Sherwood is relatively undeveloped and does not have substantial air or water quality problems or noise. With further residential development, residential and traffic noise

(especially along Highway 99W) could become a problem. Existing industrial noises come from lumber sales and quarrying activities. Water contaminants are primarily from nonpoint sources. Air contaminants are primarily from traffic emissions. Sherwood lies within the Portland-Vancouver Interstate Air Quality Maintenance Area (AQMA). The area is described in the draft State Implementation Plan (SIP) for air quality published jointly by DEQ and MSD in April 1979. The draft SIP shows that the entire AQMA is in non-attainment for meeting the recently revised federal ambient air quality standards for ozone and is predicted to remain in non-attainment to at least 1987 unless additional control measures are undertaken. MSD and DEQ are developing a regional control strategy to bring the metropolitan area into attainment by 1987.

2. OBJECTIVES

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

3. POLICIES AND STRATEGIES

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

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

Strategy:

- *Runoff and sedimentation ordinances will be considered for protection of water quality from construction sites.*
- *Floodplain wetlands will be protected by greenway and floodplain ordinances.*
- *Local compliance with the regional water quality plan.*
- *Water quality problems associated with identified non-point sources will be addressed in the proposed Drainage Management Plan Study scheduled for completion during 1980 in coordination with the MSD regional drainage plan. The City of Sherwood recognizes and assumes its responsibility for operating, planning and regulating waste water systems as designated in MSD's Waste Treatment Management Component.*

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

Strategy:

- *Sherwood will cooperate and work with DEQ and MSD to develop a regional control strategy to bring the Planning Area into attainment with federal air quality standards.*
- *The City will use measures described in the DEQ Handbook for "Environmental Quality Elements of Oregon Local Comprehensive Land Use Plans" when planning any development activities having the potential to directly (by direct emissions) or indirectly (by increasing vehicular travel) affect air quality.*

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

Strategy:

- *Buffers along Highway 99W will be encouraged to minimize noise penetration.*
- *Residential noise will be controlled by city ordinance.*
- *Industrial and commercial noise will be controlled by DEQ standards.*

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

E. RECREATIONAL RESOURCES

1. EXISTING CONDITIONS

The City of Sherwood has substantial open space and recreation opportunities within both the City limits and the urban growth boundary. Adjacent recreational opportunities for the region are associated with a potential greenway along the Tualatin River, the Tonquin Geological Area and Hedges Creek Wetlands (Figure V-1). A regional recreational facility has been identified as appropriate for the Tonquin area which can be made compatible with continued aggregate extraction activities in the area. No specific site has been identified or purchased.

The following recreational resources are not present within the City:

1) Waterway use facilities, 2) Hunting, 3) Angling, and 4) Winter sports.

Existing City Parks - Developed: Stella Olsen Memorial Park is approximately 11.0 acres in size. A portion of this park lies in the Cedar Creek floodplain. Park facilities consist of a children's play area, picnic tables and a lighted pathway. The park plan is in the process of being updated and further improvements will be made.

Existing City Parks - Undeveloped: The City was deeded a three-acre floodplain lot as a donation of a subdivision development. There is currently no access to the site. This site is suited for a portion of a greenway system along Cedar Creek. Since a substantial part of the site is in the floodplain, recreation development for intensive use is not advisable.

Existing City Property - Undeveloped: The City water reservoir property along East Division St. contains approximately two acres of land. This site would be appropriate for use as a neighborhood park and/or children's play area. It is on high ground within the City and has a grassed area that could be designed as a play area.

2. OBJECTIVES

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

3. POLICIES AND STRATEGIES

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

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

Strategy:

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

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

Strategy:

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

Policy 3 — The City will undertake a master plan for neighborhood and City park and greenway development.

Strategy:

- *Future park and open space locations will be made a part of an official map to help insure timely acquisition and development of recreation areas and facilities.*
- *Specific site master plans will be developed to assure that plan features are consistent with resident needs.*

Policy 4 — Where there are conflicting uses proposed for identified open space natural or scenic resources, the City will permit only those uses justified by analysis of economic social, environmental and energy consequences.

Strategy:

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

Policy 5 — The City will encourage and support the private sector in the provision of needed recreational opportunities.

Strategy:

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

4. PARK, OPEN SPACE AND RECREATION STANDARDS

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

a. Tot Lots/Mini Parks

Size: 2400 Sq. Ft. - Up to 1 acre.

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

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

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

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

b. Neighborhood Parks

Size: 2-5 Acres

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

Location: Central to population to be served, service area is considered to be an area 1/2 mile in radius. Can be located next to or combined with school recreation facilities. Be highly visible, away from major arterials and easily accessible to surrounding residents.

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

NOTE: Exact facilities will depend largely upon neighborhood need.

c. Community Park

Size: 10 to 25 acres.

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

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

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

d. General Open Space - Greenway

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

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

NOTE: Purpose is to preserve the natural and scenic beauty of areas which are central to the community's identity and image.

e. Nature Trails and Scenic Pathways

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

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

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

f. Conservation Management Areas

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

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

g. Waterway Use Facilities

Location: Along the Tualatin River, Rock and Cedar Creeks.

Facilities/Activities: Appropriate uses would be swimming, boating, and fishing. Fishing access shall include trails and trash receptacles, if appropriate. Improvements shall include docks, rafts, parking and trash receptacles.

h. Cultural Facilities

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

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

i. Historic Sites

Location: Dependent on available resources.

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

j. Community Centers

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

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

5. PARK AND OPEN SPACE PLAN FEATURES (See Figure V-2)

Based on a thorough inventory of the Planning Area's existing recreation and open space resources, the development of plan goals and objectives and the application of the standards in Subsection 4 above, a general plan was developed. The Park and Open Space Plan includes four major components; a) developed parks; b) greenways; c) trails, scenic corridors and bikeways and d) historic, archaeological and cultural sites.

