

PLANNING COMMISSION

March 15, 1984

School District Board Room
400 No. Sherwood Blvd.

- I. Public Hearing - Case No. - V-84-01
Request by Ron Garand and Michael Goodman for a variance
to the Clear Vision Area requirement.
- II. Minor Partition - Case No. - MP-84-01
Byron Houston - Edy Rd.
- III. Minor Partition - Case No. - MP-84-02
Steven C. Mackie - E. Willamette St.
- IV. Public Hearing - Case No. - PMA-84-01
Request for Minor Plan Map Amendment - Michael Goodman
- V. Resolution and Order approving Library Conditional Use Request

SHERWOOD PLANNING COMMISSION

March 15, 1984

STAFF REPORT

CASE NO.: V-84-01

SUBJECT: Variance to Clear Vision Area requirements to a minimum of 7 or 10 feet.

APPLICANTS/OWNERS: Ron and Barbara Garand, and Michael Goodman

LOCATION: No. Sherwood Blvd. and intersection with the newly dedicated public street providing access to the Senior/Community Center.

APPLICABLE STANDARDS FOR REVIEW: Chapter 2, Section 5.01 (E)(3)(a)

BASIC FACTS:

Plan Designation: MDRH (Medium Density Residential - High), 8 to 11 units per acre.

Existing Lot Data: The Garand property is designated T2S, R1W, Section 29C, TL 1100, 0.36 acre located at 825 N. Sherwood Blvd. The Goodman property is designated T2S, R1W, Section 29C, TL 1201, 0.37 acre located at 925 N. Sherwood Blvd. Both properties are existing lots of record.

Existing Structures: Each property has an occupied single family dwelling.

Community Facilities and Services:

- Water is available to both properties from a 10 inch main in No. Sherwood Blvd.
- Sanitary sewer service is provided by an 8 inch line in No. Sherwood Blvd.
- Storm drainage is provided by a 14 inch line in No. Sherwood Blvd.

Access: Both properties have full lot width frontage on No. Sherwood Blvd. By virtue of city action to create the public street between the Garand and Goodman properties, both properties have full depth frontage on the public street. The Garand property has this frontage on the north side of the property, while the Goodman property has this frontage on the south side of the property.

FINDINGS:

1. The applicants are requesting a reduction of the 30 foot standard set forth in 5.01 (E)(3)(a) to either 7 feet or 10 feet for both properties along the newly dedicated public street which serves the Senior/Community Center.

2. The intersection of No. Sherwood Blvd. and the public street is a controlled "T" intersection requiring a full stop by vehicles on the public street prior to accessing onto No. Sherwood Blvd. with either a right or left turn.
3. The hedge and planting on the public street side of the Garand property were in existence prior to the creation of the public street.
4. Both the Goodman and Garand properties currently have established fences within the property lines along the public street side of the two properties. The Goodman fence is set back approximately 15 feet from the curblin, and the Garand fence is set back approximately 8 feet from the curblin. Both fences are cedar fences six (6) feet in height.
5. The hardship involved would be the removal of 30 feet of fencing, hedge and plantings on both properties along the public street.
6. The hardship is not self-imposed and does not arise from a violation of the Code.

STAFF COMMENTS:

1. Considering that vehicles must come to a full stop before exiting the public street onto No. Sherwood Blvd., it does not appear that a significant difference would exist with either a 7 foot or 10 foot clear vision requirement.
2. Staff is unable to determine why the applicants are being required to apply for this variance, even though the city waived the application fee.

RECOMMENDATION:

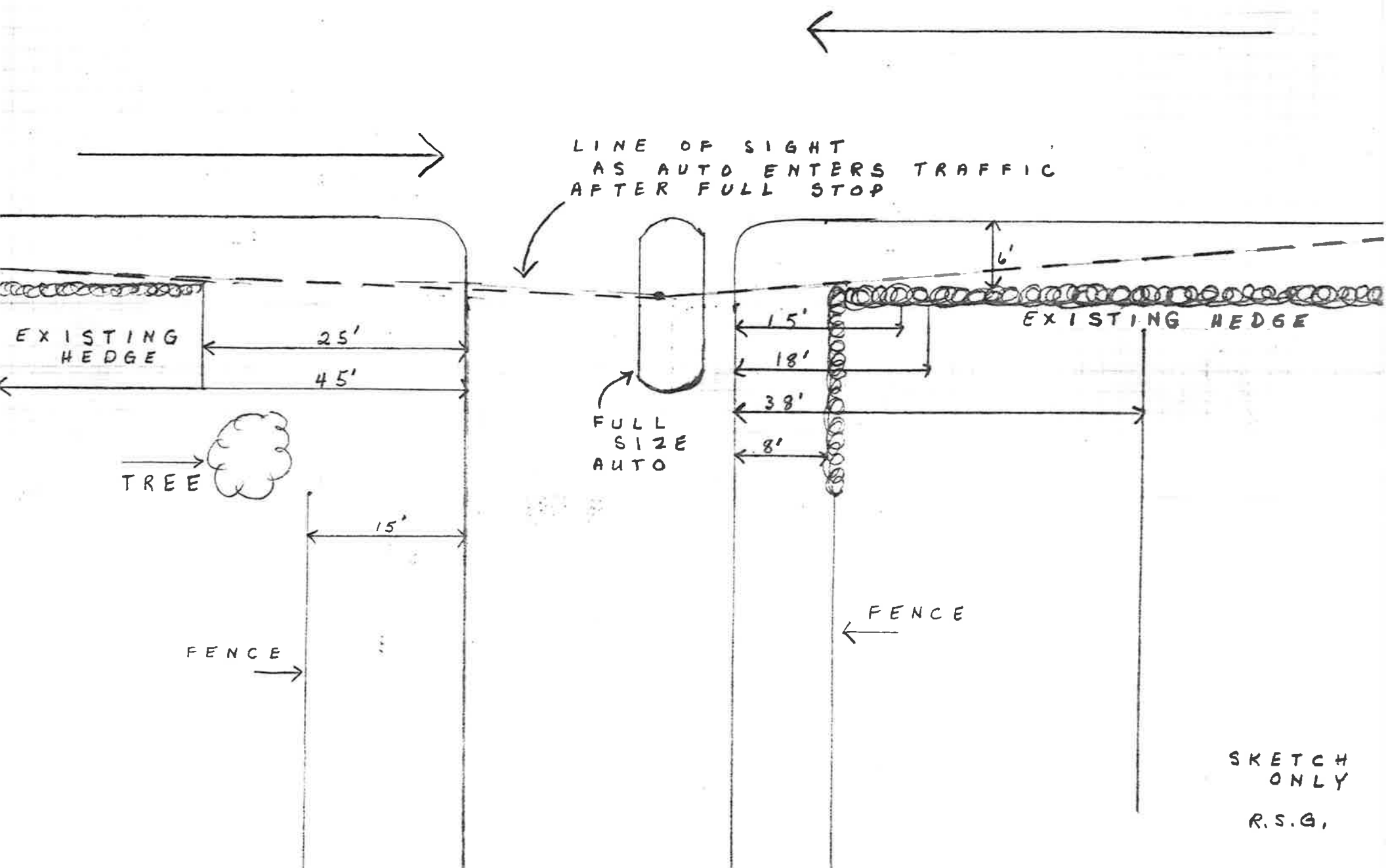
Approval of either a 7 foot or 10 foot clear vision requirement, or any distance between 7 and 10 feet.

