



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

Planning Commission
Agenda

June 6, 1985
7:30 p.m., School District Board Room
400 No. Sherwood Blvd.

- I. Minor Partition Application
- St. Francis Church
- II. PUBLIC HEARING - Request to Amend Comprehensive Plan Map
- 2S 1 30D: 800 & 801
- III. Approval of Minutes, April 4, 1985

PLANNING STAFF REPORT

TO: City of Sherwood
Planning Commission

DATE TYPED: May 29, 1985

FROM: Benkendorf & Associates
Sally Rose, Consulting City Planner

HEARING DATE: June 6, 1985

SUBJ: Minor Partition Application
St. Francis Church

I. PROPOSAL DATA

Applicant: St. Francis Church

Request: Minor Partition to separate the "old" St. Francis Church building from the larger parcel to facilitate a sale of that building.

Location: The subject property is located adjacent to Oregon Street, just northwest of the Southern Pacific Railroad crossing. It is further identified as a portion of Tax Lots 200 & 300, Washington County Assessor's Map 25 1 32A.

II. BACKGROUND INFORMATION

The subject property, in addition to three other tax lots to the north, is owned by the Archdiocese of Portland, and has been used by St. Francis Catholic Church. The owners wish to sell the older church building and some additional acreage to the Assembly of God Congregation. In order to make this sale, a new tax lot must be created which includes the church building and some adjoining land.

The subject property is within a Medium Density Residential High Planning Designation Area (MDRH), where a church is a Conditional Use. No minimum lot size is listed for uses other than residential.

The applicant has submitted the following information in support of its application.

- o Site Plan and Vicinity Map (1 sheet) prepared by John S. Reppeto, Surveyor.
- o Completed application form.

III. FINDINGS OF FACT

- A. Under the proposed partitioning Plan, the following tax lots will have the following amount of lineal frontage on Oregon Street.
 - o Proposed new lot, approximately 325 ft.
 - o Tax Lot 300, approximately 40 ft.
 - o Tax Lot 200, approximately 60 ft.
 - o Tax Lot 100, approximately 200 ft.
- B. This portion of Oregon Street is a City street and is designated a Collector Street in the City of Sherwood Community Development Plan. The Plan states that such streets shall have 54 ft. of right-of-way.
- C. The applicant's Site Plan illustrates that the Oregon Street right-of-way is 40 ft. at the subject property.
- D. The Site Plan illustrates that the proposed new lot ("Parcel No. 1") will be 36,437 sq.ft. in size. The remainder of both Tax Lots 200 & 300 appear to be in excess of 10,000 sq.ft.
- E. The Site Plan illustrates that the church building is set back approximately 52 ft. from the edge of the Oregon Street right-of-way and approximately 45 ft. from the rear property line.

- F. There is a 6 inch sewer line running along Oregon Street with a connection to the existing church building.
- G. There is an 8 inch water line in Tax Lot 300, parallel to the west property line of the proposed new lot.
- H. There are fire hydrants at the intersection of Oregon and Lincoln Streets (approximately 300 ft. from the site) and at the intersection of Oregon and Ash Streets (approximately 200 ft. from the site).
- I. The proposed partition does not affect access to adjoining land.

IV. REVIEW CRITERIA

- A. Chapter 3, Section 3.00 C. sets forth the findings required for a minor partition.
- B. Chapter 2, Section 2.09 sets forth the standards for uses in the MDRH Planning Designation Area.

V. STAFF RECOMMENDATIONS AND CONCLUSIONARY FINDINGS

Based upon the Findings of Fact & Conclusionary Findings set forth below, the staff recommends **approval with conditions** of the proposed Minor Partition on Tax Lots 200 & 300, 2S 1 32A.

- A. Oregon Street provides public access to the subject property and, therefore, the request does not require the creation of a road or street.
- B. The John G. Reppeto Site Plan illustrates that the proposed partition complies with the applicable standards of the MDRH Planning Designation Area.
- C. There is adequate public water and sewer service to the site.

