



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

Planning Commission
Agenda

October 17, 1985

7:30 p.m., Senior/Community Center
855 No. Sherwood Blvd.

1. Approval of Minutes - September 23, 1985
2. Request for Conceptual Plan approval of the Ancient Rocks Planned Unit Development by Sam Gotter and Laurence Jackson.

The applicant is proposing an 85 unit residential development including a 63 unit mobile home park and 22 units of multi-family dwellings in 22 acres on the east side of Murdock Road.

3. Update on the Urban Growth Boundary dispute.
4. Consideration of a 250 acre Annexation Petition.
5. Update on technical revisions to the Community Development Code.
6. Consideration of draft reformating of the City Zoning Plan.

PLANNING STAFF REPORT

TO: City of Sherwood
Planning Commission

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

RE: 1) Code Interpretation: Can a mobile home park be considered a permitted use within a P.U.D. in any residential zone?
2) Ancient Rocks Village P.U.D.
Conceptual Plan Review

I. PROPOSAL DATA

Applicant: Sam Gotter and Laurence Jackson
12995 S.W. Pacific Hwy.
Tigard, Oregon 97223

Request: Conceptual Plan approval for a residential Planned Unit Development including 63 mobile home park spaces and 22 apartments.

Location: 22.38 acres on the east side of S.W. Murdock Road; Map 2S 1E33, Tax Lot 1400.

II. BACKGROUND DATA

- 1) In January of this year, the applicant raised the Code interpretation issue before the Sherwood City Council. The applicant did not have a conceptual plan at that time. The Consulting Planner prepared an interpretation of the Development Code regarding the question of whether or not a mobile home park could be considered a permitted use within a P.U.D., in any zone. For reasons stated in the report, (attached), **a conservative interpretation that a mobile home park is allowed only in a MDRH zone** was recommended. In fully reviewing the Code, and especially due to the provision on page 124,

Section 6.07 A. Permitted Locations, we continue to draw the same conclusion and recommendation. **The City Council did not, however, make a final decision, but rather suggested that the applicant file a plan and a program for citizen review and comment.** It is our recommendation that an interpretation of the Code be made by the Planning Commission before a detailed review of the proposal commences.

- 2) The subject property is currently a single residence with farm use outbuildings. The property is zoned **MDRL, Medium Density Residential Low**, designated for single-family detached dwellings with up to 11 units per acre. A mobile home park is not listed as an outright or conditional use. A P.U.D. is a permitted use pursuant to the P.U.D. review process.

The neighborhood is a mixture of large-lot, rural residences immediately adjoining the subject property, conventional homes in medium-density subdivisions on the hill west of the property, and a mobile home subdivision on Oregon Street. The site is on the eastern edge of the Urban Growth Boundary.

III. SHERWOOD COMPREHENSIVE PLAN POLICIES

The Sherwood Comprehensive Plan (P.IV-15) has three relevant housing policies as follows:

- 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 uses, mobile home parks and subdivisions...**
 - b) **Housing shall be of a design and quality compatible with the neighborhood in which it is located.**
- 3) **The City will ensure that an adequate distribution of housing styles and tenures are available.**

IV. P.U.D. CRITERIA

The purpose of a P.U.D. is to combine the conditional use, subdivision and design review into a single process, and to achieve a more desirable urban environment through the application of contemporary site planning techniques and architectural designs. The P.U.D. process is aimed at creativity and flexibility in site design which cannot be achieved through a strict adherence to zoning and subdivision standards. The P.U.D. is intended to be used to achieve the following objectives:

- A. The encouragement of efficient use of land and resources that can result in savings to the community, consumers and developers.**
- B. The preservation of valuable landscape, terrain and other environmental amenities.**
- C. The provision of diversified, innovative living, working or shopping environments that take into consideration community needs and activity patterns.**
- D. The achievement of maximum energy efficiency of land uses.**

The applicant's response to these objectives are found in his report pages 5 through 7.

V. P.U.D. CONCEPT PLAN

The purpose of Concept Plan review is to assist the applicant in refining the P.U.D. concept and to provide an early indication of the acceptability of a proposed development, thereby eliminating the time and expense of submitting a full but possibly unacceptable application. The content of a Concept Plan shall contain the following:

- a. A general Schematic Map illustrating the following:**
 - a.1. Enough of the surrounding area to demonstrate the relationship of the PD to adjoining existing and planned uses.**
 - a.2. Existing topographic character of the site;**
 - a.3. Existing and proposed land uses and their approximate location;**

- a.4. The character and approximate net residential density;
 - a.5. Circulation, including collector, arterial and pedestrian;
 - a.6. Public uses, including schools, parks, open spaces, etc.
- b. A written statement to accompany the concept plan which contains the following information:
- b.1. The explanation of the character of the PUD and the manner in which it has been planned to address the general PD objectives.
 - b.2. A statement of present ownership of all land included within the proposed PUD.
 - b.3. A general indication of the expected schedule of development.
 - b.4. A general indication of the expected public interest to be served by the proposed PD, and conformance of the PD to the City Comprehensive Plan.
 - b.5. General statement regarding conformance to the purposes of the category of PD proposed.

The applicant has responded to these criteria in his report, pages 7-12.

In addition to the P.U.D. standards, the applicant must comply with the Mobile Home Park Conditional Use standards, Section 6.07, pages 124 to 133 of the Development Code. The detailed design standards will be addressed at the time of the P.U.D. general development plan review.

VI. FINDINGS OF FACT

- A. The applicant is proposing a residential P.U.D. on 22.38 acres incorporating a mobile home park including 63 dwelling unit sites with 22 multi-family dwelling units.
- B. The subject property is zoned MDRL. A P.U.D. is a permitted use in the zone. A mobile home park is not specified as a permitted or conditional use.
- C. The Sherwood Comprehensive Plan encourages higher densities, planned unit

developments and reduced housing costs by allocating land for smaller lots, mobile home park and subdivisions and multi-family housing.

- D. The Comprehensive Plan states that new housing will be located and designed so as to be compatible with existing housing and the neighborhood in which it is located.
- E. There are currently two mobile home parks in Sherwood, the Driftwood and Smith Farm Estates. Of the combined 123 approved units, in January 1985 there were 58 vacancies.
- F. The density proposed is lower than permitted. There are 85 units planned on 22.38 acres, or 3.8 units per acre. The MDRL zone allows up to 11 dwelling units per acre. The Comp. Plan allows an average range of 5-8 units per acre.
- G. The subject plan preserves 39% of the site in open space, due essentially to terrain.
- H. The mix of mobile home units and multi-family housing is a new concept in Sherwood, and will create new housing choices.
- I. Due to terrain limitations, the land is efficiently used, although maximum densities are not achieved.
- J. Murdock Road is designated a minor arterial. There are no sidewalks or curbs, and the county portion of the road is unpaved.
- K. Sewer and water services are available to the property, provided by a 10" water main on Murdock Road and a 8" sewer line just west of Murdock Rd. There is also a stubbed out sewer line about 200' from the Murdock Rd. and Oregon Avenue intersection.
- L. The Tualatin Fire District has reviewed the concept plan and has specified: 1) turnaround space per district specifications in the mini-storage area and the three stubbed streets; 2) a fire hydrant within 250' of the Community

building and the mini-storage building and 3) a fire hydrant within 500' of all residential buildings. (See attached letter.)

- M. The applicant has submitted a response to the P.U.D. Conceptual Plan requirements in the attached report.
- N. Section 6.07 Manufactured Housing Park Conditional Use Standards, A. Permitted Locations states that, "Unless otherwise provided herein, upon compliance with applicable regulations and processes, manufactured housing parks shall be permitted only in the medium-high density residential (MDRH) planning designation area."
- O. The applicant has interpreted the Code supporting the concept that a mobile home park could be allowed in the MDRL zone if proposed as a P.U.D.
- P. The planning staff has interpreted the Code more conservatively, recommending in the attached report, dated February 5, 1985, that mobile home parks are allowed only in a MDRH zone.
- Q. The Code states in Section 6.07 D.5a. that "...the sum of proposed and existing manufactured housing units in the City shall not exceed 25% of the sum of all housing units in the City, plus the number of housing units proposed in the application."
- R. A housing inventory was prepared by the City Building Inspector on July 11, 1985, and was updated in September. The inventory indicates there are 1,105 existing and planned residential dwelling sites in the City, of which 183 (19%) are manufactured houses. The proposed Ancient Rocks Village alters the inventory such that there are 1,190 units, of which 246 or 20.6% are manufactured homes. The proposal complies with the standard.
- S. The applicant has submitted the following to support the request:
 - o The Ancient Rocks Village Conceptual Plan (1"=100') prepared by Givens-Talbot Associates.

- o The Ancient Rocks Village P.U.D. written report.
 - o The completed P.U.D. application form.
- T. Planning Staff has submitted this report, a staff report dated February 5, 1985, and a letter from the Tualatin Fire District.

IV. REVIEW CRITERIA

- o Section 2.08 MDRL Zone
- o Section 3.00 to 3.03(2.) P.U.D.
- o Section 6.07 Manufactured Housing Park Conditional Use Standards
- o City of Sherwood Comprehensive Plan

V. CONCLUSIONARY FINDINGS AND STAFF RECOMMENDATION

- A. The Development code does not **clearly** allow a mobile home park in an MDRL zone.
- B. A Planned Unit Development is permitted in the MDRL zone, but a mobile home park is not specifically mentioned as an option.
- C. The Comprehensive Plan encourages both P.U.D.'s and mobile home parks to ensure adequate variety in housing style and costs.
- D. The proposal is not compatible in design or use to the existing large-lot single-family residences or the nearby conventional subdivision on the hill.
- E. The proposal provides a unique housing choice for residents of Sherwood. Due to terrain constraints, the land is fairly well utilized, but maximum densities are not achieved. The mix of housing units is innovative, however, there are no special site planning or architectural features.

Based upon the Background Data, Findings of Fact and Conclusionary Findings, the Staff recommends the following:

- 1) Adopt as city policy A or B below:
 - A. Mobile Home Parks are not allowed in any zone but the MDRH zone.
 - B. Revise Section 3.06A.1. to permit in a PUD a variety of dwelling types, including single-family, two-family, **mobile home parks**, and multi-family dwellings such as townhouses, garden apartments and highrise types.

- 2) If it is determined that the proposed plan is permitted, Staff recommends **approval** of the Concept Plan provided that in the General P.U.D. Plan:
 - a) There be a wider buffer with landscaping along the west and south boundaries to increase compatibility with adjoining properties.
 - b) That the multi-family units be of a style and quality commensurate with conventionally built homes, and that they attempt to place the multi-family units in the more visible areas.
 - c) That the project be designed in an interesting, unified, innovative and functional manner. Consider clustering the mobile home units, linking the property with walkways or trails, and avoiding rows of mobile homes.

THE ANCIENT ROCK VILLAGE

Planned Unit Development Concept Plan

August 27, 1985

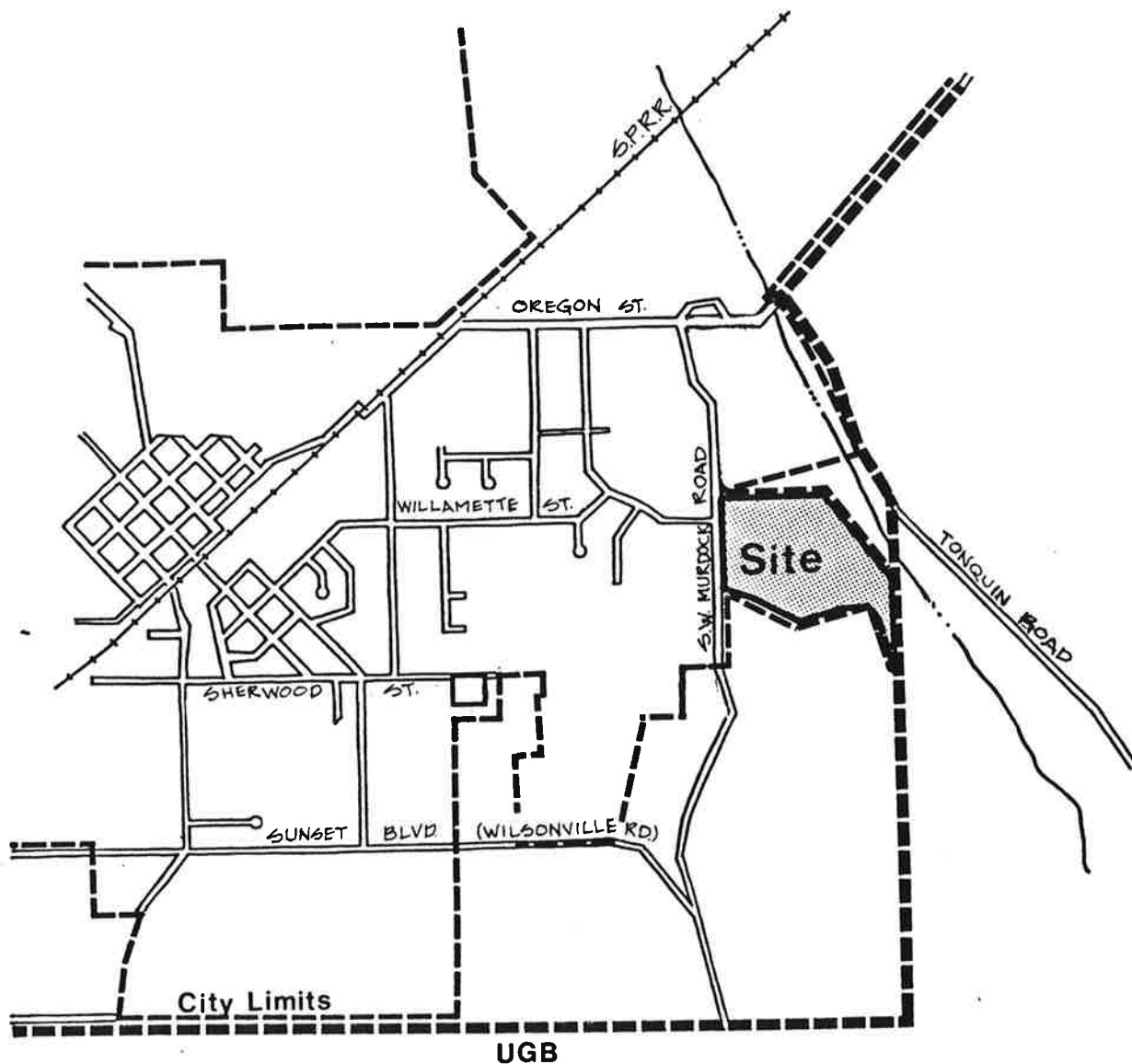
Mr. Sam Gotter
Mr. Larry Jackson
12995 S.W. Pacific Highway
Tigard, Oregon 97223

Prepared by:

Givens o Talbot Associates, Inc.
15800 S.W. Boones Ferry Road, Suite 103
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Table of Contents

	<u>Page</u> <u>Number</u>
I. Introduction	1
II. Site Information	
A. Location	2
B. Topography	2
C. Vegetation	2
D. Existing Land Use	3
E. Public Facilities and Services	3
III. Concept Plan Information	
1. Compliance With General PD Objectives	5
2. Property Ownership	7
3. Development Schedule	8
4. Compliance With Comprehensive Plan	8
5. Compliance With Residential PD Purposes	12



Vicinity Map



I. INTRODUCTION

The purpose of this application is to obtain approval of a Concept Plan for a Planned Unit Development (PD) for a 22.38 acre site located on Murdock Road in Sherwood. This site, which is identified as Tax Lot 1400 on Map No. 2S 1E 33, is proposed to be developed as a mobile home park and apartment housing project. The general objective of the development is to provide these types of housing opportunities in a low density suburban environment, rather than the more dense urban areas in which they are commonly found. The major market for this type of housing is seen as late middle-aged and senior households.

