

City of Sherwood, OR

Ordinance No. 87-871

AN ORDINANCE APPROVING A MAJOR ZONING MAP AMENDMENT FROM GENERAL COMMERCIAL (GC) TO MEDIUM DENSITY RESIDENTIAL HIGH (MDRH) FOR A PORTION OF TAX LOT 800 AND ALL OF TAX LOT 801, WASHINGTON COUNTY ASSESSORS MAP 2S-1-30D, CONSISTING OF 8.03 ACRES MORE OR LESS, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Planning Commission approved a minor partition of Tax Lot 800-2S1-30D on November 18, 1987, creating two parcels, one on either side of the Smith Blvd. public right-of-way, one consisting of 1.00 acre, more or less, and the second of 3.51 acres, more or less, and

WHEREAS, the owners of Tax Lot 800 and the adjacent Tax Lot 801 have made application, said application letter made part of this Ordinance by reference, to rezone the 3.51 acre portion of Tax Lot 800 and all of Tax Lot 801, from General Commercial (GC) to Medium Density Residential High (MDRH) with the stated intention of expanding the adjacent Smith Farm Estates manufactured housing development, and

WHEREAS, the City Planning Commission held a public hearing on this applicaiton on November 18, 1987, and found that the proposed major zoning map amendment was in accordance with the report and findings contained in the consultant's staff report dated October 29, 1987, and satisfied all the requirements of the Zoning and Community Development Code Section 4.202.01 and

WHEREAS, the City Council has received the application materials, consultants staff report, and the recommendation of the Commission, and has reviewed the material submitted and facts of the proposal.

NOW THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1: Public Hearing. That a public hearing on the proposed major zoning map amendment was held before the City Council on December 9, 1987, and all interested parties were afforded an opportunity to be heard, and to present and rebut evidence.

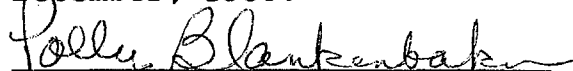
Section 2: Findings. After full and due consideration of the Commission's recommendation, of the application materials submitted, of the consultant's staff report, and of the evidence adduced at the public hearing, the Council adopts the findings contained in the staff report dated October 29, 1987, said report made part of this Ordinance by reference, and further finds that the proposed amendment meets all of the requirements of the Zoning and Community Development Code Section 4.203.02

Section 3: Approval. That the request to amend the City Zoning Map from GC to MDRH for a 3.51 acre portion of Tax Lot 800, and all of Tax Lot 801, Washington County Assessors Map 2S-1-30D, consisting of 8.03 acres more or less, is hereby APPROVED


Section 4: Authorization. The City Manager is hereby directed to take such actions as may be necessary to document this amendment, including producing a certified modification to the Official City Zoning Map.

Section 5: Effective Date. This Ordinance shall become effective thirty days after passage and approval.

Duly passed by the City Council this 9th Day of December, 1987.


Polly Blankenbaker, Recorder

Approved by the Mayor this 9th day of December, 1987


Norma Jean Oyler, Mayor
City of Sherwood

	<u>AYE</u>	<u>NAY</u>
OYLER	✓	—
BIRCHILL	✓	—
STEWART	✓	—
NIGHTINGALE	absent	—
CHAVEZ	✓	—

STAFF REPORT

TO: City of Sherwood
Planning Commission

DATE TYPED: October 29, 1987

FROM: Carole W. Connell, Consulting Planner
The Benkendorf Associates Corp.

FILE NO: PA 87-01

SUBJECT: Request for a Major Plan Map Amendment from General Commercial (GC) to Medium Density Residential High (MDRH).

I. PROPOSAL DATA

Applicant: Mr. Francis Gavin
21800 S.W. Pacific Highway #12
Sherwood, Oregon 97140

Owner: Richard and Ruth Smith
21800 S.W. Pacific Highway
Sherwood, Oregon 97140

Location: 21800 S.W. Pacific Highway, adjoining Smith Farm Estates and further described as Tax Lots 800 and 801, Map 2S-1-30D.

II. BACKGROUND DATA

The requested amendment includes all of Tax Lot 801 and the portion of Tax Lot 800 northeast of Smith Blvd. This request is premised on the approval of a minor land partition segregating Tax Lot 800. The portion of Tax Lot 800 south of Smith Blvd. is to remain General Commercial. The request is to amend the zoning from General Commercial (GC) to Medium Density Residential High (MDRH) in order to construct an additional phase to the Smith Farm Estates mobile home park.

