

SHERWOOD PLANNING COMMISSION

Thursday, March 3, 1983

AGENDA

- I. Reading and approval of the minutes of January 20, 1983 and February 3, 1983.
- II. Case No. MP-83-01  
A request by Hans Jühr for a two parcel major land partition located on N. Sherwood Blvd.
- III. Case No. V-83-01  
A request by Hans Jühr for a lot area variance in a MDRH (Medium High Density Residential) planning designation area located on N. Sherwood Blvd.
- IV. Comprehensive Plan update issues
- V. Next Meeting Agenda  
Possible joint meeting with Design Review Board to discuss respective roles and responsibilities in the development review process.

STAFF REPORT  
February 26, 1983

CASE NO.: V-83-01  
SUBJECT: Lot Area Variance  
APPLICANT: Hans Juhr  
OWNER: Stanley Heater  
LOCATION: N. Sherwood Blvd.

Applicable Standards for Review

Chapter 2, Section 8:00 of the Community Development Code  
(see required findings attached.)

Basic Facts

Land Use

Plan Designation: MDRH (Medium High Density Residential)

Existing Lot Data: A portion of Tax Lot 2S1 32BB: 100 =  
4.43 Acres proposed in Case No. MP-83-01  
as Lot A.

Existing Structures/Use: Single Family Home and Barn.

Environmental Resources

Topography: The site to be partitioned is bisected by  
a ravine with moderate to steep slopes descending to a  
flat to gently sloping area which includes a spring-fed  
pond.

Soils: Hillsboro Silt Loam 7% slopes with steeper slopes  
along the ravine. The soils at the bottom end of the  
ravine are wet and floodable, preventing the siting of  
permanent structures. The soils along the slopes are  
erodible and special soils investigation and construction  
techniques will be required to use the ravine area.

Flood Plain: Generally below the 162.5 ft. contour and  
including approx. 2 acres.



# Juhr & Sons

● CONTRACTORS ●

P. O. BOX 42229 PORTLAND, OREGON 97242

February 16, 1983

Planning Commission  
City of Sherwood  
Sherwood, Oregon

Attn: Tod Dugdale

Re: Stanley Park Residential Center

Dear Mr. Dugdale,

This letter will serve to request two variances from your ordinance for the above named project.

1. An increase in density from 57 to 71 units.
2. An increase in height from 35 to 39 feet, plus a 1900 sq. foot loft at 46 feet.

The increase in density is necessary, and we feel justified, for the following reasons:

- a. Because of the nature of this type project, where food and other services are provided in addition to housing, 70 units is regarded as a minimum number to make the complex economically feasible.
- b. The units are small - 384 sq. feet for the efficiency unit, and 520 feet for a one bedroom. This results in about 50% of the area necessary for a conventional apartment.

The increase in height is necessary and justified:

- a. Because of the age and frailty of the occupants, an elevator structure is almost mandatory.
- b. Because of the attractiveness of the property, the aim is to preserve as much of the property for common area, and as much as possible in its' natural state. The ground coverage of the structure is at a 10% ratio.
- c. In relation to the other structures in the area, only one story of the building, plus the loft, will be above grade. The two lower stories will lie in the natural swale of the property.

JUHR & SONS

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February 16, 1983  
Planning Commission  
City of Sherwood

We see no conflict with the goals of the comprehensive plan, nor do we feel the hardship arises as a violation of the ordinance.

Yours truly,

JUHR & SONS

  
John Arends

JA:jh

### Recreation Resources

Site is adjacent to the Cedar Creek greenway, is  $\frac{1}{4}$  mile from Stella Olson Park and adjoins the acquired portion of the Cedar Creek greenway known as Glen Park and the Sherwood Senior/Community Center site.

### Community Facilities and Services

Water: 6" line stubbed off of 12" line in N. Sherwood Blvd.  
Sewer: Sherwood Trunk in Cedar Creek flood plain paralleling the Creek.  
Drainage: To Cedar Creek

### Transportation

Vehicle Access: North Sherwood Blvd. currently developed to Collector Standards, and a local street section to be dedicated with the final plat of a major partition (MP-83-01) proposed concurrently with this request.

Bike-Pedestrian Access: Proposed local street w/sidewalk via N. Sherwood Blvd. with pedestrian path connection to the Cedar Creek Greenway.

Transit: On N. Sherwood Blvd.

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.

