

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 780

AN ORDINANCE ADOPTING FINDINGS WITH RESPECT TO THE APPLICATION OF DAVID CEREGHINO, GERDA CEREGHINO AND RUTH FISHER FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN MAP, TO INCLUDE A PORTION OF TAX LOT 100, AND ALL OF TAX LOT 101, WASHINGTON COUNTY ASSESSOR'S MAP 2S1 29A, WITHIN THE SHERWOOD URBAN GROWTH BOUNDARY AND TO CHANGE THE DESIGNATION THEREOF FROM COUNTY GFU 38 TO GENERAL INDUSTRIAL (GI) (PMA 82-03)

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THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1: The Council adopts as its findings of fact the findings set forth in City Staff Report dated June 21, 1982, a copy of which is attached hereto marked Exhibit A, 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 July 20, 1982. Subsequent to that hearing the Planning Commission issued its Notice of Decision, Exhibit B attached, approving said application subject to the conditions hereinafter set forth.

Section 3: The Council further finds that after due and legal notice a public hearing was held on July 28, 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 execute and record a waiver of remonstrance against any future street or utility improvements locally benefiting the site.
- b. Owner shall dedicate to the City of Sherwood for future street improvements an additional right of way strip 25 feet in width along and abutting the property's frontage on Edy Road.

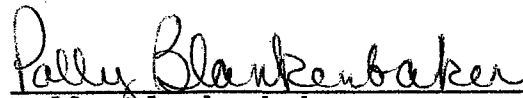
Section 5: The application is approved, subject to the conditions set forth in Section 4, and the Comprehensive Plan Map is hereby amended to include a portion of Tax Lot 100 and Tax Lot 101, Washington County Assessor's Map 2S1 29A. The desig-

nation of said land is hereby designated General Industrial (GI). Said real property is described in Exhibit C attached hereto. 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 three times by caption, this 14 day of October, 1982.

  
\_\_\_\_\_  
Polly Blankenbaker  
City Recorder

APPROVED:

By the Mayor this 15 day of October, 1982.

  
\_\_\_\_\_  
Clyde List  
Mayor

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STAFF REPORT

EXHIBIT A

June 21, 1982

CASE NO.: PMA-82-03

SUBJECT: A Request to Amend the Comprehensive Plan Map to Include an 11.3 Acre Parcel Within the Sherwood Urban Growth Boundary and to Designate Said Parcel General Industrial (GI)

LOCATION Edy Road

APPLICANT/OWNER: David Cereghino, Gerda Cereghino and Ruth Fisher

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: County Natural Resource

Existing Zoning: County GFU-38

Existing Parcel Data

2S1 29A : 100 = .96 Acres

2S1 29A : 100(p) = + 10.34 Acres

Total Site = 11.3

Existing Structures/Uses

2S1 :29A:101 - Single family home and garage

2S1 :29A : 100 (p) - Vacant, heavily wooded.

City Plan Designation (proposed)

GI (General Industrial) = 11.3 Acres

Environmental Resources

Topography Flat to gently sloping - northwesterly to Rock Creek

Soils Briedwell Silt Loam (Class IV) predominates - No limitations for development

Vegetation Heavily wooded with Douglas Fir

Flood Plain Generally, below 135 foot contour. Involves approximately 1/2 of the site area. (see applicant findings Page 7.)

Recreation Resources Not applicable

Community Facilities and Services

Water 12" line on Edy Rd.

Sewer 8" lateral on Edy Rd.

Drainage No developed facilities. Natural drainage to Rock Creek at parcel's northwest corner.

Public Safety Sherwood Police; Tualatin Fire District.

Private Utilities Gas, telephone and electric service available.

REQUIRED FINDINGS

PLAN AMENDMENT

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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.

Transportation

Vehicle Access The site has access to Edy Road (40' RW; 20' PV)  
Current ADT is 1,100 trips per day.

Bike and Pedestrian Access No developed facilities

Transit On No. Sherwood Blvd. within 1 mile.

FINDINGS

Required findings for the granting of a Plan Amendment (See applicants findings; particularly pgs. 112-120)

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.

- A. Effects on the Quantity, Mix and Densities of Existing and Planned Land Uses.

The proposal would add 11.3 acres of buildable GI (General Industrial) land to the Urban Growth Area. GI designated buildable acres would increase from 194 to 205 or an increase of 5%. The planned residential to nonresidential land use ratio for buildable land would change from 80/20 to 79/21. Current industrial land use policy called for a target ratio of 60/40. The additional GI acres would be consistent with current policy to correct the current imbalance in the ratio favoring planned residential acres.

METRO, by Resolution 82-294, adopted February 4, 1982, has acted to include the parcel within the regional UGB. The City Boundary adjustment should be co-terminus with the METRO UGB.

