

CITY OF SHERWOOD, OREGON

Ordinance No. 693

AN ORDINANCE ADOPTING FINDINGS WITH RESPECT TO THE APPLICATION OF H.L. BRUCE AND COSMET, INC., A CORP., FOR A PERMIT APPROVING DEVELOPMENT OF MULTI-FAMILY LIVING UNITS ON TAX LOTS 5300 AND 5201, TAX MAP #2S1 32 BD AT S.E. WASHINGTON AND S.W. PARK ROW, CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON, GRANTING SAID APPLICATION AND FIXING AN EFFECTIVE DATE.

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THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1: The City Council finds the subject property of the applicant, a legal description of which is marked or being marked Exhibit A, attached hereto and by this reference incorporated herein, is located in the general commercial zone, subject to the requirements of the Sherwood Zoning Code, Section 3.06, General Commercial Zone C-2. Pursuant to said section of the Sherwood Zoning Code, multiple dwellings are permitted secondary uses in the general commercial zone C-2, subject to the requirements for the R-3 residential district. However pursuant to the provisions of Ordinance No. 688 which amends the Sherwood Zoning Code, Ordinance No. 588, all uses in said C-2 zone with the exception of single family dwellings are to be processed as conditional uses pursuant to the terms and provisions of Ordinance No. 688 and the criteria set forth in that ordinance.

Section 2: The Council further finds that pursuant to prescribed procedures the owner of said land has applied to the City of Sherwood pursuant to the conditional use procedure for approval to develop the property described on Exhibit A with ten housing units. The owner, if said approval is granted, will demolish and remove an existing old warehouse structure located on the subject property. The Council further finds that the application has been duly reviewed by the City Planning Commission at a public hearing held on February 21, 1978, after due and legal notice. The Planning Commission, after said hearing, recommended to the City Council, approval of the application with conditions. A copy of the Planning Commission's decision and recommendation to the City Council is marked Exhibit B and by this reference incorporated herein. The City Council, after due and legal notice, held a public hearing on said application at 7:30 P.M. in the City Council Chambers at City Hall at its meeting of March 22, 1978, at which time the City Council heard from the proponents and interested citizens.

Section 3: The City Council finds that the City Staff has submitted a staff report dated February 15, 1978 and the City Council adopts as a part of its findings, the statements set forth under paragraph heading I and paragraph heading II of said staff report, a copy of same being marked Exhibit C and by this reference incorporated herein. The Council adopts as additional findings the following:

a. But for the existence of the interim development ordinance referred to above, the permit requested would not be necessary inasmuch as the requested use would otherwise be a permitted secondary use in the zone. Therefore, it is clear that the request is compatible with existing zoning and other uses in the zone.

b. That at the public hearing no objections to the use

were voiced which cannot be met or which would not be satisfied by the adoption of the conditions hereinafter set forth.

c. The staff recommendation of approval of the application subject to conditions is found by the Council to be appropriate and the Council further finds that the recommended conditions are reasonable and necessary conditions for the protection of the public interest and surrounding property from any adverse effects from the use proposed on the subject property, including but not limited to noise, visual impact and other conditions which might otherwise be injurious to the public health, safety and welfare. All public facilities servicing the proposed development are adequate or will be made adequate by means of the conditions imposed to approval of the application.

Section 4: The application of H. L. Bruce and Cosmet, Inc. to develop multi-family dwellings on the parcel of real property described on Exhibit A is hereby approved subject to the following conditions:

a. That as a part of the site plan for the lot development, there be provided a play area satisfactory to the Site Plan Review Board.

b. That adequate screening be provided and that said screening be subject to approval by the Site Plan Review Board.

c. That the applicant enter into a covenant consenting to and waiving any remonstrances against any future street and/or drainage improvements on Washington Street and Park Row Street which improvements would be assessable to the subject property.

d. That the applicant agree to install curbs and sidewalks along the parcels' Washington Street frontage to city specifications.

e. That the applicant pave between the street and the curb to be installed along the properties' Washington Street frontage, said paving to be done to City specifications.

f. That the applicant agree that both tax lots be provided an access to Washington Street, or in the alternative, consolidate tax lots 5201 and 5300, Tax Map 2S 132BD, so that no parcel can be partitioned from the entire tract of the subject application in a manner so as to leave one developed parcel with legal access only to an unimproved street. At such time as SW Park Row is improved on the property's southeast side this condition may, upon application to and approval of the Planning Commission, be removed.

g. That a sidewalk be installed on SW Park Row.

Section 5: The approval hereby granted shall become effective when the applicant files with the City of Sherwood Recorder, a written statement in form acceptable to the City, that the applicant accepts, approves and agrees to be bound by and to perform each of the foregoing conditions to this approval.

Section 6: Inasmuch as it is necessary for the peace, health and safety for the people of the City of Sherwood that the applicant's request be acted upon in the conditions hereinabove set forth,

imposed and carried out, an emergency is hereby declared to exist and this ordinance shall become effective upon its enactment by the Council and approval by the Mayor.

PASSED: By the Council by Unanimous vote of all Council members present after being read by caption three times this 10 day of May, 1978.

Pally Blankenbaker  
Recorder - City of Sherwood

APPROVED: By the Mayor this 10 day of May, 1978.

