

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 756

AN ORDINANCE ADOPTING FINDINGS WITH RESPECT TO THE APPLICATION OF WALLACE AND LEOLA LANGER FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN MAP TO CHANGE THE COMPREHENSIVE PLAN MAP DESIGNATION FOR A PORTION OF TAX LOT 500, WASHINGTON COUNTY ASSESSOR'S TAX MAP 2S1 29C (PMA 81-03) FROM HIGH DENSITY RESIDENTIAL (HDR) TO MEDIUM HIGH DENSITY RESIDENTIAL (MDRH), APPROVING SAME IN PART

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1. The council adopts as its findings of fact the factual findings set forth in City Staff Report dated July 31, 1981, a copy of which is marked Exhibit "A" hereto attached, under headings "Basic Facts" and "Findings." With certain exceptions noted below, 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 subject of review and public hearing by the City Planning Commission on August 18, 1981. Subsequent to that hearing the Planning Commission voted to deny approval of the application, a copy of the Planning Commission's Notice of Decision 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.

Section 4. After due consideration of the application, the action 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 testimony and evidence presented by Mr. Stan Adkins, except as follows:

- (a) That portion of the land described in Exhibit A fronting on Sherwood Avenue and presently zoned Community Commercial (CC) should remain as set forth in the comprehensive plan map and should not be changed, for the reason that the Council finds

that it would be contrary to the interest, purposes and policies of the comprehensive plan for the Community Commercial designated lands along Sherwood Boulevard to be developed for residential use.

- (b) That portion of the land described in Exhibit A presently designated High Density Residential (HDR) should be changed to Medium High Density Residential (MDRH), and that the approval of this application after deletion of properties designated Community Commercial, and the concurrent approval of PMA 81-04 pending before the Council, will not result in a significant net increase or decrease in density in the area or affect the over-all number of residential units called for by the comprehensive plan.

The Council further finds that retaining the Community Commercial designation will have the effect of removing or mitigating those concerns expressed in the staff report with respect to property in the area being available for high density development, since Community Commercial designated lands can, under the development code, be developed for high density residential uses as a conditional use.

- (c) The Council therefore does not adopt the final conclusion and recommendation of the staff report and concludes that the findings set forth therein, together with those set forth in the proceedings in PMA 81-04 support the conclusion herein that the portion of the application requesting that the High Density Residential land be changed to Medium High Density Residential should be approved.

Section 5. The application is therefore approved in part as set forth in Section 4, and the comprehensive plan map is hereby amended to change the plan map use designation for that portion of Tax Lot 500, Washington County Assessor's Map 2S1 29C from High Density Residential (HDR) to Medium High Density Residential (MDRH), said property being more particularly described in Exhibit C hereto attached. The Planning Director is directed to take such action as may be necessary to document this amendment to the plan map as required by the Sherwood Community Development Code.

PASSED:

By the Council, by majority vote of all members present, after being read by caption three times, this 9th day of ~~November, 1981.~~ December, 1981

Polly Blankenbaker
Polly Blankenbaker, City Recorder

APPROVED:

By the Mayor, this 10 day of December, 1981.

Clyde List
Clyde List, Mayor

STAFF REPORT

July 22, 1981

CITY CASE NO: PMA-81-03
SUBJECT: A Request to Amend the Comprehensive Plan Map Changing the Designation on a 7.4 Acre Portion of Tax Lot 2S1 29C : 200 from CC (Community Commercial) and HDR (High Density Residential) to MDRH (Medium High Density Residential)
LOCATION: North Sherwood Boulevard (See Figure 1)
APPLICANT: Stan Adkins
OWNER: Clarence and Lillian Langer

APPLICABLE STANDARDS FOR REVIEW:

Chapter 1, Section 3.03 Community Development Code: Required Findings for a Plan Amendment (see attached).

