

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 734

AN ORDINANCE ADOPTING FINDINGS WITH RESPECT TO THE APPLICATION OF WILLIAM AND MARY YOUNG, WALTER AND MADGE COLE, and MARJO PROPERTIES FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN MAP TO INCLUDE TAX LOTS 400, 500, 600, and 601 WASHINGTON COUNTY ASSESSOR'S TAX MAP #25128A WITHIN THE CITY'S IMMEDIATE GROWTH BOUNDARY (IGB) (PMA 80-01)

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 October 23, 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 plan map amendment was the subject of review and public hearing by the City Planning Commission on November 4, 1980. Subsequent to that hearing the Planning Commission voted to recommend the approval of the application without conditions, a copy of the Planning Commission's recommendation being marked Exhibit B and attached hereto.

Section 3: The Council further finds that after due and legal notice, a public hearing was held on November 12, 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, and the report of Benkendorf Evans Ltd., presented on behalf of the applicants.

Section 4: After due consideration of the application, the recommendation of the Planning Commission, the Staff report and evidence adduced, the Council finds that the facts and findings set forth in the staff report should be adopted as the findings of the Council, and that those findings are fully supported by the factual information set forth in the staff report and the report presented by the applicant's consultant, Benkendorf Evans Ltd.

Section 5: The application is therefore approved and the comprehensive plan map is hereby amended to include the lands of William and Mary Young, Walter and Madge Cole, Marjo Properties and Al Chavez, herein referred to as Tax Lots 400, 500, 600, and

601 Washington County Assessor's Map #251 28A, more particularly described on the attached sheet marked "Exhibit C" description hereto attached and by this reference made a part hereof. The Planning Director is directed to take such action as necessary to document this amendment to the plan map as required by the Sherwood Community Development Code.

PASSED:

By the Council, By Unanimous vote of all Council members present, after being read by caption three times this 14 day of ~~December~~, January, 1980. 1981

Polly Blankenbaker
Polly Blankenbaker
Recorder - City of Sherwood

APPROVED:

By the Mayor this 14th day of ~~December~~, 1980. January, 1981

Marjorie Stewart
Marjorie Stewart
Mayor - City of Sherwood

STAFF REPORT

October 23, 1980

CITY CASE NO: PMA-80-01

SUBJECT: An amendment to the Comprehensive Plan Map to include tax lots 2S1 28A : 40; 500; 600; and 602 within the City's Immediate Growth Boundary (IGB)

LOCATION: Cipole Road (see figure 1)

APPLICANTS: William and Mary Young; Walter and Madge Cole and Marjo Properties.

OTHER AFFECTED PROPERTY OWNERS - Al Chavez

APPLICABLE STANDARDS FOR REVIEW

- Citations:
1. Chapter 1 Section 3.00 Community Development Code Amendment Procedure/Criteria for Review
 2. Section III F,1,b Community Development Plan Policies 4, 5, 6, 7. Criteria for amendment of the Immediate Growth Boundary.

BASIC FACTS

Growth Management

The site is within the Urban Growth Boundary and outside of the Immediate Growth Boundary (City: "Future Urban", County: Urban Intermediate")

Land Use

Current Zoning: All tax lots involved are zoned MAE (land extensive manufacturing)

Plan Designation: Future Urban; GI (General Industrial)

Acreage: (See Figure 2)

2S1 28A : 400 = .90
 : 500 = 35.10 (P)
 : 600 = 19.41
 : 601 = 4.86

Total Area = 60.27

Est. Buildable = 54.

Existing Structures and Uses

- 2S1 28A : 400 Commercial lumber yard with single family detached dwelling.
 : 500 Agriculture, including a farm related single family detached dwelling.
 : 600 Agriculture, including a farm related single family detached dwelling.
 : 601 Industrial truck equipment and repair.

Environmental Resources

Topography (See Figure 2)

Northwesterly 0-7%

Soils

Type: Mix of alluvial loams

Limitations: Natural drainage is moderately good. Permeability is moderately slow. Slow run off with slight erosion potential

Agricultural Capability Class: Class II and III

Flood Plain: Not applicable

Recreation Resources

Not applicable

COMMUNITY FACILITIES AND SERVICES

Water: No existing urban service. A 12" main to be constructed as part of the Rock Creek Water and Sewer LID with terminus at site's Southwest corner in early 1981.

