

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 727

AN ORDINANCE ADOPTING FINDINGS WITH RESPECT TO THE APPLICATION OF SUE LONG, WHO APPLIED AS SUE FAIST, AND BARBARA S. NELSON, CU-80-02, FOR A PERMIT APPROVING USE OF EXISTING DWELLING AS A 12-CHILD DAY CARE CENTER ON TAX LOT 600, WASHINGTON COUNTY ASSESSORS TAX MAP #2S1 32BB, 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 July 25, 1980, a copy of which is marked Exhibit A, hereto attached, under headings "Basic Facts" and "Findings." 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 August 5, 1980. Subsequent to that hearing the Planning Commission voted to recommend the approval of the application, a copy of the Planning Commission's recommendation 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 August 13, 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 use 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 12-child day care facility, would be in harmony with existing uses in the surrounding area, would not result in detriment to adjacent properties, and would fulfill a present unmet need for day care services, 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) That the applicant obtain and submit to the City a copy of the State day care certification for the facility.
- 2) That the applicant obtain a City business license.
- 3) That one off-street parking space per employee be provided.

Section 5: The application is approved, subject to the conditions set forth in Section 4, to permit use of the existing dwelling on the subject property as a day care facility for 12 children.

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 Unanimous vote of all Council members present, after being read by caption three times this 10 day of September, 1980.

Polly Blankenbaker

Polly Blankenbaker
Recorder - City of Sherwood

APPROVED:

By the Mayor this 10 day of September, 1980.

Marjorie Stewart

Marjorie Stewart
Mayor - City of Sherwood



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

August 6, 1980

NOTICE OF DECISION

TO: Sue Long
180 NW 3rd
Sherwood, Ore. 97140

Barbara Nelson
c/o Gary Helmer
9115 SW Burnham
Tigard, Ore.

City Council

The Planning Commission of the City of Sherwood, Oregon decided to recommend approval of your application for a conditional use permit for a day care center on August 5, 1980.

The decision was based on the following major findings.

1. Public facilities serving the proposed use are adequate.
2. The request conforms to the Sherwood Zoning ordinance.
3. A need for additional day care was demonstrated.
4. No adverse affects to adjoining properties were identified.
5. The day care center is suited for the proposed site and structure.