ATTACHMENT C
REQUIRED FINDINGS

VARIANCE

No variance request shall be granted unless each of the following is found:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same Planning Designation Area or vicinity, and result from lot size or shape, legally existing prior to the date of this ordinance, topography, or other circumstances over which the applicant has no control.
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same Planning Designation Area or vicinity.
- C. The authorization of the variance will not be materially detrimental to the purposes of this ordinance, or to property in the Planning Designation Area or vicinity in which the property is located, or otherwise conflict with the goals, objectives and policies of the Comprehensive Plan.
- D. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.
- E. The hardship does not arise from a violation of this ordinance.



LINE OF SIGHT
AS AUTO ENTERS TRAFFIC
AFTER FULL STOP

EXISTING HEDGE

25'
45'

TREE

FENCE

15'

FULL
SIZE
AUTO

15'
18'
38'
8'

FENCE

EXISTING HEDGE

6'

SKETCH
ONLY

R.S.G.

Ron S. and Barbara Garand
825 N. Sherwood Blvd.
Sherwood, OR 97140

Dr. Michael Goodman
925 N. Sherwood Blvd.
Sherwood, OR 97140

January 30, 1984

Sherwood City Planning Commission
90 N.W. Park Avenue
Sherwood, OR 97140

Dear Commission Members,

At the January 25, 1984 Sherwood City Council Meeting, action was taken to dedicate, as a street, the driveway which enters to the Sherwood Senior Citizen - Community Center. By city ordinance, a 30' clear - vision requirement is placed on the intersection of the driveway and N. Sherwood Blvd. and ultimately on the adjacent property owners. If enforced, the ordinance would require each residence to remove existing and well - established arborvitae hedges 30' back, in each direction, from the property corners.

Two to three years ago when the Senior Citizen - Community Center was reviewed for conditional use by the Site Review Board and the Planning Commission, the adjacent property owners were assured that there would be no impact on their property as a result of the location of the driveway.

We, as the property owners affected by the Council's recent action, feel that removal of some of the hedge at each corner is reasonable to improve visibility, but that a 30' removal is not reasonable. We have discussed with the Council and the City Staff a 7' setback from each property corner which would be 15' from each curb. The City Staff has suggested a 10' setback.

At the January 25 Council meeting it was pointed out to us that to obtain a variance to the 30' clear - vision ordinance we must make a request, for the same, through the Planning Commission. Therefore, this letter is a request that a variance to the ordinance, as it applies to the Senior Citizen - Community Center street intersection, be issued. It is requested that the ordinance be changed so that no more than 7 - 10' of the existing hedges, as measured from the corners of each property at the N. Sherwood Blvd. intersection, be removed.

We understand that the City Council has waived all fees normally required for a variance request.

Sincerely,
Ron S. and Barbara A. Garand

Ron S. and Barbara A. Garand
Dr. Michael L. Goodman

Dr. Michael L. Goodman

VARIANCE REQUEST

The following addresses each of the findings criteria, in order, as stated on the attached "required findings."

- A. The intersection in question is a controlled intersection (full stop required). The 'street' is a driveway to serve the Senior Citizen - Community Center and not a through street. The hedges and the plantings that are affected by this recent action, that declared the driveway a street, have been in place for 8 to 10 years.
- B. In considering the property rights of both affected properties when the Conditional Use Permit was issued for the Center, the Planning Commission and the Site Review Board assured the property owners affected by establishing the driveway (now a street), that there would be no impact on the properties and removal of the hedges and plantings would not be required.
- With recent action to make the driveway a street there is, by ordinance, unreasonable impact on the property because of the 30' clear-vision requirement.
- C. With granting a variance, which would reduce the 30' clear-vision ordinance to 7' to 10' for the intersection in question, this would not be materially detrimental to the purposes of the ordinance or planning designation for the area.
- D. The hardship imposed on the property owners, resulted from the issuance of a conditional use to build the Senior Citizen - Community Center and from the recent dedication of the driveway access to the Center to the status of a street. The conditional use was granted on the basis that it would not adversely impact the area and would be consistant with present developed properties.
- E. The hedges and plantings in question pre-existed construction of the street to the Center. Therefore the hardship did not arrise from violation of this ordinance.

R. S. Garand
Ron S. Garand

Barbara Garand
Barbara Garand

Michael Goodman
Michael Goodman

SHERWOOD PLANNING COMMISSION

March 15, 1984

STAFF REPORT

CASE NO.: MP-84-01

SUBJECT: Minor Land Partition

APPLICANT/OWNER: Byron and Dorothy Houston

LOCATION: S.W. Edy Road west of intersection with S.W. Scholls-Sherwood Rd.

LEGAL DESCRIPTION: T2S, R1W, Section 30A, TL 1600, 7.15 acres.

APPLICABLE STANDARDS FOR REVIEW: Chapter 3, Section 3.00 of the
Community Development Code

BASIC FACTS:

Plan Designation: MDRH (Medium Density Residential - High), 8 to 11
units per acre.

Proposed Partition: Creation of new lot of approximately 1½ acres from
original parent lot, leaving an area of approximately
5½ acres in the original parent lot. (see attached
sketch).

Community Facilities and Services:

- Water is currently available to the site.
- Sanitary sewer does not exist in the immediate vicinity.
- Edy Road has a 50 foot R/W at the existing east property line and
a 60 foot R/W at the existing west property line.

FINDINGS:

1. The applicant seeks to create only one (1) additional lot.
2. The MDRH Planning District requires a minimum lot area of 5,000
square feet. The proposed partition is well in excess of this
requirement.
3. The proposed partition has adequate frontage on S.W. Edy Road
and will not require the creation of a road or street.
4. Although existing sanitary sewer and water services may be
marginal, the Edy Road L.I.D. (Local Improvement District) of
which the subject property is a part, will eventually assure
the property of adequate levels of service.

5. The proposed requirement meets, or will meet, all requirements of the Community Development Code.

STAFF RECOMMENDATION:

Approval with the condition that no development be permitted until the Edy Road L.I.D. is in place and adequate water and sanitary sewer service is available to the new parcel.