BASIC FACTS

Growth Management;

METRO: Urban (Within Urban Growth Boundary)
WA. County: Future Urban
City of Sherwood: Future Urban (Outside of City Limits)

Land Use:

Washington County Zoning: RU4 (Low Density Residential)
Sherwood Plan Designation/Acreage:
CC (Community Commercial) 3.7 acres
HDR (High Density Residential) 3.7 acres
Total Acres in Proposal 7.4 acres
Buildable Acreage 7.4 acres
Existing Structures and Uses: Vacant/Agricultural

Environmental Resources:

Topography: 0-3% flat to gently sloping
Soils:
Type: Hillsboro Silt Loam
Limitations: None
Agricultural Capability: Class I

Recreation Resources

Greenway: Located between Rock Creek and Cedar Creek Greenways approximately 1,000 feet north of connecting link
Parks: Area borders proposed townsquare park. A proposed neighborhood park site is located 1,500 feet southeast of area (Catholic Church Site); Stella Olson Community Park lies within 1/2 mile of the area.

Community Facilities and Services:

Water: 12" main on No. Sherwood Blvd.

Sewer: 8" line at No. Sherwood Blvd. and 12th Street; on Gleneagle Drive and in front of Elementary School on No. Sherwood.

Drainage: 18" line on No. Sherwood.

Public Safety: Washington County Sheriff, Tualatin Rural Fire District.

Schools: Sherwood School District

Private Utilities: Gas, telephone, and power services available.

Transportation:

Vehicle Access: Area abuts No. Sherwood Blvd. (60 RW 40 PV) and proposed 12th Street extension (alignment to be determined at (54 RW 40 PV)

Bike and Pedestrian Access: 8 foot bike pedestrian way on No. Sherwood. Sidewalks are to be provided along proposed streets.

Transit: On No. Sherwood Blvd.

FINDINGS

Required findings for the granting of a Plan Map Amendment

1. "The proposed amendment is in conformance with the map and text portions of the plan not being considered for amendment."

Map and text portions of the Comprehensive Plan which are of principal concern in evaluating the request are contained in Section IV of the Community Development Plan.

EFFECTS ON THE QUANTITY MIX AND DENSITIES OF PLANNED LAND USE TYPES.

A. Planned Residential Use

Plan policies regarding residential development are intended to insure a proper mix of residential uses in a neighborhood context which meets the needs of existing and future residents with regard to price, style, density and quality and energy efficiency. The effect of the proposal is to shift 3.7 acres of planned retail commercial land (CC) to medium density residential use and to generally decrease residential densities planned in the area by shifting 3.7 acres from HDR (High Density Residential) to MDRH (Medium High Density Residential). The specific effects on the planned residential use allocations resulting from the development of the subject area with outright permitted uses in the UGB are summarized below.

PROPOSED CHANGE IN PLANNED RESIDENTIAL USE IN THE UGB
(Figures Rounded)

	<u>EXISTING PLAN</u>			<u>WITH AMENDMENT</u>			<u>CHANGE</u>		
	ACRES	DUS	% TOTAL DUS	ACRES	DUS	% TOTAL DUS	ACRES	DUS	% TOTAL DUS
MDRH	268	2542	33	275	2613	34	+7	+71	+1
HDR	37	504	7	33	446	6	-4	-58	-1
TOTAL CHANGE							+3	+13	

Since the existing 3.7 acres of CC land could be developed for high density residential uses under a conditional use permit, an alternative potential effect of the proposal could be to decrease total planned residential units by 28 (see applicant findings pg. 2). Based on this analysis it may be concluded that the overall residential densities mix and quantities of residential uses would be minimally affected by the proposal.