This report will present the project and site information required by Subsection 3.03 A1(b) of the Community Development Code for the review of PD Concept plans.

II. SITE INFORMATION

A. Location

The subject property is located on the eastern edge of the City of Sherwood. The project site fronts on Murdock Road along its western property line. The subject property 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 and the existing paving is proposed to be widened to 24 feet from center line along the project frontage.

III. CONCEPT PLAN INFORMATION

Section 3.03 A(1b.) of the Community Development Code requires that a written statement addressing five areas of information be submitted with an application for Concept Plan approval. These five areas of information are addressed below:

1. The explanation of the character of the PUD and the manner in which it has been planned to address the general PD objectives.

Comment: The project site is proposed to be developed as a Planned Unit Development consisting of 63 mobile home spaces and 22 multi-family apartments. Other uses on the site include a community building, a parking area for recreational vehicles and a mini-storage building. Approximately 8.65 acres, or 39 percent of the site, will remain as undeveloped open space following construction of the project. This project has been planned to provide housing opportunities for predominantly senior citizen households. The character of the project is intended to provide for mobile home and rental housing in a relatively low density suburban environment.

The first objective of the PD district is:

The encouragement of efficient use of land and resources that can result in savings to the community, consumers and developers.

The concept plan for this development is supportive of this objective. The uneven terrain and site vegetation pose limitations on the development of this site. The clustering of development on the more level and open

portions of the site, as permitted through the PD process, allows the efficient use of this property. Clustering of development also allows all development to be located in areas which can be serviced with sanitary sewers via gravity flow. The avoidance of a pump station results in a savings in development costs to the developer and in operational costs to the City of Sherwood.

The second objective of the PD district is:

The preservation of valuable landscape, terrain and other environmental amenities.

The concept plan preserves approximately 39 percent of the site in open space. This open space corresponds to the areas of the site which are heavily treed and which contain sensitive hillsides. The preservation of these features of the site is supportive of this objective of the PD district.

The third objective of the PD district is:

The provision of diversified, innovative living, working or shopping environments that take into consideration community needs and activity patterns.

The major goal of this project is the provision of mobile home and rental housing in a planned community located in a suburban setting. These types of housing are not typically developed together in a single project. The availability of both housing types in this development will provide a housing mix which will meet a variety of housing needs. Additionally, these housing types are customarily located in more dense urban settings which do not afford the quiet and open

environment that the project site provides. The proposed development is supportive of this objective of the PD district.

The final objective of the PD district is:

The achievement of maximum energy efficiency of land uses.

The development of the project site as proposed will provide opportunity for mobile home living in a new park. Mobile homes placed in this park will be limited to models which meet the more stringent energy code for mobile homes manufactured since 1976. The apartment units will meet the energy conservation standards for new construction established by the Uniform Building Code. The approval of this project will, therefore, promote energy efficiency in these land uses. The site plan also affords the opportunity to utilize solar potential in these units. Development has been clustered in the areas of the site which are not heavily treed, affording solar access to the homes.

The second area of information required to be presented in the written statement is:

2. A statement of the present ownership of all land included within the proposed PD.

Comment: The subject property is owned by the following individuals:

Mr. Sam A. Gotter, Jr.
Mr. Lawrence T. Jackson
Mr. Larry A. Jackson
Mr. Gary T. Jackson

3. A general indication of the expected schedule of development:

Comment: The applicants plan to begin construction of the proposed development in the spring of 1986. A first phase comprised, generally, of the entry road and the area to the south, would be constructed in this phase. The time schedule for the development of the remainder of the project site has not been set as of this time, but would depend upon the rate at which the first phase of the development is absorbed.

4. A general indication of the expected public interest to be served by the proposed PD, and conformance of the PD to the City Comprehensive Plan.

Comment: The proposed development is expected to provide housing for the needs of households desiring a mobile home park and/or suburban apartment living environment. As previously discussed, it is envisioned that the primary market for these types of housing will be comprised of one and two person adult and senior citizen households.

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 85 units on 22.38 acres (3.8 units per acre). The density proposed is somewhat lower than the density permitted by this planning designation area. The reduction in density is responds to topographic development constraints found on the subject property.

to be "manufactured housing". The primary distinction is that, while modular units are manufactured under the same requirements of the Uniform Building Code as are conventional "stick built" homes, mobile homes are manufactured to the standards of the American National Standards Institute.

A second difficulty associated with this strategy is the lack of clarity regarding whether only those units actually in place at the time of the calculation of the ratio of conventional housing to mobile housing are to be counted, or whether vacant spaces and lots in mobile home parks and subdivisions must also be counted.

The following information is extracted from a memorandum prepared by Mr. Jim Rapp to the City Council regarding the earlier interpretation request:

<u>Project</u>	<u>Approved Units</u>	<u>Developed Units</u>
Smith Farm	80	22
Orland Villa 1	30	2
Gregory Park 1	52	10
Driftwood	43	43
<u>Other</u>	<u>2</u>	<u>2</u>
Total	207	79

This data does not differentiate between mobile home units and modular units. It should be noted that the units in the Gregory Park 1 development appear to be modular units. The memorandum quotes PSU Center for Population Research data regarding the number of households in Sherwood as being 1038 as of July 1, 1984.

Extrapolating from this data it may be calculated that the present ratio of conventional housing to mobile and

modular units in place is 959 to 79 (92.4%/7.6%). At full development of the approved lots and spaces, assuming no additional conventional housing is built in the interim, this ratio would be 959 to 207 (82.2%/17.8%). The proposed development would add 63 mobile home units and 22 conventional units. At full development, again assuming unrealistically that no further construction of other conventional units would take place, the ratio would be 981 to 270 (78.4%/21.6%). 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. In reality, it is probable that additional conventional housing will be constructed during the time period when this project is being developed. If this occurs, the actual ratio will maintain a greater percentage of conventional units versus mobile and modular units.

5. General statement regarding conformance to the purposes of the category of PD proposed.

Comment: The proposed PD is consistent with the purposes set forth for a residential PD. The proposed development promotes the establishment of a variety of housing types within the proposed PD by establishing a mixed use development incorporating both multi-family residences and mobile home units. The site plan makes use of flexible setbacks and spacing standards allowed within a PD to promote clustering of development so as to preserve significant site topographic features and treed areas in open space.



TUALATIN RURAL FIRE PROTECTION DISTRICT

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

ANCIENT ROCKS VILLAGE
22030 SW MURDOCK RD WA
WASHINGTON CO
SITE -532-001

October 1, 1985
15305- 1
Insp. Type : RSW

Dear Carole W. Connell,

This letter is to notify you that a Site Plan Review has been conducted for Ancient Rocks Village, Sherwood, Oregon 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)

If an approved access road cannot be provided within 150 feet of all portions of the structure, an approved automatic fire extinguishing system may be installed upon approval of the Fire Chief. UFC 10.207(c)

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

Provide fire hydrant location so that no part of a residential building is more than 500 feet from a hydrant. Distance is measured along a route accessible to vehicles. 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

CITY OF SHERWOOD PLANNING COMMISSION
P.O. Box 167
Sherwood, Oregon 97140

RECEIVED

SEP 30 1985

TUALATIN FIRE DISTRICT
TUALATIN, OREGON

DATE: 9-26-85

TO: Gene Birchell - Tualatin Fire District

IN REFERENCE TO: Ancient-Rocks Village
Planned Unit Development / Mobile Home park and apartments
(Please return the plat with your comments)

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 10-2-85, to Benkendorf & Associates, 522 S.W. Fifth Avenue, Suite 1406, Portland, Oregon 97204, phone 226-0068.

Attn: Carole W. Connell

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.

4. Please contact our office immediately.

2. Additional time is necessary for our board or commission to act upon a recommendation. The decision will be submitted by _____.

5. We would like to suggest some changes to the proposal (please attach comments).

3. A formal recommendation is under consideration and will be submitted to you by _____.

6. Please refer to the enclosed letter.

COMMENTS:

Signed Marie Williams
Title: Deputy Fire Marshal

9/24/85

PLANNING STAFF REPORT

TO: City of Sherwood
City Council

DATE TYPED: February 5, 1985

FROM: Benkendorf & Associates,
Sally Rose, Consulting City Planner

MEETING DATE: February 13, 1985

THROUGH: Jim Rapp, City Manager

SUBJECT: Request for Code Interpretation

I. REQUEST DATA

Applicant: Mr. Richard E. Givens, Planning Consultant for Mr. Sam Gotter.

Request: Is it the intent of the Council, under the title "Permitted Uses" in a PUD, that "residential uses" include mobile home parks?

Relevant Code

Citation: City of Sherwood Community Development Code, Chapter 2, Section 3.06 B1; Permitted Uses in Residential Planned Unit Development.

II. BACKGROUND INFORMATION

The attached letter from Rick Givens sets forth his request.

The only City Planning Designation in which a Mobile Home Park is allowed as a conditional use is in the MDRH Zone. However, a Planned Unit Development is permitted in any residential zone. Permitted Uses in a residential PUD include:

"Residential uses including housing concepts which may include but are not limited to single family attached dwellings, row houses, duplexes, cluster units and multifamily dwellings." (Emphasis added.)

The question is therefore:

Does the Code mean that mobile home parks are permitted in any residential zone through the PUD process as a "housing concept" or are mobile home parks restricted to the MDRH Zone as a conditional use?

III. DISCUSSION

The question and the implications are straight forward.

- o The first interpretation is that, since mobile home parks are allowed only in one zone and only as a conditional use, the intent is to allow that use only on a limited basis in Sherwood.
- o The second interpretation is that mobile home parks are comparable to any other listed "housing concept" in terms of need and neighborhood impact and with appropriate standards and review can be a positive addition in any residential zone and therefore, ought to be allowed in a residential PUD.

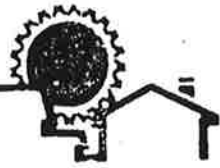
An interpretation has been requested in order to determine the Council's actual intent. The Council's decision will be applied to future questions regarding mobile home parks.

RECOMMENDATION:

It is significant that a mobile home park is a permitted use in only one city residential designation. That strongly indicates that the Council considered the matter and determined that the nature of the use is such that it should be limited.

In addition, the concept of a traditional mobile home park is not consistent with the PUD concept of mixed uses, clustering, open space and design features which are intended to result in a permanent use and neighborhood. Also, the Community Development Code sets forth specific standards for mobile home parks.

Therefore, we recommend that the Code be interpreted conservatively to allow mobile home park only in the MDRH zone and that the City amend the code to specifically allow mobile home parks in other residential zones if deemed appropriate.



Richard E. Givens

Planning Consultant

January 11, 1985

Ms. Sally Rose
City of Sherwood
P.O. Box 167
Sherwood, Oregon 97140

Dear Sally:

My client, Mr. Sam Gotter, currently owns approximately 22 acres of land on S.W. Murdock Road, within the city of Sherwood. The subject property is currently designated **Medium Density Residential Low (M.D.R.L.)**. Mr. Gotter and his partner wish to develop a mobile home park on the site. As you know, there are currently no provisions for mobile home parks in the **M.D.R.L.** district. Mobile home parks are permitted as a conditional use within the **Medium Density Residential High** planning designation, but my clients do not desire to develop the subject property at the higher density permitted under the **M.D.R.H.** district. As an alternative, we propose to develop the subject property as a mobile home park planned unit development (P.D.).

As we discussed during our preapplication conference of January 9, I am requesting an interpretation of the Planned Unit Development (P.D.) section of the City of Sherwood Community Development Code. The specific interpretation relates to Section 3.06 (B) of the code, regarding uses permitted within a planned unit development. Subsection 1 of this section lists the following as permitted uses within a P.D.:


Residential uses, including housing concepts which may include but are not limited to single family attached dwellings, row houses, duplexes, cluster units and multifamily dwellings.

Because the language used in this section is open-ended with respect to alternative housing concepts which may be established within a P.D., we believe that a mobile home park can be approved as a planned unit development within the **M.D.R.L.** designation area even though such a use is not listed within the underlying zoning district. This interpretation is further supported by the language of the **M.D.R.L.** district itself. Section 2.08 (D) specifically allows modification of uses permitted within a P.D. from those uses permitted in the underlying zone.

Prior to assembling a detailed application for a planned unit development on this site, we would like to bring this question regarding permitted uses within a P.D. before the City Council for clarification. Pursuant to this desire, I am enclosing a check for \$30.00 for the required application fee for interpretations of the development code.

We would appreciate the opportunity to appear before the City Council at the earliest date possible so that we may proceed with our application. Since interpretations do not require public notice, we would hope that this issue could be scheduled for the January 23 City Council agenda. Thank you for your assistance in resolving this interpretation. Please contact me if you have any questions or if you need any further information regarding this matter.

Sincerely yours,



Richard Givens

cc: Benkendorf & Associates, Sam Gotter



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

August 20, 1985

Attached find City of Sherwood Resolution No. 333, which expresses the City's position in the ongoing dispute initiated by 1000 Friends of Oregon over the Metropolitan Portland Urban Growth Boundary (UGB). The Sherwood City Council specified that you receive a copy of this Resolution.

Although some areas of concern, specifically those addressed in Section 1, have been settled, the balance of the Resolution still applies to the upcoming decisions to be made in this case. The City of Sherwood is very concerned with the potentially serious negative impacts that excessive delays and/or UGB modifications will have on the future of our community. We strongly urge you to keep the major points of our Resolution in the forefront as deliberations before METRO and the Land Conservation and Development Commission proceed over the next few months.

Any support or assistance in this matter will be greatly appreciated. Please do not hesitate to contact me with any questions you may have.

Sincerely,

James Rapp
City Manager

cc: Eleanore Baxendale, METRO
Jill Hinckley, METRO
Jane Jensen-Norman, Washington County
Allen Bachman, Washington County
Derryck Dittman, City Attorney
John Brosy, City Planner

CITY OF SHERWOOD, OREGON

RESOLUTION NO. 333

A RESOLUTION URGING THE METROPOLITAN SERVICE DISTRICT TO QUICKLY DEVELOP AND SUBMIT ACCEPTABLE NEW FINDINGS TO THE LAND CONSERVATION AND DEVELOPMENT COMMISSION SUPPORTING THE METROPOLITAN PORTLAND URBAN GROWTH BOUNDARY AS ORIGINALLY ACKNOWLEDGED IN 1980, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Land Conservation and Development Commission (LCDC) acknowledged an Urban Growth Boundary (UGB) for greater Metropolitan Portland in 1980 which included the City of Sherwood and areas West of the present City limits.

WHEREAS, 1000 Friends of Oregon filed suit contending that the area West of Sherwood included in the UGB, as illustrated on the attached Exhibit "A" incorporated herein by reference, and other areas along the Western edge of the metropolitan boundary, were excess to the urban growth needs of the region and should have been excluded from the UGB.

WHEREAS, a decision reached in the Circuit Courts on July 22, 1985 ruled that the findings used by LCDC in establishing the Metropolitan Portland UGB were inadequate and that new findings would have to be made and adopted to validate the originally acknowledged Western boundary.

