

SHERWOOD PLANNING COMMISSION

May 19, 1983

AGENDA

- I. Reading and Approval of Minutes
- II. Announcements and Correspondence
- III. PUBLIC HEARINGS

CASE NO. V-83-02

A request by Noel Ferry for a lot area variance for two of three lots to be created by Minor Partition located at Division St. and So. Sherwood Blvd.

IV. CASE NO. MP-83-01

A request by Noel Ferry for a partition creating three (3) tax lots from existing Tax Lot 2S1 32BD : 4900 located at the corner of Division St. and So. Sherwood Blvd.

- V. New Business
- VI. Next Meeting Agenda

May 19, 1983

To Whom It May Concern:

A few years back, I had my property surveyed, then filed a application to have it divided at which time it was denied. I paid my fee at that time, now I have filed again to have it divided and again I'm asked to pay a fee of \$200.00. I do not believe I should be required to pay for something again that should have been done the first time.

I am now disabled and on social security, with two children still at home and one in college its almost impossible to make ends meet. If you can see it in your hearts to reinburse me the \$200.00 it would certainly be appreciated.

Sincerely,



Noel M. Ferry

STAFF REPORT

May 17, 1983

CASE NUMBERS: V-83-02
MP-83-02
SUBJECT: Minor Land Partition With Lot Area Variance
APPLICANT/OWNER: Noel Ferry
LOCATION: Division Street/S. Sherwood Blvd.

APPLICABLE STANDARDS FOR REVIEW

Variance: Chapter 2 Section 8.00 of the CDC (see attached)
Minor Land Partition: Chapter 3 Section C of the CDC (see attached)

BASIC FACTS

Land Use

Plan Designation: MDRH (Medium High Density Residential)

Existing/Proposed Lot Data:

2S1 32BD: 4900, 4801 = 14,049 sq. feet
Proposed Lot A = 4495
Lot B = 3830
Lot C = 5725

Existing Structures/Uses: Three single family homes.

Environmental Resources

Recreation Resources

Site is approximately 3/4 mile from Stella Olson Park;
1/4 mile from the proposed reservoir park.

Community Facilities and Services

Water, sewer, public safety and private utilities are available.

Drainage facilities are under construction as a part of a HUD Block Grant.
Streets - S. Sherwood Blvd. (50' RW 20' PV) and Division St. (40' RW 20' PV) substandard in width and improvement. There are no pedestrian or bicycle facilities.

FINDINGS

1. The applicant seeks to create three lots to accommodate three existing dwellings for purposes of sale.
2. The MDRH Planning Designation Area requires a 5,000 sq. ft. minimum lot area. Variances from the lot area requirements are necessary for minor partition approval as follows:
Lot A = 505 sq. ft.
Lot B = 1,170 sq. ft.
The proposed partitioning would result in one instance if a nonconforming rear yard, however this condition has been determined by existing building separation distances and does not require special variance approval.
3. The need for the variance results from a condition (the existence of three houses) which predated the current code.
4. The variance would allow the owner the right to sell each house individually, a right substantially the same as owners of other property in the area.
5. The condition requiring the variance is not self imposed and does not result from a violation of the City Code.

REQUIRED FINDINGS

MINOR LAND 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.