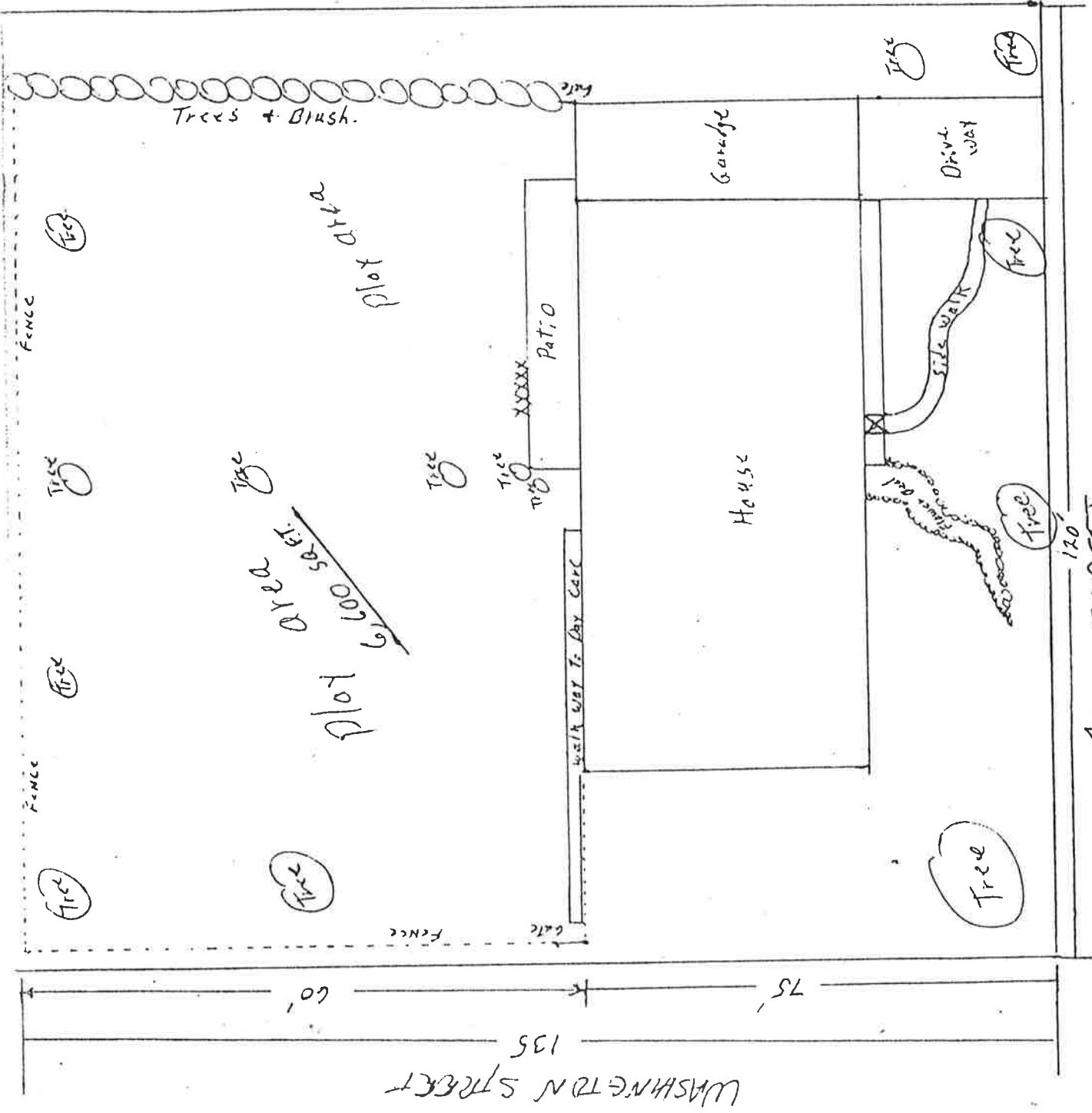
The following conditions were recommended:

1. That the applicant obtain and submit to the City a copy of the State day care certification for the facility.
2. That the applicant obtain a City business license.