## Findings

1. The applicant is seeking a building height and lot area variance to permit the siting of a 3 story, seventy (70) unit congregate housing project for the elderly on a 4.43 acre portion of Tax Lot 2S1 32BB: 100 which is proposed to be created by a companion major partition request (MP-83-01). (see Lot A on map)
2. Lot Area Variance  
The development of 70 multi family units under the lot area standards of the MDRH designation would currently require 5.18 acres. The currently unsubdivided Tax Lot 2S1 32BB: 100 contains 5.2 acres not including the proposed local street section from N. Sherwood Blvd. The applicant is seeking to partition the 5.2 acre parcel into a single family lot and a 70 unit multi-family site for a total unit count of 71 units. 71 units would require 5.25 acres under MDRH standards. However if the partition is granted only 4.43 acres would remain for the 70 unit multi-family development, considerably less than the area required (5.2 acres) under the strict application of density standards to the newly created lot. If developed as proposed the two lots together would substantially comply with the lot area standards of the MDRH designation.

The proposed multi-family projects will contain small one-bedroom and efficiency units averaging 50% the size of conventional multi-family units. This fact together with the proposed 3 story design of the structure will serve to mitigate any density effects resulting from the reduced lot area of Lot A even when the additional congregate/common areas of the project are considered.

3. Height Variance  
The applicant seeks a variance from the MDRH area requirement that the structure be limited to 35 ft. He seeks to increase the height 4 feet in habitable areas with and added 7 feet of loft for a total of 11 feet.

The request seems justified in that buildable portions of the site are severely limited due to the presence of steep slope and floodable areas and the resultant need to minimize lot area coverage for these sensitive areas. The location of the site relative to adjoining existing and planned multi-family and institutional uses and the Cedar Creek greenway serves to reduce any adverse visual effects on the surrounding area. The proposed location of the structure along the ravine will also serve to mitigate ground level height impacts.

## Staff Recommendation

Based on the above facts and findings the staff recommends approval with the following conditions:

1. That Lot B in the proposed major partition Case No. MP-83-01 be limited by deed restriction to one single family unit.
2. That MP-83-01 be approved; the final plat recorded and all conditions of approval met prior to site plan approval for multi-family development on Lot A.



STAFF REPORT

February 26, 1983

CASE NO.: MP-83-01  
SUBJECT: Major Land Partition  
APPLICANT: Hans Jühr  
OWNER: Stanley Heater  
LOCATION: N. Sherwood Blvd.

Applicable Standards for Review

Chapter 3, Section 2:00 of the Community Development Code  
(see required fundings attached.)

Basic Facts

Land Use

Plan Designation: MDRH (Medium High Density Residential)

Existing Lot Data: 2S1 32BB: 100 = 5.32 Ac.

Existing Structures/Use: Single Family Home and Barn.

Proposed Lot Data

Lot A	= 4.43 Ac.
Lot B	= .45
Proposed Street RW	= .44
<u>TOTAL</u>	<u>= 5.32 Ac.</u>

Environmental Resources

Topography: The site to be partitioned is bisected by a ravine with moderate to steep slopes descending to a flat to gently sloping area which includes a spring-fed pond.

Soils: Hillsboro Silt Loam 7% slopes with steeper slopes along the ravine. The soils at the bottom end of the ravine are wet and floodable, preventing the siting of permanent structures. The soils along the slopes are erodable and special soils investigation and construction techniques will be required to use the ravine area.

Flood Plain: Generally below the 162.5 ft. contour and including approx. 2 acres.

ATTACHMENT C  
REQUIRED FINDINGS

PRELIMINARY PLAT

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No preliminary plat for a proposed subdivision or major partition shall be approved unless:

1. Streets and roads are laid out so as to conform to the plats of subdivisions or maps of major partitions already approved for adjoining property as to width, general direction and in all other respects, unless the City determines it to be in the public interest to modify the street or road pattern.
  2. Streets and roads held for private use are clearly indicated on the preliminary plat plan and all reservations or restrictions relating to such private roads and streets are set forth thereon.
  3. The preliminary plat complies with the Comprehensive Plan and applicable Planning Designation Area regulations of the City then in effect.
  4. There will exist adequate quantity and quality of water and an adequate sewage disposal system to support the proposed use of the land described in the proposed plat.
  5. Development of any remainder of property under the same ownership can be accomplished in accordance with this ordinance.
  6. Adjoining land can be developed or is provided access that will allow its development in accordance with this ordinance.
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### Recreation Resources

Site is adjacent to the Cedar Creek greenway, is  $\frac{1}{4}$  mile from Stella Olson Park and adjoins the acquired portion of the Cedar Creek greenway known as Glen Park and the Sherwood Senior/Community Center site.

### Community Facilities and Services

Water: 6" line stubbed off of 12" line in N. Sherwood Blvd.

Sewer: Sherwood Trunk in Cedar Creek flood plain paralleling the Creek.

Drainage: To Cedar Creek

### Transportation

Vehicle Access: North Sherwood Blvd. currently developed to Collector Standards, and a proposed local street section to be dedicated with the final plat of the partition.

