

CITY OF SHERWOOD

ORDINANCE NO. 86-842

AN ORDINANCE APPROVING THE APPLICATION OF JERRY BOND FOR A MINOR AMENDMENT TO THE COMPREHENSIVE PLAN MAP CHANGING THE DESIGNATION OF TAX LOT 2000, WASHINGTON COUNTY ASSESSORS MAP 2S-1-30A, CONSISTING 2.71 ACRES MORE OR LESS, FROM MEDIUM DENSITY RESIDENTIAL HIGH (MDRH) TO COMMUNITY COMMERCIAL (CC), AND ESTABLISHING AN EFFECTIVE DATE.

---

WHEREAS, the City Planning Commission held a public hearing and found the proposed plan map amendment for Tax Lot 2000, Assessors Map 2S-1-30A, from MDRH to CC to satisfy all requirements of the Community Development Code, Chapter 1, Section 3.03 and

WHEREAS, the Planning Commission found the proposed change to be a minor plan map amendment consisting of one lot of record of less than four (4) acres, and therefore, subject to specific findings, the amendment does not require further public hearing before the City Council; and

WHEREAS, the City Council has received the report and recommendation of the Planning Commission supporting this plan map amendment, and has reviewed the material submitted and the facts of the proposal.

NOW, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. The City Council finds that the application of Jerry Bond for a plan map amendment was subject to review and public hearing on April 3, 1986 and that the Planning Commission approved the application as per the City planning consultants report and recommendation, attached as Exhibit A.

Section 2. The City Council further finds that the application qualifies as a minor plan map amendment as the parcel in question is less than four (4) acres in size; that the record made at the Planning Commission is adequate; and that there is no need or request for an additional public hearing.

Section 3. After full and due consideration of the application, staff report, and recommendation of the Planning Commission, the City Council finds the proposed plan map amendment to be in conformance with all requirements of the Community Development Code, Chapter 1, Section 3.03.

Section 4. The request for a minor amendment to the Comprehensive Plan Map to change the map designation for Tax Lot 2000, more particularly described as T2S,RIW, Section 30A, TL 2000, consisting of 2.71 acres more or less, from Medium Density Residential High (MDRH) to Community Commercial (CC), is APPROVED.

Section 5. The City Manager is directed to take such action as may be necessary to document this amendment, including producing a certified modification to the official City Planning Designation Area Map.

Section 6. This Ordinance shall be effective thirty (30) days after passage and approval.

Duly passed by the City Council this  
23 day of April, 1986.

Polly Blankenbaker  
Polly Blankenbaker, City Recorder

As approved by the Mayor this 28 day  
of April, 1986.

Mary L. Tobias  
Mary L. Tobias, Mayor

	<u>Aye</u>	<u>Nay</u>
Tobias	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Oyler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Berger	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Manderfeld	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

STAFF REPORT

FILE COPY

**TO:** City of Sherwood  
Planning Commission

**DATE TYPED:** March 25, 1986

**FROM:** Carole W. Connell, Consulting City Planner **FILE NO:** 2271-37  
Benkendorf & Associates

**SUBJECT:** Request for a Minor Plan Amendment/Zone Change from Residential  
(MDRH) to Community Commercial (CC)

---

**I. PROPOSAL DATA**

**Applicant:** Jerry Bond  
Bonds Automotive  
Route 3, Box 278  
Sherwood, Oregon 97140

**Owner:** Jerry Burge  
8101 S.W. Nyberg Road, Suite 212  
Tualatin, Oregon 97062

**Representative:** Charles L. Hoar  
H & H Engineering Services, Inc.  
Route 3, Box 159-A-3  
Sherwood, Oregon 97140

**Request:** Minor Plan Amendment/Zone Change of 2.71 acres from Medium Density Residential High (MDRH) to Community Commercial (CC) to allow construction and use of a new automobile repair shop.

**Location:** 20XXX S.W. Edy Road near the intersection of "Six Corners" and further described as Tax Lot 2000, Map 2S-1-Section 30 A.

**II. BACKGROUND DATA**

1. The subject property is vacant and zoned Medium Density Residential High (MDRH). Surrounding land uses include a single family residence zoned

Community Commercial (CC) to the east; a single family residence to the west; vacant and residential uses to the north all zoned residential; Edy Road and several commercial uses to the south, zoned Community Commercial which also adjoin Highway 99W. The residence to the east is presently for sale. The subject property has been used as residential and for growing hay.

### **III. Sherwood Comprehensive Plan and Code Provisions**

#### **A. Community Development Plan Policies**

##### **1. Commercial Land Use Findings - from the Comprehensive Plan**

- a. In 1977 commercial development comprised only seven (7) percent of the land within the city limits and four (4) percent of the Planning Area.
- b. Commercial development is concentrated in the two principle areas of Six Corners and downtown.
- c. Sherwood has had to rely on the nearby communities of Tualatin and Tigard for many commercial services.
- d. The Sherwood area is formally suited for various kinds of non-retail enterprises. Given the current shortage of suitable non-retail sites and inquiries to the City for additional space, an additional five acres are suggested by 1985 and an additional 25 acres is suggested by the year 2000.