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

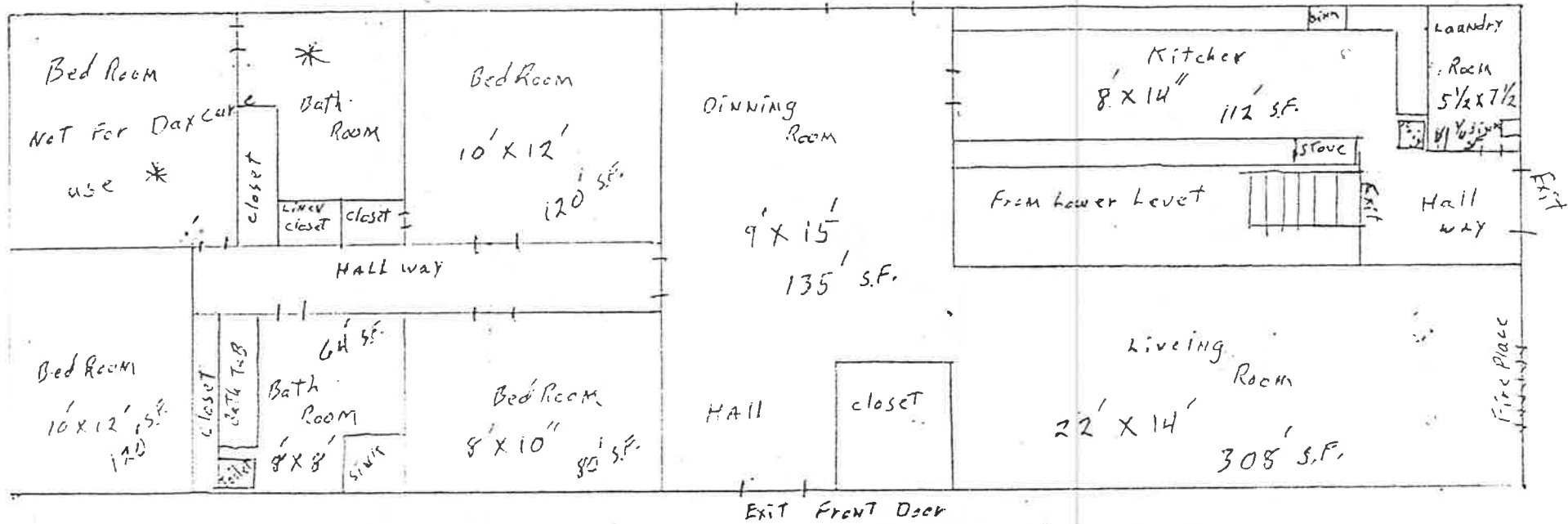
Clyde List,
Chairman

Attachment B

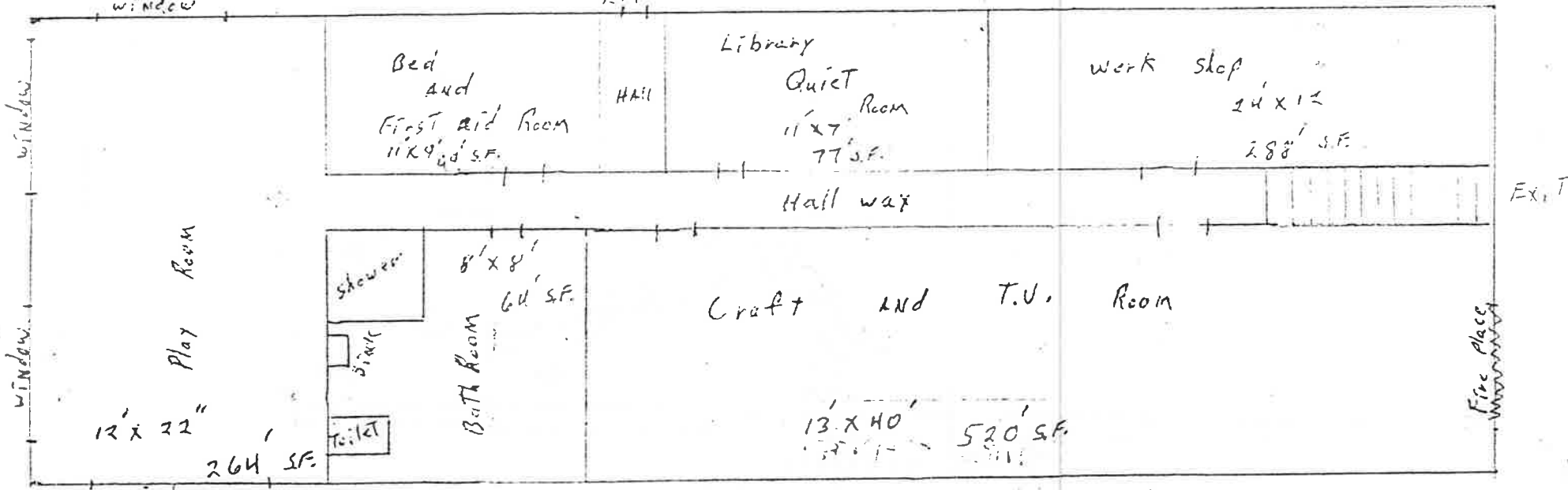


THIRD STREET
 Top view of grounds and play area
 Currier Consulting Co., Inc.