- a. Parks:** The future park system will include neighborhood and community parks with facilities and in locations consistent with the needs of City residents and visitors.

Community Park: Stella Olsen Park will continue to be the primary focus of major recreational activities. It will contain a variety of recreational opportunities and be related to the commercial center and central area schools. Joint use of park and school facilities will continue to be encouraged. The park will be expanded from its present 11 acres to provide access to more of the Cedar Creek Greenway. Expansion of Stella Olsen Park to the north to include the site now known as Glen Park is suggested. Additional public access to Stella Olsen Park and the remainder of the Greenway is planned from North Sherwood Boulevard. With minor expansion Stella Olsen Park should provide for most of the City's central recreational needs. Additional picnic and playfield areas, limited due to excessive slopes and wet soils can be provided by joint use of school sites and an expanded neighborhood park system.

following approaches will be employed to acquire and develop Sherwood's recreational resources.

a. **Community Parks:** Funds for the expansion, development and maintenance of existing and future community parks will be through the general revenue park fund, state and federal grant programs (i.e. BDI) and special bond elections.

b. **Rock Creek and Cedar Creek Greenways:** The City will acquire portions of the proposed greenways according to the following procedures:

1. *Require the dedication of the greenway portions of proposed new development as part of the standard on-site or public park and open space requirements.*
2. *Allow transfer of density from portions of sites within designated greenways to buildable portions of sites outside of the greenway as compensation for the dedication of the greenway portion.*
3. *Acquire portions of greenways in developed areas through donation, and/or purchase using state and federal grants, and a greenway system assessments program to be developed as a part of the Recreation Master Plan.*


c. **Neighborhood Parks:** The acquisition and development of neighborhood recreational facilities shall be financed by a neighborhood facilities assessment based on the neighborhood park standard (acres/persons) as applied to neighborhood areas defined in the Plan.

d. **Trails, Bikeways, and Scenic Corridors:** Trails and bikeways which are a part of identified greenways or parks will be financed and maintained from the sources for those areas and facilities specified above. Bikeways and pedestrian ways to be located within dedicated street rights of way will be financed along with other street related improvements consistent with the street's functional design standards. Scenic corridors or conservation easements on major streets will be developed and maintained as portions of on-site landscaping requirements for new development. Scenic corridors along existing developed property will be acquired through donation or purchase from general street or park funds, or state and federal grants.



Neighborhood Parks: Outside of the central area, possible park sites have been located in close proximity to residential areas. It is the intent of the plan to encourage acquisition and/or development of these or similarly situated sites and to take advantage of site donations, access, significant natural areas, views, and vegetation. Joint park school sites will be sought in conjunction with the Sherwood School District's long range facilities improvement plan. It is the intent of this plan to stress the importance of accessible neighborhood parks of between 2 and 5 acres to serve neighborhoods of 2,000 to 4,000 persons. Based on the standard developed in Subsection 4 the City will require four or five neighborhood parks totaling about 21 acres by the year 2000. Several future sites were identified They are:

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



b. **Greenways:** An open space system consisting of the floodplains of Cedar Creek and Rock Creek will be acquired and preserved for public use as passive open space and natural drainage ways. Creek greenways will be linked to a regional greenway along the Tualatin River. A principal use of the greenways will be to provide for linkages between parks and major activity centers. Continuity between the Cedar Creek and Rock Creek greenways will be made by using connections through the school property on North Sherwood Boulevard.

c. **Trails, bikeways and scenic corridors:** The parks and open spaces in the planning area will be connected by a system of inter-connecting trails, bikepaths and scenic corridors. Combination pedestrian and bikeways will be developed to link all parts of the Planning area along major transportation routes. Trails will be developed within and between the greenway system and will be designed to enhance public access and the enjoyment of natural areas preserved by the plan. Where possible trails will make use of utility and street easements.

An important part of the City's policy of preserving and restoring natural areas will be a system of scenic corridors on major streets. Scenic easements specifying consistent planting strips along public rights of way will be used to create an attractive transportation system and buffer adjoining uses. Trails, bikeways and scenic corridors will be used to connect the Sherwood park and open space system to regional attractions including the Tualatin River, Hedges Creek Wetland and the Tonquin Geological Area. In addition to the establishment of greenways and parks, scenic view areas above the 300 foot contour level will be preserved where possible by close attention to siting of new development using a Community Design Review process. (See Section IV-1).

d. **Historic and Cultural Resources:** Structures and sites which maintain continuity with the City's past and which provide places for persons to congregate and enjoy cultural activities will be developed and/or preserved. It is the intention of the plan to develop a town square/civic center park in the new downtown area which will serve as the governmental and cultural center of Sherwood. (See Section VII) The City will encourage the preservation of structures and sites of historic and/or architectural significance including the present City Hall and the St. Francis Catholic Church building and will periodically re-evaluate structures and sites which should be preserved. It is the intention of this plan to preserve and develop distinctive historic or cultural features of the Planning Area so as to maintain the City's unique identity in the face of urban growth.

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

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

Exhibit B

A. Purpose

The intent of this Section is to specify the method for assuring the provision of a system of public and private recreation and open space areas and facilities consistent with the policies and strategies of the Comprehensive Plan. Specifically, this section requires the payment of a system development charge and/or the dedication of designated park and open space land consistent with the Recreation Master Plan Map (Part 2 Section V) and the provision of adequate on site private recreation and open space areas necessary to implement the park and open space policies of the Recreation Resource Section of the Comprehensive Plan.

The implementation approach chosen is based on two basic assumptions namely that public and private recreation and open space areas and facilities including on site and off site parks, greenways, open space and scenic corridors should be easily accessible to private developments and the general public and that new development, which creates the need for and benefits from additional park and open space areas and facilities should share in the responsibility for their provision.