3.00 MINOR LAND PARTITION

A. Sketch Plan Approval Required

A tract of land or contiguous tracts under a single ownership within the City shall not be partitioned into two or more parcels for transfer of ownership; development or for any other purpose so as to conflict with the requirements of this Section until a Sketch Plan has been submitted to and approved by the Planning Commission. "Minor land partitions," for the purpose of this Section shall mean a partition of land that does not include the creation of a road or street.

B. Plan Compliance Review Process

An applicant for approval of a Sketch Plan of a minor land partition shall meet the procedural requirements of Chapter 1 Section 4.00 in order to determine whether the request is in compliance with the Comprehensive Plan. The requirements of the process for minor land partitions are summarized as follows.

1. Certificate of Plan Compliance (Section 4.01)

A Certificate of Plan Compliance is required prior to the recording, sale and development of lots in a proposed minor partition.

2. Coordination of the Plan Compliance Review Process (Section 4.02)

The Planning Director shall have the responsibility of coordinating the Plan Compliance Review Process.

3. Preapplication Conference (Section 4.03)

A preapplication conference is required.

4. Application for a Certificate of Plan Compliance (Section 4.04)

The applicant shall submit an application for a Certificate of Plan Compliance for a minor partition.

The form, content and processing of the application shall meet the requirements of Chapter 1 Section 4.04 of this Part for minor partitions.

5. Review Body Action (Section 4.05)

a. Planning Commission Action - Sketch Plan

The Planning Commission shall review the Sketch Plan and shall take action to grant approval of the minor partition as submitted or as it may be modified or deny the application. The action of the Planning Commission shall be noted on two copies of the Sketch Plan, including references to any attached documents describing any conditions or restrictions; and one copy shall be returned to the subdivider together with the notice of decision pursuant to Chapter 1 Section 4.05 D. and one retained in the office of the City Recorder with the records of the session of the Planning Commission at which said action was taken.

C. Required Findings - Minor Partition

No minor partition shall be approved unless:

1. The partition requested does not require the creation of a road or street.
2. The Sketch Plan complies with the Comprehensive Plan and applicable Planning Designation Area regulations of the City then in effect.
3. There will exist adequate quantity and quality of water and an adequate sewerage disposal system to support permitted land uses.
4. Adjoining land can be developed or is provided access that will allow its development in accordance with this ordinance.

D. When Full Compliance with Subdivision Regulations Required

If the parcel of land to be partitioned exceeds two acres and within a year is being partitioned into more than two parcels, any one of which is less than one acre,

WEST 180 SOUTH 2 RODS T
 SE CORNER
 SHARNUM DUC
 WEST 20 RODS SLINKS

N 89° 40' E. 807.7

WEST 165 SOUTH 16 RODS
 WEST 1300 0.89 AC.
 WEST 1200 3.85 AC.
 WEST 1100 3.85 AC.
 WEST 1000 3.85 AC.
 WEST 900 0.41 AC.
 EAST 40 RODS
 SOUTH 16 RODS
 MAPLE LANE
 CEMETERY

SHERWOOD

ROAD

CR 1334

801

SOUTH 40 RODS

NORTH 48 RODS
 SOUTH 48 RODS

NORTH 48 RODS
 SOUTH 48 RODS

NORTH 48 RODS
 SOUTH 48 RODS

WEST 165
 WEST 1700
 0.92 AC.
 NORTH 264
 NORTH 82 RODS
 EAST 15 1/2 RODS
 EAST 13 1/2 RODS
 EAST 13 1/2 RODS
 EAST 13 1/2 RODS
 40 RODS

1800
 1.43 AC.

1900
 2.76 AC.

2000
 5.45 AC.

800
 6.78 AC.

88-10

WEST 165
 WEST 1700
 0.92 AC.
 NORTH 264

NORTH 82 RODS

SOUTH 32 RODS

SOUTH 32 RODS

BEGIN 182

EDY ROAD
 7 1/2 RODS
 40 RODS

L

48 RODS

SHERWOOD PLANNING COMMISSION

March 15, 1984

STAFF REPORT

CASE NO.: MP-84-02

SUBJECT: Minor Land Partition

APPLICANT/OWNER: Stephen C. Mackie

LOCATION: East Willamette Street just east of Norton Avenue.

LEGAL DESCRIPTION: T2S, R1W, Section 32AC, TL 600, 0.46 acre.

APPLICABLE STANDARDS FOR REVIEW: Chapter 3, Section 3.00 of the
Community Development Code.

BASIC FACTS:

Plan Designation: LDR (Low Density Residential), 3 to 5 units per acre.

Proposed Partition: Creation of a new lot of 11,750 square feet from original parent lot, leaving an area of 8,250 square feet in the original parent lot. (see attached sketch). The new lot would be accessed by a flag strip/driveway of 25 feet width by 110 feet length.

Community Facilities and Services:

- Water is currently available to the site (12 inch main in Willamette St.)
- Sanitary sewer is currently available to the site (8 inch line in Willamette St.)
- Willamette Street is a city street with 50 foot R/W along the entire frontage of the property.

Existing Use/Structures: One dwelling exists on the property and will be located on the 8,250 square foot parent lot after partitioning.

FINDINGS:

1. The applicant seeks to create only one (1) additional lot.
2. The LDR Planning District requires a minimum lot area of 7,000 square feet. The proposed partition is within the requirements of the District.
3. The proposed new lot will be accessed by a flag strip/driveway which is 25 feet in width. Section 2.07 (F)(2) requires that "the minimum lot width at the front property line shall be 25

feet". No creation of a road or street will be required.

4. Existing levels of service to the site appear adequate to permit additional development.
5. The proposed minor partition meets all requirements of the Community Development Code.

STAFF RECOMMENDATION:

Approval without conditions.

3.00 MINOR LAND PARTITION

A. Sketch Plan Approval Required

A tract of land or contiguous tracts under a single ownership within the City shall not be partitioned into two or more parcels for transfer of ownership; development or for any other purpose so as to conflict with the requirements of this Section until a Sketch Plan has been submitted to and approved by the Planning Commission. "Minor land partitions," for the purpose of this Section shall mean a partition of land that does not include the creation of a road or street.

B. Plan Compliance Review Process

An applicant for approval of a Sketch Plan of a minor land partition shall meet the procedural requirements of Chapter 1 Section 4.00 in order to determine whether the request is in compliance with the Comprehensive Plan. The requirements of the process for minor land partitions are summarized as follows.

1. Certificate of Plan Compliance (Section 4.01)

A Certificate of Plan Compliance is required prior to the recording, sale and development of lots in a proposed minor partition.

2. Coordination of the Plan Compliance Review Process (Section 4.02)

The Planning Director shall have the responsibility of coordinating the Plan Compliance Review Process.

