

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 723

AN ORDINANCE ADOPTING FINDINGS WITH RESPECT TO THE APPLICATION OF HARVEY E. POOL AND B. F. STEARNS FOR A PERMIT APPROVING DEVELOPMENT OF A MOBILE HOME PARK ON TAX LOT 1600, AND THE WEST 2.99 ACRES OF TAX LOT 1301 WASHINGTON COUNTY ASSESSORS TAX MAP #2S1 32C, GRANTING APPROVAL OF SAID APPLICATION WITH CONDITIONS, AND FIXING AN EFFECTIVE DATE.

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1: The Council adopts as its findings of fact the findings set forth in the City staff report dated March 19, 1980, a copy of which is marked Exhibit A, hereto attached, under headings "Basic Facts" and "Findings," except Finding 2E. The Council finds the relevant criteria to be those specified in the staff report.

Section 2: The Council further finds that pursuant to the prescribed procedures, the application for a conditional use permit was the subject of review and public hearing by the City Planning Commission on April 1, 1980. Subsequent to that hearing the Planning Commission voted to recommend the denial of the application because the Planning Commission had concurrently recommended disapproval of the applicants' zone change request, a copy of the Planning Commission Notice of decision being marked Exhibit B and hereto attached.

Section 3: The Council further finds that after due and legal notice, a public hearing was held on April 23, 1980 before an impartial Council, and at said hearing all parties interested were afforded an opportunity to be heard and to present and rebut evidence. At said hearing the Council received in evidence, among other documents and testimony, Exhibit A, and the Planning Commission's decision marked Exhibit B hereto attached.

Section 4: After due consideration of the application, the recommendation of the Planning Commission, the Staff report and evidence adduced, the Council makes the following additional findings:

(a) Public facilities servicing the proposed development are adequate or will be made adequate by means of the conditions imposed to approval of the application.

The proposal with conditions attached, would enable the use of the site as a mobile home park rather than a subdivision of mobile home lots and would be in harmony with existing uses in the surrounding area and would not result in detriment to adjacent properties, and

(b) The following conditions to approval are appropriate conditions required to maintain the purposes and objectives of the existing plan and zoning and are reasonable and necessary conditions for protection of the public interest and surrounding property from any adverse effects from the proposed use of the subject property.

1) Site plan review approval and building permit issuance pursuant to approval of this conditional use permit shall be subject to substantial progress being made on the construction of public sewer facilities require to serve the site within one year from effective date of this ordinance. The applicant may submit a request for extension of that one year period of validity to the Planning Commission.

- 2) The development of the mobile home park, including issuance of any building permits shall be subject to site plan review by the City. The site plan to be submitted by the applicant shall involve a plan approach of substantially different design from the plot plan concept submitted with the conditional use application, and said site plan shall address staff findings related to openspace and greenway preservation, recreation area development, landscaping, screening, internal traffic circulation, street layout and parking, and provision of utilities. Said plan shall be submitted with a draft property covenant relating to these design concerns, maintenance, management, and tenant responsibilities.
- 3) A bike path meeting City standards shall be included in site plans for the mobile home park along the property's Sunset Boulevard frontage.
- 4) Applicant shall meet City park and open space system standards for new units as suggested in the staff report through dedication or reservation of planned greenway areas or payment of a fee for the development's share of park and greenway system development or some combination of these methods of providing for park and greenways.
- 5) The applicant will meet with staff and develop a method acceptable to the City for financing sewer service.
- 6) The site plan, after preliminary reviews, shall be subject to final review by the City Council.

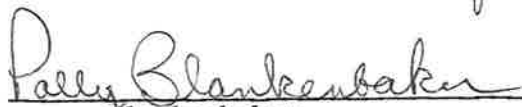
Section 5: The application is approved, subject to the conditions set forth in Section 4, to permit development of a mobile home park on the real property described on Exhibit C.

Section 6: The applicants, in addition to the foregoing conditions to the approval, shall file, prior to any further action by the City, a signed written statement with the City Recorder that applicants accept, approve, and agree to be bound by the foregoing conditions to this approval.

Section 7: This ordinance shall become effective on the 31st day after its enactment by the City Council.

PASSED:


By the Council, by 3-2 vote of all Council members present, after being read by caption three times this 9th day of July, 1980.


