

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 788

AN ORDINANCE ADOPTING AMENDMENTS TO THE TEXT OF THE SHERWOOD COMPREHENSIVE PLAN PART 3 (COMMUNITY DEVELOPMENT CODE) WITH RESPECT TO CONDITIONAL USE PROCEDURE, PLAN MAP AMENDMENT PROCEDURE, ~~AND~~ FEES, AND PROVIDING AN EFFECTIVE DATE

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WHEREAS, the Sherwood Comprehensive Plan was enacted by the city (Ordinance No. 726, August 27, 1980) and certain text amendment proceedings have been initiated as PTA 82-01 by the Planning Commission; and

WHEREAS, the Planning Commission heard the matter at public hearing on January 6, 1983 after due and legal notice, received the staff report dated November 4, 1982, and made its recommendations to the City Council; and

WHEREAS, the City Council, after due and legal notice, held a public hearing on the matter and proposed amendments on January 26, 1983; and

WHEREAS, the City Council finds that the proposed plan text amendments are reasonable and necessary changes to procedural and process requirements so as to more effectively implement and enforce the substantive provisions and goals of the Comprehensive Plan;

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1: Chapter 2, Section 6 "Conditional Uses" of the Community Development Code (Comprehensive Plan Part 3) be and is hereby amended in the following particulars:

(a) Section 6.01 is amended to read as follows:

6.01 AUTHORIZATION TO GRANT OR DENY

Following the procedure set forth below, uses designated in the Planning Designation area standards as "conditional uses" may be permitted, enlarged, or altered by authorization of the Planning Commission, if permitted by the existing Planning Designation area and if in accordance with the standards and procedures established in this section. If the site or other conditions are found to be inappropriate for the use requested, the Planning Commission may deny approval of the conditional use.

(b) Section 6.03 D is amended to read as follows:

D. Application for Certificate of Plan Compliance  
Section 4.04

The applicant shall submit an application for a Certificate of Plan Compliance for a conditional use. The form, content and processing of the application shall meet the requirements of Section 4.04 of Chapter 1 for a Conditional Use.

(c) Section 6.03 E is amended to read as follows:

E. Review Body Action (Section 4.05)

1. Planning Commission Action - Conditional Use Request

The Planning Commission shall conduct a public hearing

pursuant to Chapter 1 Section 7.00 and take action to approve the conditional use with or without conditions or deny the application. A Planning Commission decision to approve the application shall be executed by resolution and order, which shall contain the findings of the Planning Commission granting the conditional use, shall specify any conditions which must be met prior to the issuance of a Certificate of Plan Compliance, and shall set an effective date.

2. City Council Action

The City Council shall take no action on conditional use applications except on appeal as provided by Chapter 1, Section 6 of the Community Development Code.

(d) Section 6.03F is amended to read as follows:

F. Design Review Board Action - Final Site Plan

Upon approval of a conditional use the applicant shall prepare a final site plan and submit it to the Design Review Board for review and approval pursuant to the provisions of Section 9.00 of this chapter.

The final site plan shall include any revisions or other features and meet conditions that may have been required at the time of the approval of the Conditional Use.

(e) Section 6.05 is amended to read as follows:

6.05 CONDITIONS WHICH MAY BE IMPOSED

In permitting a conditional use or modification of an existing conditional use, there may be imposed, in addition to those standards, regulations and requirements expressly specified in this chapter, any additional conditions which are necessary to protect the best interests of the surrounding property, neighborhood, the city as a whole, and the intent and considerations expressly listed in this chapter. These conditions may include but are not limited to the following:

Section 2. Chapter 1, Section 3 "Amendments" of the Community Development Code (Comprehensive Plan Part 3) be and the same is hereby amended in the following particulars:

(a) Section 3.01 is amended to read as follows:

3.01 INITIATION OF AMENDMENTS, DEFINITIONS

An amendment to the maps or text of the Comprehensive Plan and implementing ordinance may be initiated by the City Council, Planning Commission, an owner of property within the city or his authorized representative. With respect to plan map amendments, the following definition shall apply:

A minor plan map amendment amends the Comprehensive Plan Map with respect to one or part of one lot of record of an area of 4 acres or less, the proceeding for which amendment is determined by the Planning Commission to be of a quasi-judicial nature. The decision of the Planning Commission shall include a finding as to whether or not the plan amendment is a minor plan map amendment. If no finding is so made, the amendment shall be treated as a major plan map amendment.

b) Section 3.02 is amended to read as follows:

3.02 AMENDMENT PROCEDURE

A. Major Plan Map Amendments and Plan Text Amendments

1. Application: An application for an amendment shall be on forms provided by the Planning Department and shall be accompanied by an amendment fee pursuant to Chapter 1, Section 5.00. Amendments must be initiated at least 60 days prior to the meeting of the City Council at which they will be considered.
2. Public Notice. Public notice shall be given pursuant to Chapter 1, Section 7.00 for public hearings before the Planning Commission and City Council.
3. Planning Commission Review. The Planning Commission shall conduct a public hearing on the proposed amendment and provide a report and recommendation to the City Council.
4. City Council Review. Upon receipt of a report and recommendation from the Planning Commission, the City Council shall conduct a public hearing.