- D. The proposed partition does not limit access or other development needs to adjoining land.

- E. The Planning Commission can attach conditions to an approval in order to assure that the purpose of the Comprehensive Plan is met. Staff recommends that the following conditions be imposed:
 - o Applicant shall dedicate a 7 ft. wide strip of land along Oregon Street from Tax Lots 200, 300 and the proposed new lot, to the City for increased right-of-way, and shall sign a waiver of right to remonstrate against future improvements for the creation of a Local Improvement District (LID) for street improvements.

 - o The partition shall not be considered final until a survey of the new parcel, and Tax Lots 200 & 300 has been prepared, recorded in the Washington County Clerk's Office and certification of such provided to the City.

SR:ems

CITY OF SHERWOOD

APPLICATION FOR LAND USE ACTION

Staff Use

CASE NO. _____

FEE _____

RECEIPT NO. _____

DATE _____

Type of Land Use Action Requested

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

Owner/Applicant Information

NAME	ADDRESS	PHONE
Applicant: <u>St. Francis Church</u>	<u>P.O. Box 279 - Sherwood</u>	<u>625-6410</u>
Owner: <u>Archdiocese of Portland in Oregon</u>		
Contact for		
Additional Info: <u>Virginia Myers</u>		<u>625-7584</u>
<u>(5/17-5/27/25) or CLYDE SANDERS</u>		<u>625-6551</u>

Property Information

Street Location: 400 Oregon St.

Tax Lot No. 200 & 300 251 328A Acreage 8.38 Ac.

Existing Structures/Use: Church Purposes

Existing Plan Designation: Medium High Density Residential

Proposed Action

Proposed Use Church

Proposed Plan Designation Same

Proposed No. of Phases (one year each) 1

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

Purpose and Description of Proposed Action: Purpose; To segregate a parcel containing the "old" St. Francis Church. This church is intended to then be used by The Assembly of God Congregation for their church.

Authorizing Signatures

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

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

St. Francis Church

Applicant's Signature

by *Donald R. Bejmar*

5/15/85

Archdiocese of Portland in Oregon

Owner's Signature

by *Donald R. Bejmar*

5/15/85

To Be Submitted With The Application

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

1. A brief statement describing how the proposed action satisfies the required findings criteria contained in the Comprehensive Plan for the action requested. (Attachment B)
2. Applicable existing conditions and proposed development plan information and materials listed in Part 3 Chapter 4 TABLE 4.04 of the Comprehensive Plan. The information in TABLE 4.04 which is applicable to a given application shall be determined during a preapplication conference with the Planning Department.

PLANNING STAFF REPORT

TO: City of Sherwood
Planning Commission

REPORT DATE: May 29, 1985

FROM: Benkendorf Associates
Consulting City Planners

HEARING DATE: June 9, 1985

SUBJECT: Request to Amend Comprehensive Plan Map

PROPOSAL DATA

Applicant

Ruth Troxel Smith and Richard F. Smith, Property Owners, 13175 S.W. Bull Mt. Rd., Tigard, 97223.

Property Location

21800 S.W. Pacific Highway, Sherwood (southerly side of highway, west of Gleneagle Drive).

Legal Description

Tax Lots 800 & 801, County Map #2S 1 30D, 9.03 acres total.

Request

Change Plan Map Designation from **OC, "Office Commercial"** to **GC, "General Commercial"**, for the portion of the Smith properties outside the Cedar Creek flood plain.

Proposed Uses

The Smiths' intend to lease the portion of the site west of Smith Blvd. to Hal Roth and RVW Incorporated for a mobile home sales business. No lease agreements or specific land uses are contemplated at this time for the balance of the site.

