

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 769

AN ORDINANCE ADOPTING FINDINGS WITH RESPECT TO THE APPLICATION OF MURRAY & JONES LANDSCAPE MAINTENANCE AND JERRY BURGE (PMA 82-02) FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN MAP, TO CHANGE THE DESIGNATION OF A PORTION OF Tax Lot 2000, WASHINGTON COUNTY ASSESSOR'S MAP 2S1 30A FROM MEDIUM HIGH DENSITY RESIDENTIAL (MDRH) TO COMMUNITY COMMERCIAL (CC)

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1: The Council adopts as its finding of fact the findings set forth in the City Staff Report dated May 10, 1982, 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 subject to review and public hearing by the City Planning Commission on May 18, 1982. Subsequent to that hearing the Planning Commission issued its Notice of Decision approving said application subject to the conditions hereinafter set forth, Exhibit "B" attached.

Section 3: The Council further finds that after due and legal notice a public hearing was held on May 26, 1982 before an impartial Council, and at said hearing all interested parties 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 the evidence adduced, the Council finds that the following conditions to approval are reasonable and necessary to carry out the purposes and policies of the Comprehensive Plan.

- a. Owner shall dedicate to the City of Sherwood for roadway and utility purposes additional right of way strip, 15 ft. in width along and abutting the property's frontage on the existing Edy Road right of way.
- b. Owner shall execute and record a waiver of remonstrance against any future street or utility improvements locally benefiting the site.
- c. Applicant shall comply with the Design Review process for the existing commercial use.

Section 5: The application is approved, subject to the conditions set forth in Section 4, for an amendment to the Comprehensive Plan Map to change the map designation for a portion of Tax Lot 2000, Washington County Assessor's Map 2S1 30A, from Medium High Density Residential (MDRH) to Community Commercial (CC), subject real property being described in Exhibit C attached hereto and by this reference incorporated herein. 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.

Section 6: 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 14 day of July, 1982.

Polly Blankenbaker
Polly Blankenbaker, Recorder

APPROVED:

By the Mayor this 15 day of July, 1982.

Clyde List
Clyde List, Mayor

STAFF REPORT

May 10, 1982

CITY CASE NO: PMA-82-02
SUBJECT: A request to Amend the Comprehensive Plan Map changing the designation of a portion of Tax Lot 2S1 30A : 2000 from MDRH (Medium High Density Residential to CC (Community Commercial.)
LOCATION W. Edy Road (See Figure 1)
APPLICANT Murray and Jones Landscape Maintenance
OWNER Jerry Burge

APPLICABLE STANDARDS FOR REVIEW

Chapter 1 Section 3.03 of the Community Development Code Required Findings for a Plan Amendment. (See Attached)

BASIC FACTS

LAND USE

Plan Designation Tax Lot 2S1 30A : 2000
Current MDRH 3.43 Ac
Proposed MDRH 2.74 Ac
CC .69 Ac

Buildable Acres Affected: None

Existing Structures and Uses : Single Family home, out buildings currently being used as an office for a landscape maintenance firm.

ENVIRONMENTAL RESOURCES

Topography 0-3%
Soils Hillsboro Silt Loam
No limitations

Recreation Resources

1/4 mile from proposed Scholls-Sherwood Rd. and Edy Rd. park sites, 1 mile from Stela Olsen Community Park.

COMMUNITY FACILITIES AND SERVICES:

Water 12" main at Edy Rd. and Scholls-Sherwood Rd.
Existing 2" service
Sewer: No existing facilities. Future Service via the Edy Rd. lateral to Cedar Creek.
Drainage: No existing urban service.
Public Safety: Sherwood Police and TRFPD

TRANSPORTATION

Vehicle Access: Edy Road, a planned minor arterial (70' RW, 48' PV), current conditions are 60' RW 20' PV.
Bike and Pedestrian Access: No developed facilities
Transit 1/4 mi. from site at Six Corners.

REQUIRED FINDINGS

PLAN AMENDMENT

In order to grant an amendment to the text of this Part, the City Council shall find that:

- (1) The proposed amendment is in conformance to map and text portions of the Comprehensive Plan not being considered for amendment.
- (2) The public interest is best served by granting the amendment at this time.
- (3) The following factors in ORS 215.055 were consciously considered; the various characteristics of the areas in the City; the suitability of the various areas for particular land uses and improvements; the land uses and improvements in the areas, trends in land improvement; density of development; property values; the needs of economic enterprises in the future development of the area; transportation access; natural resources and the public need for healthful, safe and aesthetic surroundings and conditions.