Jack O. Hayer  
Mayor - City of Sherwood

EXHIBIT "A"

PARCEL I:

Lots 1 and 2, Block 5, EPLER'S ADDITION TO SHERWOOD, Washington County, Oregon.

PARCEL II:

That part of Lot 9, CITY VIEW ADDITION TO SHERWOOD, within 4.6 feet of the Southwesterly line of Lot 1, Block 5, EPLERS ADDITION TO SHERWOOD, Washington County, Oregon.

PARCEL III:

A tract of land situated in the Northwest Quarter of Section 32, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon being more particularly described as follows:

Beginning at an iron pipe that is located South  $42^{\circ}37'$  East 171.5 feet and North  $47^{\circ}41'$  East 120.3 feet from the most Easterly corner of Block 3, Town of Sherwood; thence North  $47^{\circ}45'$  East, parallel with and 92 feet (Measured at right angles) from the centerline of the Southern Pacific Railroad, a distance of 95 feet to the Northwesterly corner of Block 5, EPLERS ADDITION thence South  $43^{\circ}01'$  East 109.7 feet along the Westerly line of said block 5, to an iron pipe at the Northeasterly corner of Lot 9, CITY VIEW ADDITION; thence South  $48^{\circ}14'$  West 158.4 feet to an iron pipe at the Northwesterly corner of said Lot 9; thence North  $12^{\circ}30''$  West 34.5 feet to an iron pipe at the Northeast corner of that certain tract conveyed to A.E. Denley at page 30 Volume 301, Deed Records; thence Continuing North  $12^{\circ}30'$  West 90 feet to the place of beginning.

PARCEL IV:

Lot 9, CITY VIEW ADDITION TO SHERWOOD Washington County, Oregon, EXCEPT that part within 4.6 feet of the Southwesterly line of Lot 1, Block 5, EPLERS ADDITION TO SHERWOOD.



P. O. Box 167  
Sherwood, Oregon 97140  
625-5522 625-7377  
March 1, 1978

### NOTICE OF DECISION

To: Cosmet Inc.  
2306 NE Glison  
Portland, Ore.

Mr. H. L. Bruce  
1155 33rd Ave.  
Longview, Wash. 98632

The Planning Commission of the City of Sherwood, Oregon decided to recommend approval of your application for a conditional use permit on February 21, 1978.

The decision was based on the following major findings:

1. All public facilities are either adequate to serve the proposed use or will be required of the applicant as a condition of recommended approval.
2. Approval would be in conformance with the existing zoning plan.
3. There exists a public need for additional multi-family use in the City.
4. Multi-family use would be compatible with adjoining uses.
5. Potential adverse effects to surrounding property can be eliminated by conditions imposed on approval.

The following conditions were placed on approval of the application:

1. That sufficient play area be provided.
2. That adequate screening be provided.
3. That the applicant enter into a non-remonstrance agreement with the City for any future street and/or storm drainage improvements on Washington St. and Park Row.
4. That the applicant agree to install curbs and sidewalks along the parcels Washington St. frontage in conjunction with any development on the site.

*Brian A. Yerka*  
Brian Yerka  
Planning Commission Chairman

Forwarded to the City Council  
on 3/2/78

PLANNING STAFF REPORT  
February 15, 1978

SUBJECT: Conditional Use  
LOCATION: S. W. Park Row and S. W. Washington  
Tax Lot 2S1 32 BD; 5300, 5201.  
APPLICANT: Cosmet, Inc.

I. BASIC FACTS

A. Current zoning is C-2 (general commercial)

B. Parcel data:

2S1 32 BD: 5201 = .32 acres  
5300 = .63 acres  
Total = .95 acres (41,382 sq. ft.)

C. Existing structures:

2S1 32 BD: 5201 None  
5300 Wood building in poor condition

D. Access

2S1 32 BD: 5201 No existing access  
Future access by Park Row (unimproved)  
5300 S. W. Washington  
Combined lot access can be provided by S. W.  
Washington

E. Public Services

Water - Existing 12" line on S. W. Washington  
Sewer - Existing 12" line on Park Row  
Service subject to the availability of hookups  
#1 Drainage - No existing service  
Drainage flow is southwest toward S. Sherwood Blvd.

F. S. W. Park Row is not improved on the property's southeast side.

II. FINDINGS

- A. The applicant seeks a conditional use permit to allow the construction of multi-family units. The existing wood structure would be removed.
- B. The combined parcels are adequate to accommodate a total of ten (10) housing units.
- C. The applicant has submitted a rough sketch with the application indicating his intent to create two new parcels with access to S. W. Washington St.
- D. There is a demonstrable public need for additional multi-family use in the city.

- E. The proposed general use could be made compatible with surrounding uses if proper sight and sound buffering is employed on the northeast and northwest boundaries of the property.
- F. Off-site storm drainage facilities are not available. The applicant will need to provide adequate storm water drainage.
- B. Washington Street is only partially improved to standards and Park Row is currently unimproved.

### III. STAFF RECOMMENDATION

The staff recommends approval of this application with the following conditions:

1. That the applicant enter into a non-remonstrance agreement with the city for any future street, and/or storm drainage improvements on Washington St. and Park Row.
2. That the applicant agree to install curbs and sidewalks along the parcels' Washington Street frontage in conjunction with any development on the site.