B. Public Park and Open Space System Development

1. System Development Charge

In order to properly implement the standards of the recreation resources section of the Comprehensive Plan as depicted on the Recreation Master Plan Map (Part 2 Section V), a systems development charge is hereby imposed upon all new residential development in an amount equal to the current dollar value of 400 square feet of area per residential unit. The dollar amount of such charge shall be calculated according to the following formula.

$$A \times \$ = S$$

where

A = Square Feet of Public Park and Open Space Area Required per Dwelling Unit = 400 square feet/dwelling unit.

\$ = Current Price per square foot of Residential Land

S = System Charge

2. Dedication of Lands In Lieu of System Charge

If a proposed development site contains all or part of an area designated on the Recreation Master Plan Map (Part 2 Section V) for proposed park or open space all or a portion of the site so designated may be dedicated to the City in lieu of an equivalent portion of the required systems charge upon approval of the appropriate review body. The value of the accepted dedication calculated using the method in Subsection B.1. above plus the remaining dollar value of the system charge paid in Cash shall constitute full payment of the system charge. An offered dedication may be accepted only if the land offered can be used for recreational or open space purposes in a manner consistent with the recreation resources section of the Comprehensive Plan. A dedication shall not be accepted for land which according to the recreation resources section of the Comprehensive Plan may be inadequate in size or unsuitable in location or topography for the facilities necessary to serve the new residents of a proposed development.

3. Use of System Charges and Dedications

System charges and dedications shall contribute to and be reserved for the acquisition and development of the parks or open spaces designated on the Recreation Master Plan Map.

If sufficient land has been acquired to serve the park and open space site needs of a contributing development system charges may be used for the capital improvement and/or maintenance of said park and open space sites.

4. Time of Development

The acquisition and improvement of lands for purposes set forth in this section shall be made as soon as development to be served makes the land or improvements reasonably necessary and contributions of lands and monies from system charges, dedications and other sources are adequate to proceed with said acquisition and/or development.

5. Collection

a. How and When Payable

The systems development charge is immediately due and payable upon receipt of an application for building permit. The building official shall collect the charge prior to issuing any building permit for new construction and any building permit for alterations or additions to multi-family residences that increase the number of units.

b. Waiver of Collection


Notwithstanding the above, in those cases where application for a building permit is made for a structure which would result in a systems development charge in excess of \$2,500, the applicant may request a temporary waiver of collection from the building official who is authorized to grant such a temporary waiver. In those instances where such a collection waiver has been granted, the full charge shall be paid prior to issuance of an

hereby instructed to decline to issue an occupancy permit for any structure which has received a temporary waiver until the systems development charge is paid in full on the entire project.

6. Exemptions

- a. Any parcel of land which has an established use is exempt from the systems development charge to the extent of any structure then existing on the land or covered by a building permit issued on or before the effective date of this ordinance.
- b. Any parcel of land located within the City on the effective date of the ordinance, for which a valid and complete pending building permit application was filed on or before the effective date of the ordinance, shall be exempt from the systems development charge to the extent of the structure covered by that pending building permit application.

7. Reservation of Park and Open Space Areas



Proposed parks, greenways, open space and scenic corridors which are located in whole or in part in a proposed development and which have not been dedicated pursuant to subsection B.2. may be required to be reserved by the applicant, upon the recommendation of the Sherwood Park Board for purchase by the public within a period of time not to exceed three years.

8. Density Transfer

In cases where a proposed development site includes lands either within the designated 100 year flood plain or the City's planned greenway system, the City may authorize the clustering of buildings on the portion of the site not so designated resulting in residential densities not to exceed the maximum allowed on the Plan Map for the designation area in which the proposed development lies and nonresidential densities not to exceed 80% building coverage on buildable portions of the site in exchange for the dedication of the designated lands for public open space or the development rights to such lands subject to the following limitations.

- a. In no case shall density be transferred to a portion of the site which can be shown to be unable by reason of size or location to accommodate the additional density without causing undue adverse affects on the surrounding area and to be otherwise inconsistent with the intent of the applicable planning designation area.
 - b. Public facilities and services shall be found to be adequate to accommodate development which includes transferred density.
- C. Private On Site Park and Open Space Development

1. Recreation and Open Space Areas Required

Except as otherwise provided, useable recreation and open space areas shall be provided by new residential developments including mobile home parks and planned unit developments but excluding one and two family dwellings according to the following standards:

a. Useable Open Space

A minimum of 20% of the site area for all multifamily development shall be retained in open space. Open space areas shall not be located in required yards, parking or maneuvering areas.

b. Recreation Area

A minimum of 1/2 of the required useable open space area for all multifamily dwellings shall be suitable for recreational use. Recreation space shall be planted in grass and/or improved, for recreational use and have a minimum of 800 square feet and a minimum width of 15 feet.

2. Common Open Space and Recreation Areas

a. Credit Towards Open Space and Recreation Requirement

Common open space and recreation areas and facilities proposed for any residential development may be used to meet the on-site open space and recreation area requirements of this section.


b. Minimum Standards

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

c. Terms of Conveyance

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

3. Dedication of Lands In Lieu of On Site Requirements



In cases where a proposed residential development includes a portion of a proposed City park or greenway system as depicted on the Recreation Master Plan Map, the appropriate review body may require that the greenway area be dedicated to the public in lieu of the provision of an equal area of on site open space and recreation area. In approving the dedication, the review body must find that the greenway will serve the development in substantially the same way as would an equivalent on site requirement.