Sewer: No existing urban service. An 8" lateral to be constructed as a part of the Rock Creek Water and Sewer LID with terminus at northerly boundary of site in early 1981.

Drainage: No existing developed facilities.

Public Safety: Currently, Washington County Sheriff's Department; new service would be from the Sherwood Police Department.

Transportation:

Vehicle Access: Access is via cipole Road (County, 40 RW, 20' PV) and Tualatin-Sherwood Road (County, 60' RW, 20' PV)

Bike and Pedestrian Access: No existing facilities.

Transit: No existing service to site. ½ mile to nearest bus stop.

FINDINGS

1. Required Findings for Granting a Plan Amendment (CDC Ch. 1 Sec 3.00)

- a. "The proposed amendment is in conformance with the map and text portions of the Comprehensive Plan not being considered for Amendment."

The proposed use is consistent with the Plan Map designation for the area to be included in the IGB. Water and sewer plans indicate priority water and sewer extensions to the area. Implementation of service extension to the area's boundaries is currently in progress. (Rock Creek Sewer and Water LID). Growth management (CPP Section III) and Economic Development (CDP Section VIII) policies support service extension to support expanded industrial development in the NE area.

1. b. "The public interest is best served by granting the Amendment at this time."

The development of the N.E. Industrial area has long been an objective of the City. The provision of local jobs, the reduction of commuter trips to jobs outside of the Planning Area and the strengthening of the local economy have been identified as being in the public interest in the Comprehensive Plan.

The timing of inclusion of the subject area into the Immediate Growth Boundary is discussed in Finding #2 below.

- c. "The land use related factors in ORS 215.055 were consciously considered..."

The area to be included in the IGB has been determined to be suitable for the expansion of the City's NE Industrial Area. The area is planned for general industrial uses which are compatible with contiguous developed areas within the City. No significant negative impacts on adjacent properties and the natural environment are foreseen as a result of immediate urban development of the subject area consistent with the Comprehensive Plan.

2. Criteria for the Amendment of the Immediate Growth Boundary (CDP Section III F, 1, b)

- a. Need for additional industrial land:

There are currently 712 acres which are vacant and buildable within the Immediate Growth Boundary (IGB). Of those acres, 72% (509 Ac) are designated for residential use and 28% (203 ac.) are designated for non-residential uses. The CDP identifies a goal of 60/40 residential to nonresidential land use at full development. Since current developed incorporated land shows an 85/15 residential to nonresidential ratio, additional nonresidential land is needed to promote a proper balance within the IGB. If included in the IGB, the subject site would add 54 buildable industrial acres resulting in a new residential/nonresidential ratio of 66/34 for planned vacant and buildable land within the IGB. The net effect of the proposed amendment would be to further balanced growth in the Planning Area.