Polly Blankenbaker

Recorder - City of Sherwood

APPROVED:

By the Mayor this ___ day of _____, 1980.


Marjorie Stewart

Mayor - City of Sherwood

STAFF REPORT

March 19, 1980

CASE NO: ZC-80-02
 CU-80-01.

SUBJECT: Zone Change and Conditional Use Request for a Mobile Home Park and Neighborhood Commercial Area

LOCATION: South Sherwood Blvd. and Sunset Blvd.

APPLICANT: Harvey Poole

DESCRIPTION OF PROPOSED ACTION

The applicant is seeking approval of the following:

1. An amendment to the Sherwood zoning Map changing the present I-1 (General Industrial) and R-3 (High Density Residential) zoning to R-3 (High Density Residential) zoning to RT (Mobile Home District) and C-1 (Limited Commercial) zoning.
2. A conditional use permit to allow the development of a mobile home park on the proposed RT zoned area.

Action on the request for a conditional use permit is contingent on the approval of the RT zoning. The request for C-1 zoning may be considered and acted on separately from the RT request.

APPLICABLE STANDARDS FOR REVIEW

Generally "Fasano" criteria apply to zoning amendments and conditional use reviews. Modified Fasano criteria pursuant to Section 6.02 (5) a-f of the Sherwood Zoning Ordinance must be shown by the applicant and found by the reviewing body in order for the application for a conditional use permit to be approved. (See Attachment A).

BASIC FACTS

1. Zoning

| | Current | Proposed |
|---------------------------------|---------|---------------|
| 2S1 32C : 1600 = I-1 (17.71 Ac) | | RT (18.44 Ac) |
| R-3 (.73 Ac) | | |
| : 1301 = R-3 (4.99 Ac) | | RT (2.99 Ac) |
| | | C-1(2.0 Ac) |

2. Parcel Data

2S 132C : 1600 = 18.44 Ac
 : 1301 = 4.99 Ac

3. Existing Structures/Uses : Vacant

4. Access:

Access is by W. Division Street (33' RW ; 0' PV)
S. Sherwood Blvd. (50' RW ; 18 PV)
Sunset Blvd. (60' RW ; 19' PV)

5. Public Services

Water: 12" main on So. Sherwood Blvd; terminus at Four Corners
Sewer: 8" line in So. Sherwood : terminus north of Tax Lot
1301
Storm sewer: Open ditch on Sunset Blvd.
Gas: 6" line on So. Sherwood Blvd. and Sunset Blvd.

FINDINGS

1. Conformance with Comprehensive Plan/Current Ordinances

- a. The Comprehensive Plan is not yet adopted. The final draft of the Plan Map designates the subject property Medium High Density residential (8-11 DU/Acre). The RT request does not conflict with the proposed Plan since a mobile home park would be a conditional use under the proposed planning designation.
- b. Policies in the draft Plan (Part 2) support the provision of affordable housing including mobile homes; however, suggested strategy for the provision of an "adequate distribution of housing styles and tenures" would limit mobile homes to a maximum of 10% of the total housing stock. Currently of the 801 dwelling units 43 are mobile homes or 5%. If the proposed zoning were approved and developed at the currently allowed maximum density of 10 DU/Acre 210 mobile units could be built resulting in a 25% mobile home distribution. If the proposed zoning were approved and the proposed conditional use permit granted for 192 new units the resulting percentage of mobile homes would be 17%. If the 10% strategy were strictly adhered to, a maximum of 42 new mobile units would be allowed. A conditional use permit on the only other RT zoned area in the City is currently valid for 39 new mobile units.

In summary, if new mobile home zoning is to be considered a reevaluation of the draft plan policy limiting mobile homes to 10% of the housing stock should be considered. In light of need criteria based on economic conditions the maximum percentage of mobile homes should be raised to 25%.

- c. The C-1 request is addressed in the draft plan policy relating to the convenient location of commercial activities. The siting of neighborhood commercial centers is related to need and compatibility to the neighborhood. The 2 acre request at Four Corners can be made compatible with the neighborhood, however a need for convenience commercial as proposed has not been demonstrated at this time. The site is within 1/2 mile of the Old Town Commercial area.