Exit Patio



EXIT

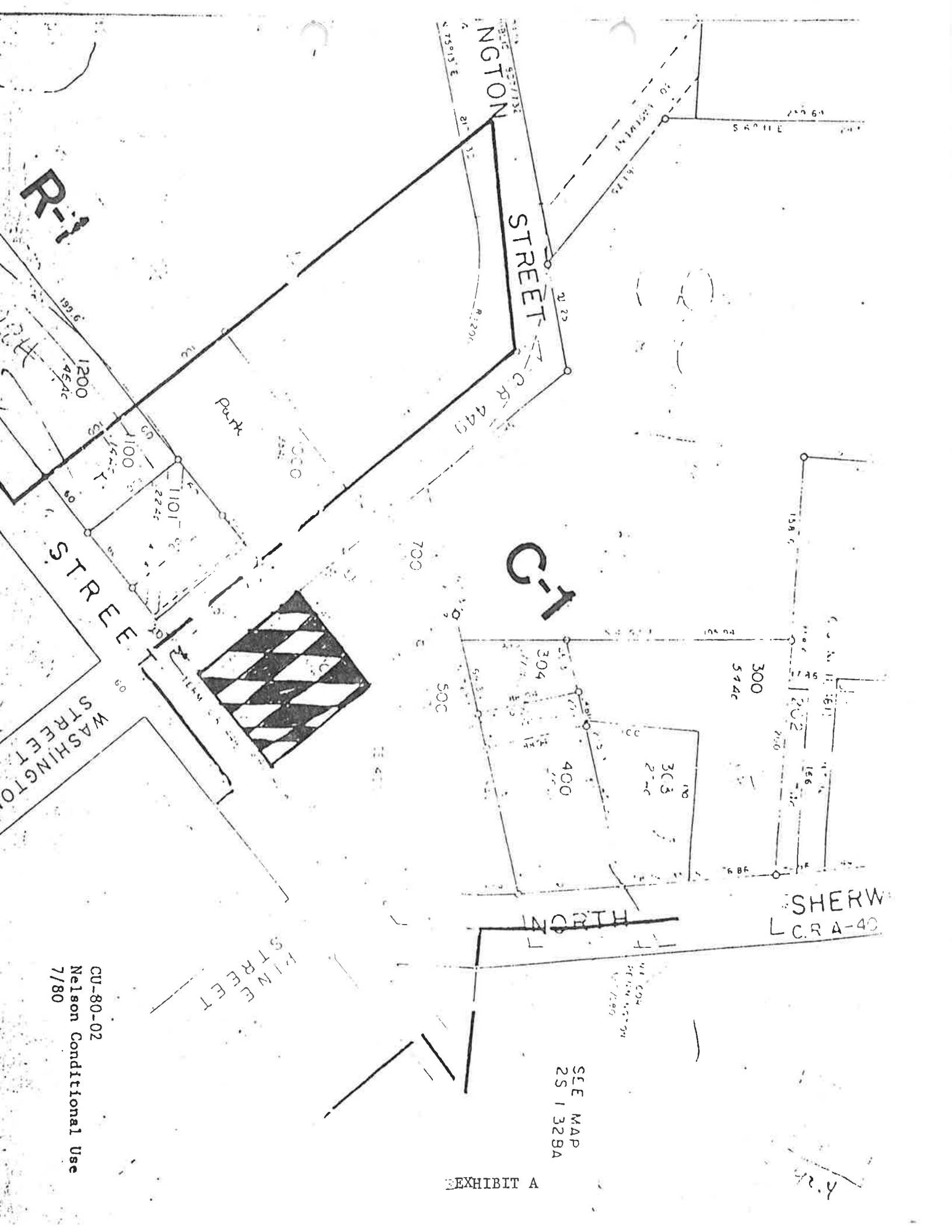


Lower Level 1,312 sq. FT. useable

Petition for Consent of Day Care Center

I understand ~~that~~ of the plans for the Day Care center (named - Dueses Sun-
shine Center) at 180 NW 3rd in my neigh-
berhood. And feel no reason for it
not to be accepted.