Bike-Pedestrian Access: Proposed local street w/sidewalk via N. Sherwood Blvd with pedestrian path connection to the Cedar Creek Greenway.

'Transit: On N. Sherwood Blvd.

## Findings

1. The applicant seeks preliminary plat approval for a 2 lot major land partition with a proposed local street section connecting the parcel to N. Sherwood Blvd. The current plans call for a 70 unit congregate housing project with a single family lot reserved for the current owner.
2. Adequacy of Services:  
Water is available from N. Sherwood Blvd.  
Sewer service is available via the Sherwood trunk, however a creek crossing may be required.  
Drainage is available with direct outfall to the Creek.  
Police and fire services are available.  
Private utilities are available.  
Park and Greenway system: The site area immediately adjacent to the Creek is planned for a pedestrian trail. Public use of the site area is subject to negotiation between the owner and the City consistent with options for park and greenway system development outlined in the Community Development Code. The site would have direct pedestrian access to Stella Olson Park with the completion of the above described pedestrian facility. Direct pedestrian and vehicle access is afforded to the Sherwood Senior/Community Center.
3. Adequacy of Access:  
A fully developed local street section linking the proposed parcels with N. Sherwood Blvd. is proposed. A common shared private access for lots A and B is shown to the proposed new street. A driveway access to the Senior/Community Center is proposed.
4. The proposed lots can be developed consistent with the standards of the Community Development Code.

## Staff Recommendation

Based on the above facts and findings the Staff recommends approval of the preliminary plat with the following conditions:

### Standard Code Conditions:

1. That the applicant comply with the requirements of Chapter 2, Section 10:00 of the CDC pertaining to the construction of required public improvements.
2. That development proposed for Lot A comply with the design review process contained in Chapter 2, Section 9 of the CDC.
3. That shared access documents and documents dedicating the public street section be submitted along with the final plat.
4. That a final plat be submitted, approved and recorded and required public improvements constructed or bonded prior to approval of site plans by the Design Review Board.

# **APPROVED MINUTES**

PLANNING COMMISSION

March 3, 1983

The meeting was called to order by Vicechairman, Eugene Stewart.

The minutes of January 20, 1983 were approved.

- II. Case No. ~~MP~~<sup>S</sup>-83-01 - A request by Hans Juhr for a two parcel Major Land Partition Located on No. Sherwood Blvd.

Mr. Dugdale explained the lots to be created and the findings necessary for a Major Partition.

Mr. Stewart called for proponent testimony.

Mr. Juhr described the size of the lots to be created and the access to the public street. Access to the greenway will be created. Less than 10% of the site is being used because of the three story structure. The proposed project for the lots is a congregate housing facility for elderly and handicapped. Rent will include food service. This is not a nursing home. A medical exam room, TV room, beauty shop, lounge area, and dining room will be provided in the facility. This will not be a rent subsidized program. Mr. Juhr felt there would not be much duplication of services with the Senior/Community Center.

Mr. Stewart declared he had no financial interest in the development and therefore there was no conflict of interest.

Sanford Rome asked Mr. Juhr if the land partition was allowed but approval for this type of project was not allowed, would he still go ahead with the partition. Mr. Juhr said his prime goal is to build a 70 unit congregate housing facility.

Mr. Dugdale said the Planning Commission is just creating a site for any use allowed with the Code. In a separate action you are considering a variance for a specific type of development which is necessary before they actually go into site approval.

Mr. Rome requested the Planning Commission stipulate the access for the parking lot to the Senior Center and also find the money to pay for the auxiliary parking lot at the Senior Center.

The need for a zone change was discussed. Mr. Dugdale explained they had several options available for processing this proposal. The developer chose to process this request as a lot area variance. In the variance request, they are alledging there are particular characteristics of this development that mitigate the density effects the variance

would bring about. There is a considerable burden of proof required for a lot area variance.

The applicant said he felt the variance procedure was a quicker process. Mr. Dugdale said conditions can be applied and the variance is void after one year unless constructed. A final plat will have to be filed. Site plans will need to be approved by the Design Review Board.

The structure will not exceed the height of the trees. Some access will be provided to the Senior Center.

Mr. Dugdale said the implication of the variance request is that it is for a specific development, it would be appropriate to state that variance is proper only for that development.

Mr. Dugdale listed uses permitted outright in the MHDR designation. They were primarily residential in nature.

Mr. Rome stated he was not against allowing the partition of the land.

It was pointed out pedestrian access from No. Sherwood Blvd. to the greenway needs to be provided for.

Public Improvements would be constructed at the expense of the developer. Concern was expressed regarding adequate parking. 29 spaces were provided. Community design code requirement is for a space and one half per unit. The developer felt statistically 25% parking was adequate because many of the tenants would not be driving. There is land available to increase parking should it be necessary.