D. Visual Corridors

1. Where Required

New developments with frontage on Highway 99W, major or minor arterial and collectors as designated on the Transportation Network Plan Map shall be required to establish a landscaped visual corridor according to the following standards:

<u>Category of Street</u>	<u>Width of Visual Corridor</u>
Highway 99W	25 ft.
Arterial	15 ft.
Collector	10 ft.

2. Landscape Materials

The required corridor areas shall be planted as specified by the Design Review Board to provide a continuous visual and/or acoustical buffer between major streets and developed uses.

3. Establishment and Maintenance

Designated visual corridors shall be established as a portion of landscaping requirements pursuant to Section 9.03 A. To assure continuous maintenance of the visual corridors, the Design Review Board may require that the development rights to the corridor areas be dedicated to the City and/or that appropriate restrictive covenants to run with the land be recorded prior to the issuance of a building permit.

4. Relationship to Required Yards

Visual corridors may be established in required yards except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence.

A. Purpose

This district is intended to recognize flood-hazard areas and, through regulation, control the uses therein in order to protect the public health, safety and general welfare and to reduce financial burdens imposed on the community through flood damage losses as well as to protect floodways and natural drainageways from encroachment by uses which may adversely affect the overall stream or drainageway water flow and subsequent upstream or downstream flood levels.

EXHIBIT C :
FLOOD PLAIN

This district is proposed to preserve the integrity and character of the natural water storage area, being the 100 year flood plain, and protect it from incompatible use except where there is a demonstrable showing that a proposed use will not:

1. Conflict or seriously interfere with the primary purpose of these flood plain district regulations,
2. Create an immediate or long range hazard to the public health, safety or general welfare; or
3. Materially alter the stability of the environmental balance, or the overall land use capability of the immediate area or the drainage shed area.

The flood plain district is a special purpose district suited to application in those areas within the City which are flood hazard areas, defined as flood plain areas.

B. Definition of Terms

1. Flood Plain

The flood-hazard area adjoining a stream or drainage-way feature that is subject to inundation by a 100 year flood. The flood plain includes the floodway and floodway fringe.

2. Floodway

The normal stream or drainage channel and that adjoining area of the natural flood plain needed to convey the waters of a regional flood without increasing the water surface elevation more than one foot at any point.

3. Floodway Fringe

The area of the flood plain lying outside of the floodway which does not contribute appreciably to the passage of flood water, but serves as a retention area.

4. 100 Year Flood

Inundation during periods of higher than normal stream or drainage flow that has a one percent chance of occurrence in any single year.

5. Flood Plain District

The Flood Plain District of the City of Sherwood is defined by the area of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Sherwood, Oregon", dated July 6, 1981, with accompanying Flood Insurance Maps. The Flood Insurance Study is adopted by reference as a part of this ordinance and is on file at City Hall, City of Sherwood, 90 N.W. Park Street, Sherwood, Oregon 97140.

C. Development Permit Process

1. Development Permit Required

A development permit shall be obtained before construction or development begins within any area of special flood hazard as defined in Section B.5. When the development under consideration involves a building or other structure, a building permit, pursuant to City Ordinance 644, shall be used. For other development not involving a structure, including but not limited to mining, dredging, filling, grading, excavation, or drilling, a special development permit shall be required. Application for a development permit shall be made on forms furnished by the Building Official and may include, but is not limited to, plans in duplicate, drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically the following information is required.

- a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
 - b. Elevation in relation to mean sea level to which any structure has been floodproofed;
 - c. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section F.2.b.; and
 - d. Description of the extent to which any watercourse will be altered or relocated as a result
- 07

2. Review of Building Permits

Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

3. Designation of the Building Official

The Building Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4. Duties and Responsibilities of the Building Official

Duties of the Building Official shall include, but not be limited to:

- a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 4.03 D. are met.
- d. Notify adjacent communities and the Oregon State Land Department prior to any alteration or relocation of a water course, and submit evidence of such notification to the Federal Insurance Administration.

5. Use of Other Base Flood Data

When base flood elevation data is not available from the Flood Insurance Study adopted by reference pursuant to Section B.5, the Building Official shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer the provisions of this

4. Recreational and Accessory Recreational Uses within any Primary Designation Area which allows said uses, and that requires only minor structures above ground and which are designed to impede as little as possible the movement of flood waters and flood carried materials.



E. Uses Permitted Under Prescribed Conditions in the Floodway Fringe

The following are the permitted uses subject to the cited conditions hereinafter imposed for each use:

1. Floodway Fringe

Any use permitted in the Primary Designation Area, with which the FP District is combined, either by right, under prescribed conditions, or as a conditional use, is permitted within the floodway fringe subject to the provisions of the Primary Designation Area and Subsection F.

F. General Use Provisions

1. Flood Plain Alteration

a. Location of the Flood Plain

Delineation of the flood plain including the floodway and floodway fringe area shall be established by a Registered Engineer, from the flood surface elevations provided by the Planning Director. Such delineation shall be based on mean sea level data and be field located from recognized valid bench marks. The delineation shall then be submitted and approved along with a grading plan or Final Site Plan pursuant to subsections 1.b. and 1.c. below.

b. Grading Plan

Alteration of the existing topography of flood plain areas may be made upon application and payment of appropriate fees and upon approval of a grading plan by the City Engineer. The plan shall include both existing and proposed topography and a plan for alternate drainage. Contour intervals for existing and proposed topography shall be included and shall be not more than one

foot for ground slopes up to five percent and for areas immediately adjacent to a stream or drainage way, two foot for ground slopes between five and ten percent, and five foot for greater slopes.

c. Use of Altered Flood Plain Areas

Proposed flood plain fill or diked lands may be used in compliance with this Section and the Primary Designation Area, if a site plan for the area to be altered within the Flood Plain is prepared and certified by a Registered Engineer and is submitted and approved along with the Final Site Plan by the Design Review Board pursuant to Section 9.00 or if a subdivision along with the Final Plat pursuant to Chapter 3 of this Part.