WHEREAS, this Court decision, an interlocutory order subsequently filed by 1000 Friends that proposes temporarily freezing all land use activity in the affected area, and the general uncertainty generated by the case, has and will have a serious negative effect on public and private land use and economic development plans.

WHEREAS, over 500 acres, which is approximately 55% of the total residential acreage designated in the unincorporated portions of the Sherwood urban growth area and 20% of the total Sherwood area, is subject to the Court's ruling and the removal of this acreage from urban status would significantly curtail the community's already modest prospects for economic development and population growth.

WHEREAS, recent capital investments borne by both the City and private land holders, including property outside of the present City limits and in the affected area, have extended new water and sewer services up to the unincorporated urban growth area and any scaling back of the UGB alters the growth assumptions followed in sizing and locating these improvements and will cause both immediate and long range public and private financial loss.

WHEREAS, subsequent to the filing of the original 1000 Friends suit, two annexations have occurred in the area subject to the Court's ruling and the City is currently discussing three more annexations and service extensions in the area, all of which provide the potential for some of the additional housing and employment needed in the Sherwood community.

WHEREAS, the Sherwood community has proceeded with planning and development for many years based on regional, county and local plans validated by LCDC acknowledgement and the Metropolitan Service District (METRO), LCDC, and Metro's member jurisdictions have an obligation to their constituents to see this matter resolved as quickly as possible, so that land owners, residents and businesses can proceed with some assurances as to the future of their neighborhoods and districts.

NOW THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1: Interim Order. That an interlocutory order be submitted and approved, that allows land use activities to continue in all areas affected by the 1000 Friends suit, in the interim period preceding LCDC action on UGB reacknowledgment.

Section 2: New Findings. That METRO prepare and submit, with the full cooperation, assistance and consent of affected jurisdictions, new findings to LCDC supporting the reacknowledgement of the Metropolitan Portland UGB, within 60 days of the Court's July 22, 1985 decision.

Section 3: Reacknowledgement. That LCDC promptly initiate hearings and the UGB reacknowledgement process, based on METRO's proposed new findings, and reach a positive and final conclusion on this matter within 120 days of the Court's July 22, 1985 decision.

Section 4: Boundary Retained. That the Metropolitan Portland Urban Growth Boundary originally acknowledged by LCDC in 1980, be retained without modification or reduction.

Section 5: Resolution Transmitted. That the Sherwood City Recorder be directed to transmit this Resolution immediately and without delay to the:

- a. METRO Council and Executive Officer.
- b. Land Conservation and Development Commission and Department Director.
- c. Washington County Board of Commissioners and Director of Land Use and Transportation.
- d. Honorable Vic Atiyeh, Governor of Oregon, the Honorable Paul Phillips, State Representative and the Honorable Jim Simmons, State Senator.
- e. 1000 Friends of Oregon
- f. Mayors and Managers of neighboring jurisdictions.
- g. I-5 Corridor Association.

Section 6: Effective Date. This Resolution is effective upon passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL ON AUGUST 14, 1985.



Mary Tobias
Mayor, City of Sherwood

ATTEST:



Polly Blankenbaker
Recorder

CITY OF SHERWOOD RESOLUTION NO. 333

EXHIBIT A

ONION

FLAT

**ORIGINAL
BOUNDARY
OF 1000
FRIENDS
SUIT**

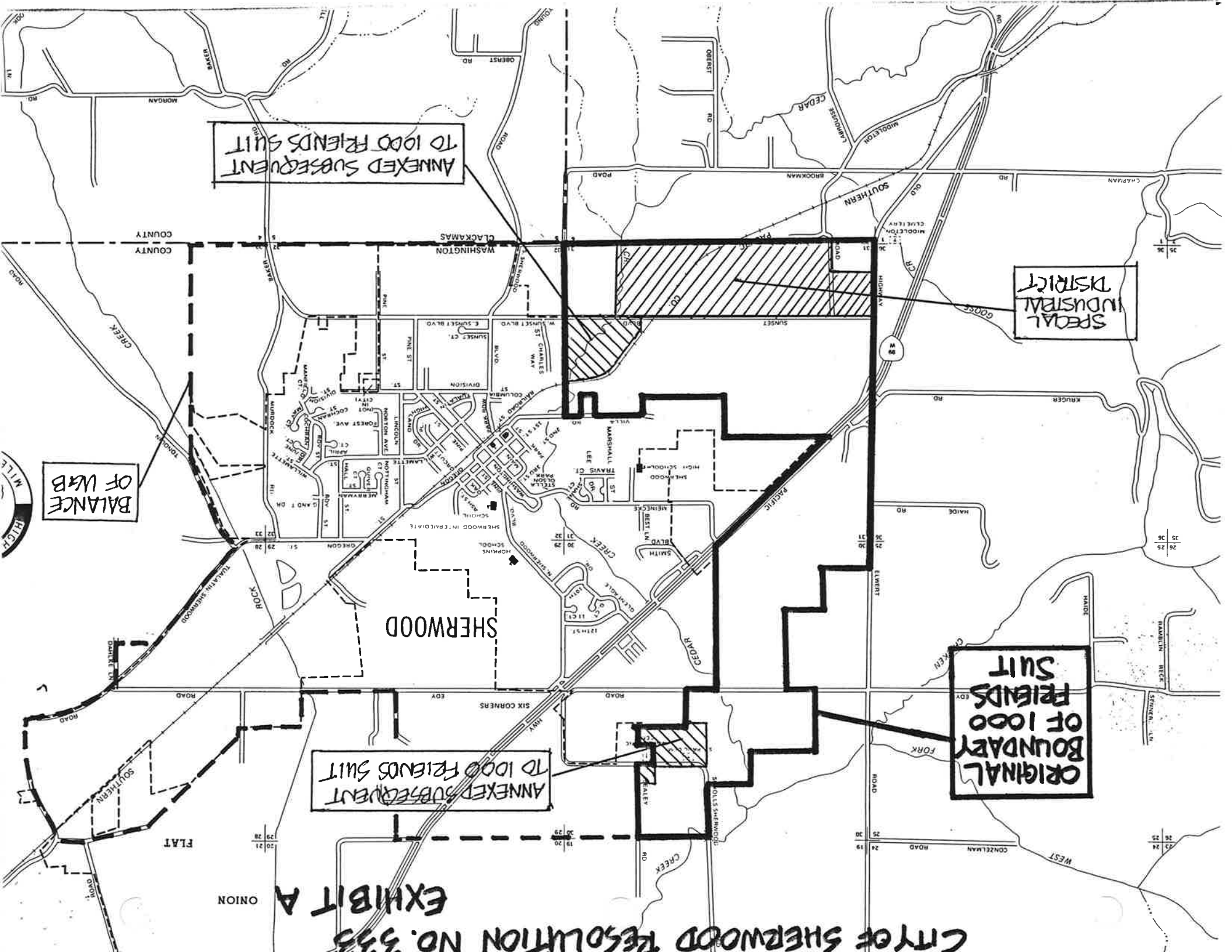
**SPECIAL
INDUSTRIAL
DISTRICT**

**ANNEXED SUBSEQUENT
TO 1000 FRIENDS SUIT**

**ANNEXED SUBSEQUENT
TO 1000 FRIENDS SUIT**

**BALANCE
OF WAB**

HIGH
MILE



August 19, 1985

To: Mayor and Council
From: Jim Rapp, City Manager
Re: Western UGB Dispute



Since Council's August 14, 1985 meeting and passage of Resolution 333, several events have transpired relative to the 1000 Friends lawsuit over the Western portion of the Sherwood UGB and other areas in the County.

Firstly, I had further discussions with Bob Stacy, of 1000 Friends, regarding land within the disputed area that has been annexed subsequent to filing of the original lawsuit. Mr. Stacy agreed that it was appropriate to exclude the annexed property from further debate, as well as the SI District and two other properties (the attached map illustrate these exclusions).

On August 16, I attended the Circuit Court hearing on proposed interlocutory orders addressing the interim period preceding LCDC action on reacknowledgment. METRO and County attorneys argued for the Court to take a "business as usual" stance regarding interim land use activities or if the Court was persuaded that a "freeze" was appropriate, that a strict, near-term deadline to LCDC deliberations be set. 1000 Friends, of course, argues for putting land use decisions on hold, but was amenable to some sort of judicially mandated deadline (see attached Oregonian news article).

The hearing went on for 85 minutes. Justice Carson took all the arguments under advisement and felt compelled to put planning and development activity on hold in all 3 areas (Bethany, Bull Mountain and Sherwood), but set February 1, 1986 as the automatic expiration to his order, in order to motivate LCDC, et al to complete the reacknowledgment process promptly and efficiently.

It is obviously in Sherwood's best interest to see that METRO and LCDC are kept under strong pressure to move this matter along AND to acknowledge the UGB as it stood in 1980. The Council's Resolution No. 333 was in the hands of the County, METRO and Justice Carson before the Friday hearing and will be mailed out this week to everyone named in the Resolution.



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

August 15, 1985

Washington County Board of Commissioners
Metropolitan Service District Council
Rick Gustafson, METRO Executive Officer
Rick Daniels, Director, County Land Use and Transportation

Attached find City of Sherwood Resolution No. 333 which was adopted by the City Council on August 14, 1985. Because of the immediacy of many of the issues surrounding the 1000 Friends lawsuit over the Metro UGB, particularly the August 16 hearing on proposed interlocutory orders, this Resolution is being transmitted to you unsigned. The signed and executed Resolution will be mailed out next week.

The City of Sherwood would urge your careful consideration of our serious concern over the implications this case has for our community.

Sincerely,

Jim Rapp
City Manager

Attachments

cc: Jill Hinckley
METRO

To: Mayor and Council
From: James Rapp, City Manager *JMR*
Re: Resolution No. 333, West Sherwood Urban Growth Boundary

Attached find Resolution No. 333, urging METRO to immediately develop and submit new findings supporting the UGB as originally acknowledged by LCDC. I apologize for not placing this formally on the August 14 Council agenda, but I did not have all available information gathered until this past Monday.

Also, attached are some further Oregonian news articles on this issue, an accurate map of the area impacted and the Circuit Court order from Justice Carson.

Additionally, 1000 Friends has filed a proposed interlocutory order that would bring to a halt all land use activities in the area until LCDC acts on new findings. METRO has filed an alternative order allowing activities to continue in the interim, much as they have over the last five years. The court will decide this particular issue on Friday, August 16.

I have also discussed a problem unique to Sherwood with Bob Stacy of 1000 Friends. Two annexations (Sherwood-Scholls and the Walden property) have occurred in the area subject to the lawsuit. I suggested that these areas should now be excepted from the case in the same manner as the SI District. I have sent Mr. Stacy some material illustrating the problem and he is taking it under advisement.

I strongly urge the Council to adopt this Resolution and forward it on immediately. There is some sentiment to incorporate the study of this particular UGB problem into METRO's 1987 periodic review, an action that will be a significant hinderance to Sherwood's near term growth potential, as development in "West Sherwood" would in all likelihood be frozen until periodic review was complete (assuming that the original boundary even survives such an extended process).

Recommendation: That Resolution No. 333 be approved and adopted.

WEST METRO

The Oregonian, Sunday, August 18, 1988

Section **E**

General news

Urban-type growth restricted until boundary settled

By HARRY BODINE
of The Oregonian staff

SALEM — Oregon Supreme Court Justice Wallace P. Carson Jr. ruled Friday that urban-type development in the Bethany, Bull Mountain and Sherwood areas should be restricted until the last legal hurdles are overcome in adopting an urban growth boundary for the Portland metropolitan area.

Carson indicated he wanted that task accomplished by Feb. 1, 1986.

The boundary separates areas where urban development is allowed from rural territory where it is prohibited. Carson last month ruled that it met the requirements of Oregon's land-use planning laws except in a strip of land bordering Sherwood, the northwest portion of Bull Mountain and the western part of the Bethany area.

Carson heard the case in 1981 when he was a Marion County Circuit Court judge and returned to the Marion County Courthouse Fri-

day in a pro tem capacity to try to wind it up.

The Metropolitan Service District has the responsibility under state law of adopting an urban growth boundary around the Portland area. The Oregon Land Conservation and Development Commission has the duty of reviewing Metro's work to ensure that it complies with the state's land use planning laws.

1000 Friends of Oregon, a statewide land-use law "watchdog" group, filed suit against Metro after the regional planning agency adopted the boundary, contending that it provided more land for urban development in Washington County than would be needed over a 20-year period.

In his ruling last month, Carson said LCDC had not adopted legal findings that sufficiently justified opening the Sherwood, Bull Mountain and Bethany areas to urban development. He sent the case to LCDC for further action.

In court Friday, Carson listened as attorneys from 1000 Friends, Metro, LCDC and Washing-

ton County offered advice on what steps should be taken to regulate land in the three areas until the last legal challenges to the urban growth boundary are settled.

Noting that five years have elapsed since the LCDC approved the boundary and that Washington County had constructed land use plans based on the boundary, Carson said it was his intent "not to unhinge" development applications that have been approved in the three areas.

With the approval of 1000 Friends attorney Robert Stacey, Carson thus removed a legal cloud from two acreages recently annexed to the city of Sherwood for residential development and from a special industrial development zone adjoining the city. Earlier, 1000 Friends had contended that urban development in these territories should be postponed.

Metro attorney Eleanore Bazendale asked Carson not to place more restrictions on devel-

opment in the contested areas than those already enforced by Washington County. The county's regulations are sufficient to control development in the next five months, she said.

Carson concluded, however, that lands in the three disputed areas should not be treated the same as other properties whose urban designations were not challenged in the 1000 Friends case.

He ruled that landowners filing development applications must meet both the county requirements and those spelled out in state land use planning goals governing properties outside urban growth boundaries.

Alan Bachman, chief assistant Washington County counsel, pointed out that county planning officials were "caught in the middle" of the dispute because they would have to administer regulations ordered by the court.

Noting that the additional restrictions sought by 1000 Friends and approved by Carson are "akin to a moratorium" on building in

the three areas, Bachman pressed for an early deadline to resolve the disputes blocking final action on the regional urban growth boundary.

"Washington County wants a strict time line," Bachman said.

Carson said he would put a Feb. 1, 1986, cutoff date in an order implementing his earlier decision. If Metro and LCDC are unable to complete their work on the urban growth boundary by that date, they may seek an extension.

Eldon R. Hout, deputy director of the LCDC's staff, said he would move "with all speed" to get the matter on the state commission's Sept. 12-14 meeting agenda.

The commission probably would be asked to adopt a "limited acknowledgement order" confirming all of the regional urban growth boundary that was not challenged by 1000 Friends, he said.

The disputed portions of the boundary will be remanded to Metro for its review and action, he added.

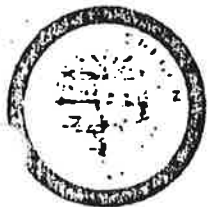


Two jailed in armed robbery

By CARLATHOMPSON

CIRCUIT COURT OF OREGON
THIRD JUDICIAL DISTRICT
MARION COUNTY COURTHOUSE
SALEM, OREGON 97301

July 22, 1985



WALLACE P. CARSON, JR.
~~XXXXX~~ Pro Tem

ROOM 281
(503)588-5027

Mr. Robert E. Stacey, Jr.,
Attorney at Law,
300 Willamette Building,
534 Southwest Third Avenue,
Portland, Oregon 97204.