Procedure

The Smith request is a "Major Plan Map Amendment", as defined by Section 3.02A & 3.02B of the Sherwood Community Development Code. Major Plan Map Amendments are Comprehensive Plan Map changes larger than four acres (the Smiths' property totals 9.03 acres). After notification and public hearing, Planning Commission takes action on the request. The Planning Commission then forwards its recommendation to the City Council which also has a public hearing to consider passage of an Ordinance amending the City's Comprehensive Plan Map.

FINDINGS

Site Information

The two tax lots in the Smith plan change request are adjacent to the original Highway 99 right-of-way. The two-lane pavement adjacent to the Smith properties is now used as a frontage road, connecting to the main highway east and west of the site. A single-family home is located near the middle of Tax Lot 801, and is used as a rental. Tax Lot 800 is bisected by Smith Blvd., an access street to "Smith Farm Estates", a mobile home subdivision to the south of the site. This is the only access for that mobile home subdivision at the present time.

The site generally has a gentle slope, averaging approximately six percent. The extreme east edge of Tax Lot 801 is part of the steep Cedar Creek ravine and flood plain. This ravine is heavily wooded. Most of the property, however, is an open field with field grasses. Twenty to thirty feet tall fir trees grow along the site's northern boundary. Older, 30-50 ft. firs are in the area between the frontage road and main highway. Much of the site is enclosed by a wire and barbed wire fence. The site drains to Cedar Creek.

Vicinity Information

Vacant land, single-family dwellings and an antique business are located north of Highway 99W and the site. East, beyond the Cedar Creek ravine is the recreation area for the Gleneagle Apartments. South of the site is the aforementioned mobile home subdivision. West are two single-family homes and the Cherry Tree fruit and vegetable shop.

Public Facilities

Smith Blvd., which would be used by the RVW business if this Plan change is approved, is a public street from the highway to the entrance of the mobile home subdivision. At its intersection with the highway frontage road, it has two 18 ft. wide lanes separated by a landscaped planting island. Beyond this median island, the pavement tapers to a 40 ft. width. A 40 ft. paved radius cul de sac terminates the public portion of Smith Blvd., and the street continues into the Smith Farm Estates mobile home park and its private roadways. Storm drainage exists in Smith Blvd. Drainage ditches exist along each side of the highway frontage road.

A 12 inch water main is located in Smith Blvd., and a ten inch water line is in the highway frontage road. The nearest hydrants are near the driveway to the house at 21800 S.W. Pacific Hwy. in the frontage road, and at the entrance to Smith Farm Estates.

A 24 inch sanitary sewer trunk line exists in the Cedar Creek ravine. The nearest sanitary sewer in Smith Park Estates is in Smith Blvd. near that subdivision's entrance.

Plan Considerations

The Smiths request a Plan change for that portion of their land lying outside the Cedar Creek flood plain. By the applicants' estimate, approximately 1½ acres of the total ownership is within the Cedar Creek flood plain. This is the east edge of Tax Lot 801. The Sherwood Comprehensive Plan Map designation for this portion of the Cedar Creek Flood plain is "Greenway".

The balance of the Smith ownership is designated OC, "Office Commercial". The Smiths' propose a change to GC, "General Commercial". Sherwood Community Development Code, Section 3.03 states: "in order to grant any plan amendment, the Planning Commission and City Council shall find that:

1. **The proposed amendment is in conformance to map and text portions of the Comprehensive plan not being considered for amendment.**
2. **The public interest is best served by granting the amendment at this time.**
3. **The following factors in ORS 215.055 were consciously considered; the various characteristics of the areas in the City; the suitability of the various areas for particular land uses and improvements; the land uses and improvement; density of development; property values; the needs of economic enterprises in the future development of the area; transportation access; natural resources and the public need for healthful, safe and aesthetic surroundings and conditions.**

The Sherwood Community Development Plan, Page IV-21 states that: **the OC Plan designation is primarily intended to provide for general office, office sales and service uses, in the following general areas:**

- o where related to community shopping facilities;

- o along arterial or collector streets; and
- o where a full range of urban services are available or can be provided in conjunction with development.