The Flood Plain Alteration Site plan shall demonstrate that:

- (1) Proposed improvements will not have a serious tendency to change the flow of surface water during future flooding such as to cause a compounding of flood hazards or the direction of velocity of flood water flow.
- (2) No structure, fill, storage or other uses alone or in combination with existing or future uses will materially reduce the capacity of the flood plain or increase flood heights.
- (3) Proposed flood plain fill or diked area will have a beneficial purpose, consistent with the Comprehensive Plan, and adequate provisions will be made for erosion control, and storm drainage for the proposed fill or diked area.
- (4) Proposed flood plain alteration will not result in serious environmental degradation considering the natural features and ecological balance of the upstream and downstream area together with the intent of the Comprehensive Plan.
- (5) Storm drainage behind dike, i.e. lift pump, flap gate, etc., to drain flood plain behind dike.

- (6) Maintenance is provided within the altered or relocated portion of said water course so that the flood carrying capacity is not diminished.

All plans certified by the proponent's engineer shall be reviewed and approved by the City Engineer.

2. Permitted Structures

Permitted structures shall be subject to the following in addition to the standards of the Primary Designation Area with which the FP District is combined.

a. Elevation of Structures

Permitted structures such as electrical and service equipment, etc. shall be constructed at or above the regulatory flood protection elevation. Utility openings shall be sealed and locked.

The lowest floor elevation of a structure designed for human occupancy shall be at least one and one-half (1½) feet above the regional flood surface elevation and the building site shall comply with the provisions of Subsection F.1.c.

- b. The lower portions of any structure, at least to an elevation of one and one-half (1½) feet above the regional flood surface elevation, shall be flood proofed according to the provisions of Chapter 56 of the State Structural Specialty Code or otherwise protected from significant damage by inundation.

The design of substructures and structural members of all buildings shall comply with the specifications and plans required by the State Structural Specialty Code and the State Plumbing Specialty Code in order to withstand expected water pressures and velocities as well as minimize flood risk and unsanitary conditions.

New construction and substantial improvements or major repairs of structures which require a building permit pursuant to the Oregon State Building Code shall:

- (1) Provide for the anchoring of the structure for the purpose of preventing movement or collapse during flood conditions; and
- (2) Use flood resistant materials and equipment deemed appropriate by the City Engineer.

The finished ground elevation of any underfloor crawl space shall be above the grade elevation of an adjacent street, or natural or approved drainage way unless specifically approved by the Building Official. A positive means of drainage from the low point of such crawl space shall be provided, such as concrete tile or plastic pipe of at least 4 inch diameter.

3. General Use Criteria

The use of the flood plain shall require compliance with the following:

- a. Subsurface sewerage disposal system shall not be installed in a flood plain and shall meet such other standards as prescribed by the State Department of Environmental Quality and the Washington County Health Department.
- b. Water service or public sanitary sewers shall be designed so as not to become a health hazard during future flooding, and shall be approved by the Washington County Health Department.
- c. Vehicular access to a proposed fill or diked site shall be provided, and said site shall be accessible to a roadway no portion of which is less than the elevation of a regional flood, if said site is to support structures for human occupancy, and otherwise shall be provided with emergency vehicle access approved as a part of the Flood Plain Alteration Plan.
- d. The use of the flood plain shall require that all land partitions and subdivisions approved pursuant to Chapter 3 of this Part and any other new development of land for the location of structures for human occupancy shall comply with all flood plain regulations herein and further, such site or sites shall provide a building area with a ground elevation equal to the flood surface elevation encompassing

an area equal to one created by the yard requirement of the Planning Designation Area in which the site is located.

- e. A flood impact study shall be made by a Registered Engineer based upon a 100 year storm as defined by the Intensity-Duration-Frequency curves in the Metropolitan Service District Drainage Plan and delineation of those areas subject to inundation as the result of a 100 year storm shall be submitted to the Planning Director.

4. Prohibited Uses

The following uses are prohibited in a FP District.