2. PUBLIC NEED

- A. Data generated as a part of Sherwood's proposed land use plan (Part 1, Section IV) indicates that affordable housing opportunities are needed in Sherwood, especially for elderly and female-headed households.
- B. Among 1978 Sherwood households earning less than the median income of \$16,900, 30% spent more than 25% of their income for housing.
- C. At current costs of land, housing, and home loans, the National Association of Home Builders estimate that 80% of American Households are priced out of the market for an average single family dwelling unit.
- D. Mobile Homes are a more affordable option for home ownership and with increasing rents for multi-family units, are becoming one of only a few remaining alternatives for those on low or fixed incomes to own their home.
- E. The applicant has not submitted justification for the scale of the project (192 units on 21 acres). Evidence should be given that the local market for mobile homes requires the addition of this number of mobile home park spaces at this time.

3. PUBLIC NEED BEST SERVED BY THE SUBJECT PROPERTY COMPARED TO OTHER AVAILABLE PROPERTIES.

- A. Currently, only one other site (6 ac.) is zoned and developable for mobile homes. This site at Hall and Oregon Streets has been given conditional approval for a Mobile Home Park.
- B. The subject site is favorably situated compared to other vacant sites considering its compatibility with existing use, and its relationship to the Old Town Commercial area and community facilities.

4. IMPACTS ON THE SURROUNDING AREA

- A. The proposed use abuts the proposed Cedar Creek greenway. At minimum, steps are required to preserve land within the 100 year flood plain which the Corps of Engineers preliminary flood maps indicate to be at or below the 185 foot level.

4. B. The proposed use can be made compatible with adjoining existing and planned residential use through proper siting and design. A detailed site plan must be developed for Site Review Board review and approval. The plot plan submitted is deficient in many respects from City standards and would have to be substantially revised prior to Site Review Board action. Conditional use approval does not and should not constitute approval of the design or amenities suggested in the plot plan submitted. Substantial attention to landscaping, residential treatment of mobile home units and street and utility design and layout would be necessary to assure compatibility with the surrounding area. Draft restrictive covenants would be required to address land use, maintenance site design requirements, and ongoing owner, manager and tenant responsibilities.

5. ADEQUACY OF PUBLIC FACILITIES AND SERVICES

A. Water -

Water service is available by means of the extension of the 12" line at Four Corners approximately 500' to the site. Extension of the water line to west property line of the proposed site would be required to meet the requirements of the City Water plan.

B. Sewer

Sewer service is currently not available to the site. Service would have to be extended approximately 2,000' south from the Sherwood Trunk line near the present Treatment Plant. Approximately 3,000' of 15-18" line to Sunset Blvd. and another 1,000' of 8" line to Four Corners would be necessary to meet the requirements of the City Sewer Plan. The applicant has submitted an LID petition representing 60% of the properties in a proposed Cedar Creek Trunk Local Improvement District. City staff are certifying the adequacy of the petition. If the petition is found to meet the Charter requirements for property owner initiated LID's, the City would be mandated to install the lines and assess the properties for the improvements according to benefit. Since the sizing of the trunk line over that required to serve properties within the City is required in the City Sewer Plan, financing for oversized facilities needs to be arranged prior to initiation of the improvement district. In addition, questions concerning the ability of the City to sell bancroft bonds to finance the improvement would also have to be addressed in the L.I.D. process.

In summary, sewer service to the site can not be termed adequate until construction on the improvement is substantially underway. Approval of the proposed zone change and conditional use could be made only with the understanding that

the initiation of site plan review is conditioned on the substantial completion of construction on the Cedar Creek Trunk serving the proposed site.

- C. Drainage
Natural drainage is westerly to Cedar Creek. The installation of storm sewers in Wilsonville Road and through the project to the Creek will be necessary.
- D. Natural Gas, telephone, electric power, and police and fire services are adequate. The proposed park, if approved would require the provision of at least one additional access for emergency vehicles and would have to meet any additional fire district requirements.
- E. PARKS AND OPEN SPACE

City Park System

Stella Olsen Park is within one half mile of the Site. The site abuts and includes portions of the proposed Cedar Creek greenway. In addition a 2-5 acre neighborhood park site southeast of the proposed development is planned. Based on a recommended fair share neighborhood park/greenway per unit standard of 400 square feet per unit or the current market "money in lieu of acreage" value, the following are the park/open space requirements for the proposed mobile home park.

| | |
|--|----------------|
| Total Proposed Units | 192 |
| Park/Open Space Standard | 400 sq. ft./DU |
| Total Park/Open Space Requirement | 1.76 Ac. |
| Estimated Market Value (\$25,000/acre) | \$44,000 |
| Estimated per unit requirement | \$229 |

This standard may be met through the dedication of the portion of the proposed Cedar Creek Greenway on the Site or the payment of the money value of the system development requirement.