OC areas in Sherwood include a small part of downtown, a small portion on North Sherwood Blvd. between downtown and Six Corners, a large portion at Six Corners (west of the shopping center), and the Smith site.

The Sherwood Community Development Plan also states that: **the GC Plan designation is intended to provide for primarily wholesale commercial uses which may not be appropriate in central retail areas or within residential neighborhoods. This designation is applicable to the following areas:**

- o Where uses may be separated from primarily retail and personal service land uses.
- o Where impacts on residential uses can be minimized.
- o Where adequate off-street parking, good pedestrian access and access onto major streets is or can be made available.
- o Where a full range of urban facilities and services are available or can be provided in conjunction with development.

Examples of allowable GC uses are auto sales, mobile home sales, and lumber yard, farm equipment sales.

GC is distinguished from CC, "Community Commercial", which is the designation for the shopping center, downtown and commercial area on the north side of Pacific Highway. The CC Plan areas allow a wider range of traditional retail and service uses, and do not include the larger scale, land-intensive uses allowed in GC.

Plan Analysis

The text of the Sherwood Community Development Plan, revised March 1983, states that incorporated areas zoned for office uses are largely unused. The 36,000 sq.ft. of offices that were approved as part of a planned unit development near Six Corners was expected to meet most office needs until 1985. This project remains largely unbuilt. The Plan text states that Sherwood would require 7-12 acres of additional office land area by the year 2000. Beyond that P.U.D. site, only approximately two acres of OC land exists, besides the Smiths' nine acres.

Demand for office space in Sherwood, however, has been very low. This is primarily the result of large quantities of recently built, vacant office space in other jurisdictions, particularly Tigard, Tualatin and the southwest portion of the City of Portland. The applicant has submitted material supporting this point of view.

The Smiths have had this site listed for lease for four years, with an OC Plan designation, and have had very little interest, according to the applicants' Plan request materials.

A factor that makes this a difficult site for office is its relative isolation from other commercial areas in Sherwood. Its isolation from other uses is a positive factor for GC-type uses, particularly the mobile home sales business proposed by the applicants west of Smith Blvd. The site is separated from residences on the east by the Cedar Creek ravine and heavy vegetation. The areas most influenced by any type of commercial development would be the Smith Farm Estates mobile home park to the south and residences immediately to the east (between the Cherry Tree Shop and the Smith site).

In the Plan text, "non-retail" commercial corresponds to the General Commercial (GC) Plan designation. The Plan text acknowledges that the future need for land in this designation is very difficult to forecast. The text states on Page IV-8:

"The Sherwood area is favorably situated for various kinds of non-retail enterprises which distribute goods and services throughout Washington County. Currently non-retail or "heavy" commercial uses are mixed with retail uses in the City. No suitable space standard can be derived without reliable employment projections, but given the current shortage of suitable non-retail sites and inquiries to the City for additional space, an additional five acres are suggested by 1985 and an additional 25 acres is suggested by the year 2000".

Currently, approximately 28 acres are in the GC designation on the Sherwood Plan Map, in an area north of Edy Rd., northeast of Six Corners.

Offices are allowed in the GC and CC zones, as well as the OC, "Office Commercial" Plan Designation.

CONCLUSIONARY FINDINGS

Conformance with Plan Change Criteria

1. The proposal is in conformance to map and text portions of the Sherwood Comprehensive Plan. The site best fits the siting criteria for the GC Plan Designation. Future commercial activities on the site can be separated from other retail and service uses here because of its isolation. It is visible to only a few nearby properties and it is separated by lack of through streets. Impact on the dwelling to the west and on the mobile home subdivision can be minimized by the Site Plan Review Process. Off-street parking, pedestrian access and access to major streets can be made as available here, as well as other highway commercial sites in Sherwood. All necessary utilities and public services are available or will be made available.