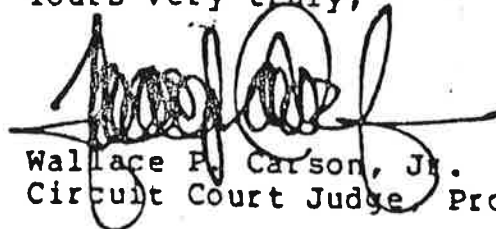
Mr. Michael A. Holstun,
Assistant Attorney General,
100 Justice Building,
Salem, Oregon 97310.

Ms. Eleanore S. Baxendale,
General Counsel,
Metro Service District,
527 Hall Street, Southwest,
Portland, Oregon 97201.

1000 Friends of Oregon v. Land Conservation and
Development Commission and Metropolitan Service District
Marion County Circuit Court Number 118213

Enclosed herewith is my opinion on the merits of the petition in the above-captioned matter. Counsel for Petitioner may prepare an appropriate interlocutory order in conformance therewith. It is my intention that the interlocutory order comply with the preservation of the interests of any party and the public pending further proceedings or agency action.

Yours very truly,



Wallace P. Carson, Jr.
Circuit Court Judge Pro Tem

WPC/slt

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OPINION

PETITION FOR REVIEW

Petitioner makes three assignments of error to this court and asks that the compliance acknowledgment order, of which review is sought, be remanded. Before discussing the specific assignments of error raised by Petitioner, I shall turn to several preliminary matters.

A. Preliminary Matters.

1. Identification of Parties. Hereinafter I shall refer to 1000 Friends of Oregon as "Petitioner" and Metropolitan Service District as "Metro." The Land Conservation and Development Commission will be referred to as "LCDC" and the Department of Land Conservation and Development will be referred to as "DLCD."

2. Statutory Reference. Unless otherwise stated, statutory reference herein is to the statutes in effect at the time the compliance acknowledgment order was issued, January 16, 1980.

3. Standing. The standing of Petitioner to seek review has not been seriously challenged. Metro does not dispute Petitioner's standing. LCDC and DLCD denied, on information and belief, the representational status of Petitioner in the Answer filed by them. However, by answering or failing to answer questions posed by Petitioner in two requests for admissions,

1 LCDC and DLCD effectively have admitted Petitioner has standing
2 to seek review. ORCP 45. I conclude that Petitioner has
3 standing.

4 4. Judicial Review. This matter was heard pursuant to
5 ORS 183.484(1) as a judicial review of an order in other than a
6 contested case. Oregon Business Planning Council v. LCDC, 290
7 Or 741, 752 (1981). Subsequent removal of circuit court
8 jurisdiction by the legislature (Or Laws 1981, ch 748, § 10) to
9 the Court of Appeals became effective after the acknowledgment
10 order under review herein was issued. Or Laws 1981, ch 748, §
11 60.

12 5. Incorporation by Reference. The foundation statute in
13 this case (ORS 197.251(1)) requires that LCDC "evaluate the
14 plan" (here, a regional urban growth boundary) and issue an
15 order containing "a clear statement of findings which set forth
16 the basis for the approval or denial of the request" for
17 acknowledgment. One of Petitioner's assignments of error is
18 that LCDC failed to meet the mandate of the statute by failing
19 to include a clear statement of the findings which set forth the
20 basis of the approval. LCDC relies, in part, on the doctrine of
21 incorporation by reference to meet the statutory mandate. I am
22 satisfied that this procedure sufficiently comports with the
23 statute. However, as will be discussed below, incorporation by
24 reference can be a double-edged sword.

1 6. Metro's Uniqueness. Although Petitioner has argued to
2 the contrary, Metro is unique -- the one and only -- local
3 government of its kind in this state. ORS Chapter 268.
4 Further, Metro has a unique role in land use planning. It must
5 adopt goals and objectives but lacks authority to adopt
6 comprehensive plans or zoning ordinances. ORS 268.380. The
7 legislature also has given the regional planning coordination to
8 Metro (ORS 268.385) that elsewhere is exercised by a county (ORS
9 197.190). Finally, the legislature specifically gave Metro the
10 responsibility of adopting the urban growth boundary (UGB) for
11 the district. ORS 268.390(3). The implications of this
12 uniqueness will be discussed hereinafter.

13 I am aware that the claim of uniqueness is easily and
14 often made to justify special treatment. Petitioner warns of
15 the dangers to the fabric of statewide land use planning and the
16 even and systematic application of the law by recognizing
17 uniqueness. Nevertheless, I conclude that, for the reasons
18 outlined above, Metro is unique.

19 7. Market Factor. The use of the phrases "market
20 factor", "market surplus", or "surplus factor" has plagued the
21 parties throughout. Metro consistently has relied upon one or
22 more of these phrases to justify, at least in part, the
23 inclusion of more land in the UGB than needed. LCDC generally
24 has refused to recognize a market factor in determining the

1 correct size of a UGB (see, e.g., Exhibit 3, page 9 and Exhibit
2 5, page 1). However, in the compliance acknowledgment order
3 (Exhibit 1), LCDC specifically found that "a market factor or
4 surplus factor alone is not sufficient justification" for
5 including more land in a UGB than is needed. Semantics aside,
6 it is apparent that LCDC did, at least, consider a market factor
7 as having a bearing on granting the compliance acknowledgment in
8 this case.

9 8. Substantial Compliance. The court is not unmindful
10 that "substantial compliance" with the Goals is not sufficient.
11 Marion County v. Federation for Sound Planning, 64 Or App 226,
12 229 (1983). However, in this case, a somewhat different statute
13 from that analyzed in Marion County is applicable and the
14 ultimate order of LCDC held Metro's UGB to be in compliance, not
15 just substantially so (Exhibit 1, page 4). See Prentice v.
16 LCDC, 71 Or App 394, 397 (1984).

17 **B. Assignments of Error.**

18 As I understand the Petition for Review of State
19 Agency Order filed by Petitioner, Petitioner contends that: (1)
20 LCDC erroneously interpreted a provision of law (ORS 197.251)
21 and acted outside the range of discretion delegated to it by
relying on irrelevant facts and considerations [paragraph V]:
ORS 183.484(4)(a) and ORS 183.484(4)(b)(A); (2) LCDC erroneously
4 interpreted a provision of law (ORS 197.251) and exercised its

1 discretion in violation of ORS 197.251 by failing to provide a
2 clear statement of its findings which set forth the basis of its
3 acknowledgment order [paragraphs VI and VII]: ORS 183.484(4)(a)
4 and 183.484(4)(b)(A); and (3) LCDC erroneously exercised its
5 discretion in reaching a result inconsistent with its stated
6 position or prior practice by including surplus land in the UGB
7 [paragraph VIII]: ORS 183.484(4)(b)(B).

8 When stripped of the statutorily required scope of
9 review language (ORS 183.484(4)), I understand Petitioner's
10 three assignments of error to be that LCDC incorrectly found
11 Metro's UGB to comply with Goal 14 when LCDC approved inclusion
12 of more land in the UGB than permitted by Goal 14 and LCDC's
13 policy, that LCDC reached a result inconsistent with its
14 stated position and prior practice in its compliance decision,
15 and that LCDC relied on irrelevant facts and conclusions in
16 reaching its compliance decision. Before turning to the
17 specific assignments of error, I note that the parties have
18 altered the sequence of the assignments slightly from the order
19 in which the assignments appeared in the Petition. I shall
20 follow the sequence adopted by Petitioner in its initial brief.
21 Also, I note that the assignments are somewhat interrelated and,
22 to some extent, understandably overlap.

23 1. FIRST ASSIGNMENT OF ERROR.

24 LCDC erroneously interpreted ORS 197,251(1)

1 or exercised its discretion in violation of ORS
2 197.251(1) by failing to provide in its order a
3 clear statement of findings, setting forth the
4 basis for approval of Metro's UGB as being in
5 compliance with Goal 14.

6 The statutory foundation for this assignment of error is the
7 alleged failure of LCDC to "include a clear statement of
8 findings which set forth the basis for the approval or denial of
9 an acknowledgment request." ORS 197.251(1). I conclude that
10 the central or pivotal issue that first must be decided is the
11 validity of the alternative approach approved by LCDC, and,
12 then, whether the findings support the approval of this
13 acknowledgment request.

14 The standard to be applied by LCDC in reviewing
15 Metro's UGB is found in Goal 14, which, in pertinent part,
16 provides:

17 "GOAL: To provide for an orderly and efficient
18 transition from rural to urban land use.

19 "Urban growth boundaries shall be
20 established to identify and separate urbanizable
21 land from rural land.

22 "Establishment and change of the
23 boundaries shall be based upon consideration of
24 the following factors:

"(1) Demonstrated need to accommodate long-range
urban population growth requirements
consistent with LCDC goals;

"(2) Need for housing, employment opportunities,
and livability;

"(3) Orderly and economic provision for public

1 facilities and services;

2 "(4) Maximum efficiency of land uses within and
3 on the fringe of the existing urban area;

4 "(5) Environmental, energy, economic and social
5 consequences;

6 "(6) Retention of agricultural land as defined,
7 with Class I being the highest priority for
8 retention and Class VI the lowest priority;
9 and,

10 "(7) Compatibility of the proposed urban uses
11 with nearby agricultural activities."

12 The first two factors are considered to be "need factors" and
13 the remainder are considered "locational factors." As I
14 understand the process, by applying factors (1) and (2), the
15 local government first calculates the amount of land "needed"
16 for long-range growth according to population estimates. The
17 local government then determines the location for the growth by
18 considering factors (3) through (7). All seven factors, when
19 taken together, have been called the "establishment factors."

20 The "locational factors" are used to decide what lands
21 to include in the UGB and also to justify inclusion of surplus
22 land within the UGB that is "committed" to urbanization by
23 existing development. Petitioner acknowledges that "much of
24 the surplus vacant land supply is surrounded by urban land."
(Pet Br at 15.) But Petitioner points to areas on the outer
edge of the UGB that are not "committed" to urbanization,
specifically:

1. All of the "Regulated Special Areas" (portions of ASA's) identified for special protection (revised Findings, Map 12) by Metro and DLCD;
2. The Bull Mountain-Cooper Mountain area between Bull Mountain Road on the south and Weir Road on the north;
3. Two smaller Multnomah County IGA-UGB areas which appear uncommitted and are not discussed in the revised Findings;
4. Lands west of Tualatin, within the eastern city limits of Wilsonville; and
5. Lands within the eastern and southern city limits of Gresham.

The first three areas were identified by DLCD in its staff report as areas which "cannot be justified [for inclusion] for 'compelling locational reasons.'" Metro has sought to justify the surplus land in question as required by a market factor (see discussion, "A.7.", above). The use of a market factor consistently has been rejected by LCDC. On the other hand, LCDC, deviating from the traditional practice of directly applying the establishment factors to the proposed UGB, adopted an alternative approach (Exhibits 1, 4 and 5) by viewing the UGB and Metro's growth management strategy together.

In the continuance order herein (Exhibit 3), LCDC determined that Metro's proposed UGB did not, by itself, meet the test of the seven factors. In the acknowledgment order at issue herein (Exhibit 1), LCDC determined that Metro's proposed UGB, together with the specified growth management strategies

1 and timetables (Exhibit 7) and the adopted policy guidelines
2 (Exhibit 8) did comply with the seven factors.

3 Traditionally, LCDC apparently has followed the
4 procedure of establishing a tight or compact UGB anticipating
5 more than infrequent changes in the UGB as conditions change.
6 This procedure was characterized in the record as an "inside-
7 out" approach. In this case, LCDC apparently followed an
8 "outside-in" approach, setting a boundary that admittedly
9 includes "surplus land", but included strict controls inside the
10 UGB on non-urban land. This "alternate approach" substitutes a
11 longer term UGB (less change) and a growth management strategy
12 for the more commonly used short term UGB with periodic
13 expansion (Exhibit 4, page 10).

14 The standard against which this approach must be
15 tested (Goal 14) specifically states that the goal is: "To
16 provide for an orderly and efficient transfer from rural to
17 urban land use." The goal requires that: "Urban growth
18 boundaries shall be established to identify and separate
19 urbanizable land from rural land." Although Petitioner strongly
20 condemns this alternative approach, I conclude that LCDC is free
21 to adopt an alternative approach to UGB establishment if the
22 alternative approach meets the requirements of Goal 14. The
23 wisdom of establishing a different or alternative approach to
24 comply with Goal 14 is for LCDC to decide and not for this

1 court, as long as LCDC's alternative approach meets the
2 standard. If the alternative approach is not permissible under
3 Goal 14, Metro's UGB simply does not comply with Goal 14.

4 The second question is whether the findings support
5 LCDC's conclusion that the alternative approach met the seven
6 establishment factors. LCDC evaluated Metro's proposed UGB and
7 additionally required elements and concluded that there was
8 compliance with the requirements of Goal 14.

9 The precise issue raised by Petitioner in this
10 assignment of error is that LCDC failed to provide in its order
11 (Exhibit 1) a clear statement of findings setting forth the
12 basis for the approval of Metro's UGB. I acknowledge that the
13 statement of findings is not as clear as one might hope. The
14 incorporation by reference technique (discussed in "A. 5.",
15 above) and the subcategorization of "reasons" or
16 "justifications" under the banner of "findings" has detracted
17 from the usual clarity of LCDC's work. It may be, however, that
18 in resolving a complex matter of the magnitude involved herein,
19 the statement is as clear as reasonably should be expected.
20 Whether the findings set forth the basis for the approval is
21 another matter.

22 The ultimate determination to be made by LCDC is
23 whether Metro's UGB provides "for an orderly and efficient
24 transition from rural to urban land use." Goal 14.

1 Establishment of the UGB is to be based upon a consideration of
2 the listed factors, but there appears to be no requirement that
3 LCDC make a specific finding as to each of the seven factors.

4 LCDC contends that Finding No. 7 (Exhibit 1),
5 incorporating by reference staff reports of December 10 (Exhibit
6 4) and December 13, 1979 (Exhibit 5) determined that Metro's
7 findings (Exhibit 7) justified inclusion of most of the
8 "surplus" land, based on locational factors. The areas not so
9 justified were the "Regulated Special Areas," the Bull Mountain-
10 Cooper Mountain area, and two Multnomah County Interim Growth
11 Areas (IGA)-UGB areas. By coupling Metro's growth management
12 strategy (Exhibit 1, Finding No. 6; Exhibit 8, pages 5-7), and
13 certain specific conditions (Exhibit 1, pages 3-4), LCDC
14 concluded that Metro's UGB complied with Goal 14. As
15 acknowledged by Petitioner in its initial brief herein (page
16 19), DLCD's staff report provided LCDC with a "crisp, clear
17 statement of the issue." Petitioner further acknowledged that
18 the "report sorted out the information presented by Metro" and
19 identified certain areas that were not compelled to be included
20 under Factors 3-7 of Goal 14 by any reasonable test. LCDC
21 looked to the growth management strategy of Metro to find
22 compliance with Goal 14.

23 Although my initial impression was that the findings
24 in the acknowledgment order sufficiently set forth the basis for

1 LCDC's conclusion that Metro's UGB complied with Goal 14, I now
2 conclude that the stated findings are insufficient insofar as
3 they relate to the land remaining in controversy. The findings
4 in the acknowledgment order disclose that LCDC relied on Metro's
5 growth management strategy to find compliance. The documents
6 incorporated by reference in the acknowledgment order
7 (particularly the staff report of December 7 and 10, 1979;
8 Exhibit 4, herein), make it clear that the contested areas are
9 includable within Metro's UGB only if LCDC adopts Metro's growth
10 management strategy. Necessarily, then, the growth management
11 strategy must meet Goal 14 as to the lands in controversy and
12 there must be findings, not conclusions, that the strategy does
13 so comply.