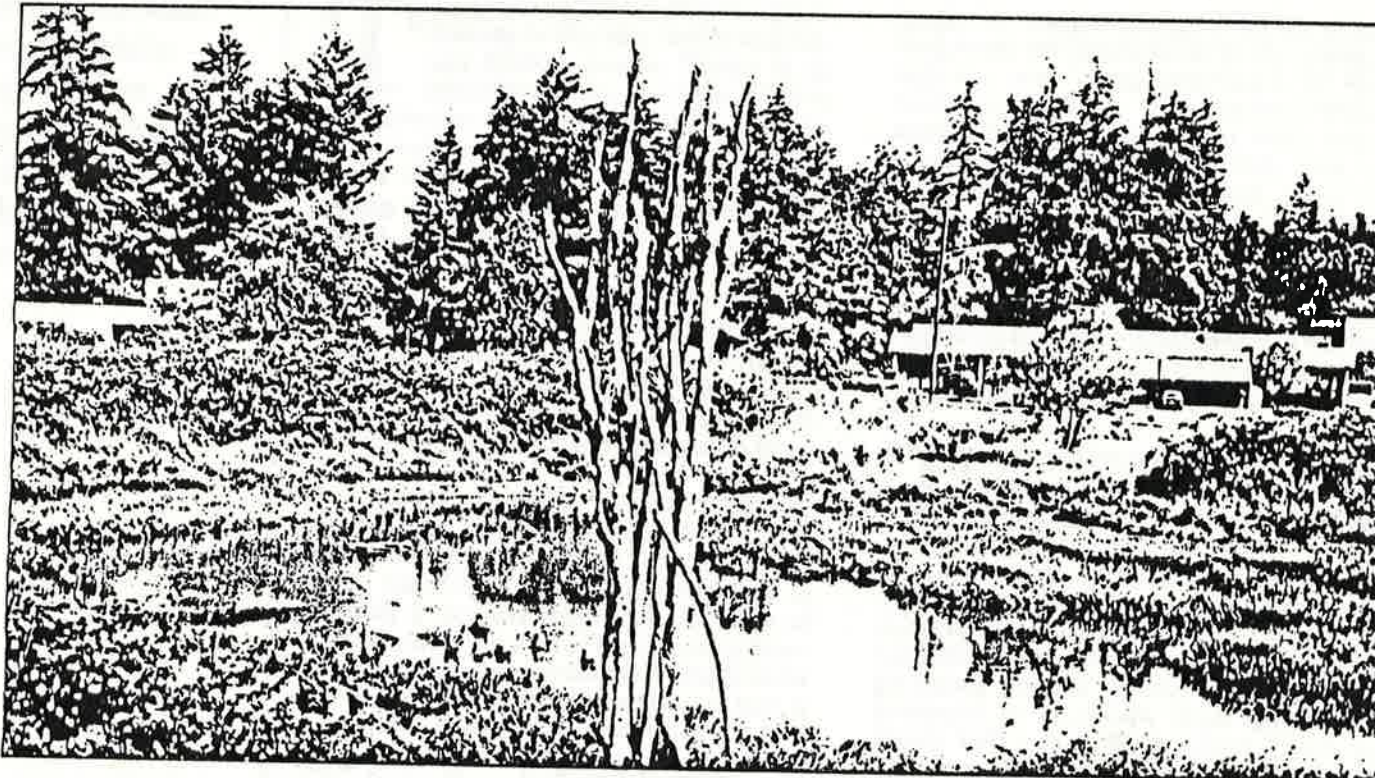
- a. The storage or processing of environmentally incompatible materials that are bouyant, flammable, contaminants, explosives or otherwise injurious to human, animal or plant life, except the storage of other material or equipment may be allowed as permitted by the Primary Designation Area if not subject to damage, firmly anchored to prevent flotation and readily removable upon flood warning.
- b. Manufactured housing.

F. Dimensional Requirements

Same as in Primary Designation Area except as may be specified pursuant to Subsection H.

G. Additional Conditions

1. Approval of a site plan pursuant to Subsection E.1. may be further conditioned when the Design Review Board considers such conditions as necessary to protect the best interests of the surrounding area or the community as a whole, and to carry out the Comprehensive Plan. These conditions may include, but are not limited to the following:
 - a. Increasing the required lot size or yard dimension.
 - b. Limiting the height, size, or location of buildings.
 - c. Controlling the location and number of vehicle access points.



Urban Wildlife Habitat *Can It Be Maintained?*

By Gene Herb

2801-15th Pl. 357-7421
Forest Grove 97116

Editor's Note—

The Sunset Corridor! Just the name of its brings forth visions of progress. Exotic names, new products, growth, and all things good and wonderful. But just a minute . . . are there any things negative? Are there trade-offs?

If you are a creature directly dependent on the land and water base, the creation of roads, housing projects, parking lots and all of the other things that go with such, industrial development can be downright distressing.

Trying to see that some of the necessary habitat for the wild creatures of the urban area is maintained is not any easy chore. Most wildlife biologists, when they were going to school, probably had visions of roaming the fields relating to the world of wildlife and trying their best to see that all remained optimum for the critters.

But the real world doesn't always come out the way dreams picture it. District biologist Gene Herb was born and raised in Washington County. After acquiring a

degree in Fish and Wildlife Management and experience in other areas, Gene has ended up in his original "stompin' grounds" as district biologist.

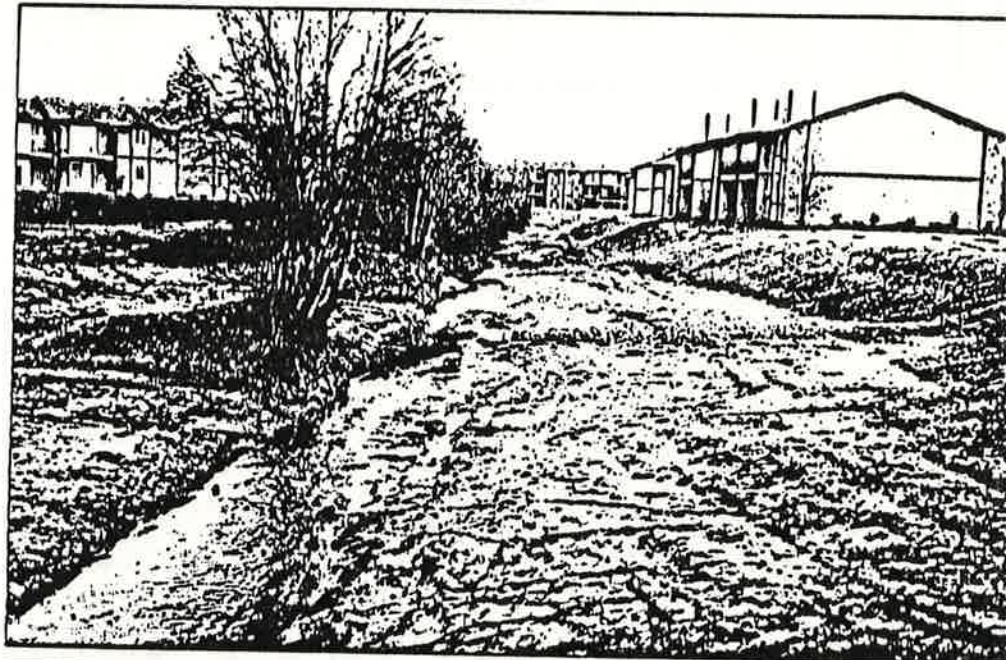
Instead of spending a great deal of time just surveying wildlife populations in the Portland metropolitan area, Gene is working with developers, builders and planners trying to retain some of the quality of life that attracts folks to the area. Unlike the biologists in some of the other areas of the state where habitat is measured in hundreds or thousands of acres,

Gene may be working at 10 and 20-acre sites

One might look at the work of Gene and other metropolitan area biologists as that of dealers in precious jewels. Each small wetland or piece of wildlife habitat retains presents an area of beauty to the beholder. The natural setting and the wildlife inhabitants remind us of Oregon's quality of living and why we want to be here. And, again like precious jewels, these areas will very likely grow in value as time goes by. Here are Gene's observations on his work.