REQUIRED FINDINGS

VARIANCE

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

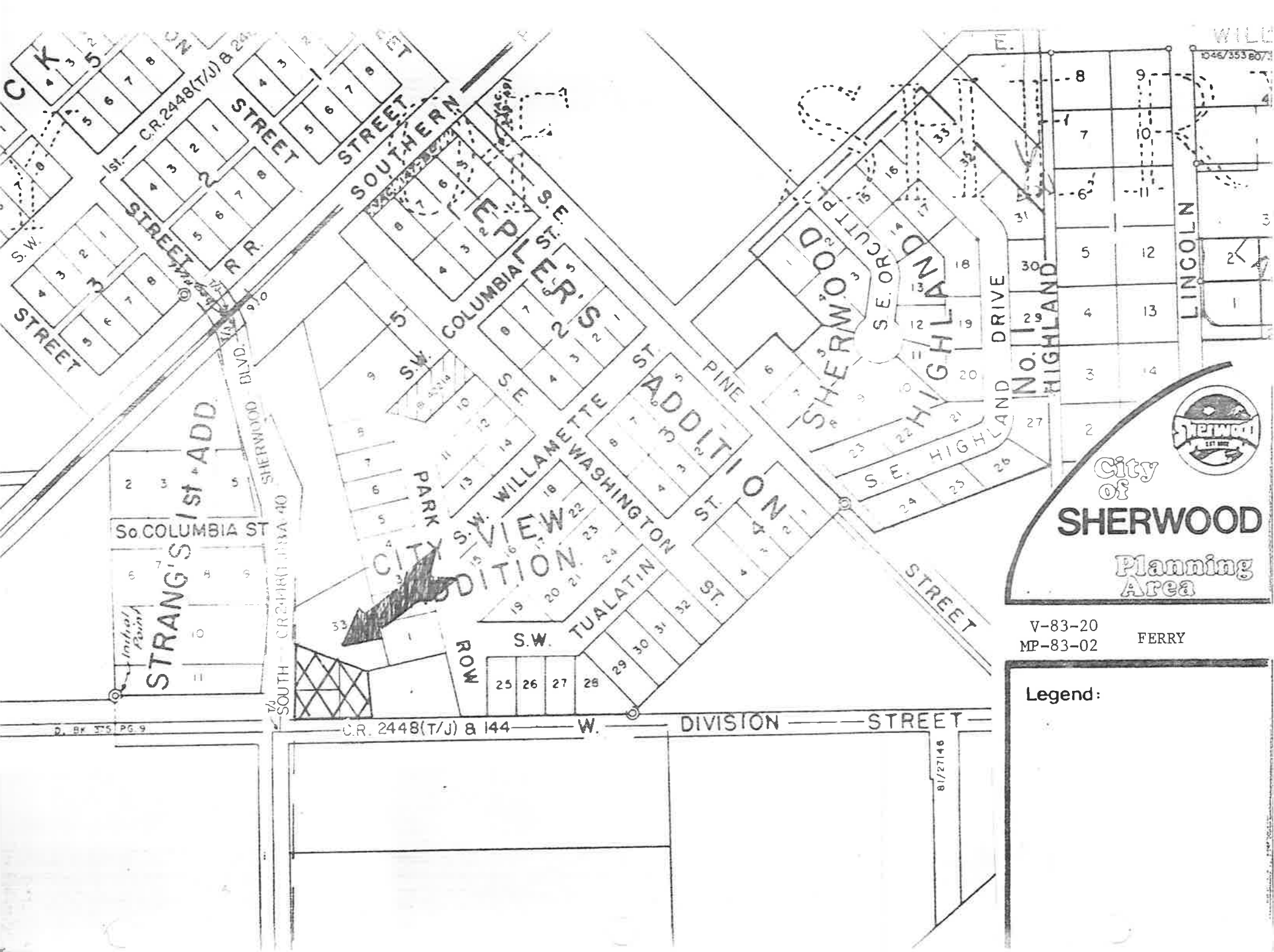
- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same Planning Designation Area or vicinity, and result from lot size or shape, legally existing prior to the date of this ordinance, topography, or other circumstances over which 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.

6. The minor partition complies with the code in all other respects.
7. Adequate water and sewer service is available. The code requires that a non-remonstrance agreement be recorded for future street and sidewalk improvements locally benefitting the site. Building set backs do not allow for full right of way acquisition on S. Sherwood (35 feet from center). Four (4) additional feet of right of way is required on Division St.

Based on the above facts and findings the staff recommends approval of the requests with the following condition.

That the owner record a waiver of remonstrance for future street and sidewalk improvements for Division St. and S. Sherwood Blvd. locally benefitting the property. (STANDARD REQUIREMENT)

That the owner dedicate an additional four (4) feet of right of way on Division St. (STANDARD REQUIREMENT)



City of
SHERWOOD
Planning Area

V-83-20
MP-83-02 FERRY

Legend:

WILL
1046/353 B0/3

LINCOLN

HIGHLAND DRIVE
NO. 1 HIGHLAND

STRANG'S 1st ADD.

CITY ADDITION

ADDITION

SHERWOOD
HIGHLAND

C.R. 2448(T/J) B 144 W. DIVISION STREET

81/27146

D. BK 35 PG 9

So COLUMBIA ST

SHERWOOD BLVD.