14 Metro contends that it is LCDC and not DLCD that
15 makes the findings. Metro is correct, obviously. Metro's
16 further suggestion that the staff reports of DLCD that appear
17 contrary to LCDC's findings should be ignored is not correct.
18 LCDC specifically incorporated the staff reports as part of its
19 findings -- both the "good" and the "bad." If the record
20 incorporated in the compliance order discloses anything for
21 certain, it is that there was a substantial disagreement between
22 DLCD and Metro as to the validity of the strategy. It is true
23 that the final report from DLCD (Exhibit 5) asserts that, "given
24 Metro's growth management strategy," Metro's UGB is sufficient

1 for Goal 14 compliance. However, Metro continued to defend its
2 growth management strategy on the basis of a market factor,
3 which DLCD continued to reject. It may be that, as the final
4 report (Exhibit 5) asserts, "Metro has substantially complied
5 with the Continuance Order," but that it is not sufficient,
6 unless one concludes that the Continuance Order is sufficient
7 compliance with Goal 14, which, understandably, no one argues.

8 It comes down to this: Absent LCDC's final conclusion
9 that Metro's UGB, together with Metro's growth management
10 strategy, complies with Goal 14 (Exhibit 5), the findings of
11 DLCD, incorporated by reference in the acknowledgment order,
12 suggest the contrary. In fact, the earlier DLCD report (Exhibit
13 4) suggests that the question of whether Metro's Findings are
14 sufficient is one of "policy" for LCDC. A "policy" choice is
15 not a substitute for a "clear statement of findings which set
16 forth the basis for the approval * * * of an acknowledgment
17 request." ORS 197.251(1).

18 In its trial brief (page 10), Metro suggests that LCDC
19 authority to enforce the conversion factors of Goal 14 is
20 sufficient authority for LCDC even if Metro's growth management
21 strategy fails. (See Finding 8, Exhibit 1). I remain
22 unconvinced. Metro's growth management strategy was viewed by
23 LCDC as a means of protecting otherwise rural land included in
24 the UGB. As I understand the conversion process, it is directed

1 at urbanizable land and not rural land. The conversion factors
2 do not seem to be the substantial equivalent of the growth
3 management strategy.

4 When one views the two DLCD reports (Exhibits 4 and 5)
5 and the acknowledgment order (Exhibit 1), it is apparent that
6 LCDC concluded that the growth management strategy, as
7 conditioned by DLCD, was in compliance. Unfortunately, the
8 "conditions" for approval became "reasons" in the process.
9 Thus, I conclude that LCDC has failed to include a clear
10 statement of findings which set forth its basis for approval.

11 Two other matters recently brought to the attention of
12 the court will be commented upon:

13 1. Validity of conditions (reasons). Subsequent approval
14 by LCDC of the land use plans of the component jurisdictions
15 suggests that the conditions or protections available to protect
16 the lands in controversy in their rural status have been
17 ignored. It may be that relegating the conditions to the scrap
18 heap is appropriate, but by so doing, the rationale for
19 protecting the surplus land substantially is undercut.

20 2. Recent Court of Appeals' decision. In 1000 Friends of
21 Oregon v. Washington County, 72 Or App 449, 453 (1985), the
22 Court of Appeals flatly rejected the alternative approach relied
23 upon herein. This court notes that the appellate court did not
24 have the question before it and, presumable, did not have the

1 benefit of the able presentations made to this court by Metro
2 and LCDC. Therefore, my decision herein is not based on this
3 recent appellate court case.

4 Petitioner's First Assignment of Error is well taken.
5

6 The remaining two assignments of error will be
7 discussed although the significance of the assignments of error
8 is questionable in light of the court's decision on the first
9 assignment.

10 2. SECOND ASSIGNMENT OF ERROR.

11 LCDC's order approved an urban growth
12 boundary containing more land than needed for
13 growth as identified under factors 1 and 2 of
14 Goal 14, without demonstration that it was not
15 possible to exclude portions of this surplus land
16 in accordance with factors 3 through 7 of Goal
17 14, a result that is inconsistent with Goal 14
18 and inconsistent with LCDC's officially stated
19 position and practice. LCDC failed to explain
20 these inconsistencies in its order.

21 Petitioner is correct in its petition for review when it alleges
22 that the inclusion of surplus land within the UGB by LCDC in
23 this case was inconsistent with LCDC's prior practice. Exhibit
24 3, page 9. Because of this change in practice, LCDC was
required to explain the inconsistency. ORS 183.484(4)(b)(B).

The court is of the opinion that LCDC sufficiently
explained the inconsistency. Finding No. 1 (Exhibit 1)
recognizes the unique nature of the Metro district (see also

1 "A. 6.", above). In addition, the continuance order (Exhibit
2 3), attached to the acknowledgment order and referenced therein,
3 discusses at some length the rationale for including surplus
4 land or establishing a boundary that is larger than needed. I
5 am satisfied that the explanation is sufficient to explain the
6 inconsistency. See, also, 1000 Friends of Oregon v. LCDC, 72
7 Or App 443, 448 (1985).

8 Petitioner's Second Assignment of Error is not well
9 taken.

10
11 3. THIRD ASSIGNMENT OF ERROR.

12 By relying on irrelevant facts and
13 considerations rather than basing its order
14 solely on compliance of Metro's UGB with
15 applicable goals, LCDC erroneously interpreted
16 ORS 197.251 and acted outside the range of
17 discretion delegated to it by ORS 197.251.

18 Petitioner's argument on this assignment focuses on the first
19 two specific findings listed by LCDC in its acknowledgment order
20 (Exhibit 1, page 2), which are as follows:

21 "1. The problems of this urban area, the
22 statutory structure of Metro and its statutory
23 relationship with other planning jurisdictions
24 are unique.

"2. There is a compelling need for early
establishment of an urban growth boundary."

Petitioner characterizes the findings as "political
considerations." In reaching this conclusion, Petitioner relies

1 primarily on a statement (Exhibit 31) made by one of the
2 Commissioners of LCDC preceding the eventual adoption of the
3 acknowledgment order. Characterizing the two findings in
4 question as merely "political considerations" is, in my opinion,
5 incorrect. The record fully supports the finding that the
6 planning problems, the statutory structure of Metro and its
7 statutory relationship with other local governments in the
8 district are unique (see discussion, "A. 6.", above). The
9 finding in question was a direct recognition of a requirement of
10 Goal 14 that "Establishment * * * of the boundaries [UGBs] shall
11 be a cooperative process." Likewise, there is ample evidence in
12 the record that there was a compelling need to set the UGB so
13 that the underlying local governments could carry out their
14 respective planning responsibilities. That these findings do
15 not specifically address the seven factors set forth in Goal 14
16 does not deprive them of validity. The findings do support the
17 use of an alternative approach.

18 The court concludes that LCDC neither erroneously
19 interpreted ORS 197.251(1) nor acted outside its discretion in
20 this regard.

21 Petitioner's Third Assignment of Error is not well
22 taken.

23
24 This case is remanded to LCDC for further proceedings.

1 ORS 183.484(4)(a)(B). However, because only a small part of the
2 acknowledged order is at issue herein, the court will enter an
3 interlocutory order to preserve the interests of the parties and
4 the public pending further proceedings or agency action. ORS
5 183.486(2).
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PMALGBC FORM #6

BOUNDARY CHANGE DATA SHEET

1. EXISTING CONDITIONS IN AREA TO BE ANNEXED

- A. Land Area: Acres 249.37 or Square Miles _____
- B. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).
The area south of Hwy. 99W includes the Cedar Creek floodplain, designated on the Comp. Plan as a 250' wide Greenway. The remainder of land is flat. North of Hwy. 99W the land is essentially flat with a low hill near the center of the piece.
- C. Describe land uses on surrounding parcels. Use tax lots as reference points.
North: Farm land or large lot residential
NW: Sherwood High School, residential and vacant
East: The city limits, including a minor amount of commercial on Hwy. 99W; residential on large and subdivided lots; High School, vacant land
South: Mostly pasture and farmland, large lot residential and an industrial use in the SW section
West: Farmland or large lot residential
- D. Existing Land Use:
Number of single family units 20 Number of multi-family units 0
Number commercial structures 2 Number industrial structures 0
Public facilities or other uses Sherwood Elks Lodge
What is the current use of the land proposed to be annexed:
The majority is residential on large parcels. Also, the Sherwood Elks Lodge, Ungers Trading Post and a nursery
- E. Total current year Assessed Valuation \$1,868,800.00
- F. Total existing population Approximately 54

II. REASON FOR BOUNDARY CHANGE

- A. ORS 199.462 of the Boundary Commission Act states: "When reviewing a boundary change, a boundary commission shall consider economic, demographic, and sociological projections pertinent to the proposal, and past and prospective physical developments of land that would directly or indirectly be affected by the proposed boundary change." Considering these points, please provide the reasons the proposed boundary change should be made. Please be very specific. Use additional pages if necessary. (This information is often quoted in the Staff Report, so be thorough and complete)
The subject property is in the Sherwood/Metro UGB and is planned for and committed to future urban use. The property owners want to preserve that urban status by annexing to the city. Approximately half of the owners are currently paying into the Cedar Creek LID for the extension of an 8" sewer

Continued from Page 1 -- II. A.

...line and a 14" water line. The lines will be further extended in conjunction with future urban development.

Continued from Page 3 -- IV. A. 1.

- 24" sewer line crosses Hwy. 99W and extends north along Rock Creek about 1800' north of the proposed annexed area's northern boundary
-
- No special storm drain system other than roadside ditches and highway culverts. A Storm Drainage Plan has been prepared but not yet implemented.

Continued from Page 4 -- IV. A. 2.

...dependent upon when development plans commence and the L.I.D. process is initiated.

B. If the property to be served is entirely or substantially undeveloped, what are the plans for future development? Be specific. Describe type (residential, industrial, commercial, etc.), density, etc.

The area is substantially undeveloped. In compliance with the Sherwood Comp. Plan, most of the area is designated for low-density residential development. Cedar Creek cuts through the southern section and is designated Greenway.

III. LAND USE AND PLANNING

A. Is the subject territory to be developed at this time? No

B. Generally describe the anticipated development (building types, facilities, number of units).
Specific development types, density and facilities have not been determined.

C. If no development is planned at this time, will approval of this proposal increase the development potential of the property? Yes If so, please indicate in terms of allowable uses, number of units).
The urban development potential does not exist until City Services are available, at which time low to medium-density residential densities are planned, according to both the City's and County's Comprehensive Plans.

D. Does the proposed development comply with applicable regional, county or city comprehensive plans? Please describe.
Yes, the City of Sherwood and Washington County have designated this land as inside the Metro Urban Growth Boundary and planned for low to medium-density residential use.

E. What is the zoning on the territory to be served?
Residential

F. Please indicate all permits and/or approvals from a City, County, or Regional Government which will be needed for the proposed development. If already granted, please indicate date of approval and identifying number:

<u>Approval</u>	<u>Project File #</u>	<u>Date of Approval</u>	<u>Future Requirement</u>
Metro UGB Amendment	<u>No proposed development plans on any of the subject</u>		
City or County Plan Amendment	<u>parcels</u>		
Pre-Application Hearing (City or County)			
Zone Change (City or County)			
Preliminary Subdivision Approval			
Final Plat Approval			
Land Partition			
Conditional Use			
Variance			
Sub-Surface Sewage Disposal			
Building Permit			

Please submit copies of proceedings relating to any of the above permits or approvals which are pertinent to the annexation.

- G. Can the proposed development be accomplished under current county zoning?
Yes _____ No _____ (No proposed development)

If No,---has a zone change been sought from the county either formally or informally.

Yes _____ No _____

Please describe outcome of zone change request if answer to previous question was Yes.

- H. Is the proposed development compatible with the city's comprehensive land use plan for the area?
(No proposed development)

Yes _____ No _____ City has no Plan for the area _____

as the proposed development been discussed either formally or informally with any of the following? (Please indicate)

City Planning Commission _____ City Planning Staff _____

City Council _____ City Manager _____

Please describe the reaction to the proposed development from the persons or agencies indicated above.

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

None

IV. SERVICES AND UTILITIES

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

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

City of Sherwood sewer and water services as follows:

- 8" sewer line extending 1600' west of the termination of West Villa Rd. & part of the Cedar Creek LID

- 14" water main extending 500' east of the termination of West Villa Rd. & also part of the Cedar Creek LID

- 12" sewer line along Cedar Creek about 250' from Southern Pacific Railway line

- 10" water main on Wilsonville Rd. extending to the Southern Pac. Railway line

- 12" water main crosses Hwy.99W 800' north of proposed annexation

(continued on separate page)

2. The time at which services can be reasonably provided by the city or district. Sewer and water services are in reasonable proximity to the area.
The timing of the extension of services is... (continued on separate page)
3. The estimated cost of extending such facilities and/or services and what is to be the method of financing. (Attach any supporting documents.)
See attached Sherwood Sewer and Water Service Plans and estimated project costs
4. Availability of the desired service from any other unit of local government. (Please indicate the government.)

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

City _____ Rural Fire Dist. Tualatin Fire Dist.
 County Service Dist. Washington Co. Sanitary District Unified Sewerage Agency
 Hwy. Lighting Dist. _____ Water District City of Sherwood
 Grade School Dist. Sherwood 88J Drainage District City of Sherwood
 High School Dist. _____ Diking District _____
 Park & Rec. Dist. City of Sherwood

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

No

APPLICANT'S NAME Petitioners and City of Sherwood

MAILING ADDRESS City Hall
PO Box 167

Sherwood OR 97140

TELEPHONE NUMBER 625-5522 (Work)

(Res.)

REPRESENTING: _____

DATE: 10/9/85

PMALGBC FORM #14

TRIPLE MAJORITY WORK SHEET

Please list all properties included in the proposal.

(If needed, use separate sheet for additional properties).

Property Designation (Tax Lot #s)	Name of Owner	Acres	Assessed Value	Signed Petition	
				Yes	No
2S 1 31A: 2200	Hazel B. Beeler	11.45	54,200		
2S 1 31B: 500	Mr. & Mrs. Milfred Kenneth Hosler	35.33	154,200		
2S 1 31B: 600	Sherwood Elks Lodge	14.65	125,500		
2S 1 31B: 601	Sherwood Elks Lodge	4.05	Non-Assessable		
2S 1 31B: 700	Nellie Elwert c/o U.S. National Bank	5.98	12,700		
2S 1 31B: 800	Mr. & Mrs. Kenneth Shannon	6.76	116,900		
2S 1 31B: 900	Mr. & Mrs. George Stanfield	5.96	91,500		
2S 1 31B: 901	Mr. & Mrs. Allen W. Williams	2.00	91,900		
2S 1 31B: 1000	Nellie Elwert c/o U.S. National Bank	12.57	5,300		
2S 1 31B: 1101	Nellie Elwert c/o U.S. National Bank	5.21	112,300		
2S 1 31B: 1102	Nellie Elwert c/o U.S. National Bank	1.85	55,400		
2S 1 31B: 1201	Neal Schroetke	10.10	34,600		
2S 1 31C: 100	Mr. & Mrs. Alfred Horne	4.82	70,700		
2S 1 31C: 101	Mr. & Mrs. O.E. Sumpter	13.30	102,900		
2S 1 31C: 102	Mr. & Mrs. Ace R. Harris, Jr.	11.20	74,500		
2S 1 31C: 103	Mr. & Mrs. William E. Keys	9.77	80,500		
TOTALS:		155.0	1,183,100		

SUMMARY

TOTAL NUMBER OF OWNERSHIPS* IN THE PROPOSAL 20
 NUMBER OF OWNERSHIPS* SIGNED FOR _____
 PERCENTAGE OF OWNERSHIPS* SIGNED FOR _____
 TOTAL ACREAGE IN PROPOSAL 249.37 acres
 ACREAGE SIGNED FOR _____
 PERCENTAGE OF ACREAGE SIGNED FOR _____
 TOTAL ASSESSED VALUE IN PROPOSAL \$ 1,868,800.00
 ASSESSED VALUE SIGNED FOR \$ _____
 PERCENTAGE OF ASSESSED VALUE SIGNED FOR _____

*If one person owns two or more tax lots they are counted as only a single ownership.