3. Preapplication Conference (Section 4.03)

A preapplication conference is required.

4. Application for a Certificate of Plan Compliance (Section 4.04)

The applicant shall submit an application for a Certificate of Plan Compliance for a minor partition.

The form, content and processing of the application shall meet the requirements of Chapter 1 Section 4.04 of this Part for minor partitions.

5. Review Body Action (Section 4.05)

a. Planning Commission Action - Sketch Plan

The Planning Commission shall review the Sketch Plan and shall take action to grant approval of the minor partition as submitted or as it may be modified or deny the application. The action of the Planning Commission shall be noted on two copies of the Sketch Plan, including references to any attached documents describing any conditions or restrictions; and one copy shall be returned to the subdivider together with the notice of decision pursuant to Chapter 1 Section 4.05 D. and one retained in the office of the City Recorder with the records of the session of the Planning Commission at which said action was taken.

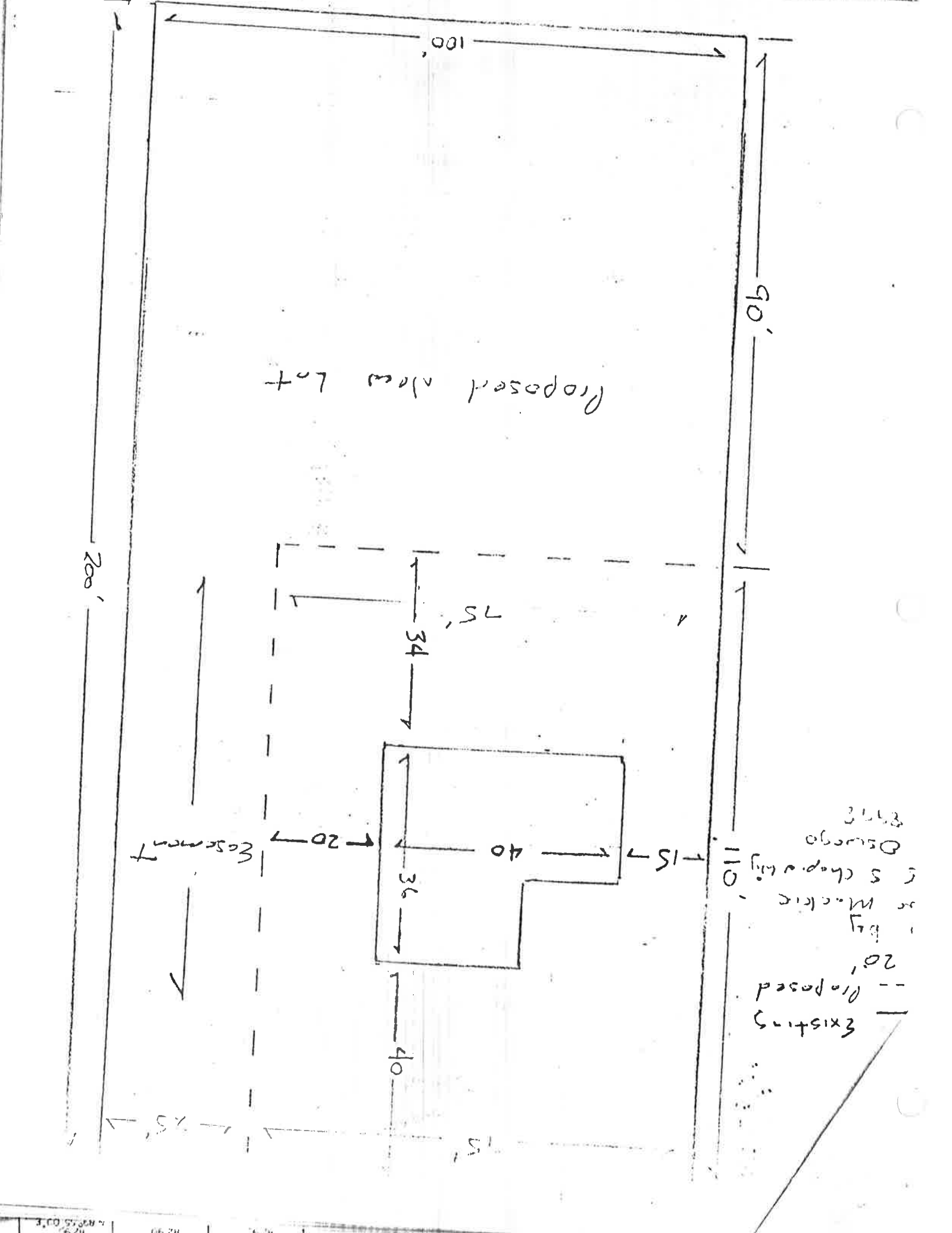
C. Required Findings - Minor Partition

No minor partition shall be approved unless:

1. The partition requested does not require the creation of a road or street.
2. The Sketch Plan complies with the Comprehensive Plan and applicable Planning Designation Area regulations of the City then in effect.
3. There will exist adequate quantity and quality of water and an adequate sewerage disposal system to support permitted land uses.
4. Adjoining land can be developed or is provided access that will allow its development in accordance with this ordinance.

D. When Full Compliance with Subdivision Regulations Required

If the parcel of land to be partitioned exceeds two acres and within a year is being partitioned into more than two parcels, any one of which is less than one acre,



Existing
Proposed
20'
by
Metric
5 Chap. 110
Chicago
8713

Basement

Proposed New Lot

SHERWOOD PLANNING COMMISSION

March 15, 1984

STAFF REPORT

CASE NO.: PMA-84-01

SUBJECT: Minor Plan Map Amendment, from MDRH (Medium Density Residential - High) to CC (Community Commercial)

APPLICANT/OWNER: Michael L. Goodman

LOCATION: N. Sherwood Blvd., north side of newly dedicated public street providing access to Senior/Community Center. Address is 925 N. Sherwood Blvd.

LEGAL DESCRIPTION: T2S, R1W, Section 29C, TL 1201, 0.69 acre (Note: Two tax lots, 1401, and 1201 were recently combined to form one tax lot).

BASIC FACTS:

Plan Designation: The property is designated MDRH (Medium Density Residential - High), 8 to 11 units per acre.

Existing Use and Structures: One single family occupied dwelling. Balance of site is vacant.

Access: Main access has been and is on N. Sherwood Blvd. However, with the recent dedication of the public street on the south side of the site to provide access to the Senior/Community Center, a second potential point of access now exists but has not been developed. No. Sherwood Blvd. is 70 ft. R/W, 48 ft. PV, 6 ft. SW each side. Public street to Senior/Community Center is 50 ft. R/W, 25 ft. PV, no sidewalks. Both streets have curbs both sides.