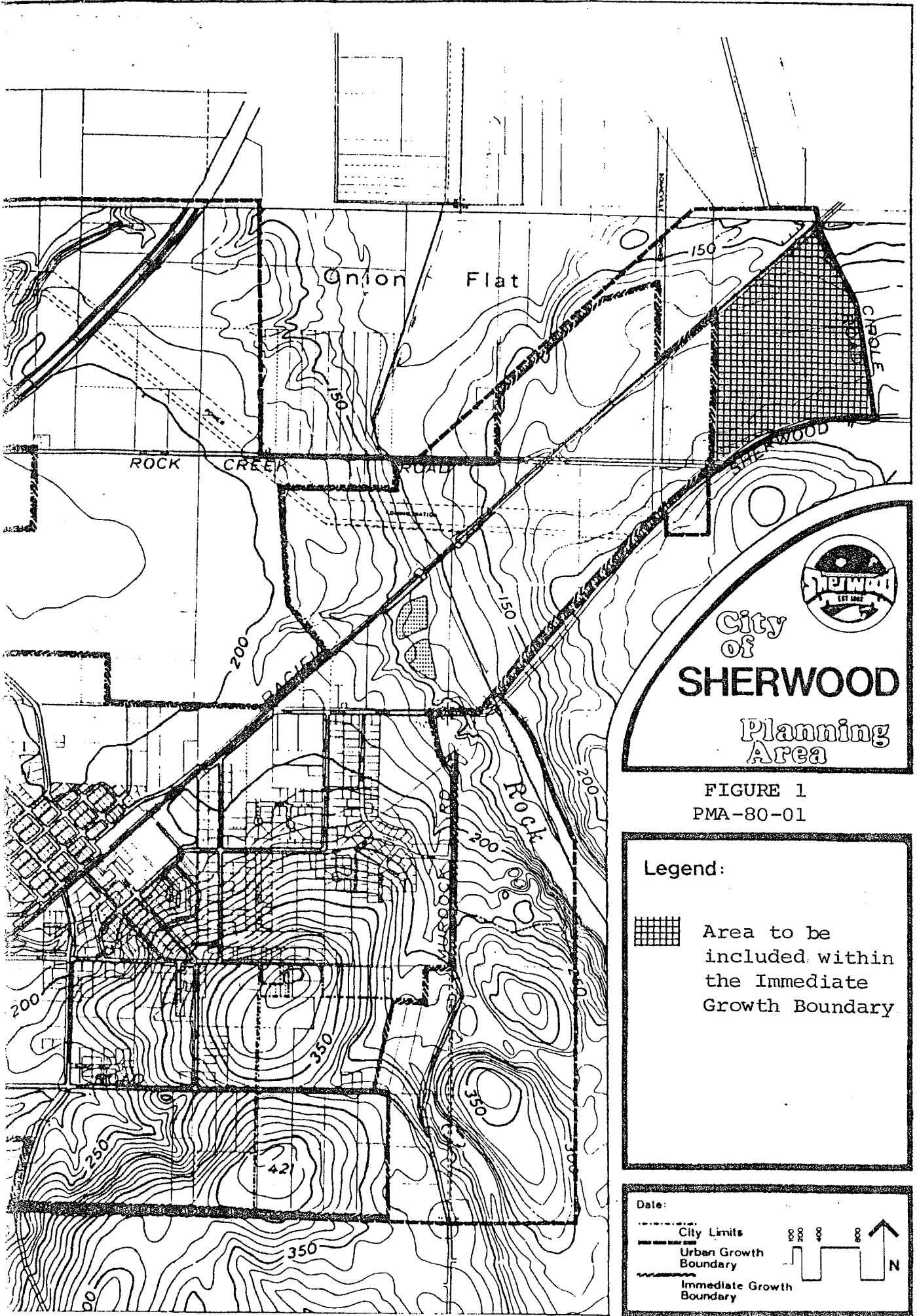
2. a. Although the development of the approximately 130 buildable acres in the IGB is currently curtailed pending completion of the Rock Creek Water and Sewer LID improvements, the addition of 58 buildable acres proposed for immediate development will have the effect of contributing to the provision of needed services and development of the entire planned NE Industrial area.

- b. Existing or Programmed Services Available to the Site:
Sewer and water service to the area is programmed for construction in early 1981. The area to be included with the IGB is sharing in the costs of the sewer trunk line and seeks annexation in order to facilitate immediate use of the facility. Access to the site is favorable. The improvement of Cipole Road and Tualatin-Sherwood Road and installation of drainage facilities consistent with City service plans would be required in conjunction with development on the site. Rail service is available adjacent to the site. All other services are available.

- c. Existing Conditions indicating a commitment to immediate Urban Development:
A lumber yard and a construction business are currently using approximately 8% of the area. The area has been industrially zoned for many years, but has not fully developed due to previous lack of urban services.

STAFF FINDINGS


Based on the above facts and findings the staff recommends approval of the amendment request.






