

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 751

AN ORDINANCE ADOPTING FINDINGS WITH RESPECT TO THE APPLICATION OF RICHARD F. SMITH AND RUTH T. SMITH FOR A PERMIT APPROVING USE OF A PORTION OF TAX LOT 800, WASHINGTON COUNTY ASSESSOR'S MAP 2S1 30D, FOR DEVELOPMENT OF A MOBILE HOME PARK, 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 August 5, 1981, a copy of which is marked Exhibit A and attached hereto, 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 a review and public hearing by the City Planning Commission on August 18, 1981. 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 attached hereto.

Section 3: The Council further finds that after due and legal notice a public hearing was held on September 9, 1981 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 adopts the recommendations set forth in the Staff Report attached hereto as Exhibit A, with the exception that the City Council finds that proposed condition number 4 recommended by the staff should not be made a condition to approval of the application.

Section 5: The application is approved to permit the use of a portion of Tax Lot 800, Washington County Assessor's Map 2S1 30D, more particularly described in Exhibit C attached and by this reference incorporated herein, for development of a mobile home park, subject to the following conditions:

- (a) That a draft of restrictive covenants governing use, operation, and maintenance of the proposed mobile home park be submitted for review by the Design Review Board.
- (b) That indenture of access for the proposed mobile home park, and approval of preliminary plans for necessary frontage improvements within the state right-of-way, be obtained from the State of Oregon, Department of Transportation.
- (c) That the applicant reserve the proposed Cedar Creek Greenway area for public recreation and open space use pending negotiation with the city to acquire the area pursuant to Chapter 2, Sec. 4.04 of the Community Development Code.

Section 6: The applicants, in addition to the foregoing conditions of 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 of 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 members present, after being read by caption three times, this 14th day of October, 1981.

Polly Blankenbaker
Polly Blankenbaker, City Recorder

APPROVED:

By the mayor, this 15 day of October, 1981.

Clyde List
Clyde List, Mayor

Recreation Resources

Greenway: The 6 acre area within the 162 foot contour on the site is designated as greenway. The site abuts a City owned portion of the greenway known as Glen Park.

Parks: The site is 1/8 mile from Stella Olson Community Park and 1/4 mile from the proposed Catholic Church neighborhood park site.

Community Facilities and Services

Water City Well No. 4 is located at the southwest corner of the property.

Sewer The Sherwood Trunk (24") is located along Cedar Creek within the property.

Drainage: Natural drainage to Cedar Creek.

Public Safety Sherwood Police, Tualatin Rural Fire District Service is available.

Private Utilities including gas, electricity and telephone serves the area. Cable communications are expected to be available by 1983.

Transportation

Vehicle Access Hwy. 99W frontage road (20-22 PV) with 3 20-25 foot approaches to the east bound lanes of 99W and two cross-overs to west bound lanes.

Bike and Pedestrian Ways There are no existing facilities

Transit 1/2 mile to bus service on No. Sherwood Blvd.

FINDINGS

Required findings for granting a Conditional Use permit.

1. "Adequacy of Services"

Water service may be extended from Well No. 4. Care in the design of water system improvements should be taken to assure adequate service and fire flow pressure.

Sewer service is available via the 24 inch Sherwood Trunk along Cedar Creek.

Natural drainage to Cedar Creek is available.

Public safety services are available from the Sherwood Police Department and Tualatin Fire District.

Private utilities are available to the site.

Recreation Resources

Existing System: The site has access to a nearby community park. There are no existing developed neighborhood parks in the area.

System Development: The site includes a 6 acre portion of the Cedar Creek Greenway. Chapter 2 Section 4.00 of the Community Development Code provides for options designed to preserve this area for access by the general public. The Code provides for incentives for the dedication of portions of the planned greenway system including the transfer of density from the greenway area to the site development area up to a maximum of 11 dwelling units per acre. Dedication of

greenway area may also be accepted by the City in lieu of the park system development charge applicable to the project. The Plan calls for a pedestrian trail in the greenway portion of the site along the length of the property's northeast boundary.

On Site Resources: Requirement for on site recreational and open space areas may be satisfied by an equivalent dedication of greenway area and the provision of required useable recreation area and facilities if it is found that such public greenway areas can directly serve residents of the development. The applicant has indicated locations of possible recreation building sites and proposes provision of passive recreation activities in the flood plain area.