Community Services and Facilities:

- Water is available from a 10 inch line in No. Sherwood Blvd. and a 6 inch line in the public street to the Senior/Community Center. Pressure in the 10 inch line is approximately 70 PSI.
- Sanitary sewer is available from an 8 inch line in N. Sherwood Blvd. at the southeast corner of the property.
- Storm sewer is available from a 14 inch line in N. Sherwood Blvd.
- Police protection from Sherwood Police Dept.
- Fire protection from Tualatin Rural Fire Protection District. Nearest station is located at Oregon and Lincoln Streets, south of the rail line.

- Public transportation is provided by Tri-Met. Route #44 in and out of Sherwood travels on No. Sherwood Blvd.
- Existing gas service is provided by N.W. Natural Gas Co., telephone service by General Telephone, and power by P.G.E.

Environmental Resources:

- Floodplain - The site is not within any identified floodplain.
- Vegetation - Two large cedar trees (18-24 inch diameter) in the northeast portion of the site near the intersection of N. Sherwood Blvd. and the public street.

STAFF COMMENTS:

1. The applicant states the intent of the Minor Plan Map Amendment is to obtain a CC (Community Commercial) plan designation on the site in order to permit the development of a small professional (medical-dental) building, with appropriate parking.
2. Approximately 36,000 square feet of office space has been approved as part of a planned development at Six Corners, but has not yet been developed. Other areas of the city are available for office development, but have yet to be developed. Professional offices can be sited in either the CC (Community Commercial), OC (Office Commercial), GC (General Commercial) or NC (Neighborhood Commercial) planning districts. Although some undetermined amount of land is vacant in the 4 planning districts, not all is available for development. However, it is highly likely that there are several vacant and available locations in these 4 planning districts throughout the City.
3. The applicant states, as part of his justification for the minor plan map amendment, that the proposed location of medical-dental offices is highly suitable due to its proximity to the schools, senior housing and the Senior/Community Center. It is likely that school age children and senior citizens may be the greatest users of medical and dental services. These two groups, while generally mobile, may actually lack suitable means of transportation to facilitate movement to and from necessary services. The location of a medical-dental facility on the Goodman site would provide the opportunity for better access to medical and dental services.
4. In reviewing the Required Findings for plan amendments (see attached), staff has determined that the applicant has not satisfactorily addressed the issue of item 1. For example, on page III-3 of the Community Development Plan (Part 2), the statement under Commercial Land Needs reads in part:
"An additional 25 acres of nonretail oriented space is needed by the year 2000. Current plans for an eleven acre office-commercial development near Six Corners will probably meet the need for office space until 1985, but an additional 7 to 12 acres will be needed by the year 2000"

On page IV-18 under b. Commercial Space Needs - Office" the statement is made:

"Currently, incorporated areas zoned for office use are largely unused."

Additionally, on page IV-18 under the general heading "b. Commercial Space Needs" the statement is made:

"Taking into consideration a market area comprising the Sherwood Urban Growth area and unincorporated areas within a four mile radius of Six Corners, the 1978 population potentially served by existing commercial development is about 10,000 persons." (emphasis added.)

It may be appropriate for the applicant to review the Findings and General Objectives of the Commercial Land Use portion of the Plan in order to more adequately address the issue of conformance (item 1 of Required Findings).

5. The applicant's main arguments appear to center upon item 2 of the Required Findings, public interest being best served by granting the amendment at this time. Item 3 of the Required Findings, the factors in ORS 215.055 does not appear to be fully addressed at this time. In order to grant approval of the Minor Plan Map Amendment, the Planning Commission must find that all three items of the Required Findings have been positively and satisfactorily addressed and fulfilled.

FINDINGS:

Staff is unable to determine adequate findings to support approval of the Minor Plan Map Amendment from MDRH to CC, based on the information contained in the application.

RECOMMENDATION:

Staff will withhold a recommendation for either approval or denial until time of the public hearing in order that the applicant be afforded sufficient opportunity to respond to the deficiencies identified during staff review of the application.

APPLICATION FOR MINOR PLAN MAP AMENDMENT

Proposal: That Michael L. Goodman, owner of the property located on North Sherwood Blvd., designated tax lot #1201 on Washington County Tax Map #2S 1 29C and currently zoned in the City of Sherwood's Comprehensive Plan for medium-high density residential development, be granted a Comprehensive Plan Map Amendment to allow the property to be designated as Community Commercial for the purpose of bringing tax lot #1201 into concurrence with the designated use of tax lot #1402 (same map), located directly behind and accessed by city street on the East side of tax lot #1201; and for the purpose of developing a professional office building on the site.

Statement: It is my feeling that this property is in conformance with the text portions of the Comprehensive Plan defining a community commercial designation. It is centrally located in the community and easily accessible on major, fully improved streets from all areas of the city. It is located where the creation of a commercial center has in effect already taken place by the development of the Senior/Community Center and the proposed Public Library and where a professional office building would not create undue congestion or conflict with established land use patterns. In fact, to develop the property in the manner currently designated, MDRH, would be inconsistent with the current trend of development. It is my belief that developing tax lot #1201 in the manner which I am proposing would provide aesthetic quality consistent with the current and future development of the immediate surrounding area. The necessary parking and pedestrian walkways are already, or can easily be, provided for adequately, and sufficient urban facilities and services are available for development.

A professional (medical-dental) office building would be advantageous to the community in that it would centralize health care services for my patients and for those of my associates, the great majority of whom reside in or around Sherwood. It is important to many of my patients that I am located near the schools for easier access for them and for convenience to their parents, which results in their receiving better service. Close proximity to the majority of Sherwood's senior citizen housing is important for ease of access to older patients, many of whom do not drive. It is also significant that this location is freely and easily accessible to Public Transportation.

In my case, as in each of my associate's, present office locations are becoming too small and either lack of ownership or some other existing condition makes them inconducive to expansion. This property would adequately serve our needs and those of the community without creating any conceivable hardship or inconvenience for the surrounding properties.