There are approximately 100 buildable MDRH acres in the City Limits and 267 MDRH acres in the UGB. Most of the incorporated land does not have full services. However, the presence or lack of existing services should not alone determine the amount of MDRH land provided or the location of that land on the Plan Map. The serviceability of land uses with sewer and water primarily affects the timing of conversion of portions of the UGB to planned urban uses. Factors which bear on the location of MDRH land uses relative to other uses are the most important considerations if a need for additional MDRH land has been demonstrated. The applicant cites staff comments in an earlier staff report in support of the conclusion that the immediate need for MDRH land is greater than for CC or HDR land. He further states that there is a special need for affordable housing which may be developed under current depressed money market conditions. The request to expand the existing adjacent MDRH area in order to plan an economically feasible project to meet an immediate housing need on lands with available services seems reasonable assuming locational factors are adequately addressed.

B. Planned Commercial Use

The proposal would decrease planned CC (Community Commercial) land by 3.7 acres or approximately 6% of buildable land so designated in the UGB. The current supply of retail commercial land within the City limits is more than adequate to meet 1985 needs, and should the subject area and adjacent CC areas be annexed pursuant to the Council's resolution of support (July 8, 1981), there would be a considerable oversupply of immediate urban commercial property. Alternatives for the development of CC land; however, do include conditionally permitted high density residential, institutional and related uses. Furthermore, the 6% reduction in CC land is more significant when viewed in the context of 20 year commercial land use needs and when the prime location of the CC property is considered.

Residential and Commercial Land Uses

LOCATIONAL
REQUIREMENTS
FOR LAND
USES

The Plan sets forth policies designed to assure that residential uses are protected from incompatible uses and influences. The existing plan provides for the buffering of planned CC uses in the future Sherwood Central Business District (CBD) using higher density residential areas along an extension of 12th Street. (See Policy 1 pg. IV-15 CDP). Multi-story high density housing and/or commercial uses would seem to be most appropriate for this purpose. Although multistory multifamily housing can be developed in the MDRH area, the higher densities allowed under HDR would provide for better economic utilization of the prime frontage property along 12th Street. Residential densities in the area along the extension of 12th Street are planned to be among the highest in the planning area due to the fact that the street is to become a major access to and from the Central Business District and townsquare area. Manufactured housing or lower density apartments as permitted in the MDRH area would not be the highest and best use along a major CBD Street. The Plan envisions walk-up multistory units and "store front" commercial along 12th Street. Such density and structural design options are not provided by the MDRH designation proposed along the extension of 12th Street.

2, 1981

The demand for urban sewer and water services under the proposal should not be significantly affected since increased demand, resulting from a shift from planned commercial to planned residential is balanced by decreased demand resulting from a reduction in density from HDR to MDRH. The proposal would have the cumulative effect of reducing traffic generation and would result in less overall utilization of bus transit than currently planned uses.

2. "The public interest is best served by granting the amendment at this time."

The proposed amendment seeks to address a current need for affordable housing. The applicant has expressed his intent to seek a conditional use permit for a mobile home park should a plan amendment be granted and a pending annexation request be approved. Building activity in the City has been severely curtailed due to depressed economic conditions and the escalating costs of conventional homes. It is difficult to determine when economic conditions may change, so that planned CC and HDR uses on the site may be constructed consistent with the plan. The Plan assumes that these uses will be economically viable and are appropriately located in the public interest. The public interest is served by retaining the prime locations along the 12th Street extension for Central Business District related uses. The Plan further assumes that economic conditions which curtail the construction of HDR and CC uses in these prime locations are temporary and that MDRH uses have been planned for in other more suitable locations within the Planning Area. The availability of other sites for mobile homes, for example, is underscored by the fact that there are four mobile home development proposals in various stages of City review on land currently designated in the Plan for such uses.

3. "The... factors in ORS 215.055 were consciously considered."

ORS 215.055 requires that areas be suitable for particular land uses considering existing and planned uses in the area, appropriate densities, services and other compatibility factors. The applicant cites proximity to shopping, availability of utilities and transit as supporting findings for the proposed location. Compatibility of proposed lower density single story development with planned CBD uses is not addressed.