The METRO action was based on findings presented to METRO by the applicant (see attachment A; items B 1-8). The reasons cited by the applicant in the METRO proceedings are found to be consistent with the facts and are hereby incorporated into the staff findings by this reference.

- B. Locational Requirements for Land Uses.

Industrial land use policy stresses the need to site industrial uses so as to minimize possible adverse effects; particularly effects on existing and planned residential or agricultural use. The applicant has stated that the site can be effectively screened and buffered from adjoining agricultural (onion farming) activities by use of setbacks and the dense mature growth trees on the property. Drainage

and sanitary sewer service is available by the immediately adjoining Rock Creek and Rock Creek Trunk.

The boundary change provides for more rational development of the site consistent with City policy encouraging efficient well planned industrial development.

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

The action proposed is timely in view of the projected fall 1982 completion date for sanitary sewer improvements to the adjoining industrial area. Water Service has recently been provided. The prospect of contributions to the stabilization of the local tax rate and the provision of additional job opportunities are factors favorable to approval of the current request.

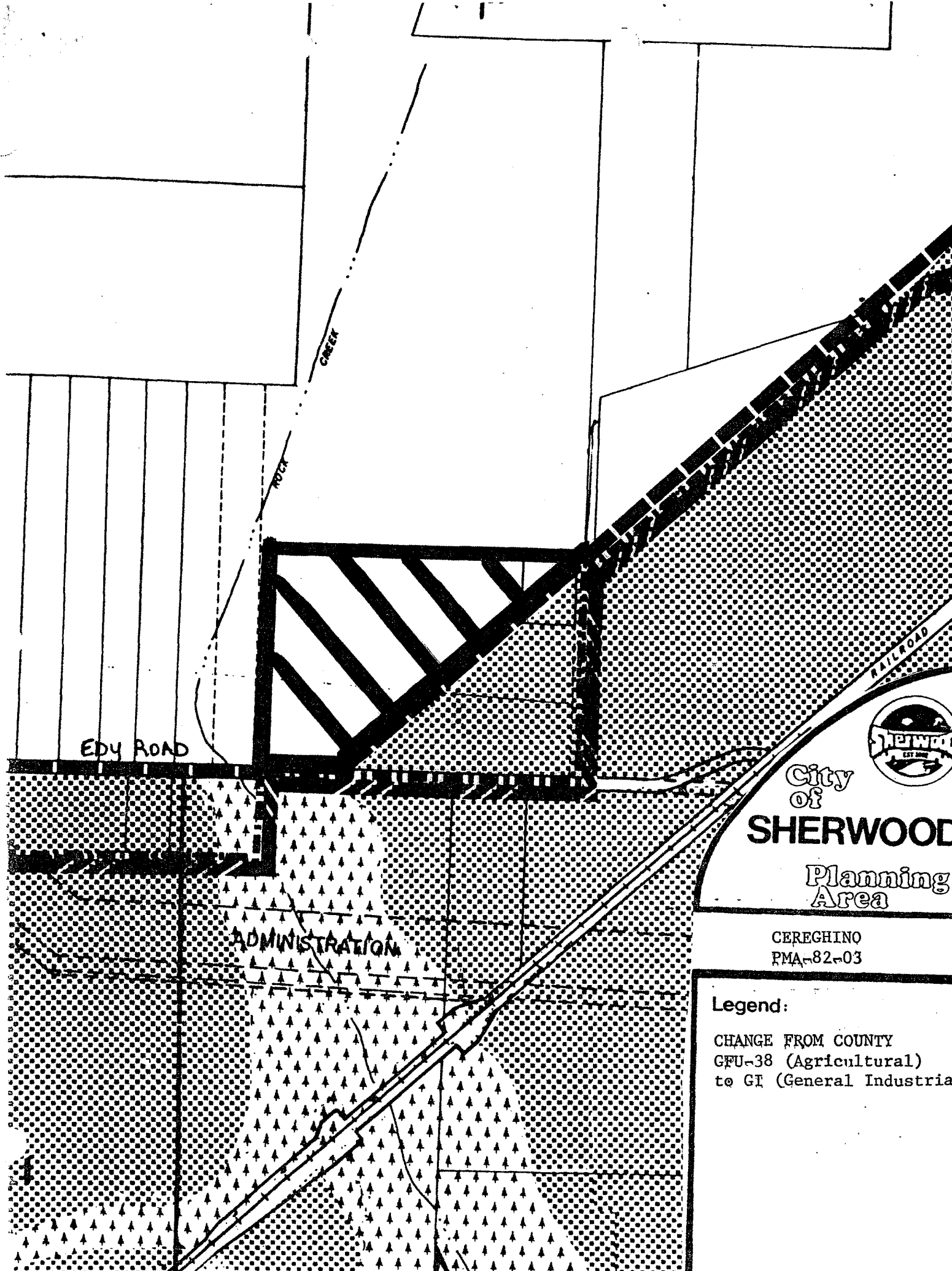
3. "The factors in ORS 215.055 were consciously considered"