##### **2. General Objectives of Commercial Zones**

- a. To provide for commercial activities which are suitable to regional, community and neighborhood demand.

- b. To locate commercial activities with safe and convenient access by consumers.
- c. To encourage the location of commercial uses in well-planned commercial centers.

**3. Commercial Policies and Strategies - from the Comprehensive Plan**

- a. **Commercial activities will be located so as to most conveniently serve customers.**

**Response:** The proposed site for commercial use is conveniently located on an arterial road in the Six Corners commercial area.

- b. **Commercial uses will be developed so as to complement rather than detract from adjoining uses.**

**Response:** Redesignating this site commercial will help to avoid continued strip commercial development on Highway 99W and encourage commercial development clustered around Six Corners. The proposed non-retail use will not conflict with the primarily retail uses in the nearby shopping center. The proposed use is not appropriate in the downtown core business and shopping area. Commercial use on this parcel will not conflict with existing commercial uses on the east side of Edy Road or with the surrounding primarily vacant lands.

- c. **The Community Commercial designation is primarily intended to provide areas for retail and service uses which are of a type and size to serve community wide needs consistent with sound site planning.**

**Response:** The site is centrally located and easily accessible for commercial use. The size of the parcel and proposed use will not create undue congestion or produce substantial conflicts with the established land use pattern. Adequate urban services are available as is space for off street parking and pedestrian ways.

**4. Residential Land Use Findings - from the Comprehensive Plan**

- a. Residential growth in Sherwood has been slow since 1970 due to a lack of sewer treatment capacity. Growth between 1970 and 1977 has averaged 41 units per year. Following a hookup to the Durham Treatment Plant in 1980, a sharp upturn in residential housing starts of all types is expected. With an adequate complement of public services the current growth rate is projected to more than triple from 130 to 160 new units per year. An additional 976 units by 1985 and 3,262 units by 2000 will be needed to accommodate new population expected to locate in Sherwood assuming "strong growth" conditions.
- b. Developed residential uses in Sherwood are currently characterized by single family units on larger lots and low density multi-family developments. The current single family/multi-family mix of 74% to 26% when compared to the regionally defined year 2000 target of 65% to 35% reveals a need to develop additional multi-family units.

**5. General Objectives of the Residential Zones**

- a. Seek to provide housing which meets local needs with regard to sale, price, density, quality and energy efficiency.

**6. Residential Policies and Strategies**

- a. The City will insure that an adequate distribution of housing styles and tenures are available.

**Response:** The projected demand for housing in Sherwood has not occurred. In 1985 approximately 60 residential building permits were issued, not the projected 130 to 160 each year.

- b. The Medium Density Residential High (MDRH) designation is intended to provide for a variety of medium density housing styles and designs and amenities in keeping with sound site planning.

**Response:** There are several areas zoned MDRH that are still undeveloped. The loss of 2.71 acres will not substantially alter the projected housing inventory.

#### **7. Growth Management Policies - from the Comprehensive Plan**

- a. Focus growth in areas contiguous to existing development rather than "leap frogging" over developable property.
- b. Encourage development within present city limits, especially on large passed-over parcels.

**Response:** The proposed development is contiguous to existing commercial development and increases the clustering of services in the Six Corners area.

#### **B. Sherwood Community Development Code Provisions**

##### **1. Chapter 1, Section 3.00 Amendments**

The proposed amendment is defined as a Minor Plan Map Amendment because the subject parcel is less than four acres. The Planning Commission conducts a public hearing and provides a report and recommendation to the City Council. The Council may proceed to decide upon the application if the Council finds that:

- a. The record made by the Planning Commission is adequate;
- b. That there is no need for additional public testimony; and
- c. No Council member, the applicant or any required party, requests an additional hearing.

In addition, in order to grant any Plan Amendment, the Planning Commission and City Council shall find that:

- 1) **The proposed amendment is in conformance to map and text portions of the Comprehensive Plan.**
- 2) **The public interest is best served by granting the amendment at this time.**
- 3) **The following factors were considered:**
  - **The various characteristics of the areas in the city;**
  - **The suitability of the various areas for particular land uses and improvements;**
  - **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.**



A response to the above is included in Section IV, Findings of Fact, of this report.