At the time the Sherwood Comprehensive Plan was acknowledged by LCDC, the subject property was zoned Office Commercial (OC). Subsequently, in 1985, the Smith's requested a zone change to GC in anticipation of a demand for retail/commercial use. The demand never materialized and now the lessee of Smith Farm Estates, Mr. Cornelius Kool, is interested in constructing a new phase to the adjoining residential project.

III. SHERWOOD CODE PROVISIONS

- A. Chapter 2, Section 2.104 Medium Density Residential High (MDRH) zone.
- B. Chapter 2, Section 2.109 General Commercial (GC) zone.
- C. Chapter 3, Section 3.200 Public Notice Requirements.

D. Chapter 4, Section 4.100 Application Content.

E. Chapter 4, Section 4.200 Plan Amendments.

IV. SHERWOOD COMMUNITY DEVELOPMENT PLAN

A. Residential Land Use Findings

1. Residential growth in Sherwood has been slow since 1970 due to inadequate sewer and water services and the recession.
2. Developed residential uses in Sherwood are currently characterized by single family units and low density multi-family developments. The current (1980) residential mix is 74% single family and 26% multi-family. The regional target is for a mix of 65% single family and 35% multi-family. The 1987 mix has probably changed little from the 1980 figure.
3. Three major categories of need are apparent from the housing survey and regional market trends associated with the Comprehensive Plan:
 - a. A diversity of affordable housing opportunities for moderate and middle-income households is needed including a larger proportion of smaller single and multi-family units.
 - b. A need exists for the implementation of measures within the City's authority to help keep housing costs down.
 - c. An assisted housing strategy is needed to provide for the housing needs of Sherwood's low and moderate income large family; female-headed, elderly and handicapped households.
4. Based on the selected set of alternative growth assumptions contained in the Plan, Sherwood will require 976 new units by 1985 and 3,262 new units by the year 2000.

B. General Residential Objectives

1. Seek to provide housing which meets local needs with regard to style, price, density, quality and energy efficiency.

C. Residential Policies and Strategies

1. Residential areas will be developed in a manner which insure that the integrity of the community is preserved and strengthened.
 - a. Higher density residential development will be located so as to take advantage of existing major arterial and collector streets; nearby shopping, parks, mass transit and other major public facilities and services.
 - b. New housing will be located so as to be compatible with existing housing.

2. The City will insure that an adequate distribution of housing styles and tenures is available.
 - a. Mobile housing will comprise up to 25% of the total dwelling units in the Planning Area. (The Plan states that this policy shall be reviewed every two years).
3. The City will insure the availability of affordable housing and locational choice for all income groups.
 - a. The City will reduce housing costs by allocating land for smaller lot single family uses, mobile home parks and subdivisions, by minimizing the costs associated with required public improvements, expediting the development review process, and assuring that an adequate supply of buildable land is available for all residential categories of use.
4. The MDRH designation is intended to provide for a variety of medium density housing styles, designs, and amenities in keeping with sound site planning. Included in the designation are multiplexes, low density apartments and condominiums and row housing. Mobile home parks may be allowed as conditional uses. This designation is applicable in the following general areas:
 - a. Where related institutional, public and commercial uses may be appropriately mixed or are in close proximity to compatible medium density residential uses.
 - b. Where a full range of urban facilities and services are provided in conjunction with development.
 - c. Where medium urban densities can be maintained and supported without significant adverse impacts on neighborhood character or environmental quality.

D. General Commercial Objectives

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

E. Commercial Policies and Strategies

1. Commercial uses will be developed so as to complement rather than detract from adjoining uses.
2. Strip commercial development will be avoided and the number and locations of commercial use accesses will be limited along major streets.

F. General Commercial (GC) Designation

This designation is intended to provide for primarily wholesale commercial uses which may not be appropriate in central retail areas or within residential neighborhoods. This designation is applicable in the following general areas:

1. Where uses may be separated from primarily retail and personal service land uses.
2. Where impacts on residential uses can be minimized.
3. Where adequate off street parking, good pedestrian access and access onto major streets is or can be made available
4. Where a full range of urban facilities and services are available or can be provided in conjunction with development.

G. Parks and Open Space Plan Features

1. Greenways

An open space system consisting of the floodplains of Cedar Creek and Rock Creek will be acquired and preserved for public use as passive open space and natural drainageways. Creek greenways will be linked to a regional greenway along the Tualatin River. A principal use of the greenways will be to provide for linkages between parks and major activity centers. Continuity between the Cedar Creek and Rock Creek greenways will be made by using connections through the school property on North Sherwood Blvd.

2. Finance, Acquisition and Maintenance of Recreational Areas and Facilities

The City will acquire portions of the proposed greenways according to the following procedures:

- a. Require the dedication of the greenway portions of proposed new development as part of the standard on-site or public park and open space requirements.