The proposed industrial designation on the subject site is compatible with existing and planned use in the areas to the south and east. The enforcement of City community design standard can adequately address any potential conflicts with agricultural lands to the north and west. Services are adequate or can be reasonably be provided in conjunction with development. Assurance should be obtained that necessary public improvements will be provided prior to development. Specifically improvements to Edy Road including street widening and improvement and drainage improvements would be required.

#### STAFF RECOMMENDATION

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

1. That the applicant record a waiver of remonstrance for street and drainage improvements locally benefitting the site.
2. That an additional 25 feet from the Centerline of Edy Road be dedicated to the City for future street improvements.



EDY ROAD

CREEK

ROCK

ADMINISTRATION



City  
of  
**SHERWOOD**

Planning  
Area

CEREGHINO  
PMA-82-03

**Legend:**

CHANGE FROM COUNTY  
GFU-38 (Agricultural)  
to GI (General Industrial)

# ATTACHMENT 1

10. None of the site has ever been in agricultural production. All agricultural activity occurs to the north on the balance of Tax Lot 100. All farm related structures will remain outside the adjusted U.G.B.
11. Soils range from Class II to Unclassified, but are characterized by wet clayey soils with a predominance of gravel, stones and boulders.
12. The Rock Creek Flood Plain includes the north and west portions of the entire site area, but constitutes less than 50 percent of the total site.

## B. Conclusions

1. The current area within the Regional U.G.B. is poorly sized and shaped and cannot be used to maximum efficiency. The Locational Adjustment will create a properly shaped site for industrial purposes.
2. The Locational Adjustment will have no adverse impacts on the environment, social or urban services, energy provision or use and the economic framework of the area.
3. The soils on the site may be of questionable agricultural value, considering the physical characteristics.
4. The Locational Adjustment will not adversely impact any agricultural activities on surrounding properties. Through buffering and setbacks, any future development will retain compatibility with the agricultural character of the balance of the property.
5. The flood plain will not adversely impact the future development of the site.
6. When services become available to the site, the site can be more effectively and efficiently used if the Regional U.G.B. is adjusted and the site is annexed to the city.



- 7. Frontage on Edy Road will allow for a more feasible industrial development and use of the site area.**
  
- 8. The Locational Adjustment of the Regional U.G.B. is logical, rational and complies with the criteria specified in METRO Ordinance No. 81-105.**



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

TAX LOT: 2S1 29A : 101 & 100 (p)

CASE NO: PMA-82-03

DATE: 7-21-82

NOTICE OF DECISION

TO: City Council      Bob Price      David Cereghino  
                                 Benkendorf & Assoc.      14345 SW Edy Rd.  
                                 620 SW 5th      Sherwood  
                                 Portland, Ore.

The Planning Commission of the City of Sherwood, Oregon decided to recommend approval of your application of a plan map amendment on 7-20-82.

The decision was based on the following major findings:

The findings in the attached staff report dated June 21, 1982.

The following conditions were placed on approval of the application:

1. That the applicant record a waiver of remonstrance for street and drainage improvements locally benefitting the site.
2. That an additional 25 feet from the Centerline of Edy Road be dedicated to the City for future street improvements.

A handwritten signature in cursive script that reads "Eugene L. Stewart".  
\_\_\_\_\_  
Chairman

STATUS OF PLAN COMPLIANCE REVIEW

X Additional Required Action

X City Council      Meeting July 28, 1982

## LEGAL DESCRIPTION

## CEREGHINO PLAN AMENDMENT

A tract of land situated in the North one-half of Sections 28 and 29, Township 2 South, Range 1 West of the Willamette Meridian in Washington County, Oregon, more particularly described as follows:

Westerly along the one-half Section line 660.9 feet from the East one quarter corner of Section 29 to the point of beginning, thence Northerly along the West line of that certain tract described in Book 862, page 452, Washington County Deed Records, a distance of 754 feet; thence Easterly 1070 feet, more or less, to a point in the West line of that certain 100 acre tract conveyed to John and Mary Galbreath and described at page 213, in Volume 3, of the Register of Title for Washington County, that is Northerly 753.98 feet from the Southwest corner of said Galbreath tract; thence Southerly along a line bearing  $547^{\circ} 18' W$  1130 feet M.L. to a point along said one-half section line that is Westerly 160.9 feet from the East one quarter corner of Section 29; thence Westerly 500 feet to the point of beginning.