B. Minor Plan Map Amendment

1. Application. An application for a Minor Plan Map Amendment shall be on forms provided by the Planning Department and shall be accompanied by an amendment fee pursuant to Chapter 1, Section 5.00. Minor Plan Map Amendments must be initiated at least 30 days prior to the meeting of the Planning Commission at which they will be considered.
2. Public Notice. Public Notice shall be given pursuant to Chapter 1, Section 7.00 for public hearings before the Planning Commission.
3. Planning Commission Review. The Planning Commission shall conduct a public hearing on the proposed amendment.
4. The decision of the Planning Commission shall include a determination of whether the action contemplated is a major or minor plan amendment and is subject to review according to the procedures described in Section 6.00 of this chapter.

(c) Section 3.03 is amended to read as follows:

3.03 REQUIRED FINDING

In order to grant any plan amendment the Public Review Board shall find that:

1. The proposed amendment is in conformance to map and text portions of the Comprehensive Plan not being considered for the 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.

Section 3: Chapter 1, Section 5 of the Community Development Code (Comprehensive Plan, Part 3) Section 5.01 "Fee Schedule" is hereby amended to read as follows:

5.01 FEE SCHEDULE

Except when the action is initiated by the Planning Director, the Planning Commission or City Council, for which action there shall be no fee, the following fees shall be paid to the city upon the filing of an application for the indicated action:

<u>Action</u>	<u>Fee</u>										
A. Amendment to Planning Designation Area Standards	\$200.00										
B. Minor Plan Map Amendment	375.00										
C. Major Plan Map Amendment	475.00										
D. Conditional Use	275.00										
E. Variance	150.00										
F. Minor Land Partition	100.00										
G. Subdivision/ <i>Major Land Partition</i>	325.00										
H. Planned Unit Development	450.00										
I. Planned Unit Development With Subdivision	550.00										
J. Design review											
(1) Based on project value as determined for building permit purposes, use the following table:											
<table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;"><u>Project Value</u></th> <th style="text-align: center;"><u>Fee</u></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Less than \$49,999</td> <td style="text-align: right;">\$ 50.00</td> </tr> <tr> <td style="text-align: center;">\$50,000 to \$99,999</td> <td style="text-align: right;">100.00</td> </tr> <tr> <td style="text-align: center;">\$100,000 to \$999,999</td> <td style="text-align: right;">175.00</td> </tr> <tr> <td style="text-align: center;">Over \$1,000,000</td> <td style="text-align: right;">200.00</td> </tr> </tbody> </table>	<u>Project Value</u>	<u>Fee</u>	Less than \$49,999	\$ 50.00	\$50,000 to \$99,999	100.00	\$100,000 to \$999,999	175.00	Over \$1,000,000	200.00	
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\$50,000 to \$99,999	100.00										
\$100,000 to \$999,999	175.00										
Over \$1,000,000	200.00										
K. Appeal	50.00										
L. Mobile Home Installation Permit	As required by state administrative rule										
M. Interpretation of Similar Use and Temporary Use	30.00										

Section 4: This ordinance shall be effective on the 30th day after its passage by the council and approval by the mayor.

ENACTED: By unanimous vote of the council this 9<sup>th</sup> day of March 1983 after being read in caption three times.

Polly Blankenbaker  
Polly Blankenbaker, City Recorder

APPROVED: By the Mayor this 9<sup>th</sup> day of March, 1983.

Mary L. Tobias  
Mary Tobias, Mayor

STAFF REPORT

January 3, 1983

CITY CASE NO: PMA-82-05  
SUBJECT: An amendment to the Comprehensive Plan Map to change a portion of tax lot 400 of Section 32 BD 12S R1W from MDRH to LI.  
LOCATION: At the N.W. corner of the intersection of Pine and S.W. Willamette Streets.  
APPLICANT: Mr. Mike Elton, owner.

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

Current Plan Designation: MDRH  
Proposed Plan Designation: MDRH 0.50 acre  
L.I. 0.92 acre  
Buildable Acres Affected: None  
Existing Structures and Uses: One existing duplex on the N.E. corner of lot 400; the remainder is vacant.

Environmental Resources

Topography: Negligible slope.  
Soils: Aloha Silt Loam.  
Limitations: Severe as to percability.  
Moderately wet.  
Agricultural Classification: II.

Community Facilities and Services

Water: 8" Main on Pine Street.  
12" Main on Willamette Street.  
Sewer: 12" Main on Willamette and Pine.  
There exists an abandoned 8" sewer line that formerly served one of the cannery sites. The line is broken and therefore useless; it has been capped at its intersection with the 12" main on S. Pine Street. The 8" abandoned sewer line parallels the northern and western property lines of lot 400, approximately 20 feet inside of the property lines. The developer will be responsible for removing the abandoned line or portions of the line should it interfere with building foundations. The developer will be responsible for constructing new sewer lines to connect to the City main.  
Storm Drain: Man-made swale on Willamette and Pine.  
Public Safety: Sherwood City Police Department.  
Tualatin Rural Fire Protection District.  
Transportation:  
Vehicle Access: S.E. Willamette 60' right-of-way; South Pine 60' right-of-way (unimproved).  
Bike and Pedestrian Access: No developed facilities.  
Transit: ¼ mile from Tri-Met stop in Sherwood Old Town.  
Recreation Facilities: ½ mile from Stella Olson Community Park.  
Public Schools: Sherwood School District #88.