V. FINDINGS OF FACT

- A. Approval of this request, including only a portion of Tax Lot 800, is dependent upon approval of the Smith Minor Land Partition. The subject zone change includes two lots totaling about eight (8) acres.
- B. The subject property was originally zoned Office Commercial and in 1985 was rezoned General Commercial. The request is to zone it Medium Density Residential High.

- C. The property is occupied by a single family residence and is surrounded by residential and MDRH zoning to the southeast, the park sales office, GC and MDRH zoning to the south, Pacific Highway and HDR zoning to the northwest and Cedar Creek, multi-family residential and HDR zoning to the northeast.
- D. The subject property includes a portion of Cedar Creek, a wooded ravine and floodplain, designated as greenway park and open space in the Comprehensive Plan. There is an average 6% slope on the property.
- E. Because the subject property is greater than four (4) acres in size, this request is a Major Plan Map Amendment and also requires a public hearing before the City Council.
- F. Access to the subject parcel is available from Smith Blvd. and Pacific Highway. There is also a short, paved frontage road which parallels Pacific Highway and the subject property, which is a portion of the Old Highway 99 and is Highway 99 right-of-way.
- G. Public facilities adjoining the site include sewer and water service located in Smith Farm Estates. There is a twelve (12) inch water line that extends from the park down Smith Blvd. and is stubbed at Pacific Highway. There is an eight (8) inch sewer line serving the park that may not be sufficient for additional development on the subject property. Drainage from future development on the site would likely be directed into Cedar Creek.
- H. There are no significant natural features on the site. The site was farmed for many years and has some 20 to 30 large Douglas fir trees near Cedar Creek.
- I. There are no known easements on the property.
- J. The MDRH zoning would allow approximately 120 residential units on the subject property.
- K. **Plan Analysis**
 - 1. Residential growth has not met the original Plan projections of 976 new units by 1985. There is a need to increase the supply of smaller single and multi-family units, and provide housing for the elderly.
 - 2. The majority of housing units in Sherwood are single-family conventional homes. Expansion of Smith Farm Estates will meet the City's objective to provide housing which meets local needs with regard to style, price, quality, and energy efficiency. Smith Farm Estates is a popular, quality mobile home park that provides affordable, energy efficient dwelling units.
 - 3. The MDRH zoning could be compatible with the existing park and the neighboring Glen Eagle Apartments. The proposed zoning would provide for higher density residential development adjoining a major arterial, Pacific Highway and the Six Corners shopping area.

4. This proposal is consistent with City policy to reduce housing costs by allocating land for smaller lot single-family uses, mobile home parks and subdivisions.
5. The subject property complies with the intent of the MDRH zone to be in close proximity of compatible residential uses and where adequate services are available.
6. The subject property does not meet the general commercial objectives of: a) locating in well-planned commercial centers; b) complimentary adjoining uses; and c) avoiding strip commercial development.
7. The subject property does not closely comply with the intent of the GC zone to: a) provide for wholesale uses which may not be appropriate in residential neighborhoods; b) minimize the impact on residential uses; and c) provide adequate pedestrian access.
8. The Plan states that the floodplain of Cedar Creek will be preserved for public use by dedicating those lands to the public. This is required at the time of a proposed development.

L. Conformance with Plan Change Criteria

1. In 1985, the City argued that the GC zoning was preferable to the OC zoning and was in conformance with the map and text portions of the Comprehensive Plan. Today it can be argued that residential zoning is even more compatible with the Plan and the adjoining residential properties. Further, the request decreases strip commercial development. The proposed amendment complies with the intent of the Plan to increase low to middle income housing opportunities, which have not been built as projected.
2. The public is best served by granting the map amendment at this time. No public interest is served by keeping the site vacant. The Smith's have requested zone changes in anticipation of prospect purchasers, which to date have not materialized. The expansion of Smith Farm Estates is a proposal ideally suited to the site and would best serve the public interest.
3. The aforementioned findings of fact have consciously considered that: a) the various characteristics of the site are more conducive and suitable for residential use; b) land use, improvements and density would concur with adjoining uses; c) property values would be enhanced if a residential development is built; d) additional residences would promote additional personal, service, and other economic enterprises; e) access could be controlled and provided through the existing development; and f) the floodplain will be protected and the public need for healthful, safe, and aesthetic surroundings will be assured by the review of a development site plan.

M. The LCDC, Tualatin Fire District, and The Oregon Department of Transportation have been notified of this request and have indicated no conflict with their interests.

VI. CONCLUSION AND RECOMMENDATION

Based on the Background Data and Findings of Fact, staff recommends approval of the Smith's request to designate the subject property Medium Density Residential High (MDRH).

271-65SR