Thank you for your consideration,

Michael L. Goodman

ADDENDUM TO STATEMENT:

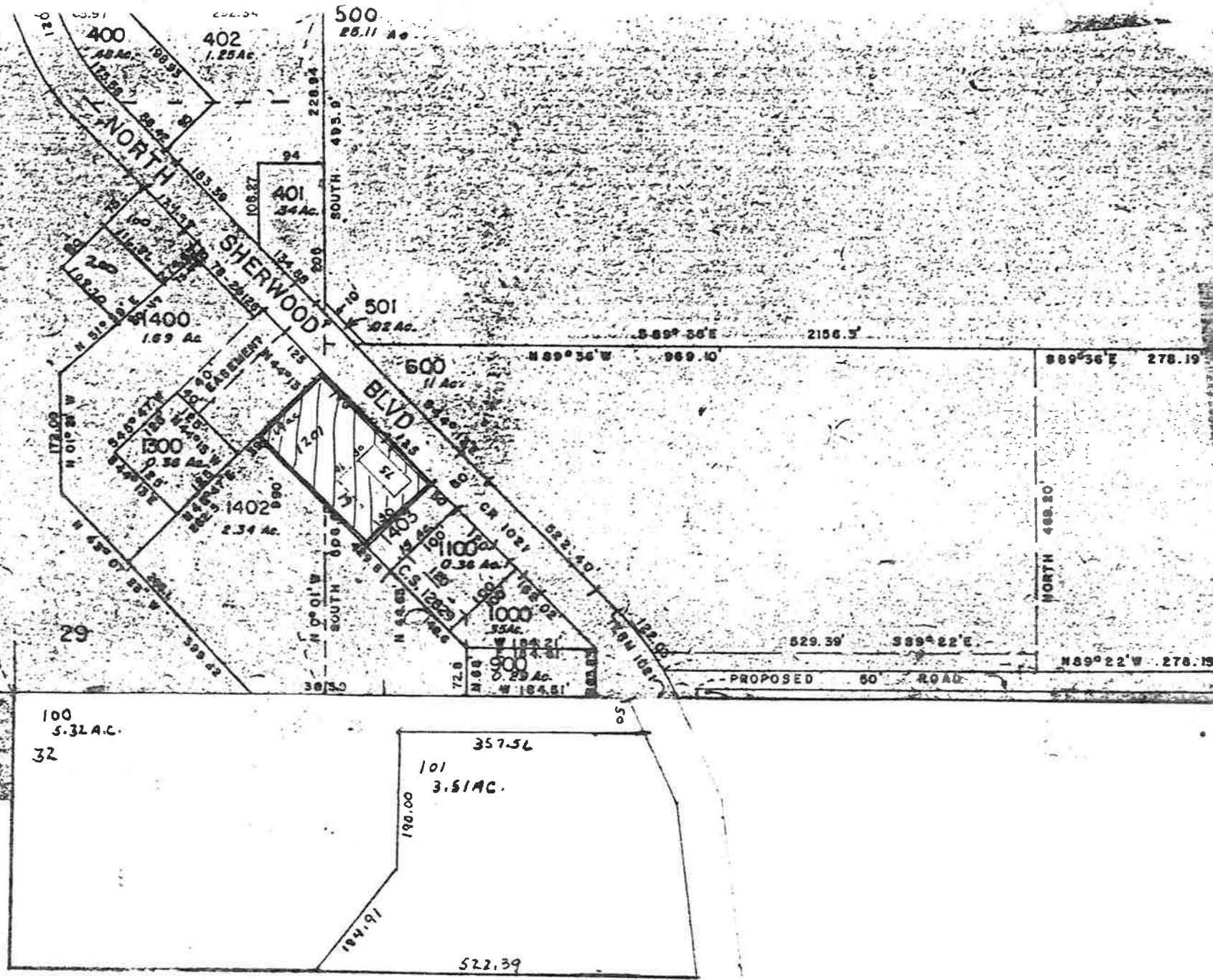
I am aware that 36,000 square feet of office space has been approved as part of a planned unit development near Six Corners. However, I would like to point out that this particular development has been in the planning stages for the past ten years and has yet to be accomplished. When I first came to Sherwood, looking for an office location, it was suggested that I house my practice in a temporary facility until this same project was completed. In retrospect, I am extremely grateful that I did not follow that course.

I have discussed the project with the developer and have found that his financial expectations for the development would excessively burden me and consequently my patients. Some of you may be aware that my family and I have been involved in building our own home over the course of the past five years, I also put myself through school working in the construction trades. This experience has shown me that the most cost effective way for me to accomplish the expansion that my practice needs is for me to construct my own building on my own land. I have always been dedicated to providing the most economical service possible to the community and want to continue to do so.

Again, in reference to the site near Six Corners, I feel it necessary to reiterate the importance of being located as closely as possible to the schools and to the senior housing. Tax lot 1201 better accomplishes this than any other.

I have practiced in Sherwood for almost ten years, I live in the area, my children attend Sherwood schools. My whole family is actively involved in community activities. It is important to me to see quality maintained in the development of our community, just as it is important to me to deliver quality service to the members of the community who are my patients, at an affordable price. I feel confident, from our discussions that my associated feel the same way. The development we have planned on this site would best allow us to accomplish this goal.

1" = 200'



20' front bordering Sherwood Blvd.
10' side & back

Dix III

Michael L. Goodman
Rt. 3 Box 176 K
Sherwood Or. 628-2895

REQUIRED FINDINGS

PLAN AMENDMENT

In order to grant an amendment to the text of this Part, the 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 improvements in the areas, trends in land 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.

PLANNING COMMISSION

RESOLUTION AND ORDER NO. _____

A RESOLUTION AND ORDER ADOPTING FINDINGS WITH RESPECT TO THE APPLICATION OF THE CITY OF SHERWOOD FOR A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A PUBLIC LIBRARY ON CITY PROPERTY ADJACENT TO SHERWOOD SENIOR/COMMUNITY CENTER, GRANTING APPROVAL OF SAID APPLICATION WITH CONDITION, AND FIXING AN EFFECTIVE DATE (CU 83-03)

WHEREAS, the Planning Commission finds that conditional use permit application CU 83-03 was the subject of review and public hearing held on December 8, 1983 by the Planning Commission after due and legal notice to interested persons; and

WHEREAS, the Planning Commission has received and considered the staff report and recommendations on the application, heard and considered the testimony received at the public hearing, and has found as follows:

- (a) The property is more particularly described on Exhibit A, marked "Description" and by this reference incorporated herein.
- (b) The site is appropriate as a campus for public community facilities, having been acquired for such purpose and the adjacent Senior/Community Center having already been constructed, the property is committed to such use and the construction of a public library on the property is fully compatible with the Comprehensive Plan and Development Code.
- (c) The findings of the staff and its recommendations should be adopted as set forth in its report attached hereto as Exhibit B, and the application should be approved subject to the condition that a sidewalk be constructed from the library building to North Sherwood Boulevard.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED:

That the application be and is hereby approved, subject to the condition set forth above, for a conditional use permit to construct and operate a city public library on the premises described on Exhibit A.

PASSED: By the Planning Commission this ___ day of _____, 1984.