This site does not meet the first OC designation siting criteria because the site is not truly related to community shopping facilities because of its relative isolation.

2. The public is best served by granting the map amendment at this time. No public interest is served by keeping this site vacant. After four years of attempting to lease the site for offices, the Smiths could not find a tenant. The mobile home sales business is anxious to move onto the site immediately. The public interest is served if a new business can locate in a suitable commercial location.
3. The third Plan change criteria (see Page 4 of this staff report) also is met by the Smith proposal. The following factors are consciously considered:
 - o Various characteristics of the area were considered. The highway commercial sites have different site characteristics than other commercial sites in Sherwood. Within these highway sites, this particular site's relative isolation is a key factor in changing to GC.
 - o The suitability of the site for the possible GC uses is excellent. The large land area and highway visibility is particularly well suited to uses allowed in the GC designation.
 - o The need to locate the RVW business near a mobile home subdivision is a positive consideration. The Smiths inability to lease the site for any of the uses allowed in OC areas is an important consideration.
 - o Transportation access is excellent for future customers, while the site will have very little impact on traffic in residential areas. Being adjacent to a point on the highway where left and right turns are accommodated improves accessibility.
 - o The proposal does not affect the heavy vegetation in the Cedar Creek ravine, and that ravine will continue to be an effective buffer between residential and commercial uses.

- o The public need for healthful, safe and aesthetic surroundings and conditions will be assured by Sherwood's Site Plan Review and building permit processes.

Conclusion

Staff recommends **approval** of the Smith request to change Tax Lot 800 and that portion of Tax Lot 801 outside the Cedar Creek flood plain from OC, "Office Commercial" to GC, "General Commercial".

RESPONSE TO REQUIRED FINDINGS - SECTION 3.03

The proposed change to the Comprehensive Plan (Zone change Office Commercial to General Commercial) is consistent with surrounding uses. The exposure to highway traffic is ideal for retail sales operations. Neighboring retail businesses, ie The Cherry Tree, Sherwood Chevron, Sherwood Farm Implement, The Peddler are evidence of consistent retail operations.

The public benefits from the availability of retail sales operations through an expanded market and product proximity. Affordable housing is a consistent and pressing need. Currently the public must travel to 82nd Street in Portland; McMinnville, Vancouver or Woodburn to shop for their affordable housing needs. Area businesses will be utilized for material supplies and subcontract labor, contributing to the local company.

Various areas throughout the city have been considered, but do not meet the need of high traffic count and visibility. The trend for the highway zone is best suited for General Commercial as opposed to office Commercial, which is more suitable to shopping centers and core city occupancies. Utility services are fully extended and of adequate size to meet the needs of the intended uses. Roadway access is excellent; being served by both a major highway and a frontage road. Traffic can enter and exit the property via both a frontage road and a city street prior to using the main highway.

Property values will increase once the new development is begun by "breaking the ice" for other occupants. We have submitted an exhibit (attached) of proposed landscaping which will enhance the natural beauty of the Sherwood area.

General Commercial operations will contribute to economic development through employment and use of local services. The particular property in question has been available for lease as Office Commercial without success, for two years. The natural appeal of the property is for retail business.

Our particular operation of Mobile/Modular Home Sales will be installed to simulate the appearance of a normal residential setting, so as to enhance the Smith Farm Estates development. Parking will be provided on site with walking paths to each model. Natural ground contours will remain and only natural wood sidings and materials will be utilized to maintain an aesthetically pleasing appearance. Homes can be safely moved onto or from the site via Smith Boulevard so as not to create a traffic hazard.

Our full intention is to be a good, long term community citizen, remaining sensitive to the area we work and live in.