Proposed Lot Data

1) MDRH, existing duplex	8,000.00 sq. ft. (Lot C)
2) MDRH, proposed 4-plex	14,400.00 sq. ft. (Lot B)
3) Proposed Light Industrial	<u>39,208.00 sq. ft. (Lot A)</u>
Current Total Size	61,808.00 sq. ft.

FINDINGS

REQUIRED FINDINGS

1. "The proposed amendment is in conformance with the Map and Text portions of the Comprehensive 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,  
NATURE, AND  
CHARACTERISTICS  
OF PLANNED  
AND ZONED USES.

Planned MDHR and Light Industrial Uses.

The effect of this proposal will be to reduce the existing inventory of MDHR land by less than one acre and to increase LI land by the same amount. The changes would be insignificant to the City's land use inventories. Furthermore, the change from residential to non-residential is consistent with the stated objective of balancing residential land use with non-residential to increase employment opportunities and to augment the local property tax base.

ADDITIONAL  
REQUIREMENTS  
AND USES

MDH Residential and Light Industrial Uses

The proposed amendment meets the locational requirements for Light Industrial uses by allowing new development adjacent to existing industrial uses in an area that is supplied with urban services. The plan designation is not being changed for MDHR uses.

The demands on utilities in the area will not be changed since multi-family development require as much, if not more, public service capacity than Light Industrial development.

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

The applicant states that the proposal will provide construction and permanent job opportunities and add four units to the City's multi-family housing inventory. Since the area is currently mostly undeveloped, and since the locational requirements for new Light Industrial and MDHR have been met, it is in the public interest to allow for the proposed developments.

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

The proposed change is compatible with existing and planned uses in the area. The proposal allows for Light Industrial development to be compatible with surrounding uses; the residential development will be facing S.E. Willamette Street and will be adjacent to other residential uses.

STAFF RECOMMENDATIONS

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

1. That the owner record a waiver of remonstrance for any future street or utility improvements locally benefitting the site.
2. That the applicant submit a metes and bounds legal description for the subject area.





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

TAX LOT: 32BD : 400 (p)

CASE NO: PMA-82-05

NOTICE OF DECISION

DATE: January 12, 1983

TO: City Council      Mike Elton                      Spencer Vail  
   9498 SW Barbur Blvd.      4505 NE 24th  
   Suite 305                      Portland, Ore. 97211  
   Portland, Ore. 97219

The Planning Commission of the City of Sherwood, Oregon decided to recommend approval of your application for a plan map amendment on January 6, 1983.

The decision was based on the following major findings:

The findings in the attached staff report dated January 3, 1983.

The following conditions were placed on approval of the application:

1. That the owner record a waiver of remonstrance for any future street or utility improvements locally benefiting the site.
2. That the applicant submit a metes and bounds legal description for the subject area.

  
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City Administrator

STATUS OF PLAN COMPLIANCE REVIEW

X Additional Required Action

X City Council, meeting January 26, 1983

EXHIBIT C

Northwesterly parcel

A tract of land in the S.E. quarter of the N.W. quarter of Section 32, Township 2 South, Range 1 West, W.M., in the City of Sherwood, Washington County, Oregon, described as follows:

Beginning at a point which is N 43° 24' W 1076.78 feet and N 47° 15' E 30 feet from a stone set for the center of said Section 32, said beginning point being on the Northeasterly line of S. Pine Street at a point N 43° 24' W 63.36 feet from the Northwesterly line of that tract conveyed to the City of Sherwood, by deed recorded June 19, 1946 in Book 261, page 715, Deed Records; thence N 43° 24' West 61.64 feet to the Southeasterly line of that tract described in deed to Earl Parrott, et ux, recorded March 17, 1957, in Book 391, page 550, Deed Records; thence N 47° 15' East 106 feet to the most easterly corner of that tract described in deed to S. R. Loerger, recorded August 4, 1950, in Book 310, page 5, Deed Records.; thence N 43° 24' West 105 feet; thence N 47° 15' East parallel with the Portland and Willamette Valley Railroad Right of way, 184.85 feet to the Northeasterly line of that tract conveyed to Michael D. Elton, by deed recorded January 20, 1977 in Book 1139, page 700, Deed Records; thence S 43° 24' East along said Northeasterly line 180 feet to a point which bears N 43° 24' West 100 feet from the Northeasterly line of S. E. Wilamette Street; thence S 47° 15' West 75 feet to the most Northerly corner of that tract described in deed to Joy Elaine Larson, recorded March 27, 1967 in Book 634, page 469, Deed Records; thence S 47° 15' West 75 feet along the Northwesterly line of said Larson tract to the most Westerly corner thereof; thence N 43° 24' West 13.36 feet; thence S 47° 15' West 140.85 feet to the point of beginning