SOUTH CR 2448(T/J) B 40

ROW

25 26 27 28

29 30 31 32

W. DIVISION STREET

STREET

STREET

S.E. HIGHLAND

SHERWOOD

PINE

WASHINGTON

TUALATIN

S.W. TUALATIN

S.W. WILLAMETTE

PARK

ROW

STREET

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CR. 2448(T/J) B 24

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Radius
END CURVE

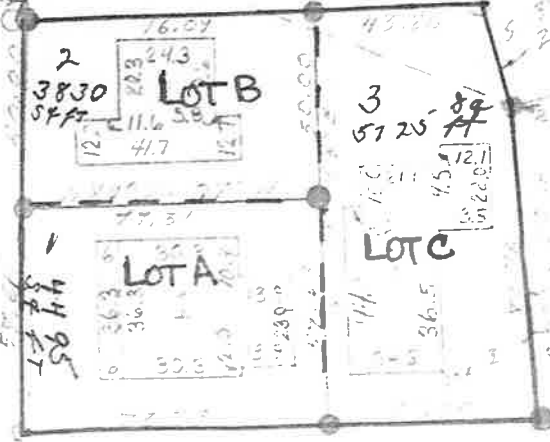
Sherwo

N 6° 12' 47" E 213.94
from 1/16 Cor
33

N 89° 22' W
9.53

50'

N 89° 21' 57" W



The most southerly
corner of lot 33

11.6' 5/16" from
N 89° 22' 57" W
291.52 from I.P.
of plat

SCALE: 1" = 50'

May 1977

Notes:
 Found I.P. of "City View Addition"
 N 77° 46' 45" W 717.95 from the
 center of Section 32.
 The most southerly corner of lot 33
 was established by plat distances
 and angles from the initial points
 of which bears N 87° 46' 45" W 717.95
 feet from the cent. of section 32.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kermit J. Canale

OREGON
1977, 1970

KERMIT
PROFESSIONAL
OREGON -
RT. 3,
SHERWOOD

Ph. 503

MP-83-02

NOEL FERRY

ATTACHMENT B

REQUIRED FINDINGS

MINOR LAND PARTITION

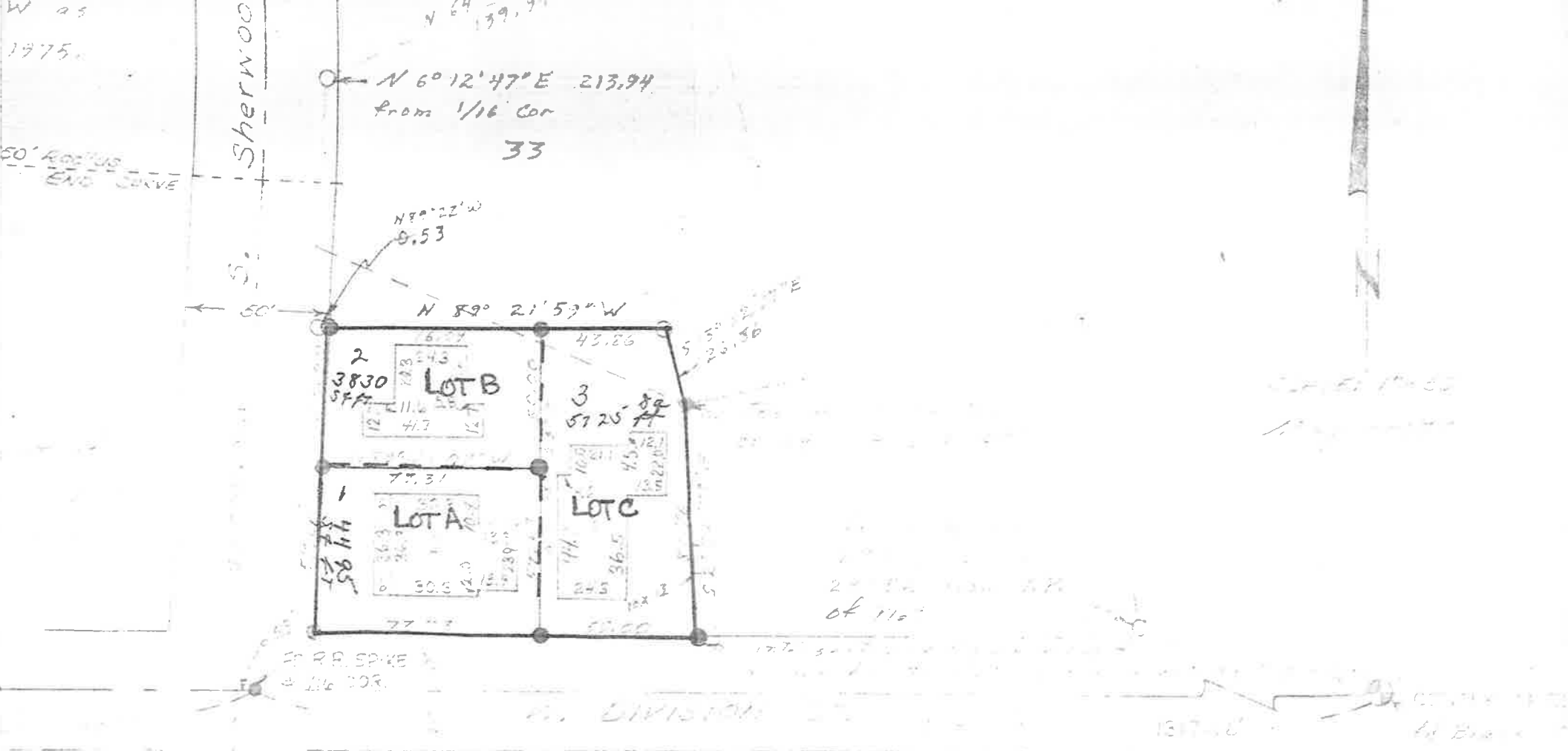
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3. There will exist adequate quantity and quality of water and an adequate sewerage disposal system to support permitted land uses.
4. Adjoining land can be developed or is provided access that will allow its development in accordance with this ordinance.