PMALGBC FORM #14

TRIPLE MAJORITY WORK SHEET

Please list all properties included in the proposal.
(If needed, use separate sheet for additional properties).

Property Designation (Tax Lot #s)	Name of Owner	Acres	Assessed Value	Signed Petition		
				Yes	No	
2S 1 31C: 200	Robert C. Luton	39.79	208,300			
2S 1 31C: 300	Mr. & Mrs. Charles W. Gribble	.56	4,500			
2S 1 31C: 400	Mr. & Mrs. Boyd Timbrel	2.92	100,900			
2S 1 31C: 401	Mr. & Mrs. Charles W. Gribble	1.59	54,500			
2S 1 31C: 500	Terry C. Trapp	.48	3,800			
2S 1 31C: 600	Mr. & Mrs. I. Miles Eaton	.83	51,800			
2S 1 31D: 100	Mr. & Mrs. Robert Bousquet	9.74	98,000			
2S 1 31D: 300	Margaret S. Ritchen	18.91	68,300			
2S 1 31D: 400	Mr. & Mrs. Charles S. Kennerly	9.77	74,300			
2S 1 31D: 401	Mr. & Mrs. Charles S. Kennerly	4.81	20,600			
2S 1 31D: 402	Mr. & Mrs. Charles S. Kennerly	4.97	700			
TOTALS:		Page Two Total	94.37	685,700		
		GRAND TOTAL	249.37	1,868,800		

SUMMARY

TOTAL NUMBER OF OWNERSHIPS* IN THE PROPOSAL _____
 NUMBER OF OWNERSHIPS* SIGNED FOR _____
 PERCENTAGE OF OWNERSHIPS* SIGNED FOR _____
 TOTAL ACREAGE IN PROPOSAL _____
 ACREAGE SIGNED FOR _____
 PERCENTAGE OF ACREAGE SIGNED FOR _____
 TOTAL ASSESSED VALUE IN PROPOSAL \$ _____
 ASSESSED VALUE SIGNED FOR \$ _____
 PERCENTAGE OF ASSESSED VALUE SIGNED FOR _____

*If one person owns two or more tax lots they are counted as only a single ownership.

PMALGBC FORM #9

CERTIFICATION OF PROPERTY OWNERS

(Triple-Majority Method)

(Applicable for Annexations to Cities Only)

I hereby certify that the attached petition for annexation of the territory described therein to the City of _____ contains the names of at least a majority of the property owners...who own at least a majority of the land area...which constitutes at least a majority of the assessed value of the territory to be annexed.

NAME _____

TITLE _____

DEPARTMENT _____

COUNTY OF _____

DATE: _____

.....

PMALGBC FORM #4

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map _____) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME _____

TITLE _____

DEPARTMENT _____

COUNTY OF _____

DATE: _____

TABLE VII-2
ESTIMATED PROJECT COSTS¹

	PROJECT	ESTIMATED COST ²
	CEDAR CREEK BASIN	
	1. Edy Road/Cedar Creek Lateral Sewer	\$140,000.00
*	→ 2. Pacific Highway Lateral Sewer	190,000.00
	3. Meinecke Road Lateral Sewer	220,000.00
	→ 4. West Villa Road Lateral Sewer	233,000.00 \$ 37,280
	→ 5. Wilsonville Creek Lateral Sewer	247,000.00
	6. Sunset Blvd. Lateral Sewer	233,000.00
	7. Old Sherwood Lateral Sewer Extended	130,000.00
	8. Cedar Creek Trunk Extension (including Cedar Creek Trunk Lateral Sewer)	310,000.00
	9. Chicken Creek Pump Station Lateral Sewer	300,000.00
	10. Off-Site Lateral Sewer	100,000.00
	11. Edy Road Lateral Sewer No. 1	132,000.00
	12. Edy Road Lateral Sewer No. 2	77,000.00
	13. Pacific Railroad Lateral Sewer No. 1	168,000.00
	14. Pacific Railroad Lateral Sewer No. 2	228,000.00
	15. Northwest Pump Station Sewer	104,000.00
	16. Rock Creek Lateral Sewer	92,000.00
	17. Pump Station Lateral Sewer	52,000.00
	18. Rock Creek Trunk	
	— To Division Street	680,000.00
	— Extended	<u>147,000.00</u>
	SUBTOTAL	\$3,783,000.00
	ADMINISTRATIVE AND LEGAL, 10%	<u>378,300.00</u>
	TOTAL	\$4,161,300.00

1. Based on April, 1979, dollars

2. Includes allocation for engineering, construction inspection, and contingency.

* Arrows refer to proposed facilities in the area requested for annexation

**TABLE VII-5
FUTURE STORAGE REQUIREMENTS**

YEAR	REQUIRED STORAGE (MG)
1979	1.2
1985	2.4
1993	4.2
2000	5.2

**TABLE VII-6
PRIORITY 1, ESTIMATED PROJECT COSTS**

LOCATION AND/OR LINE NUMBER	SIZE (INCHES)	QUANTITY (FEET)	COST
LOW PRESSURE ZONE			
• Groundwater Study	—	—	\$ 10,000
• Complete loop from Well No. 4 to six corners	A34	550	29,400
	A36	2650	133,900
• Well Monitoring Program	—	—	—
• Construct New Well & Pump	—	—	*
• Replace lines in downtown area which are less than 6 inches in size	—	—	95,000
HIGH PRESSURE ZONE			
• Increase capacity of pump station	—	—	45,000
TOTAL			<u>\$ 313,300</u>

* Cost cannot be determined until completion of groundwater study.

CITY OF SHERWOOD
WATER

TABLE VII-7

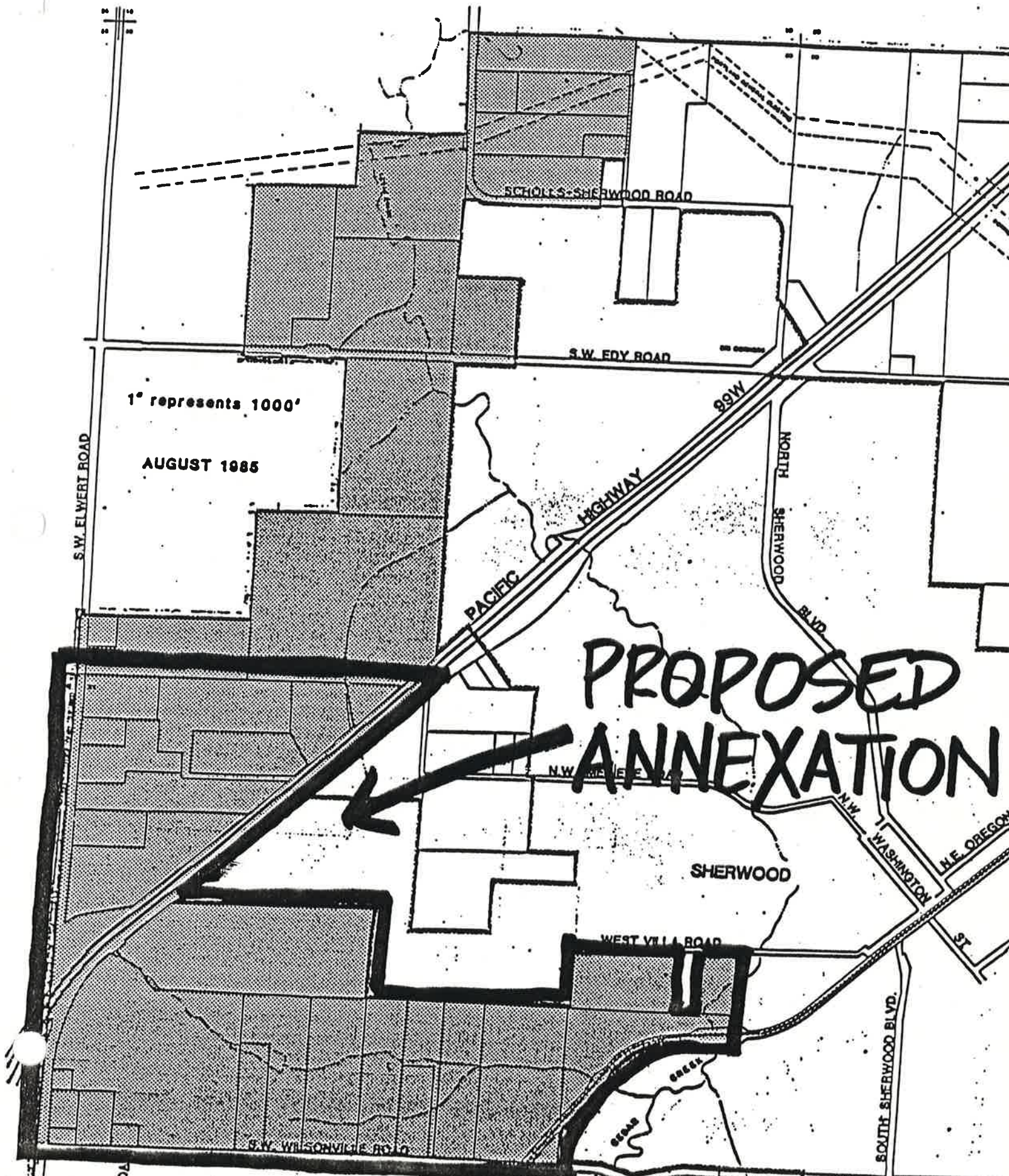
PRIORITY 2, ESTIMATED PROJECT COSTS

LOCATION AND/OR LINE NUMBER	SIZE (INCHES)	QUANTITY (FEET)	COST
LOW PRESSURE ZONE			
S.W. 3rd St. (A1)	8	500	\$ 23,000
NW. Park St. (A2)	8	750	34,500
NE. First St. and N.E.	10	1750	88,400
Oregon St. (A3 & A5)	12	300	16,000
A4	12	1000	53,400
Lincoln Street (A6)	12	1000	53,400
Oregon Street (A7)	8	1300	59,900
A8	12	1850	98,800
A9	10	2400	121,300
A10	12	1100	58,800
Tualatin-Sherwood Rd. (A11 & A12)	12	4600	245,700
East Edy Rd. (A13 & A14)	12	2250	120,150
A15	12	1700	90,800
A16	12	1550	82,800
S.W. Murdock Rd. (A16 and A18)	12	1550	82,500
A17	10	1150	58,100
East Willamette (A17)	12	350	18,700
A19	14	1750	101,100
A20	12	1300	69,450
Sunset Blvd. East of Sherwood Blvd. (A24)	12	1050	56,100
Sherwood Blvd. South of Sunset (A25)	12	1350	72,100
Sunset Blvd. West of Sherwood Blvd. (A26)	12	1250	66,800
A27	10	1300	65,700
A28	8	1900	87,500
A29	8	1900	87,500
Pacific Highway (Meinecke Rd. to the S.W.) A 30	8	2500	115,200
Meinecke Rd. (A31)	8	800	36,850
A32	8	550	25,300
A33	8	1050	48,400
A35	12	1250	66,800
A37	12	750	40,100
A38	10	1600	80,850
Edy Rd. (A39 and A40)	10	3600	181,950
HIGH PRESSURE ZONE			
Pine St. South of Sunset Blvd. (A22)	8	1250	57,600
Sunset Blvd. East of Pine (A21)	8	650	29,850
A23	8	600	27,650
TOTAL			\$ 2,623,050

**TABLE VII-8
PRIORITY 3, ESTIMATED PROJECT COSTS**

LOCATION AND/OR LINE NUMBER	SIZE (INCHES)	QUANTITY (FEET)	COST
LOW PRESSURE ZONE			
Reservoirs			
2.0 MG on Haide Rd.	—	1	\$ 310,000
1.2 MG on Division	—	1	210,000
B1	8	3500	161,200
→ Sunset Blvd. (City Limits to Urban Growth Boundary; B2, B3 & B5)	12	1600	85,500
	→ 10	3800	192,100
B4	8	1250	57,600
B6	8	2700	124,400
B7	8	1300	59,900
→ B8	8	1400	64,500
→ B9	10	900	45,500
→ B10	8	1450	66,800
→ Middleton-Millers Ferry Rd. (Pacific Hwy. to Haide Rd; B11)	12	2500	101,750
Haide Rd. (B12)	18	2050	137,500
→ B13	14	1350	77,950
→ B14	12	550' 1450	29,431 77,450
B15	10	1250	63,200
B16	8	1600	73,700
B17	8	1350	62,200
B18	8	1250	57,600
Edy Rd. West of City Limits (B19)	10	1250	63,200
B20	10	1350	68,200
Scholls-Sherwood Rd. (B21)	8	3300	152,000
B22	8	2000	92,150
B23	10	1300	65,700
B24	10	1850	93,500
B25	10	2100	106,100
Edy. Rd. (B26, B28, B29)	10	2300	115,200
	12	2450	130,900
B27	12	2600	138,900
B32	12	1800	96,150
B33	12	2000	106,800
Tualatin Sherwood Rd. (B34)	12	1800	96,150
B35	8	2950	135,900
B36	8	1250	57,600
HIGH PRESSURE ZONE			
Pump Station at Haide Rd.	—	1	35,000
Expand Pump Sta. at Division	—	1	30,000
Replace 8 inch line in Division with 10 inch line	1350	70,000	
Replace 8 inch line in Pine St. with 10 inch line	10	1250	64,800
B37	10	950	49,250
B38	8	2550	117,500
B39	8	1250	57,600
B40	8	2600	119,800
B41	10	1250	64,800
B42	8	700	32,250
Sunset Blvd. (B43)	8	700	32,250
TOTAL			\$ 4,220,550

AREA OF CONTESTED UGD BOUNDARIES



S.W. SHERWOOD ANNEXATION

City of Sherwood, Oregon

Exhibit A.