City of

SHERWOOD

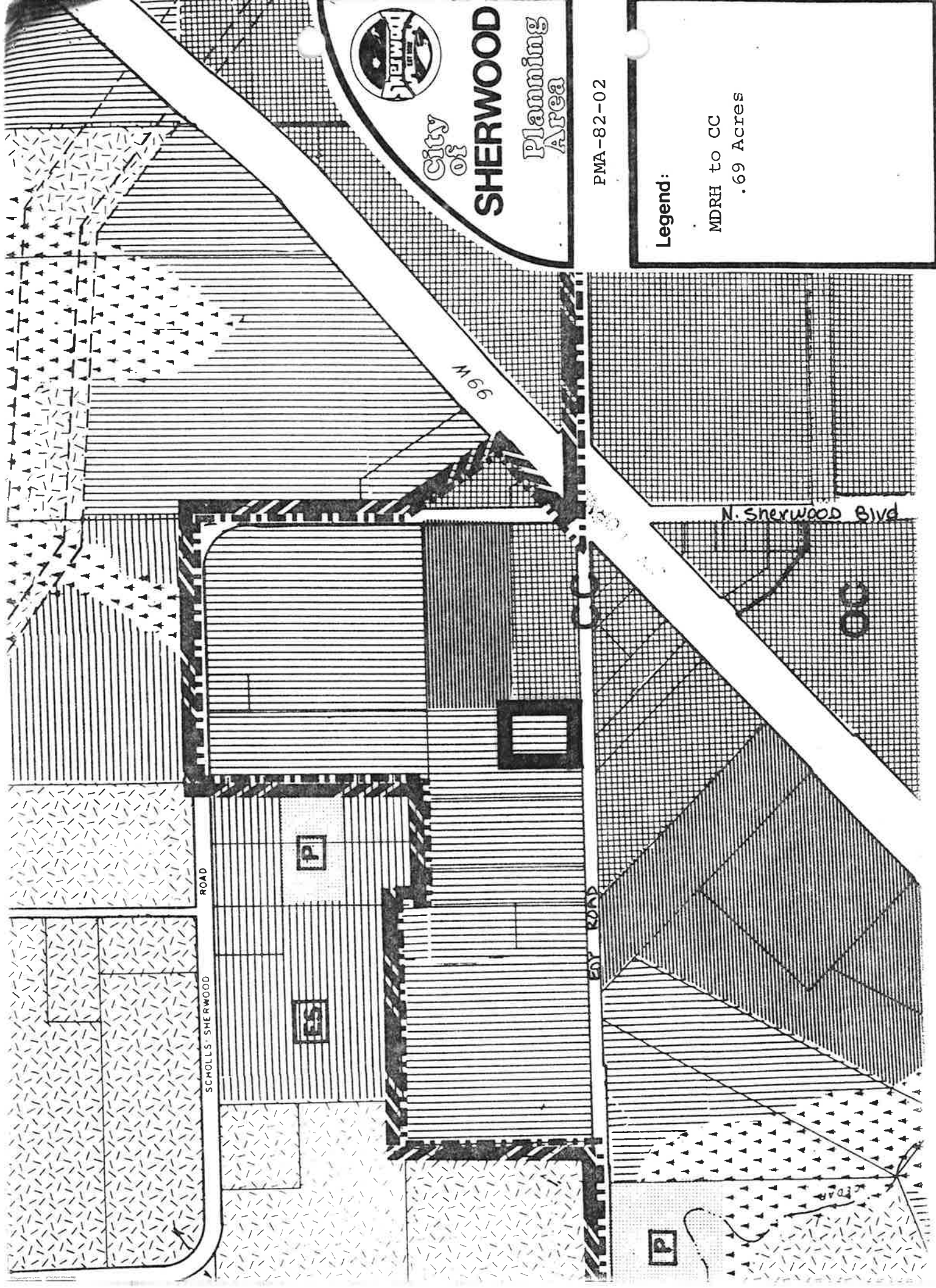
Planning Area

PMA-82-02

Legend:

MDRH to CC

.69 Acres



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

The applicant states that the continuation of the current or similar commercial uses on the site will economically benefit the City and provide a needed service. There currently, is not a need for additional CC land in the City but appropriately designated land suited to the needs of the current user are not available in other locations.

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 subject area is bounded on the South and West by CC designated property. The immediate area of the site is sparsely developed with an existing restaurant and equipment sales business located just southwest of the site being the newest commercial uses. The remaining portion of Tax Lot 2000 is to remain MDRH and is currently undeveloped. Site design options are available to address necessary screening and use compatibility factors. A Design review would be required prior to the siting of a commercial use on the site.

STAFF RECOMMENDATIONS

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

1. That the applicant dedicate an additional 15 feet from center on Edy Rd.
2. That the owner record a waiver of remonstrance for any future street or utility improvements locally benefitting the site.
3. That the applicant submit a metes and bounds legal description for the subject area.
4. That the applicant comply with the Design Review process for the existing Commercial use.



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

TAX LOT: 30A : 2000 (p)

CASE NO: PMA-82-02

DATE: 5-19-82

NOTICE OF DECISION

To: City Council
Jerry Burge
Rt. 3 Box 399
Newberg, Oregon 97132
Murray and Jones Landscaping
Rt. 4 Box 229
Sherwood

The Planning Commission of the City of Sherwood, Oregon decided to recommend approval of your application for a plan map amendment on May 18, 1982.

The decision was based on the following major findings:
The findings contained in the attached staff report dated May 10, 1982.

The following conditions were placed on approval of the application:

1. That the applicant dedicate an additional 15 feet from center on Edy Rd.
2. That the owner record a waiver of remonstrance for any future street or utility improvements locally benefitting the site.
3. That the applicant submit a metes and bounds legal description for the subject area.
4. That the applicant comply with the Design Review process for the existing Commercial use.

Eugene Stewart
Eugene Stewart
Chairman

STATUS OF PLAN COMPLIANCE REVIEW

X Additional Required Action

X City Council

May 26, 1982 meeting date

B



Murry & Jones
Landscape Maintenance

DIV. OF MJC INDUSTRIES, INC.
17046 S.W. SHAW, BEAVERTON, OR 97007
(503) 649-6814

LEGAL DESCRIPTION

SITE 1

Begining at the $\frac{1}{4}$ section corner on the West line of Section 29, Township 2 South of Range 1 West of the Willamette Meridian; thence West along the County Road 40 rods to the point of begining; thence West along the County Road 8.2 rods; thence North 14 rods; thence East 8.2 rods; thence South 14 rods to the point of begining, containing 0.72 acres in Washington County, State of Oregon, subject to the rights of the public in roads and highways.

EXHIBIT C