Respectfully,
Nancy A. Wolfe
R.O.D., INC.
Sherwood

APPROVED MINUTES

Planning Commission Meeting
Minutes
June 6, 1985

The meeting of the Sherwood Planning Commission was called to order by the Chairman, Dwight Minthorne at 7:38 p.m. Mo Turner, Gene Birchill, Clarence Langer and Cathy Navarra were also present. Sally Rose, Consulting Engineer of Benkendorf & Associates was also present.

Minor Partition Application - St. Francis Church

Cathy Navarra advised that she was a member of St. Francis Church and was a member of the parrish council. Sally Rose explained the rule as far as disclosure if a planning commission member should have an interest in a particular situation, especially if it is a monetary interest. Cathy Navarra stated that she had no monetary interest but she would probably be bias and would abstain.

Sally Rose explained that this is a proposal for a minor partition to create one or two lots in an area which already has public access. They want to separate the existing large church building and some land to sell to another church. This would meet the lot size requirements, it has all utilities and does not require the creation of a new street. The recommendation is for approval with a few conditions. The conditions are that the church dedicate a 7 foot wide strip along Oregon Street from Tax Lots 200, 300 and the proposed new lot, to the City for increased right of way and that they sign a non remonstrance agreement and that this not become final until a survey is made and said survey filed in the clerk's office.

Gene Birchill made a motion to accept the staff's recommendation with the conditions they recommended. Clarence Langer seconded the motion. Discussion was held as to why tax lot 100 was excluded. Clarence Langer made a motion to amend the motion to include tax lot 100 in condition No. 1. Mo Turner seconded the motion. The motion to amend passed with 4 ayes. Cathy Navarra abstained. The motion to approve the partition and the findings with the conditions listed as amended passed with 4 ayes. Cathy Navarra abstained.

Public Hearing - Request to Amend Comprehensive Plan Map

Dwight Minthorne opened the public hearing. Sally Rose advised that this is a request to change the designation on the comprehensive plan map from Office Commercial to General Commercial. This is a nine acre parcel located along Highway 99W. Sally Rose reviewed the findings and plan considerations with the planning commission members. She then reviewed the uses that would be allowed in the General Commercial and advised that one of the uses proposed is for a mobile home sales. The applicant has submitted a lot of information and the areas affected have been

notified and there has been no response from those people. She felt that the Planning Commission members should keep in mind that when you change a zone all the uses are allowed on the piece of property. There is a small area that could be available for adult entertainment in this designation. The recommendation of the staff is for approval.

The hearing was opened for proponent testimony.

Ruth Smith stated that they had a 50 year lease on the back of the property to Smith Farm Estates. They want nothing on the front of that that would harm the back piece of the property. When they are gone it will go to their children who feel the same way about the property. This property had been on the market for four years with no takers. She felt it would be good for the economy to change the designation.

Gary Wolf stated that he was a resident of Smith Farm Estates and a partner in the mobile home sales business. They are residents of the area and want whatever is put in to be attractive. They want the appearance to be residential looking and intend to be there a long time.

Ruth Smith advised that she had made a survey and there is a need for a retirement home in the area. There is plenty of land available for this also.

There being no further comment from the public the hearing was closed.

Mr. Minthorne asked if a retirement home was listed as an outright use in the General Commercial zone. Sally Rose stated that it was a conditional use and that mobile home sales was an outright use. The Planning Commission members reviewed the uses that would be allowed in the General Commercial Zone. Cathy Navarra made a motion to approve the requested change from Office Commercial to General Commercial as recommended by staff. Mo Turner seconded the motion. Motion passed unanimously.

Approval of Minutes

Mo Turner asked if Design Review had acted on the Special Industrial District. Sally Rose stated that nothing had been done formally but they had talked about recommending that the Council go with Washington County's SID.

Gene Birchill made a motion to approve the minutes of April 4, 1985. Mo Turner seconded the motion. Motion passed unanimously.

Meeting adjourned at 8:40 p.m.


Mary L. Holland, Minutes Secretary