On Site Recreational Area

Pursuant to Section 3.04(6c) of the Sherwood Zoning Ordinance, an on site recreational area must be provided according to a standard of 300 sq. ft./lot or .94 acre for the proposed development.

F. SCHOOLS

The applicant has received a response from the Sherwood School District that elementary school facilities are inadequate to house additional children to be expected by the development.

G. ACCESS

So. Sherwood Blvd.

An additional 5 ft. is required to provide 30 ft. from center on the Planned collector. A waiver of remonstrance for street and utility improvements benefitting the property should also be obtained.

W. Division Street

This currently unpaved street section has only 33 feet of right of way. It would require an additional 6½ feet from center to meet local street standards. Improvement of the street section should be arranged with adjoining benefitted properties if it is necessary for access to the site.

Sunset Blvd.

An additional 15 ft. from center is required for the planned arterial. A waiver of remonstrance for street and utility improvements benefitting the site should be obtained. A planned bikepath should be included in development plans along Sunset Blvd. frontage.

Traffic Generation/Capacity

An estimated 740 trips per day would be added to So. Sherwood by the RT use and an additional 400 trips per day from C-1 use for a total of 3,240 trips per day on So. Sherwood and 1,740 trips per day on Sunset Blvd. These volumes are consistent with plans for these roadways, but until alternative access to out of town routes are used (i.e. Wilsonville Rd. and Murdock Rd.) and system improvements made safety and congestion problems on So. Sherwood Blvd. during peak hours may begin to become apparent.

Internal Circulation and Street Layout

A grid pattern for internal street layout such as is suggested in the plot plan does not take best advantage of the sites features nor does it represent the most aesthetic or functional design. A curvilinear approach to internal street design with provision for local access and collector streets should be used to preserve privacy and provide for proper dirculation.

STAFF RECOMMENDATION

- A. Based on the above findings, the staff recommends approval of the zone change from I-1 (general industrial) to RT (Mobile Home District) and a conditional use permit for the 18.44 acre Tax Lot 2S1 32C : 1600 only. The development of Tax Lot 2S1 32C : 1301 for a mobile home court is not appropriate and a need for the neighborhood commercial center has not been demonstrated at this time. Approval of the RT zoning and conditional use on Tax Lot 1600 should be made with the following conditions.
1. That the applicant be advised that site plan review and building permit issuance on the proposed mobile home park is contingent upon substantial progress on the construction of the sewer improvements to serve the site and that the conditional use permit is valid for one year from approval subject to approval of an extension request by the Planning Commission.
 2. That the applicant/owner of the property record a waiver of remonstrance for the formation of a future street and utility improvement district benefitting the site, and that a bikepath meeting City standards be included in site plans for the mobile home park along the property's Sunset Blvd. frontage.
 3. That the applicant prepare a site plan which involves a substantially different design from the plot plan concept submitted and which addresses the above findings related to open space and greenway preservation recreation area development landscaping, and screening, circulation, street layout and parking; and utility provision. Further, that the applicant submit a draft restrictive covenant addressing these and other concerns relating to mobile home park and structure design, maintenance, management and tenant responsibilities.
 4. That the applicant meet City park and open space system standards for new units suggested in this report through the dedication/or reservation of planned greenway areas and/or the payment of a system fee for the developments share of park and greenway system development.
 5. That the applicant dedicate an additional 15 feet from Center on Sunset Blvd. to provide for future road improvements.
 6. That the mobile home park have a maximum of 137 units.