The financing requirements would stipulate this useage for 20 years; however after that time period, it would be possible for the building to be used for another purpose.

A motion was made and seconded to accept this major partition request with staff findings and recommendations listed in the staff report dated 2/26/83. The motion carried.

III. Case No. V-83-01 - A request by Hans Juhr for a lot area variance in an MDRH (Medium High Density Residential) planning designation area located on No. Sherwood Blvd.

Mr. Stewart opened the Public Hearing on the Variance Request.

Mr. Stewart called for proponent testimony.

Mr. Dugdale explained the findings necessary to grant this variance.

Mr. Juhr said most of the issues have been brought up. Sherwood Park Apartments were developed as high density so this is right next to a high density area. The suitability of its use as a senior facility is obvious because of its connection with Sherwood Park and the senior center. Out impact on the site will be kept to a minimum by utilizing a three story building built partially into the bank. It will occupy less than 10% of the ground cover. There will be 20 384 sq. ft. studio units and 50 528 sq. ft. one bedroom units. The units are quite small because we are providing common area for eating. We are asking for 71 units but the units are small. We view this as a hardship because of the topography. The steep ravine and floodplain make almost two acres unbuildable. We agree to maintain as much as possible in its natural state. The springs will be capped and directed to above ground creek.

Mr. Rome said the City has seen fit to allow senior citizen housing to be built in Sherwood. He wondered if there were 70 families in Sherwood to utilize it. He said we already support a free lunch program for seniors in Sherwood. These are the same people that vote no on our school tax levies; they vote no on the fire district levies; and they contribute nothing personally to the tax base of the City. We are contributing to the project for the welfare of the developer. If we allow this variance by Mr. Juhr, we will have sanctioned 70 more units. They are three stories high. These people will contribute nothing to the tax base system. They are the people that vote no on funding wells, on funding maintenance levies and additional city services. Sherwood City government has already grown to a size that is almost dependent on passing a new tax levy. More support and services mean more money. That money has to come from those of us that bare the burden of taxes in this community. Let's not be irresponsible and pass those when we need limits on expenses. We need to stop it now if not back everything down.

Mr. Dugdale explained the cost of the connection fees for the utility systems and the park, storm drain, and streets systems development charges.

Mr. Stewart called for opponent testimony. These was none.

In rebuttal Mrs. Marjorie Stewart took issue with Mr. Rome's statements about taxes paying for the Senior Center lunches. The seniors are practically paying for their meals. She took exception to his statements that seniors vote everything down. She said King City has never turned down a fire levy. She pointed out property taxes are included in the rents people pay.



Audience member objected to Mr. Rome's intimation that the senior projects would become slum areas. The two other Jühr projects were pointed out as being well cared for.

Mr. Verne Walker said he was making a market demand survey in Sherwood. This is a phase of care that never existed before. The delay of institutionalization, which does come out of the tax payers pocket, is to be encouraged. He has found without a question the universal acceptance of this mode of care. Sherwood people are being shipped out to other care facilities and wish to come back.

Mr. Jühr asked if outdoor activities such as garden plots would be provided. Mr. Jühr said these people will be moderately impaired. Some garden areas will be provided. Walking loops will also be provided.

Ron Garand expressed concern about the amount of high density housing going into Sherwood. This is one more variance, a change in the zone. The present senior development is a nice neighbor to have. He felt we are getting top heavy with high density.

Mr. Ron reiterated his concern about a negative effect on the tax base.

Mrs. Howard said this project would complete the circle of senior facilities. We have a certain obligation to these citizens. We are all going to be in this situation some day.

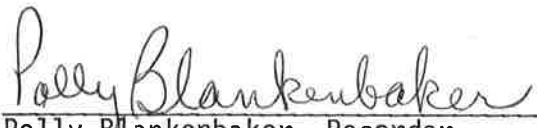
Mr. Garand requested additional conditions be placed on approval. The elevation above present ground level could not exceed the elevation shown and the number of units proposed could not be exceeded.

In answer to a Commissioner's question regarding conditional use. Mr. Dugdale said his interpretation was that this is not a nursing home and therefore conditional use application procedures would not apply. He felt this was more akin to a multi-family residence. If there is a substantial alteration of use, the Design Review Board would review. If more parking is needed, the owner will provide it. The additional condition would be the structure will not exceed a height of 20'6" above the floor elevation of the Senior Center.

A motion was made and seconded to approve a height and lot area variance with staff findings and recommendations and with the following additional conditions:

1. That the structure does not exceed a height of 20'6" above the ground floor elevation of the Senior Center.
2. That the development not exceed 71 units.

The next meeting is scheduled for March 17.

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Polly Blankenbaker, Recorder

Minutes transcribed from tape.