SUMMARY AND RECOMMENDATION

The proposal adequately supports the conclusion that affordable housing is particularly needed in the City but fails to relate this finding to the requested reduction in residential densities in the HDR area adjacent to the Planned Central Business District and the conversion of a prime intersection site from planned Commercial or high density residential uses to medium density residential uses. The compatibility of uses permitted in the proposed MDRH district with planned uses along 12th Street extension has not been shown. The reduction in densities abutting 12th Street would undermine the intent of the Plan to establish a high density downtown environment in the area which could derive maximum economic utility from the central location and available services.

Based on the above findings, the staff recommends denial of the request.



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

TAX LOT: 29C : 200 (P)

CASE NO: PMA-81-03


NOTICE OF DECISION

DATE: 8-20-81

TO: Clarence and Lilliam Langer Stan Adkins City Council
15600 Edy Rd. P.O. Box 19436
Sherwood, Oregon 97140 Portland, Oregon 97219

The Planning Commission of the City of Sherwood, Oregon decided to recommend denial of your application for a plan map amendment on August 18, 1981.

The decision was based on the following major findings:
The findings contained in the attached staff report dated July 22, 1981.


Eugene Stewart, Chairman
Planning Commission

STATUS OF PLAN COMPLIANCE REVIEW

X Additional Required Action

X City Council, September 9, 1981 at LGI Rm. Sherwood High School, Meinecke Rd.

EXHIBIT B



Engineers • Planners • Environmental Consultants

VTN OREGON, INC.
Post Office Box 25186, Portland, Oregon 97225
8285 S.W. Nimbus Avenue, Suite 151
Beaverton, Oregon 97005
(503) 644-5246

Property Descriptions
Langer Mobile Park

#2

July 17, 1981

High Density Residential

A tract of land in the southwest one-quarter of Section 29, Township 2 South, Range 1 West, Willamette Meridian, County of Washington, State of Oregon, more particularly described as follows.

Beginning at a point that bears N 89°56'47"E 1240.00 feet and S 0°12'52"E 1228.05 feet from the west one-quarter corner of said Section 29; thence S 0°12'52"E 222.07 feet; thence S 89°57'08"W 800.00 feet; thence N 0°12'52"W 219.74 feet; thence N 89°47'08"E 800.00 feet to the point of beginning.

The above tract contains 4.06 acres more or less.

I hereby certify that the above description was prepared by me on August 17, 1981.

A handwritten signature in cursive script, reading 'Robert E. Smith', written over a horizontal line.

Robert E. Smith

Reg. No. 763

Land Surveyor, State of Oregon

EXHIBIT C

$\Delta = 44^\circ 10' 53''$
 $T = 193.98'$
 $R = 477.465'$

12TH ST.
 30.20
 0.0' R/W)

(1650.00
 1650.00'

(SOUTH 2646.9')

F+M HITE
 170-31
 389-084
 443-079

CC (#1a)

$\Delta = 20^\circ 41' 04''$
 $R = 447.465'$
 $T = 81.66'$
 $L = 100.64'$
 $S = 10^\circ 33' 24'' E$

D. PS. 2737 1/2
 E RATIO = 0.998651
 (1000.5)
 499.15'
 505.92'
 (506.60)

$50^\circ 12' 52'' E$
 $419.74'$
 $200.00'$
 $214.74'$

1" NAIL
 $52^\circ 25' 45'' E$
 $535.53'$
 $515' 30" 15" N$
 FROM $4' 32" 08" 20" N$

LDR (#4)
 F+L LANGER
 378-286

MDRH (#3)

HDR (#2)

$S 89^\circ 57' 08'' W$
 800.00'

$10^\circ 12' 52'' W$
 $1049.98'$ TO C
 $20^\circ 12' 52'' W$
 $1650.12'$ TO C

(22045)
 2203.00'

20 5 51 R
 N 89 57 08 E
 230 1 20
 NORTHEA