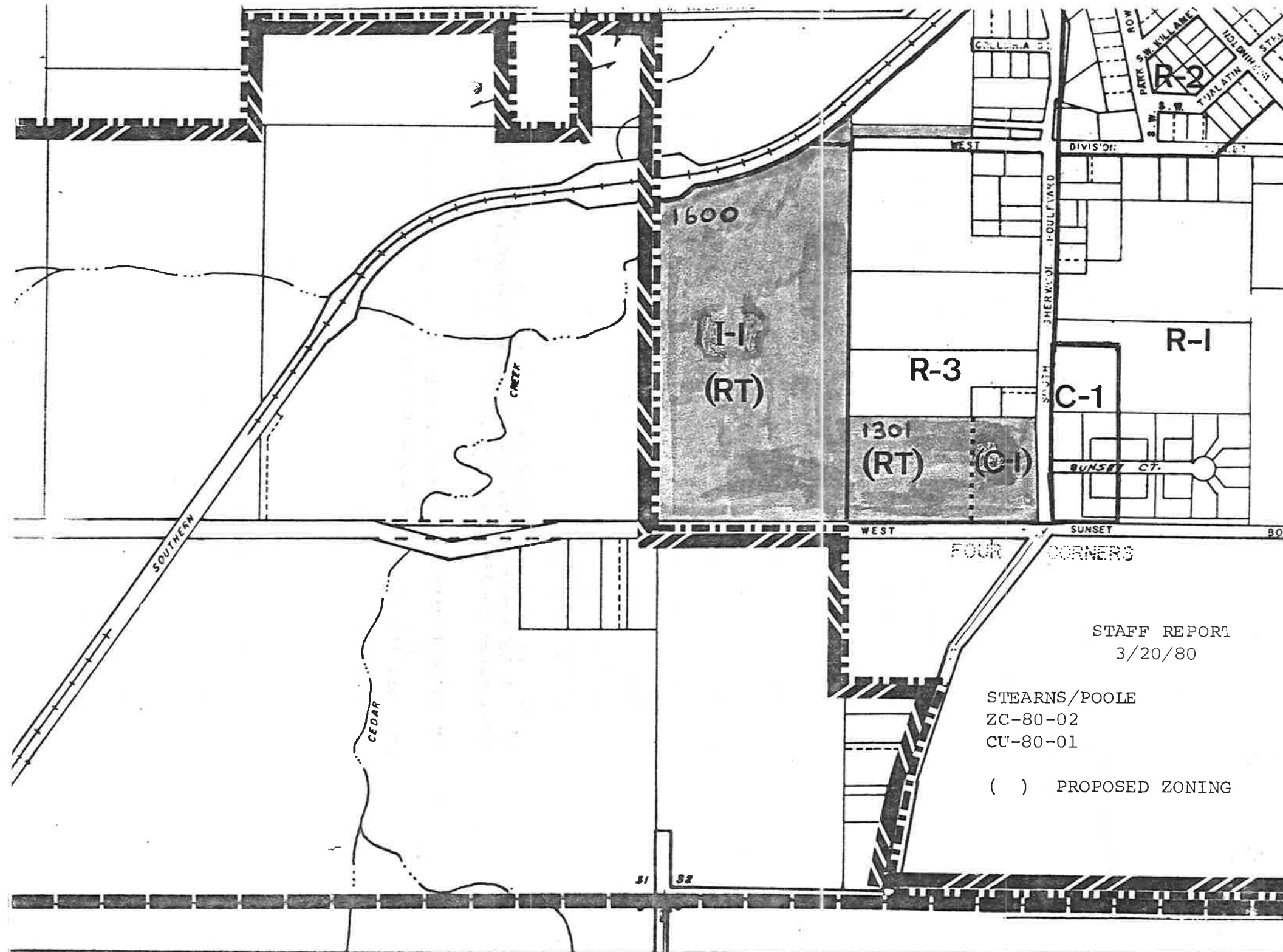
B. If the C-1 and RT zoning and conditional use is approved on Tax Lot 2S132C : 1301 the following conditions are suggested:

1. The applicant record a waiver of remonstrance for a future street and utility improvement district benefitting the property along So. Sherwood Blvd. and Sunset Blvd. frontage.
2. That the applicant dedicate an additional 15 feet from center on Sunset Blvd. and an additional 5 feet from center on So. Sherwood Blvd. for future street improvements.