2. **Chapter 1, Section 4.00, Plan Compliance Review Process**
3. **Chapter 1, Section 7.00, Public Notice Requirements**
4. **Chapter 2, Section 2.11, Community Commercial Planning Designation Area**

#### **IV. FINDINGS OF FACT**

- A. The subject property is a vacant 2.71 acre parcel and is zoned Medium Density Residential High (MDRH). The property is inside the Sherwood city limits. The southern lot line currently extends to the center of Edy Road.
- B. Because the subject parcel is under 4 acres, this request is a **Minor Plan Map Amendment** to change the MDRH designation to Community Commercial (CC).
- C. The subject parcel has most recently been used for hay growing. The parcel is relatively flat with no steep slopes, flood plains, streams or wetlands.
- D. Access to the parcel is available from Edy Road, designated a minor arterial street. A minor arterial right-of-way is 70 feet. Edy Road is currently 20 feet wide in a 40 foot right-of-way. Fifteen feet of the applicant's frontage should be dedicated, as well as the 20 feet portion of the lot that now extends to the center of Edy Road.
- E. The property is owned by Jerry Burge and, pending approval of this request, will be sold to Jerry and Judy Bond.
- F. There are no designated recreational resources in the area.
- G. Tri-Met bus service is available at the Six Corners intersection. There are no

bikeways or pathways planned on Edy Road.

- H. A 10" water main is currently installed in Edy Road on the north side of the road fronting the subject property. An 8" sewer line also exists on the south side of the road. Both lines have been sized for future growth.
- I. There is no storm drainage system in the area. There is an existing drainage ditch on the north side of Edy Road.
- J. The proposed use of the property is an automobile repair shop on a portion of the lot, with the majority to be retained for agricultural purposes. The proposed land use is as follows:

Building	3,750 sq.ft.
Driveway	3,900 sq.ft.
Parking	1,800 sq.ft.
Landscaping	9,180 sq.ft.
Vehicle Storage	11,640 sq.ft.
Right-of-way Dedication	2,215 sq.ft.
Farming***	<u>82,620</u> sq.ft.
Total Acreage	115,205 sq.ft. (2.645 Acres)

- K. The Community Commercial zone was amended in 1985 to include automobile repair as a conditional use. If the proposed amendment is approved, the applicant must receive a Conditional Use Permit and Site Plan approval. Those applications may be submitted simultaneously. Site specific issues will be reviewed at that time, although the applicant has provided a landscape, parking plan, building plan and a general site plan. The application also indicates an 8 foot slatted fence to screen portions of the site. Building materials include sheet metal and T-1-11 siding and a composition shingle roof.
- L. The following is a response to the required findings of fact for a Plan Amendment:

1. The proposed amendment is not in conformance with the Comprehensive Plan's residential designation for this parcel. There is, however, Community Commercial zoning on two sides of the subject parcel.
2. Several Comprehensive Plan policies encourage economic development and the Sherwood City Council has indicated an interest in increasing the amount of commercial zoning in the Six Corners and Highway 99W areas. There is a detailed response to the commercial plan policies in Section III A of this report.
3. The Comprehensive Plan also encourages a variety of housing types commensurate with all income levels. There are a variety of undeveloped parcels in Sherwood currently zoned MDRH. There is a potential loss of about 39 housing units on this parcel. The residential policies have been addressed in detail in Section III A of this report.
4. Various characteristics of the city and the planned land use indicates a general shortage of undeveloped commercial land and particularly land available for a non-retail service such as auto repair. Further, there are many large undeveloped parcels of land planned for residential use.
5. Due to this parcel's proximity to Six Corners and Highway 99W, as well as the relatively undeveloped nature of the immediate surroundings, the subject parcel is appropriate for commercial use. However, in anticipation of future abutting residential uses, screening of the site is important.
6. The proposed use will decrease the amount of land zoned for medium to high density residential by about 2.6 acres. The use will increase the amount of land planned for commercial use, a need identified in the Comprehensive Plan.
7. Property values in the immediate area will possibly increase as the result of a proposed new and assumed attractive development. The proposal will increase economic opportunities in the area.

8. Adequate access is available to the site from Edy Road, a designated minor arterial.
9. A portion of the site will be eliminated from agricultural production. The entire site is ultimately planned for urban use.
10. Washington County and LCDC have been notified of this request.

## **V. CONCLUSION AND RECOMMENDATION**

Based upon the Background Data, the Sherwood Comprehensive Plan and Code Provisions and the Findings of Fact as stated above, staff recommends **approval** of the request subject to the following conditions:

1. Right-of-way dedication to Edy Road for a total of 35 feet from the centerline.
2. Sign a waiver not to remonstrate against the formation of a Local Improvement District to improve Edy Road to the county's ST-4 standard.
3. As a part of site plan approval, provide a 5 foot concrete sidewalk along the Edy Road frontage, a commercial driveway within the road right-of-way as approved by the County Engineer and adequate roadway drainage.
4. Fencing should not exceed six (6) feet in height and vegetation should be incorporated into the screening.