Transportation

Vehicle access to the site is available using a frontage road with 3 approaches to east bound lanes of Hwy 99W and 2 approaches to the west bound lanes using cross-overs. Improvements within the State right of way to meet minimum City access standards and traffic signalization warrants must be coordinated with Region 2 of the Oregon State Highway Department. Internal private streets are proposed to be 32 feet with 30 inch sidewalks. The transportation network plan intends that the proposed site be limited to access from Meinecke Road to minimize traffic impacts to 99W. Plans should provide for an entrance to the Park along the southerly property line to meet this future need.

2. "Conformity with Planning Designation Area Standards"

The proposed use is permitted as a conditional use in the MDRH (Medium High Density Residential) area. Mobile Home parks are subject to the supplementary provisions of Chapter 2 Section 604 CDP governing conditional uses and Chapter 2 Section 9.00 governing required design review. Since the property contains land in the 100 year flood plain, the additional standards governing use of the flood plain in Chapter 2 Section 4.03 CDP are applicable. The above referenced standards would be applied during required Design Review.

3. "Public Need"

The applicant cites testimony which indicates that there is a severe shortage of leaseable spaces in area mobile home parks. Sherwood currently has no spaces available in its one 43 space mobile home park. The Plan identifies a need for mobile homes comprising up to 25% of the total housing stock in the City. If the current 98 unit proposal is approved, existing and approved mobile homes would comprise 17% of the housing stock in the City.

4. "Timing"

The subject site is the only incorporated site of five acres or more with on site services that is currently approvable for a mobile home park under the Plan.

5. "Effects on Surrounding Property"

The site is favorably situated for mobile home park development. The Cedar Creek Greenway provides adequate open space opportunities and buffers uses on the East. The applicant proposes a fence along a common boundary with planned LDR (low density residential) uses on the south. The Code provides for perimeter setbacks and landscaping. These standards when applied in Design Review can address potential adverse effects of the project on adjoining existing and planned uses.

STAFF RECOMMENDATION

Based on the above findings, the staff recommends approval of the request with the following conditions.

1. That draft restrictive covenants governing use restrictions, operation and maintenance of the Park be submitted for review by the Design Review Board.
2. That indenture of access for the proposed mobile home park use and approval of preliminary plans for necessary frontage improvements within the State right of way be obtained from the Oregon Department of Transportation.
3. That the applicant reserve the proposed Cedar Creek Greenway area for public recreation and open space use pending negotiation with the City to acquire the area pursuant to Chapter 2 Section 4.04 of the Community Development Code.
4. That the applicant provide for a standard park entrance along the southerly property line and agree to eliminate access to 99W when access to Meinecke Road is available.



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

Tax Lot: 30D : 800 (p)

CASE NO: CU-81-01

DATE: 8-20-81

NOTICE OF DECISION

To: Richard & Ruth Smith Marquam Commercial City Council
13175 SW Bull Mt. Rd. Brokerage Co.
Tigard, Ore. 813 SW Alder
Portland, Ore.

The Planning Commission of the City of Sherwood, Oregon decided to recommend approval of your application for a conditional use permit for a mobile home park on August 18, 1981.

The decision was based on the following major findings:
The findings contained in the attached staff report dated August 5, 1981.

The following conditions were placed on approval of the application:
The Staff recommended conditions in the attached staff report dated August 5, 1981.


Eugene Stewart, Chairman
Planning Commission

STATUS OF PLAN COMPLIANCE REVIEW

 Final Action

 X Additional Required Action

 X City Council Sept. 9, 1981 at L.G.I. Room Sherwood
High School, Meinecke Rd.



PROFESSIONAL LAND SERVICES

JOHNNIE M. SUMMERS P.L.S., INC.

323 NE 3rd
Hillsboro, Oregon 97123
(503) 648-2019



July 29, 1981

Legal Description for Conditional Use on a portion of Tax Lot 800 231 305
Smith Farms Mobile Estates