REQUIRED FINDINGS FOR APPROVAL
OF CONDITIONAL USE PERMITS

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

- a) That all public facilities servicing the proposed development, including but not limited to sanitary sewers, water, streets, storm drains, electrical distribution, parks and public safety are adequate.
 - b) Approval is in conformity with the existing zoning, the Comprehensive Plan, or elements thereof to the extent that it, or elements of it have been adopted.
-
- c) There is a demonstrable public need for the use of the type and kind in question.
 - d) That the public need is best served by allowing the conditional use for the particular piece of property in question as compared to other available property.
 - e) That surrounding property will not be adversely affected by approval of the request, or that the adverse affects of the use on the surrounding uses, the neighborhood or the City as a whole, are sufficiently ameliorated by the conditions imposed. Adverse effects to be considered include but are not limited to air, land or water degradation, noise, glare, heat vibration or other conditions which may be injurious to public health, safety or welfare.
 - f) That the proposed development has easy and direct access over fully improved streets and can be served by adequate sanitary sewerage, water supply, fire hydrants, parks, public safety, storm drainage or other public services and that the provision of any required improvements needed to provide such services is guaranteed by binding agreement between the developer and the City.





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

April 15, 1980

NOTICE OF DECISION

- To:
1. City Council
 2. Robert Stearns, 18201 SW Boones Ferry Rd., Tualatin, Ore.
 3. Harvey Poole, 11500 SE 82nd Ave., Portland, Ore. 97266

The Planning Commission of the City of Sherwood, Oregon decided to recommend denial of your application for a Conditional Use and Zone Change on April 1, 1980.

The decision was based on the following major findings:

1. Need has not been shown for a neighborhood commercial area or RT zone.
2. The proposed use would be permitted under the new Comprehensive Plan being considered for adoption later this year making the current request unnecessary at this time.

A handwritten signature in cursive script, appearing to read "Clyde List".

Clyde List
Chairman

Forwarded to the City Council
on 4/16/80

EXHIBIT B TO ORDINANCE # 723
POOL/STEARNS

Order No. W 19154 L

DESCRIPTION

PARCEL I

The following described property situated in the County of Washington and State of Oregon:

The West 5.99 chains of the following tract (West 2.99 acres).

Beginning at the southeast corner of the Northwest quarter of the Southwest quarter of Section 32, Township 2 South, Range 1 West of the Willamette Meridian; thence West 10 chains along the road leading to Middleton; thence North 6 chains; thence East 10 chains to the center of the road leading from Sherwood to the Pleasant Hill Cemetary; thence South 6 chains to the place of beginning.

PARCEL II

That portion of Section 32, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon, described as follows:

Commencing at the quarter post between Sections 31 and 32; running thence East 514-1/2 feet to the place of beginning; thence East 525 feet to the southeast corner of the tract of land belonging to George E. Strong; thence North 61 feet; thence West 525 feet; thence South 61 feet to the place of beginning, being a part of the Southwest quarter of the Northwest quarter of Section 32, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon,

EXCEPTING THEREFROM that portion thereof lying within the boundaries of the Oregon and California Railroad Company right of way.

ALSO EXCEPTING that portion granted to the City of Sherwood by deed on April 5, 1955 and recorded in Book 375, page 9, Washington County Records.

Order No. W 19154 L

DESCRIPTION

PARCEL III

All that part of the West half of the Northwest quarter of the Southwest quarter of Section 32, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, lying South of the Oregon and California Railroad Company right of way,

EXCEPT the following described tract, to-wit:

Beginning at the intersection of the line between Sections 31 and 32, Township 2 South, Range 1 West of the Willamette Meridian, with the southerly line of 60 foot right of way of Oregon and California Railroad Company, through said sections, which point is distant South on said Section line 176.7 feet from the quarter corner between said sections; thence South on said section line 40.26 feet to a point 70 feet distant Southerly at right angles from center line of Oregon and California Railroad Company's main tract; thence North 89° 25' East parallel to said center line, 66 feet; thence North 54° 43' East 83.31 feet to an intersection with Oregon and California Railroad Company's southerly right of way line; thence South 83° 25' West on said right of way line 134.46 feet to the point of beginning.

EXHIBIT C TO ORDINANCE # 723
POOL/STEARNS
PAGE 2