A parcel of land situated in Section 31, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon more particularly described as follows:

Beginning at the intersection of the northwesterly right-of-way line of S.W. Pacific Highway and the northerly line of Section 31, T2S, R1W, W.M.; thence westerly along said northerly line 2560.10 feet, more or less, to a point on the easterly right-of-way line of S.W. Elwert Road; thence southerly along the said easterly right-of-way line, crossing said S.W. Pacific Highway, and along the easterly right-of-way line of Old Highway 99 to the intersection with the northerly right-of-way line of S.W. Wilsonville Road; thence easterly along the said northerly right-of-way line 4,156 feet, more or less, to the southeasterly corner of that tract of land described by deed recorded as Fee No. 79-44578, Washington County Deed Records; thence leaving the said northerly right-of-way line, northerly along the easterly line of said tract of land 275 feet, more or less, to the southeasterly right-of-way line of the Southern Pacific Railroad; thence northeasterly and easterly along the said southeasterly right-of-way line to the intersection with the west line of said Section 31; thence northerly along said west line 645 feet, more or less, to the northerly right-of-way line of West Villa Road; thence westerly 290 feet, more or less to a point; thence southerly, crossing said West Villa Road to the northeasterly corner of that tract of land described by deed recorded as Fee No. 84-9323, Washington County Deed Records; thence continuing southerly along the easterly line of said tract of land 412 feet, more or less, to the southeasterly corner thereof; thence westerly along the southerly line of said tract of land 216.72 feet, more or less, to the southwesterly corner thereof; thence northerly along the westerly line of said tract of land, 412 feet, more or less, to the northwesterly corner thereof, said point being also on the southerly right-of-way line of said West Villa Road; thence continuing northerly, 40 feet, more or less, to a point on the said northerly right-of-way line of West Villa Road;

thence westerly
feet, more
Villa Road
said West
of land
Wash
sou
S'

PMALGBC FORM #8

PETITION FOR ANNEXATION TO THE CITY OF Sherwood, OREGON

TO: The Council of the City of Sherwood, Oregon

We, the undersigned property owners of the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Sherwood. If approved by the city, we further request that this petition be forwarded to the Portland Metropolitan Area Local Government Boundary Commission for the necessary procedures as prescribed by ORS 199.490 (2).

The property to be annexed is described as follows: (Insert Legal Description here OR attach it as Exhibit "A")

See Exhibit "A"

PETITION SIGNERS

Signature of Legal Owner(s)	Address	Tax Lot Numbers						
		Lot #	1/4	1/4	Sec.	Twp	R	
	P.O. Box 251 Sherwood, Oregon 97140	2200			A	31	2S	1
<i>Milford E. Hosler</i>	Rt. 3, Box 310 Sherwood, Oregon 97140	500			B	31	2S	1
<i>Marian J. Hosler</i>	Rt. 3, Box 310 Sherwood, Oregon 97140	500			B	31	2S	1
	P.O. Box 71 Sherwood, Oregon 97140	600			B	31	2S	1
	P.O. Box 71 Sherwood, Oregon 97140	601			B	31	2S	1
	Rt. 3, Box 257 Sherwood, Oregon 97140	700			B	31	2S	1
<i>Renneth Stearns</i>	Rt. 3, Box 314 Sherwood, Oregon 97140	800			B	31	2S	1
	Rt. 3, Box 314 Sherwood, Oregon 97140	800			B	31	2S	1
	Rt. 3, Box 315 Sherwood, Oregon 97140	900			B	31	2S	1
	Rt. 3, Box 315 Sherwood, Oregon 97140	900			B	31	2S	1
<i>Allan W. Williams</i>	Rt. 3, Box 314D Sherwood, Oregon 97140	901			B	31	2S	1
	Rt. 3, Box 314D Sherwood, Oregon 97140	901			B	31	2S	1
	Rt. 3, Box 257 Sherwood, Oregon 97140	1000			B	31	2S	1
	Rt. 3, Box 247 Sherwood, Oregon 97140	1101			B	31	2S	1

NOTE: This petition may be signed by qualified persons, even though they may not know their tax lot numbers.

(IF MORE SPACE IS NEEDED, PLEASE USE A SEPARATE PAGE)

PETITION SIGNERS (Continued)

(Note: This petition may be signed by qualified persons, even though they may not know their tax lot numbers.)

Signature of Legal Owner(s)	Address	Tax Lot Numbers					
		Lot #	1/4	1/4	Sec.	1/2	1/4
	Rt. 3, Box 257 Sherwood, Oregon	1102		B	31	2S	1
	9835 S.W. 90th Portland, Oregon	1201		B	31	2S	1
	Rt. 5, Box 60A Sherwood, Oregon	100		C	31	2S	1
	Rt. 5, Box 60A Sherwood, Oregon	100		C	31	2S	1
	Rt. 5, Box 59B Sherwood, Oregon	101		C	31	2S	1
	Rt. 5, Box 59B Sherwood, Oregon	101		C	31	2S	1
<i>Ac R. Harris</i>	Rt. 5, Box 60A Sherwood, Oregon	102		C	31	2S	1
	Rt. 5, Box 60A Sherwood, Oregon	102		C	31	2S	1
	Rt. 5, Box 59A Sherwood, Oregon	103		C	31	2S	1
	Rt. 5, Box 59A Sherwood, Oregon	103		C	31	2S	1
	15300 S.W. 116th Tigard, Oregon	200		C	31	2S	1
<i>Charles W. Gubbe</i>	Rt. 3, Box 247 Sherwood, Oregon	300		C	31	2S	1
	Rt. 3, Box 247 Sherwood, Oregon	300		C	31	2S	1
	Rt. 5, Box 61A-1 Sherwood, Oregon	400		C	31	2S	1
	Rt. 5, Box 61A-1 Sherwood, Oregon	400		C	31	2S	1
<i>Charles W. Gubbe</i>	Rt. 3, Box 247 Sherwood, Oregon	401		C	31	2S	1
	Rt. 3, Box 247 Sherwood, Oregon	401		C	31	2S	1
	5238 S.E. 53rd Ave. Portland, Oregon	500		C	31	2S	1
	Rt. 5, Box 61 Sherwood, Oregon	600		C	31	2S	1
	Rt. 5, Box 61 Sherwood, Oregon	600		C	31	2S	1
	P.O. Box 109 Sherwood, Oregon	100		D	31	2S	1
	P.O. Box 109 Sherwood, Oregon	100		D	31	2S	1
	Rt. 5, Box 57 Sherwood, Oregon	300		D	31	2S	1

PETITION SIGNERS (Continued)


(Note: This petition may be signed by qualified persons, even though they may not know their tax lot numbers.)

Signature of Legal Owner(s)	Address	Tax Lot Numbers					
		Lot #	1/4	1/4	Sec.	1/4	1/4
	Rt. 5, Box 58 Sherwood, Oregon	400		D	31	2S	1
	Rt. 5, Box 58 Sherwood, Oregon	400		D	31	2S	1
	Rt. 5, Box 58 Sherwood, Oregon	401		D	31	2S	1
	Rt. 5, Box 58 Sherwood, Oregon	401		D	31	2S	1
	Rt. 5, Box 58 Sherwood, Oregon	402		D	31	2S	1
	Rt. 5, Box 58 Sherwood, Oregon	402		D	31	2S	1



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

October 16, 1985

TO: Sherwood Planning Commission
THROUGH: Jim Rapp, City Manager 
FROM: Carole Connell
 Consulting City Planner
RE: Code Revisions/Compliance Standards

Attached are the various plan or permit code compliance standards sprinkled throughout the Community Development Code. One of the most difficult tasks of the code revision project is that of modifying, consolidating and omitting some of these standards.

Please look them over. Your comments and suggestions would help immensely.

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	1-7	A tax map with scale (1"= 100' or 1"= 200') north point, date and legend showing property within 300 feet.
	1-7	A current preliminary title report or lot book search.
	1-7	A vicinity map showing properties within one-half mile of the subject property.
	1-7	Name, address of record owner or owners and the person who prepared existing conditions information.
Citizen and Agency Involvement	1-4	A list of tax lots, owners and their addresses for properties within 300 feet of the subject property.
Growth Management	1-7	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	1-7	Acreage of Property
	1-7	City and County Comprehensive Plan Designation
	1-7	Comprehensive Plan Maximum Allowable density (DU/gross acre)
	1-7	Existing land use including nature, approximate sizes and location of existing structures for subject property and adjacent properties within 300 feet.
	1-7	Easements - indicate location purpose, dimensions and ownership on tax map.
Environmental Resources	4-7	Topography map of subject property overlayed on tax map with 5 foot contour intervals related to an established bench mark.
		2-7
	2-7	Flood Plains - Indicate all 100 year flood plain and flood way lines on tax/topo map. (US Corps of Engineers map)
	2-7	Natural Drainage - Indicate location of streams, wetlands, ponds springs and drainage patterns.

TYPE OF INFORMATION/ PLAN ELEMENT	TYPE OF APPLICATION	INFORMATION ITEM
	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 outcroppings, etc. (See Part 1,V-
	2-7	Sun and wind exposures - indicate general orientation on tax map.
Environmental Quality	3-7	Air, Water, Land Pollution; Noise Sources - indicate the location of existing uses producing significant levels of air, water, land or noise pollution.
Recreational Resources	3-7	Existing Facilities - indicate the location, size and distance to nearest park and open spaces on tax map.
Transportation	1-7	Street Locations and Dimensions - indicate location centerline location, 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.
	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.
	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
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.
	1-7	Existing Service - indicate service levels, capacity, pressure and fire flow characteristics of water mains available to the subject property.
	1-7	Planned Improvements - indicate the sizes and location of any planned capital improvements
Sewer	1-7	Existing Facilities - indicate location, size, and distances to the nearest connection on tax/topo map.
	1-7	Existing Service - describe whether or not gravity flow, capacity and condition of lines available to property.
	1-7	Planned Improvements - indicate sizes and location of any planned capital improvements.
Drainage	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.
	3-7	Runoff Analyses - indicate SCS soil permeability ratings.
	3-7	Planned Improvements - indicate sizes and locations of any planned capital improvements.
Private	3-7	Existing facilities and Services - Describe response from utility companies concerning the availability of services to proposed site.
Utilities		
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
<u>PROPOSED</u> <u>DEVELOPMENT PLAN</u> General Information	3-7	Planned Improvements - describe a planned capital improvements.
	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.
	1-7	Name of development - Indicate name of proposed development on plan/plat.
	1-7	A vicinity map outlining the subject property showing property within one-half mile.
Citizen and Agency Involvement	1-7	<p>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.</p> <p>(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)</p>
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.
	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
	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
	5, 6, 7	Natural Hazards - If landslide, erosion, flood, weak foundation 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.
	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
	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 manuevering 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 consistant with the Sewer Service Plan.
Drainage	5, 6, 7	Proposed Facilities - Indicate the proposed runoff control and conveyance system consistant 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
	4-7	Commercial Uses - provide any available evidence of local market strength for the service or products 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.)
Structural Design and Construction Considerations	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 of 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 sizes 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.

4.00 ENVIRONMENTAL RESOURCE MANAGEMENT

4.01 Purpose

It is the purpose of this Section to protect the health, safety and general welfare of the public by the implementation of measures to

- A. Protect, preserve and otherwise properly manage the City's natural resources for the benefit of the general public.
- B. Regulate land development so as to protect the public from known natural hazards.
- C. Establish performance standards for environmental quality.
- D. Establish and maintain a park and open space system for the enjoyment and use of the general public.

4.02 Environmental Performance Standards

A. Applicability

The standards in this subsection apply to new and existing uses and changes in uses of existing structures in commercial and industrial planning designation areas within the City. Existing uses which do not conform to the standards of this section shall be brought into conformance with this section. Unless conformance to the standards of this section is demonstrated such existing uses shall be regarded and treated and nonconforming uses pursuant to Section 7.00 of this Chapter.

B. Determination of Compliance

Conformance with the standards of this section shall be certified in writing by a registered engineer and submitted with the application for final site plan review required by Section 9.00. The written certification shall include:

1. A statement certifying that the proposed commercial or industrial use, if properly managed, will not violate the environmental performance standards herein set forth.

2. A statement describing the findings upon which such a conclusion is based.
3. A copy of any permits required by the Oregon State Department of Environmental Quality or recent test results which would indicate compliance with the applicable performance standard.

C. Noise

1. All noise shall be muffled so as not to be objectionable due to intermittance, beat frequency, or shrillness, and as measured at any point on the property line of the property on which the noise producing use is located, shall not exceed the following intensity in relation to sound frequency:

<u>OCTAVE BAND</u> Frequency in <u>Cycles Per Second</u>	<u>MAXIMUM PERMITTED SOUND LEVEL DECIBELS</u>	
	Hours <u>10 p.m. - 7 a.m.</u>	Hours <u>7 a.m. - 10 p.m.</u>
0 to 74	69	74
75 to 149	54	59
150 to 299	47	52
300 to 599	41	46
600 to 1,199	37	42
1,200 to 2,399	34	39
2,400 to 4,799	31	36
4,800 and above	28	33

2. Such sound levels shall be measured with a sound level meter and an octave band analyzer approved and calibrated by the State Department of Environmental Quality.
3. Noise making devices which are maintained and utilized solely to serve as warning devices are excluded from these regulations.
4. Noise created by highway vehicles, trains, and aircraft is excluded from these regulations.

D. Vibration

No vibration other than that caused by highway vehicles, trains, airplanes and helicopters shall be permitted which is discernible without instruments at the property line of the use concerned.

4.02 E. Air Quality

All new uses established within a commercial or industrial planning designation area shall be designed to comply with the most recent air quality standards adopted by the Oregon State Department of Environmental Quality (DEQ). In cases where DEQ rules require uses to obtain an Air Contaminant Discharge Permit the permit shall be submitted with the Compliance Certification required by Section 4.02.

F. Odors

The emission of offensive or noxious odorous gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating such odors is prohibited.

G. Heat and Glare

Except for exterior lighting, operations producing offensive heat or glare shall be conducted entirely within an enclosed building. Exterior lighting shall be directed away from adjacent residential planning designation areas.

(end)

4.03 FLOOD PLAIN DISTRICT (FP) (Rev. 12/23/81 Ord. 758)

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.

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:

Category of Street

Width of Visual Corridor

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.

4.05 ENERGY CONSERVATION

A. Energy Conservation - Statement

All land use development activities and uses for which a Certificate of Plan Compliance is required pursuant to Chapter 1 Section 4.00 of this Part shall submit with the application for a Certificate of Plan Compliance a written statement describing how the proposed activity or use provides for, to the maximum extent feasible, future passive or natural heating and cooling opportunities consistent with the provisions of this subsection.

For the purposes of this section, "feasible" means capable of being accomplished taking into account economic, environmental, and technological factors such as, contour and orientation of the site, amount of additional grading that may be necessary, slope stability, shading pattern of existing vegetation, and access to existing streets. It is the intention of this section that the provision of natural heating and cooling opportunities in new development be weighed along with all other design considerations including tree preservation, and be pursued whenever the benefits in terms of energy conservation and the potential for solar energy development are greater than the associated costs. It is not intended that the requirements of this section result in exceeding allowable densities, the percentage of a lot which may be occupied by a structure under the applicable Planning Designation Area Standards, or the destruction of existing trees, either on or offsite.

B. Energy Conservation Standards

Plans for a proposed development or use shall demonstrate compliance with the following standards.

1. The proposed activity or use shall be designed so that the maximum number of buildings shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of

the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time on December 21. Measures which may show compliance with this standard may include but are not limited to those relating to the design location and solar orientation of streets, sites, vegetation and structures.

2. The proposed activity or use shall be designed so as to take advantage of the cooling effects of prevailing summer breezes and shading vegetation existing or proposed on the site. To the extent solar access to adjacent sites is not impaired, vegetation should be used to moderate prevailing winter winds on the site.
3. Measures designed to comply with standards B.1. and B.2. above shall not in any case obstruct or otherwise interfere with the existing access of sunlight to the south walls or roofs of existing buildings unless it can be shown that compliance with this standard will create an unusual hardship resulting from the unique characteristics of the building site. Interference or obstruction of southerly sun exposure to adjacent undeveloped sites shall be minimized.