Mark M. Ferris
640 1/2 Division
Shrewsbury, Ore, 97138
6-13-1968

Attachment to Reprinted Findings
Minor and Partition

1. Every Road is there and has been for years.
2. Because of the size of the lots
There will have to be a variance.
3. Existing adequate sewer & water
4. No hindrance to adjoining land.



Notes:

Found 2" I.P. of "City" near id. from
 N 87° 46' 45" W 717.95 from the
 center of Section 32.

The most southerly corner of lot 33
 was established by plat distances
 and angles from the Initial Point,
 of which bears N 87° 46' 45" W 717.95
 feet from the center of Section 32.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Kermit H. ...

OREG.

KERMIT H.
 PROFESSIONAL
 OREGON -
 RT. 3, B
 SHERWOOD,

Ph. 503

APPROVED
MINUTES

Planning Commission
Minutes

May 19, 1983

In attendance were Arthur Horne, Jr., David Crowell, Sally Howard, Cathy Navarra and Clarence Langer, Jr. Due to the absence of Chairman, Tobias and Vice Chairman, Stewart, Clarence Langer presided.

Minutes of the meeting on April 12, 1983 were approved as read.

Mr. Dugdale gave an update of City developments. As of this calendar year, the city has only eight new home starts; 5 manufactured units and 3 conventional units.

Mr. Dugdale informed the Commission of a hearing held by Washington County on May 16, regarding the transportation plan. The Sherwood City Council has requested assistance from the county in exploring the possibility of a bus route between Sherwood and Tualatin.

The major topic of this hearing was the Aloha Bypass. Mr. Dugdale pointed out on the map the routes that were discussed. Tualatin is very committed to the alignment coming into I5 on Norwood Road. A new intersection at this location is currently being pursued. The County, however, is in favor of linking with the existing interchange at Day Road by the Holiday Inn. The City of Sherwood would be better served by a link on Edy Road tying into the corridor over the Scholls Ferry Road and eventually on to T.V. Hwy. Metro is doing an extensive study on this issue to detail the different possible routes of the Bypass. The Planning Commission will be updated on the results as they are presented.

It was also reported that the County Plan is almost complete. Meetings are scheduled on May 23, for Urban Planning Agreements with the Cities, and on May 25, there will be an overall hearing on the whole County Plan. Final adoption is scheduled for June 13.

Discussions continue on an Adult Entertainment Ordinance. A planning approach would provide separation from sensitive areas. ie, churches, schools, and residential.

The City will be selling another \$250,000. worth of bonds. This will enable some of the public works projects that were not bankrolled to proceed. Sunset Blvd. west of 4 corners and Murdock Rd. will then be able to enter into construction phase.

A proposal for a new access road into the cannery site has been redesigned and resubmitted for a HUD Block Grant. The new proposed access road comes in along the east side of the railroad tracks and eventually over to Willamette St. If proposal is approved, project will be constructed this summer or fall. The plan is to seek to encourage economic revitalization in the old cannery site.

Developers of Gregory Park Estates have retracted their request to build stick built houses in that development. No reason was given for the retraction.

Mr. Horne voiced some concern on the access road to the cannery site. He felt that another link would cause more traffic on already congested roads in the area. Discussion followed on this topic. Mr. Dugdale stated that this should be further investigated.