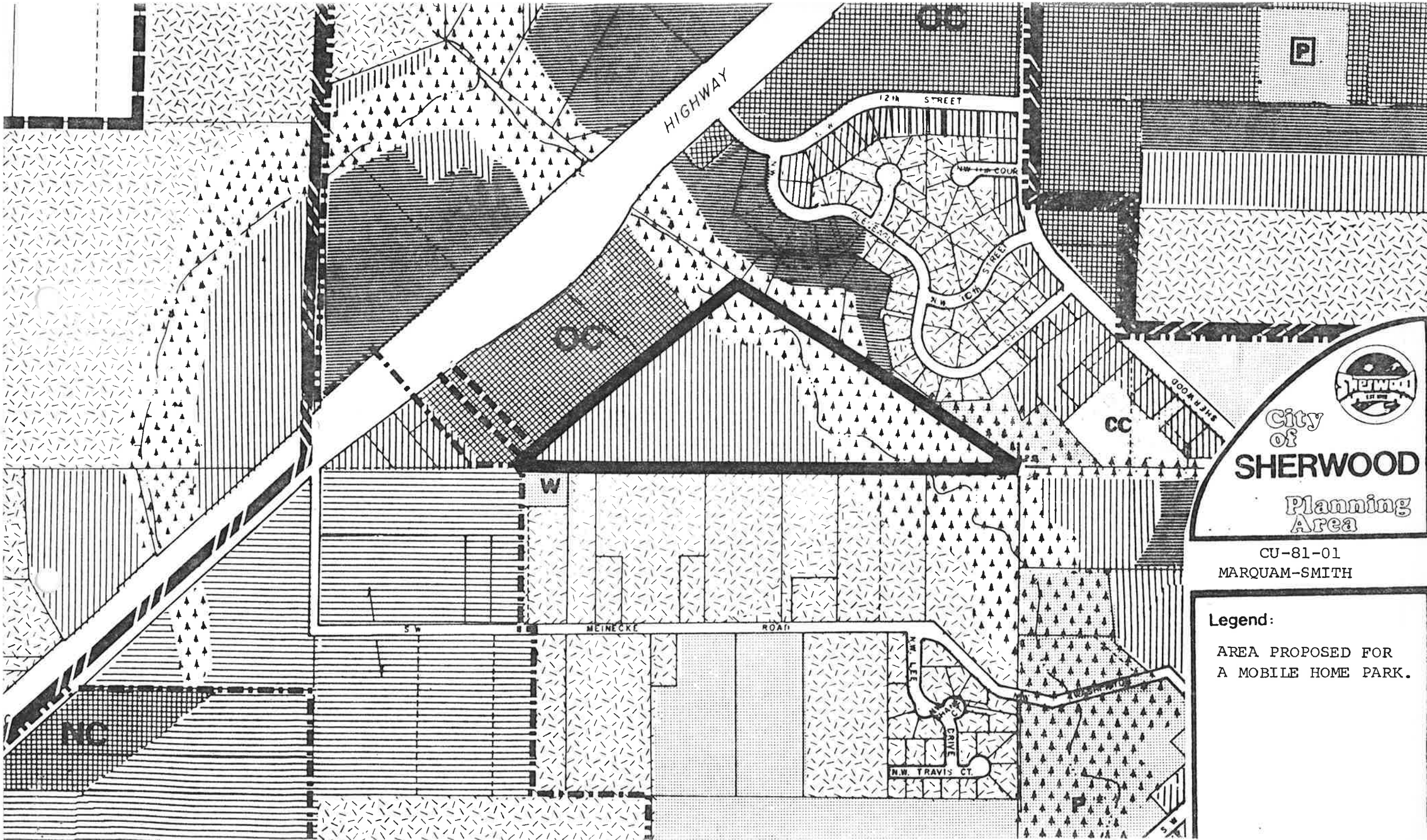

A portion of that tract of land as described in Book 496 Pages 360 and 361
Washington County, Oregon deed records and more particularly described as
follows:

Beginning at the Southeast Corner of Section 30 T2S, R1W, W.M., Washington
County, Oregon and running thence S 89° 34' W along the South line of
said Section 30 1993.9 feet to an Iron Pipe at the Southeast Corner of
a tract of land as described in Book 261 Page 641 said Deed records,
thence N 49° 21' E 692.6 feet more or less to a point on the Southwesterly
Line of a tract of land as described in Book 422 Page 1 said Deed records
30.0 feet from the most Southerly Corner thereof, thence S 38° 55' W along
the said Southwesterly Line 30.0 feet to an Iron Rod at the said most
Southerly Corner thereof, thence N 51° 05' E along the Southeasterly
Line of said tract of land as described in Book 422 Page 1 478.8 feet
to an Iron Rod at the most Easterly Corner thereof, thence S 56° 28' W
along the Northeasterly Line of that said tract of land as described in
Book 496 Pages 360 and 361 1292.0 feet to the point of beginning.
Containing 16.7 Acres more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Johnnie M. Summers

OREGON
AUGUST 22, 1975
JOHNNIE M. SUMMERS
1042

City
of
SHERWOOD
Planning
Area

CU-81-01
MARQUAM-SMITH

Legend:

AREA PROPOSED FOR
A MOBILE HOME PARK.