C. Variance to Permit Solar Access

Variances from Planning Designation Area standards relating to height, setback and yard requirements may be granted by the Planning Commission where such variances are found to be necessary for the proper functioning of solar energy systems or otherwise preserve solar access on a site or to an adjacent site provided the variance for such purposes complies with the provisions of Section 8.00 of this Chapter.

- 5.01 E. 2. A clear vision area shall contain no planting, sight obscuring fence wall, structure, or temporary or permanent obstruction exceeding 2½ feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade; except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven feet above the ground
3. The following requirements shall govern clear vision areas:
- a. In a residential planning designation area the minimum distance shall be 30 feet; or, at intersections including an alley, 10 feet.
 - b. In commercial and industrial planning designation areas the minimum distance shall be 15 feet; or, at intersections including an alley, 10 feet; except that when the angle of intersection between streets, other than an alley, is less than 30 degrees, the distance shall be 25 feet.
 - c. Where no yards are required, buildings may be constructed within the clear vision area.

F. Additional Setbacks

To permit or afford better light, air, and vision on more heavily travelled streets and on streets of sub-standard width; to protect the purposes of major streets, and to assure the location of structures compatible with the need for widening of the streets consistent with the Transportation Section of the Community Development Plan and to provide adequate area for construction of necessary street and related improvements, a setback in addition to that required by the Planning Designation Area shall be provided abutting streets and portions of streets based on the functional classification of said streets in the Transportation Section of the Community Development Plan as hereinafter provided. The additional setbacks indicated below shall be measured at right angles to the centerline of the street and unless otherwise described measured from the centerline of the street as constructed and improved with a hard surface pavement or, where not paved from the center line or general extension thereof of the street right of way.

5.01 F. Continued

<u>Transportation Section Classification</u>	<u>Additional Setback From Centerline</u>
Arterial	
Major	45 feet
Minor	35 feet
Collector	27 feet
Local	24 feet

5.02 GENERAL EXCEPTIONS

A. Lot Size and Dimension Requirements, General Exceptions

1. If a lot or the aggregate of contiguous lots or parcels recorded, or platted, prior to the time this ordinance was adopted, has an area or dimension which does not meet the requirements of this ordinance, the lot or aggregate holdings may be put to a use permitted outright, subject to the other requirements of the Planning Designation Area in which the property is located; except that a residential use shall be limited to a single-family dwelling, or to the number of dwelling units consistent with the density requirements of the Planning Designation Area. However, no dwelling shall be built on a lot with less area than 3,200 square feet.
2. Cul de Sacs: Minimum lot width at building line on cul de sac lots may be less than that required by this ordinance if a lesser width is necessary to provide for a minimum rear yard.

B. Yard Requirements, General Exceptions

1. On a through lot the front yard requirements of the Planning Designation Area in which such a lot is located shall apply to each street frontage.
2. Corner lots. On a corner lot, or a reversed corner lot of a block oblong in shape, the short street side may be used as the front of the lot, provided:

9.00 COMMUNITY DESIGN

9.01 PURPOSE

This section is intended to establish a process and define a set of development standards to guide the physical development of the City consistent with the objectives, policies and strategies of Section IV (I) of Part 2, Community Development Plan.

Specifically the objectives are:

- A. To establish community design and aesthetics as a planning consideration in evaluating new development.
- B. To develop and implement policy which will encourage appropriateness and compatibility of new development with the existing natural and man-made environment, existing community activity patterns, and community identity.
- C. To develop and implement policy which will minimize or eliminate adverse visual effects caused or perpetuated by the design and location of new development including but not limited to effects from:
 - 1. The scale, mass, height, area, and architectural design of buildings and structures.
 - 2. Vehicular and pedestrian ways and parking areas.
 - 3. Existing or proposed alteration of natural topographic features, vegetation and water-ways.
 - 4. Other developments or structures including, utility lines, storage, or service areas and advertising features which may result in the interference with sun and light exposure, views, vistas, privacy and general aesthetic value of the neighborhood or area.

9.02 DESIGN REVIEW

A. Design Review Board

In order to carry out the purpose and objectives of this ordinance and to carry out such further duties and functions as may be assigned by the City Council, a Design Review Board is hereby established.

9.02 C. 5. Review Body Action (Section 4.05)

For most land use developments and related actions, design review is the final step in the Plan Compliance Review Process involving review body action.

Upon obtaining any previous approvals required by this Part, the applicant shall prepare a final site plan and submit it to the Design Review Board for review and approval pursuant to the requirements of this Section. If the Board fails to make written findings and submit the same to the applicant pursuant to the provisions of Chapter 1 Section 4.05 D, the application shall be deemed approved.

(D) Required Findings (Rev. 3/25/81 Ord. 735)

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

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

9.02 E. Time Limit on Design Review Approval

A site development plan approved by the Design Review Board shall remain valid for a period of one year following the date of its approval. If at the end of that time construction has not begun, then the site plan approval shall lapse and shall be in effect only if resubmitted to the Board and again approved. All construction and development under any building permit shall be in accordance with the approved site development plan. Any departure from such plan shall be a cause for revocation of a building permit or a denial of an occupancy permit. Any proposed changes in an approved plan shall be submitted to the Design Review Board for review and approval. Site development shall be completed before issuance of occupancy permits, unless an extension of not longer than six months is granted by the Board.

9.03 COMMUNITY DESIGN STANDARDS AND CRITERIA

In addition to the other requirements of the Planning District Standards and other applicable City ordinances, a proposed development shall comply with the criteria and standards of this section. Specific standards contained in this Section are intended to be guidelines for the design of sites and structures within the City. The Board may increase, decrease, or otherwise modify the standards contained in this section in cases where it is found that such modifications will meet the intent of the standard to be varied and will otherwise conform to the objectives listed in Section 9.01 of this Chapter.

A. Landscaping

1. Landscaping Plan Required

All proposed developments for which a final site plan pursuant to this section is required shall submit a landscaping plan which demonstrates compliance with the standards of this subsection and which meets the application requirements of Chapter 1 Section 4.04.

9.03 A. 2. Area Required To Be Landscaped

All areas not occupied by structures, paved roadways, walkways or patios shall be landscaped or maintained according to an approved site plan.

3. Soil Preparation

Specifications shall be submitted with the landscaping plan showing that adequate preparation of the topsoil and subsoil will be undertaken prior to the setting of any specified planting materials to support such plantings in a healthy condition over a long period of time.

4. Plant Materials

a. Varieties

Required landscaped areas shall include an appropriate combination of evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial flowers. Trees to be planted in or adjacent to the public right of way shall meet the requirements of subsection A.9.

b. Establishment of Healthy Growth and Size

Required landscaping materials shall be established in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan.

5. Non-vegetive Landscaping Features

Landscaped areas as required by this Section may include such architectural features as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, decorative hard paving and gravel areas, interspersed with planted areas. Artificial plants are prohibited in any required landscaped area.

6. Preservation of Existing Vegetation

All landscaping plans submitted shall show evidence of an attempt to preserve significant existing vegetation to a maximum feasible extent. For the purposes of this subsection "significant vegetation" shall include all trees 4 or more inches in diameter, and any other existing plant materials which the Board determined to be worthy of preservation as a landscape feature or for the control of erosion and maintenance of a natural drainageway. Significant vegetation as herein defined shall not be removed unless specifically authorized in a landscaping plan approved by the Board.

7. Standards for Landscaping Features

a. Perimeter Screening and Buffering

A minimum of a 6 foot sight obscuring wooden fence, decorative masonry wall or evergreen screen shall be required along a property line separating a single family designation area from a two family or multifamily use and along a property line separating a residential designation area and a commercial or industrial use. In addition, plantings and other landscaping features may be required by the Board in locations and sizes necessary to protect the privacy of residents and buffer the environmental effects of adjoining uses.

b. Landscaping and Buffering of Parking and Loading Areas

bl. Area Required to Be Landscaped

A minimum of 10% of the lot area used for the display or parking of vehicles shall be landscaped in accordance with this subsection.

b2. Required Landscaping Adjacent to Public Rights-of-Way

A strip of land at least 10 feet in width located between the abutting right-of-way and the off-street parking of loading area or vehicle use area which is exposed to an abutting right-of-way shall be landscaped, such landscaping to include any combination of evergreen hedges, dense vegetation, earth berm, change in grade, or wall which will form a permanent year round screen between the off-street parking, loading, or other vehicle use area and the public right-of-way, except in required vision clearance areas as provided in Section 10-826 (3) (d).

b3. Perimeter Landscaping Relating to Abutting Properties

On the site of a building or structure or open lot use providing an off-street parking or loading area or other vehicular use area, where such areas will not be entirely screened visually by an intervening building or structure from abutting property, a 10 foot landscaped strip between the common lot line and the off-street parking or loading or other vehicular use area exposed to abutting property shall be established and a sight obscuring fence or planting a minimum of 6 feet in height shall be provided.

b4. Parking Area Interior Landscaping

A minimum of 1/2 of the required parking area landscaping shall be situated within the interior of said parking area. Such landscaped areas shall be distributed to break up large expanses of pavement, improve the appearance and climate of the site, improve safety, and delineate pedestrian walkways and traffic lanes. At a minimum: A required landscaped area shall be no less than 64 square feet; and a landscaped interruption shall be placed after the 15th parking stall to occur in a row.

October 9, 1985

TO: City Planning Commission

FROM: Jim Rapp, City Manager



RE: October 17 Commission Meeting

At the Planning Commission's October 17 meeting several special issues will be discussed in addition to the concept plan for a residential PUD. I would like to address each of these issues briefly in advance of that meeting.

1. Introductions. Carole Connell has been assigned as the new City Planner. Carol works for Benkendorf and Associates and replaces Sally Rose.
2. Urban Growth Boundary. As many of you have probably read, a State Circuit Court decision on a lawsuit filed by 1000 Friends of Oregon has frozen development in the western portion of the Sherwood UGB. This represents approximately 20% of our total urban growth area. Presently METRO is working on new findings supporting reacknowledgement of the original UGB. These will go before LCDC in January. The impact of a negative decision from LCDC would be enormous. Enclosed is a packet of materials on this dispute.
3. Annexation. One result of the UGB dispute is an annexation petition covering 250 of the 435 acres within the area covered by the Court decision. Attached is the petition and City Resolution No. 340, which is scheduled to go before the City Council on October 23. Although the petitioners recognize that the Local Boundary Commission is unlikely to act on the annexation under the cloud of the lawsuit, these property owners still want to make their urban aspirations clearly known. Commission endorsement of the annexation is requested.
4. Code Revisions. Benkendorf and Associates have been working on a series of technical revisions to the Comprehensive Plan. These include improving and adding definitions, correcting inaccurate section references, updating to current conditions (such as changing the term "Planning Director", since there isn't one, to a more generic classification), revisions to provide consistent terminology, and complete and straight forward processing steps. Carol Connell will review the work to date and ask for the Commission's input. The code revisions will stay away from policy changes, these will form part of Periodic Review in 1986-87.

5. Zoning Map. A new format for the City's official zoning map will be presented. The current format (screens and shadings for different land use designations) has lead to numerous ambiguities on the map. The new format will have lined boundaries throughout. Staff will explain some of the decisions that were made on certain ambiguities and ask for the Commission's input prior to going to formal hearing on readopting the Map.

APPROVED MINUTES

Sherwood Planning Commission

Minutes

October 17, 1985

The meeting of the Sherwood Planning Commission was called to order by the Chairman, Dwight Minthorne at 7:35 p.m. Planning Commission members Dave Crowell, Mo Turner and Marjorie Stewart were present. James Rapp, City Manager and Carole Connell, Consulting City Planner were also present.

Mr. James Rapp introduced the new consulting planner, Carole Connell, who has been assigned to the City of Sherwood from Benkendorf & Associates.

Mr. Minthorne stated that the next item on the agenda was the approval of minutes for the meeting of September 23, 1985. Marjorie Stewart made a motion to approve the minutes of September 23, 1985 as submitted. Dave Crowell seconded the motion. Motion passed unanimously.

Mr. Minthorne stated that it was his understanding that the request for conceptual plan approval of the Ancient Rocks development has been withdrawn. Carole Connell advised that with the staff report there was a question of whether or not a mobile home park was allowed in that zone so they withdrew their application. They still plan to come back with a subdivision on the property but with a different design. Mr. Rapp explained that the code uses manufactured houses and mobile homes interchangeably. He stated that it is used as a single term. Discussion was held about revising the code to make this clear. Carole Connell advised that they will be receiving some training materials with regard to land use planning that can be used by the Planning Commission. Mr. Rapp stated that there will be a seminar on periodic review for anyone interested. He will send out more information when it is available.

Mr. Rapp gave a review of the Urban Growth Boundary dispute and the lawsuit by 1000 Friends. He stated that the Judge ruled that the LCDC facts were not adequate and issued a restraining order freezing development on the land in the Urban Growth Boundary. Metro is preparing a new set of findings to justify the boundary. They are only using facts from the record as it was in 1980. On November 14, 1985 the new findings will be presented to the Metro Council for adoption and in January it will go before LCDC for reacknowledgement. Mr. Rapp advised that some of the property owners in the area have formed

a committee to watch what is going on. These people are also putting together an annexation petition. The Planning Commission discussed how this lawsuit will effect the City and the amount of work that went into the planning. Marjorie Stewart made a motion to reacknowledge the boundary of LCDC. Mo Turner seconded the motion. Motion passed unanimously.

Mr. Rapp advised that some of the property owners in the affected area have signed a petition for annexation. The Boundary Commission has asked for endorsement by the Planning Commission. Marjorie Stewart made a motion that the Planning Commission endorse the 250 acre proposed West Sherwood annexation. Mo Turner seconded the motion. Motion passed unanimously.

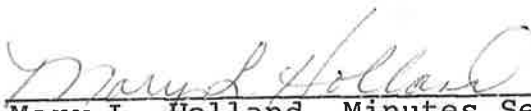
Carole Connell advised that she has been given the task of rewriting the development code and cleaning it up. She handed out a new Table of Contents and some revisions for the Planning Commission members to review. She asked for comments from the Planning Commission members before she goes too much farther. She felt that the criteria to be followed for some buildings is too large and unnecessary. Carole Connell stated that she would begin to revise this and bring it back to the Planning Commission for their comments. There was discussion on the use of the term "planning designation area". Planning Commission members agreed that this should be called "zone". The Planning Commission also agreed that "certificate of planned compliance" should be changed to "zoning permit". It was also agreed that Carole Connell would draft some language with regard to fence regulations.

Mr. Rapp advised the Planning Commission that when he came to Sherwood he found that there was no official zoning map. He proposed that an official zoning map be adopted. He stated that he would bring it to the Planning Commission and the City Council for comments and then go through the process with public hearings. Mr. Rapp felt that a lot of mistakes could be made with the screening effect that is used on the map they now have and he reviewed the changes proposed. Discussion was held as to whether they should stick with their plan or go with the higher density shown in the county plan. It was agreed that the plan stick with the city's density.

Mr. Rapp stated that another issue is how the zoning plan treats institutional and public uses. The official map has all public uses listed but the code has no special zone for this. He suggested creating a new zone for these uses such as schools, parks, churches, etc. This will be brought back to the Planning Commission after the changes have been made.

Discussion was held as to how the county road bond will effect the City of Sherwood.

Meeting adjourned at 9:50 p.m.


Mary L. Holland, Minutes Secretary