Many developers have found that a marsh can be a valuable amenity to their tenants.

Even areas that may look virtually lost for wildlife can be nurtured back with tender, loving care. The natural processes of nature can be aided by appropriate plantings which stabilize the soil and speed up the process of creating habitat. Values for humans are also greatly enhanced by the trees and other plant materials.



factors.

Good cooperation by most landowners has been the key to achievement of mutual objectives. Many developers have found that a marsh can be a valuable amenity to their tenants. For example, an office space overlooking a wetland with its associated wildlife is esthetically much more pleasing than one overlooking certain other landscapes, another building or a parking lot.

Landowners can also get an attractive tax break by donating these lands to a local government or a conservation group, such as The Wetlands Conservancy.

The long-range forecast shows that the population of the Portland Metropolitan area will continue to grow at a high rate. However, with careful planning, wetlands and stream corridors can continue to provide wildlife for people to enjoy in various ways. Protection of the important wildlife areas will not be easy. The end product can be a metropolitan area retaining wildlife values as part of the natural heritage and liveability values that will in time become the envy of many large urban areas throughout the U.S.

Gene Herb is district biologist in Forest Grove

**The
Department of
Fish and
Wildlife and
others are
working with
developers to
resolve
potential
conflicts that
can occur
when wetlands
and streams
are involved.**



S BRUCE CRAVEN

APPROVED MINUTES

PLANNING COMMISSION MEETING

MAY 6, 1986

David Crowell called the meeting to order at approximately 7:30 p.m.

Members present: David Crowell, Chairman; Clarence Langer, Jr.; Grant McClellan; Wilton "Mo" Turner; Glen Warmbier; Joe Galbreath; Marian Hossler; and Carole Connell, Consulting Planner.

I. First Item on the Agenda was the Discussion of the Meeting Day. David Crowell preferred to move this discussion to the end of the meeting.

II. Saxony Hills

Carole Connell began by reading from the Staff Report covering the Background Data for the Conceptual Plan for Ancient Rocks Village, renamed Saxony Hills which was approved by the Planning Commission on December 5, 1985.

Carole Connell covered the FINDINGS OF FACT as reported in the Staff Report.

She noted that there were proposed modifications to the underlying MDRL zone standards as follows:

1. The use of private internal streets that are narrower than required and have sidewalks on one side.

	Required	Proposed
Row	48 ft.	35 ft.
Paving	34 ft.	28 ft.
Cul-de-Sac Radius	50 ft.	40 ft.

2. Modification of building setbacks.

	Required	Proposed
Front	20 ft.	10 ft.
Rear	20 ft.	10 ft.
Street Side	15 ft.	10 ft.

3. Reduction of lot size.

	Required	Proposed
MDRL Single-Family	5,000 sq. ft.	4,250-4,950 on 28 lots
MDRH Multi-Family	161,600 sq.ft.	113,500 for 50 units

Conclusions and Recommendations were as follows:

Based on the Background Data, the Comprehensive Plan Policies, the Community Development Code, the Findings of Fact and the Conceptual Plan approval of this project by the Planning Commission, staff recommends approval of the proposal subject to the following conditions:

1. The applicant shall comply with the Tualatin Fire District Requirements.
2. The applicant shall provide accurate information regarding the water surface level of the Rock Creek floodplain in this area.
3. The applicant shall dedicate five (5) feet of right-of-way on Murdock Road to the City, and install ten feet of pavement, curbs and sidewalks to City standards, the width of the site. The applicant shall also agree to participate in a non-remonstrance agreement for any future public improvements.
4. The applicant shall comply with the City's systems development charge requirement for parks.
5. The applicant shall provide a 6 foot high fence or vegetative screening on the north and south sides of the site. Except at the creek.
6. The landscape buffer along Murdock Road shall be completed as a part of Phase One.
7. The pedestrian pathway shall be built within six months from completion of the Phase One or be guaranteed by a bond until it is built. A method for maintenance shall be developed and approved by the City.
8. There shall be a single, consistent and attractive plan for all of the apartment units, despite phasing and ownership. This was modified to complimentary plans for each phase of units, despite phasing and ownership.
9. There shall be an approved method of road maintenance and on-street parking requirements inside the projects.
10. Unless physical conditions demonstrate the propriety of other standards, cut slopes shall not exceed one and one-half feet horizontally to one foot vertically, and fill slopes shall not exceed two feet horizontally to one foot vertically.
11. A final subdivision plat shall be submitted and approved by the City in accordance with Chapter 3 Subdivision Section of the Community Development Code. Site plan review can occur at the same time. Each phase shall receive site plan approval assuming City Council approves the project.

Mrs. Connell then asked if there were any questions. No questions were asked.

David Crowell then asked to hear from the applicants.

Rick Givens of Givens, Talbot & Associates, 15800 SW Boones Ferry Rd. Lake Oswego then stood to speak.

He said that as, mentioned before, the concept plan was approved by the Planning Commission, the plan which they are submitting tonight reflects the changes proposed in November.

They made additional mobile home sites on property which were previously designated for apartment units.