Clarence Langer opened Public Hearing Case No. V-83-02. A request by Noel Ferry for a lot area variance for two of three lots to be created by a minor partition located at Division St. and S. Sherwood Blvd.

Mr. Ferry's aim is to divide up his property and the existing houses into 3 separate lots. He has been trying to divide this up for several years, however his last request was denied due to the codes that existed at that time. The homes on this property were added one at a time. The smaller home, (shown on map as lot B) was moved onto property prior to Mr. Ferry's owning the property. Lot C is Mr. Ferry's current residence and was built 20 years ago as a new, modular home. Each house had the proper permission at the time they were put on the property. This was possibly an error, but it is an existing problem and it needs to be resolved. He is currently leasing the two additional houses, but due to failing health and economic conditions he is again posing the request to divide his property.

Clarence Langer questioned Mr. Ferry's request for reimbursement of the \$200. fee. Mr. Ferry felt that due to his request being denied previously that the fee he paid should be reimbursed. Mr. Dugdale interjected that this issue should be considered as a separate action.

Each of the three houses have suitable street access. Both Sherwood Blvd. and Division St. are substandard in improvement and width. S. Sherwood Blvd. is designated as a minor arterial and should be 35' from center. There is currently 20' from center. Mr. Dugdale felt that it was unreasonable to request the additional 15 feet. Division St. is a local street and should be 48', or 24' from center. This property has only 20' from center, so as noted in the staff report, it is recommended that the owner dedicate another 4 feet of right of way on Division St. The only use of the 4 feet would probably be a planting strip or a sidewalk, so it would not adversely effect Mr. Ferry's property.

Current codes require 5,000 sq. feet per lot in this designation area, or two attached units on 8,000 sq. feet. These units are not attached, however they are very close together.

In regards to standard set backs, the only violation created by the partitioning of this land would be a rear yard set back on one of the lots. This case is unique due to the fact that the units are already on the property.

The effect of this request would give Mr. Ferry the option of selling off the units vs. leasing.

Mr. Horne questioned what the code was on off street parking. For single family units, two spaces must be provided. This would pose no problem to any of the units.

The Commission questioned the two ladies in the audience if they were proponents or opponents. Commission wanted to make sure that their views were taken into consideration. They answered that they were neither opponents or proponents, just interested citizens.

Sally Ann Howard motioned that the Commission grant this minor land partition and lot area variance to Mr. Ferry, adding to the motion the facts and findings of the staff as recommended in the staff report. Mr. Ferry was uneasy with having to dedicate an additional 4 feet on Division Street, so to clarify this issue, Mr. Dugdale stated for the records, that there be 24 feet from center on Division St.

Motion was seconded by Arthur Horne, Jr. Motion passed unanimously.

Discussion of the waiver request followed. Mr. Dugdale read Chapter 1, Section 5.02 of the Community Development Code, which pertained to waiver of fee. Sally Howard asked what the fee covered? Mr. Dugdale explained that it paid for city services, publications and mailings. The fee schedule has recently been revised.

Mr. Langer asked Mr. Ferry if he was wanting the \$200.00 fee to be reimbursed, or for this same \$200. to be used towards this new action. Mr. Ferry said that since he already paid \$150.00 fee for this same issue in 1977, that he felt that it would be fair to accept \$50.00 of the \$200.00 fee that he currently had to pay and then reimburse him \$150.00. Discussion continued. Mr. Dugdale told the Commission that the fee does approximate the cost of the action. Whether petition is denied or approved the filing fee is needed. Mr. Dugdale added that he was able to refer back to the original proposal, however, since codes have changed over the years that additional findings were needed.


Mr. David Crowell made the motion that since the City has incurred expenses, that the \$200.00 fee not be reimbursed. Motion was seconded by Arthur Horne, Jr. Motion carried unanimously.

New business discussion followed regarding the progress of the Cedar Creek Trunk. Contractors are currently working on Villa Road and will move from there to the Sunset Blvd. lateral. They are waiting for dryer weather to begin work on the main trunk line.

The storm drainage project will be proceeding to Willamette St. The Lincoln St. portion has been completed.

Mr. Dugdale has no agenda items for the June 2 meeting and recommended that next meeting be scheduled for June 16. Agenda items for that meeting might be the adult entertainment ordinance draft and the Special Industrial District Standards. Mr. Dugdale will mail out the most recent draft of the County Code. Commission can then compare City's Light Industrial Code and County's Codes and can refine these to best benefit the City.

Meeting was adjourned.


Submitted by Pam Lammers,
Planning Commission Secretary