Chairman

ATTEST: _____
Secretary to the Planning Commission

STAFF REPORT
December 8, 1983

CASE NO.: CU-83-03

SUBJECT: Conditional Use Permit for a Public Library in the MDRH Zone

APPLICANT: City of Sherwood

P.O. Box 167

Sherwood, Oregon 97140

LOCATION: Southwest of No. Sherwood Blvd. adjacent to the Senior/Community Center

DESCRIPTION OF THE PROPOSED ACTION:

The City desires to construct a new library building adjacent to the recently completed Senior/Community Center off No. Sherwood Blvd. The new library may be constructed in phases, with Phase I being approximately 3,500 square feet in floor area and Phase II anticipated to be approximately 2,500 additional square feet.

APPLICABLE STANDARDS FOR REVIEW:

Chapter 2, Section 6.00 of the Community Development Code for Conditional Uses.

BASIC FACTS:

1. Land Use:

Legal Description: 2S1-29C, Tax Lots 1402 and 1403

Current Plan Designation: MDRH - Medium Density Residential High

Area: 2.49 acres

Buildable Area: approximately 2.24 acres

Existing Structures: The Senior/Community Center, approved by the City Council on September 10, 1980 as a Conditional Use, occupies the easterly two-thirds of the total site area.

2. Environmental Resources:

Topography: Westerly 3-7% with a small swale traversing the site, bearing east-west.

Soils:

Type: Hillsboro Silt Loam

Land Use Limitations/Soil Characteristics

Natural Drainage is good

Moderate permeability

Slow run off with slight erosion hazard

Agricultural Capability Class

Class II

Flood Plain:

Not applicable

Recreation Resources:

The site is adjacent to Glen Park and an acquired portion of the planned Cedar Creek Greenway, and 1,000 feet from the Stella Olson Community Park.

3. Community Facilities and Services:

Water:

12" main in No. Sherwood Blvd.

Sewer:

8" Lateral in No. Sherwood Blvd.

Drainage:

Natural drainage westerly to Cedar Creek.

12-15" storm sewer in No. Sherwood Blvd.

Public Safety:

Fire Protection: Tualatin Fire District

Police: City of Sherwood

4. Transportations

Vehicle Access:

Access is via a 60 foot wide accessway onto No. Sherwood Blvd. (60' RW, 40 PV)

A private access street section (50' RW 32' PV) connects No. Sherwood Blvd. with the parking area for the Senior/Community Center.

Bike and Pedestrian Access:

An 8' combination bike and pedestrian way is located on No. Sherwood linking the site with Six Corners and Old Town. The site will have direct access to the planned trail system in the adjacent Cedar Creek Greenway.

Transit:

The site is served by Tri-Met along No. Sherwood Blvd.

REQUIRED FINDINGS:

The following address the five (5) Required Findings contained in Section 6.04 on page 122 of the Community Development Code.

A. Adequacy of Services:

1. **Water:** Available from 12" line in No. Sherwood Blvd.
2. **Sewer:** Available either by 8" line in No. Sherwood Blvd. or 8" line northwest of site in Gleneagle Subdivision.
3. **Drainage:** Natural drainage to Cedar Creek is adequate with on site conveyance to an outfall through Glen Park.
4. **Park/Open Space:** The facility can be linked via planned trails through the Cedar Creek Greenway to Stella Olson Park. The Greenway is directly available from the facility.
5. **Public Safety:** Fire protection is adequate in a fire zone 3. City Police will provide security.

6. Private utilities are adequate to the site. All necessary services are in place and adequate for the proposed use.

B. Conformity with Applicable Planning Designation Area Standards:

The proposed library use is allowed as a "Use Permitted By Conditional Use Permit" under Section 2.09 C (5). The Senior/Community Center and Library complex is indicated for the proposed site on the Comprehensive Land Use Plan Map and is the site selected by the City Council after public testimony. Therefore, the proposed library facility is consistent with the Land Use Element of the Comprehensive Plan for the City of Sherwood.

C. Public Need for the Proposed Use:

The very active and well organized library function was, for many years, located in the basement of the Sherwood City Hall. The 800 square foot space was cramped and provided no room for expansion. Many planned programs could not be implemented due to the severe space limitations. In July, 1982, the library moved into a 3,300 square foot storefront location at the northeast corner of Rail Road Street and Main. The city must pay rent on the present library location. The current facility has provided the opportunity for additional books, programs and other learning equipment. However, additional space must be provided in order to accommodate all materials and programs available through the library.

D. Suitability of the Location:

The library is extensively used in Sherwood and should be centrally located in relationship to the population. The relationship to the Senior/Community Center will provide an excellent base for a group which will use the library extensively, as will the proximity to the school area. The creation of an expanded community center development to serve the citizens of the area will create an excellent dual purpose area. The specific site was chosen by the city after a complete site search and public review of the three best alternative sites.

E. Impacts on Surrounding Area and the Environment:

The site location, in close proximity to the Senior/Community Center, the adjacent senior apartment complex, the school area on No. Sherwood Blvd., the Six Corners Commercial area and the downtown area of the city will result in positive impacts, especially on surrounding properties. Positive impacts will also result in terms of the general neighborhood and the city.

During the course of site selection for the Community Center, environmental assessments were completed for all final sites including the subject site. The assessment for this site is on file at the office of the City Recorder at City Hall, and illustrates no significant adverse environmental impacts.

ADDITIONAL COMMENTS:

Although the Comprehensive Plan identifies the specific site for a Community Center, a Conditional Use Permit, as was obtained for the Senior/Community Center, is required for the library as well. Design Review for the library has already been completed, citing only the need for a landscape plan.

Construction of the library, at least the first phase, is guaranteed through the availability of LCSA funds and in-kind donations raised by the city and Friends of the Library. The project is scheduled to receive bids in February and for construction to begin in the spring of 1984.

STAFF RECOMMENDATION:

Based on the above facts and findings, the Staff recommends APPROVAL of the Conditional Use Permit, with the following condition:

1. Submittal and approval of a final landscape plan for the library site.

APPROVED MINUTES

Sherwood Planning Commission
Minutes
March 15, 1984

The meeting was called to order by the Chairman, Arthur J. Horne, Jr. In attendance at the meeting were Dave Crowell, Sally Howard, Dwight Minthorne, Cathy Navarra, Mo Turner and Bob Price.