Summary:

Some of the members of the Commission had expressed concerned at the previous meeting that the lot sizes particularly the one abutting the low-residential area to the south were too small. All the lots now are in excess of 5,000 sq. ft. and are mobile home sites.

- A. Because the apartments may be developed by more than one developer; they all should be similar and complimentary in style.
- B. In the area where the Tualatin Fire Department stated there must be sufficient turn-around area in a particular cul-de-sac, they have decided to cut the roadway off before that area and change it from a cul-de-sac to parking area for the apartments as there was not sufficient turn-around space available, and no need for a cul-de-sac.
- C. They would propose not to improve Murdock Rd. until the project was further along then they could discuss it at that time.
- D. They have no objection to the screening requirements of Phase I and Phase II property lines or the landscape buffer.
- E. The pedestrian pathway - they do not want to pave it at this time but will do the grading because the sewer line must go in first.
- F. No objection to on-street parking on one side - the sidewalk side. Let the City Council decide when it is brought before them.
- G. No provisions made for maintenance of the open space. Home owners association will be responsible.

He asked for questions. David Crowell asked if they planned to blast rock and where.

Answer: They don't know if they are or not. Rick noted that John McDonald, geologist, checked the area to see whether the rock is fractured and it

showed it could be worked with a backhoe, but there might be some blasting required.

Mr. Turner: How do you propose to get to the sewer line?

Answer: Will need to obtain an easement from the adjacent properties. The Phase I property already has sewer lines available.

Mrs. Hosler: Getting back to the blasting. Suppose the whole area where the proposed apartments are to be located needed to be blasted, would it be done at this time?

Answer: We'll have to look at the site as a whole.

Sam Gotter, the developer, then stood to speak: I think a small amount of the rock would require blasting, back where the apartments are to be located. A large backhoe could probably take it out. The plan is mainly to try to build on top of the ground rather than to remove the rock.

Mo: How do we identify the developing stages?

Answer: The map does identify those.

David Crowell then closed the discussion and asked if anyone would like to speak in favor of the proposal. No one.

David then asked if anyone wanted to speak against the proposal.

Jim Daily rose to speak:

He is a property owner on Murdock across the road from the proposed project.

He argued that they could not establish a need for this kind of a project in Sherwood because there was already a project that was developed 3 years ago by Ralph Cardinal that has vacancies. He also stated that there was a planned 23 acre tract on what he thought was Pacific Drive paralleling HWY 99 being developed by Howard Angel. Angel is in the middle of Phase I of building these mobile home sites. Then there is Gregory Park which has 160 acres which was supposed to have had development of manufactured housing and there is only 9 units one of which is empty.

He also cited others which are not developed well and are also unsightly. He noted there were vacant apartment complexes around the county. He also said there was no guarantee that this project would be completed through all the phases and that further studies should be done to make all the property on Murdock attractive.

He noted that Murdock has traffic problems and he has had difficulty getting the police to respond to calls.

Sandy Rome then rose to speak:

He also is a property owner on Murdock. He said his house and part of the project lies on a fault and it is rock. He said they would have to blast.

He mentioned the City Planning Commission voted for an LID and now his one acre piece of property has been assessed at \$28,000. He said that Gregory Park is in receivership. He said that the project should be totally bonded to assure that it would be completed. He also talked about the traffic problem on Murdock.

He was concerned about the type of people that would be living in this type of a development and was also concerned about the schools being overcrowded.

He asked that a 6-month moratorium be put on the project until further studies of need, etc. could be done.

Rick rebutted.

Carole Connell cited that there were findings of speeding problems on Murdock.

There was much discussion between the developer and the property owners.

David Crowell asked about the percentage of buildable acres. And calculations were made. It was determined that the code designates that if there are unbuildable acres the lots which could have been put on those acres if they were buildable may be added to the buildable acres.

There was discussion about the variances proposed on the setbacks.

Joe Galbreath noted that the runoff of water could be damageable to the underlying areas and some consideration should be made about that.

David Crowell stated that the drainage for the runoff should go down as far as the flood plains.

Mo Turner stated he was concerned about the lot sizes and thinks that is a problem.

David Crowell asked for a motion.

Glen Warmbier made a motion to deny the proposal until they bring the lot sizes setbacks and streets up to City standard. It was also motioned that the storm water drainage be looked into.

Clarence Langer seconded the motion.

Motion was carried.

III. Reber Variance Proposal

Carole Connell began by reading the Staff Report. Conclusion was to deny the variance because the size of the garage was too large and it would set a precedent.

Dan Reber stood to speak:

He noted that his lot size was very unusual and that if he put in a square garage it would leave a triangle of his lot behind the garage that he could not get to and it would be wasted space, therefore he wanted to build his garage to fit the lot size to make use of the odd shaped lot.

David Crowell asked if anyone wanted to speak against the proposal.

No one wanted to speak.

Joe Galbreath motioned to allow Mr. Reber the variance.

Glen Warmbier seconded and it was carried, variance approved.

IV. Schlitt Minor Land Partition at 1050 NW Meinecke Rd.

Carole Connell read from the Staff Report, and recommended approval.

Joe Galbreath motioned for approval subject to staff conclusions and recommendations. Grant McClellan seconded. Motion was carried and approved.


V. Rescheduling of Meeting Day

David Crowell opened discussion for scheduling of a meeting day. It was decided that the Planning Commission would meet on the third Monday of the month. Alternate date would be the 1st Monday of the month. Next meeting will be June 16.

VI. Greenway and Floodway Policies

Mrs. Connell asked that the committee take the time to read the documents on this report and be prepared for discussion at the next meeting.

Joe Galbreath moved that the meeting be adjourned. Motion seconded and meeting was adjourned at 10:40 p.m.


Rebecca Burns
Minutes Secretary