City
of
SHERWOOD
Planning
Area

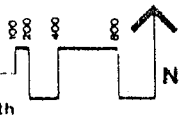
FIGURE 1
PMA-80-01

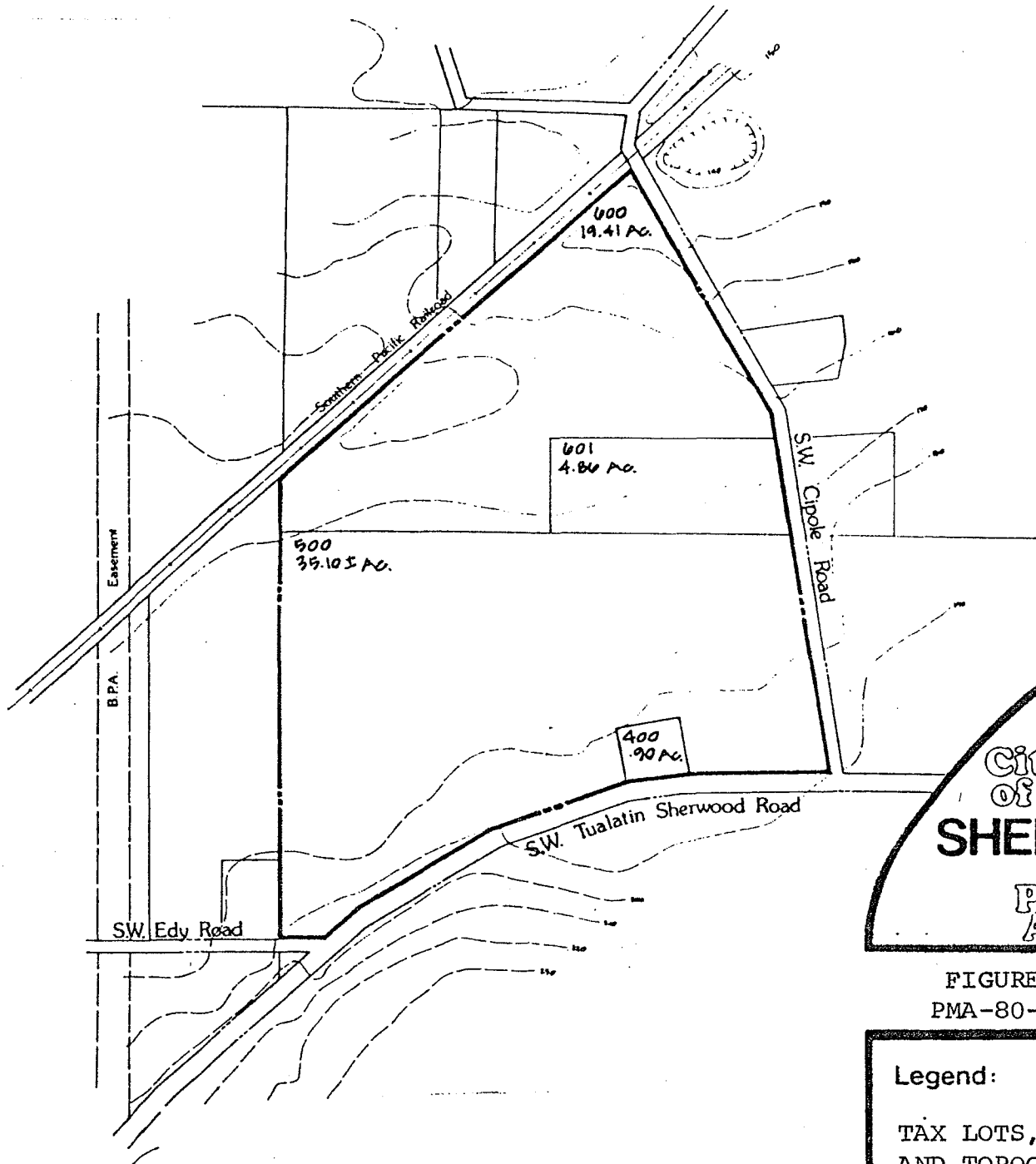

Legend:

-  Area to be included within the Immediate Growth Boundary

Date:

-  City Limits
-  Urban Growth Boundary
-  Immediate Growth Boundary



City
of
SHERWOOD
Planning
Area

FIGURE 2
PMA-80-01

Legend:

TAX LOTS, ACREAGE
AND TOPOGRAPHY



P.O. Box 167
Sherwood, Oregon 97140
625-5522 625-5523
28A: 400, 500,
TAX LOT: 600, 601

CASE NO: PMA-80-01

DATE: 11-5-80

NOTICE OF DECISION

TO: William Young, 20605 Cipole Rd.
William Cole, 20285 Cipole Rd.
Marjo Properties, P.O. Box 278, Tualatin,
Al Chavez, 460 Cochran
City Council

The Planning Commission of the City of Sherwood, Oregon
decided to recommend approval of your application for
an Amendment to the Immediate Growth Boundary
on Tuesday, November 4, 1980.

The decision was based on the following major findings:

Findings contained in the attached staff report dated
October 23, 1980.