- 1. Tom Paul
- 2. Down Adornik - 285 Sherwood Blv.
- 3. Carmen G. Shaw
- 4. ^{Blue cover} Emma Schale - 280 NW Main
- 5. ^{main} Mary Ann Blackmore - 185 NW 3rd
- 6. ^{under name} Mary Ann Paul 410 NW Washington
- 7. ^{name} Enclosed - ^{Barbara Wilson} ^{480 NW Washington}
- 8. ^{above} Abraham & Magdalena Church, B. L. Ours
- 9. ^{from} Leo Volk - 120 NW 3rd
- 10. ^{on} Jim Berger, m.g. - 395 NW Washington ^{B.L.}
- 11. ^{1st yellow} Mrs. Edith Balsiger - 165 NW 3rd
- 12. ^{right} Larry Moger - 230 NW 3rd
- 13. ⁷⁸⁵ Helen Pruitt - 285 NW Washington



R-1

C-1

NORTH

SHERW
L.C.R.A-40

SCALE

SEE MAP
25 1 328A

EXHIBIT A

CU-80-02
Nelson Conditional Use
7/80

PINE STREET

WASHINGTON STREET

STREET

STREET

NGTON STREET



Park

300
514c

304

400

303
2-c

202

1200
454c

1100

1101

700

500

158.6

10 FOOTWALL

61.75

21.25

8.200

4750.15 E

95°/132

152.6

16

16

22.25

30

80

72

156

156

156

1/4 SEC 34
T14N R14E
S1/4 SW 1/4

1/2

Standards governing conditional use
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.

STAFF REPORT

July 25, 1980

Case No: CU-80-02
Subject: Conditional Use
Location: Third Street and Washington Street (Tax Lot 2S1 32BB: 600)
Applicant: Sue Faist
Owner: Barbara Nelson

I. APPLICABLE STANDARDS FOR REVIEW: Section 602 of the Sherwood Zoning Ordinance.

II. BASIC FACTS

- A. Current zoning is C-1 (Limited Commercial)
- B. Parcel Data
2S1 32BB: 600 = .25 AC.
- C. Existing Structures/Use
Single Family Home
- D. Access:
Existing access from Third Street (60RW 32 PV)
- E. Public Services
Existing water, sewer and drainage facilities are available.

III. FINDINGS

- A. The applicant seeks a permit to conduct a day care center for 12 children in her home.
- B. The applicant has obtained a petition of consent from property owners within 200 feet. (see attachment A)
- C. Public Services and access are adequate.
- D. A fenced 6,600 sq. ft. outdoor play area is provided. This area meets ordinance requirements. (see attachment B).
- E. The lower floor of the structure, 1,312 sq. ft. will be used for day care. The area provided meets ordinance requirements. The upper floor will be living quarters for the applicant. (see attachment C)
- F. The applicant will be subject to overlapping state regulations for day care group homes (6 to 13 students). A permit will be obtained subject to city action.
- G. City ordinances require a minimum of two off street parking spaces for the residential use and a number of spaces appropriate for the day care use to be set by the Planning Commission. The center will employ two persons. Total provision for parking should include four parking spaces.

IV. STAFF RECOMMENDATION

Based on the above facts and findings the staff recommends approval of the application with the following conditions.

- 1. That the applicant identify and provide parking for four vehicles.
Parking areas may either be provided on the site or off site. Written authorization for the use of any off site parking areas should be provided. If additional employees are hired, one new space shall be identified for each new employee.
- 2. That the applicant obtain and submit to the City a copy of the State Day Care certification.
- 3. That the applicant obtain a City business license.