Case No. V-84-01

Mr. Horne opened the public hearing on Case No. V-84-01, a request by Mr. Ron Garand and Dr. Michael Goodman for a variance to the Clear Vision Area Requirement. The hearing was opened for proponent testimony. Mr. Ron Garand stated that everything he needed to say was included in his letter asking for the variance. Dr. Goodman felt that everything was stated in his request for a variance. Mr. Horne called for opponent testimony, of which there was none. Dave Crowell questioned whether the hedge on the Garand property was on the right of way. Mr. Garand stated that he did not know. Mr. Minthorne felt that it made a difference as to whether the hedge was on the right of way or the Garand property. Mr. Crowell felt that this was a difficult intersection and the whole hedge should be moved back to get better vision. Mr. Minthorne stated this was an unsafe intersection but it was not Mr. Garand's problem as his property was there first. Mr. Garand stated that they have fought this thing for so long and they keep getting the run around. He felt that their request was not unreasonable. Mr. Garand further stated that this is not the only unsafe corner in the city and there were other areas that were probably worse. Mr. Horne stated that he was hearing that this was an unsafe condition. Mr. Price advised the commission members that the city council had waived the fee for this variance and if the planning commission does not allow the variance it goes back to the city council. Sally Howard stated that she felt sympathy for the Garands and Goodmans but there was a safety factor to consider. Mr. Goodman advised the planning commission that this problem came up because the council had made this roadway into a street rather than an alley. Discussion was held as to whether this was a safe intersection and possibly changing the clear vision area triangle. Dwight Minthorne made a motion to deny the variance as set forth in the staff report. Sally Howard seconded the motion. Mr. Crowell asked to add to the motion a recommendation that the clear vision area be moved back to 12' in a line going to the edge of the sidewalk 50' to 60' and the hedge be moved back so that there was good vision. The amendment died for lack of a second. Discussion was held as to what happens if the Planning Commission denies the variance. A vote was called for. Motion passed with 5 yes. Cathy Navarra abstained.

Discussion was held as to the procedure for an appeal of the planning commission ruling. Mr. Garand asked that the

planning commission recommend that any action taken on either of the two corners be totally financed by the city. It was the consensus of the planning commission that they work on possibly changing the clear vision rules.

Case No. MP-84-01

Mr. Price reviewed the Minor Land Partition request of Byron and Dorothy Houston, Case No. MP-84-01. Mr. Price stated that they propose to create a new lot with approximately one and one-half acres. They have met all the required standards of the high density residential district. Staff did recommend that no development be made until the Edy Rd. LID improvements have been made. Mr. Price questioned the Houstons as to whether this change was due to the LID assessment. Mrs. Houston explained that they had planned to do this for many years. Discussion was held as to the right of way requirements on Edy Road. Dwight Minthorne made a motion to approve the Minor Land Partition of Byron and Dorothy Houston as recommended by staff with the further condition that if additional width is required the applicants will dedicate an additional five feet to the city at the time the partitioning is recorded. Mo Turner seconded the motion. Motion was unanimously carried.

Case No. MP-84-02

Mr. Price reviewed the Minor Land Partition request of Steven C. Mackie with the planning commission, Case No. MP-84-02. He stated that Mr. Mackie had met all the required findings. Mr. Price stated that the staff recommendation was for approval with no conditions. Dwight Minthorne made a motion to approve the Minor Land Partition of Steven C. Mackie. Sally Howard seconded the motion. Motion was unanimously passed.

Case No. ^{PMA}~~PMS~~-84-01

Mr. Horne opened the public hearing on Case No. PMS-84-01, Minor Plan Map Amendment from Medium Density Residential - High to Community Commercial by Michael L. Goodman. Dr. Goodman stated he was making the request for a change to establish a medical office building. Dr. Goodman felt that the property was in conformance to community commercial standards and reviewed his reasons for the request which were listed in his application.

Mr. Minthorne questioned whether this building would be solely for the use of Dr. Goodman. Dr. Goodman explained that it would be a medical-dental office and he would have a partnership.

Mr. Crowell asked if the library and senior center were in the community commercial designation. Mr. Price felt that they were high density residential. Mr. Don Hite felt that a community center and library were not mentioned as conditional uses for that designation.

Dr. Goodman stated that the reason he requested community commercial was to remain in consistency with the land in the area.

Mr. Price stated that based on discussions with the Goodmans his amended staff recommendation would be for approval. He further stated that the city had received a letter from the school district stating that they had no opposition to granting the request.

Mr. Horne then opened the hearing for opponent testimony. Mr. Don Hite stated that he had no objection to a medical facility but was concerned that if someone should come along and want a service station, etc. how can the planning commission refuse if they grant this request.

Mr. Ron Garand was concerned that if the medical building was allowed and then at some date in the future it was sold, could someone else move in with a different type of business such as a Plaid Pantry. Mr. Price stated that this was a possibility.

Mrs. Hite was concerned that if this request is granted what happens when someone else comes along and wants another change. She felt that the plaza had vacant spaces available. Mrs. Goodman stated that they had checked the spaces available at the plaza and there was inadequate plumbing to put in a dental office.

Discussion was held as to how to allow the medical dental building without allowing other businesses to locate in the area. Mr. Price suggested that the planning commission could state reasons why the application had been amended to go from community commercial to either office commercial or neighborhood commercial. Discussion was then held as to which designation would best suit the medical building and the remaining properties. Dr. Goodman asked for an amendment on his application to read Minor Plan Map Amendment from MDRH to Office Commercial rather than Community Commercial.

Dwight Minthorne made a motion to accept the request for amendment to the application for a Minor Plan Map Amendment as requested by Dr. Goodman. Cathy Navarra seconded the motion. Motion was unanimously carried.

Mr. Price reviewed the objectives of the office commercial designation. Discussion was held as to the availability of parking on the proposed site. Dr. Goodman stated that they would comply with the standards.

Dave Crowell made a motion to approve the Minor Plan Map Amendment from Medium Density Residential - High to Office Commercial and based on the objectives of the office commercial district, as stated in the comprehensive plan, this proposed amendment is in conformance to the plan. Based on the information presented by the applicant regarding the proposed use of the property it will serve the vicinity of school, senior center, library and senior housing as well as being centrally located in the city and the public will be best served by granting the amendment. The use of the site for office commercial as stated

by the applicant will be suitable for the particular area it is located in, the trend of land improvement in the area is such that this area is not strictly residential and lends itself to this particular use, property values will not be adversely affected and based on the lack of development of office space in the city there is a need for economic enterprises related to development of this particular site. The transportation access is suitable and the natural resources and the public need for healthful, safe, aesthetic surroundings have been met and satisfied. Cathy Navarra seconded the motion. Motion was unanimously carried.

Resolution and Order Approving Library Conditional Use Request

Mr. Price read the resolution for the planning commission members. Cathy Havarra stated that this was not the resolution passed by the planning commission and did not feel that it should be signed. Mr. Horne explained that he had received a letter from the city stating that some of the conditions that were placed on the library were illegal and that the city would fulfill any contract that they were obligated to. After further discussion Mr. Horne signed the resolution and order.

The planning commission agreed to place the variance question on the agenda for the meeting to be held on April 19, 1984.

Dave Crowell made a motion to adjourn the meeting. Cathy Navarra seconded the motion. Motion passed unanimously Meeting adjourned at 10:10 p.m.



Mary L. Holland,
Minutes Secretary