The following conditions were placed on recommended approval of the
application:

None

Signed 
Title Planning Commission Chairman

STATUS OF PLAN COMPLIANCE REVIEW

- Final Action
 Additional Required Action
Review Body

Date of Meeting

 Planning Commission
XX City Council
 Design Review Board

11-12-80

EXHIBIT B

EXHIBIT C

1.

Beginning at a point in the center line of County Road No. 492, said point being on the North and South center line of Section 28, Township 2 South, Range 1 West, Willamette Meridian, South 0° 12' West 1471.6 feet from the Northwest corner of the South one-half of the Northeast one-quarter of said section 28; thence North 49° 56' East along the center line of said County Road No. 492, 390 feet; thence North 57° 49' East along the center of said County Road 75 feet; thence South 0° 15' West 798.8 feet to the South line of the Ida Belle Gore land as described in book 113, page 364, records of deed of Washington County, Oregon; thence east 300 feet, more or less, to the Southeast corner of said Gore land; thence North along the east line of said Gore land to the center of County Road No. 492; thence Northeasterly along the center line of County Road No. 492 to its intersection with the center line of County Road No. 505; thence Northwesterly along the center line of County Road No. 505 to its intersection with the North line of the South one-half of the Northeast one-quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian; thence West to the Northwest corner of the South one-half of the Northeast one-quarter of said Section 28; thence South 0° 12' West 1471.6 feet to the place of beginning.

2.

The following described portion of the North half of the Northeast one-quarter of Section 28, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon:

Beginning at the Southwest corner of the North half of the Northeast quarter of Section 28, Township 2 South, Range 1 West of the Willamette Meridian; thence North 10 rods to the line of the Portland and Willamette Valley R.R. Co.; thence Northeasterly along the line of said Railway Co. to where the same intersects County Road No. 505 as established in 1911; thence Southerly following the center line of said County Road No. 505 to where the road intersects the South line of property described in Deed Book 195, page 597, being the South line of the North half of the Northeast quarter; thence West-erly following said South line of the North half of the Northeast quarter to the place of beginning, being all that part of that tract of ground deeded to Lottie S. Cole, in Deed Book 195, page 597, lying West of the center line of County Road No. 505. EXCEPTING THEREFROM that portion conveyed to Gerrie Braun et ux by Deed recorded June 2, 1978, fee number 78-24973.

3.

A tract of land in Section 28, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon, being part of that certain tract of land described in deed to Madge W. Cole recorded in Book 605, Page 670, Washington County Deed Records and being described as follows: beginning at the Southeast corner of said Cole tract in the center of Cipole Road (County Road No. 505); thence N89°43' W, 760.50 feet along the South line

of said Cole tract (passing an iron rod at 20.27 feet) to an iron rod; thence N 00°17'E, 295.95 feet to an iron rod; thence S89°43' E, 711.38 feet parallel with said South line (passing an iron rod at 691.11 feet) to the center of said County Road and the East line of said Cole tract; thence S 09°08'30" E 300.00 feet to the point of beginning. Subject to the rights of the public in roads.

4.

A certain tract of land in the S 1/2 NE 1/4 of Section 28, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon, and in the Southerly portion of that land described in deed book 214, page 61, more particularly described as follows: Beginning at the center line intersection of County Roads #492 and #505, said point bearing South 09 degrees 08 minutes 30 seconds East 20.16 feet from the stone at the beginning of road #505; thence from said point and on the center line of Road #492 South 88 degrees 05 minutes West 390.36 feet to a point at beginning of a curve left, the long chord of which bears South 79 degrees 56 minutes 30 seconds West 396.29 feet following said curve South 86 degrees 56 minutes West a chord distance of 52.46 feet to a point on curve and the true point of beginning of the tract herein described; thence continuing along said curve South 82 degrees 34 minutes West a chord distance of 207.5 feet to a point on centerline of curve; thence North 9 degrees 8 minutes 30 seconds West 25.4 feet to an iron pipe on the Northerly roadway line; thence continuing North 9 degrees 8 minutes 30 seconds West 181.8 feet to an iron pipe; thence North 80 degrees 51 minutes 30 seconds East 207.4 feet to an iron pipe; thence South 9 degrees 8 minutes 30 seconds East 188.1 feet to an iron pipe on the aforesaid Northerly roadway line; thence continuing South 9 degrees 8 minutes 30 seconds East 25.2 feet to the true point of beginning, subject to rights of the public in and to any portion thereof lying within the boundaries of roads and highways