

City of Sherwood, OR.
Ordinance No. 88-884

AN ORDINANCE APPROVING A MAJOR ZONING MAP AMENDMENT FROM HIGH DENSITY RESIDENTIAL (HDR) TO MEDIUM DENSITY RESIDENTIAL HIGH (MDRH) FOR TAX LOT 1200, WASHINGTON COUNTY ASSESSORS MAP 2S-1-30D, CONSISTING OF 5.74 ACRES MORE OR LESS, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, application has been made to amend the zoning designation of Tax Lot 1200 : 30D from HDR to MDRH for the purposes of making the existing 50 unit Driftwood Mobile Home Park, originally approved by Washington County in 1964, a conforming land use under the City Zoning and Community Development Code, and

WHEREAS, a concurrent application for a conditional use permit (CUP) was reviewed and approved by the Planning Commission to expand the Driftwood Mobile Home Park by six units, subject to certain conditions, and

WHEREAS, the City Planning Commission received the report of the City planning staff reviewing the application, making proposed findings of fact, and recommending certain conditions of approval, and said report (file No. MPA 88-2, dated July 8, 1988) is made a part of this Ordinance by reference, and

WHEREAS, the City Planning Commission held a public hearing on July 18, 1988 on the proposed zoning amendment, and after full and due consideration of the evidence, reports, and testimony presented, adopted the findings of fact outlined in the planning staff report (MPA 88-2, July 8, 1988) and recommends APPROVAL of the zoning map amendment subject to certain conditions, and

WHEREAS, the following conditions of approval were recommended by the Planning Commission:

1. The owner shall agree to participate in a non-remonstrance agreement for a future local improvement district to improve a proposed collector street adjoining the property, and other future public facilities.
2. 15 feet shall be provided for a visual corridor along the Hwy 99W frontage and existing trees within that 15 feet shall be retained.

WHEREAS, the following conditions of approval were suggested by the staff report but NOT recommended by the Commission:

- A. 27 feet along the rear property line shall be dedicated to the City for a future collector road. This may

continue to be used for an internal driveway and RV storage or open space. This will require the removal of lots #10 and #52.

- B. A combined access with parcel 1100 shall be provided and the park layout redesigned accordingly.

WHEREAS, the City Council has received the City planning staff report, the notice of decision, the minutes of the Planning Commission, the original application, and a supplemental report and materials prepared by the City Manager, and has reviewed the material submitted and the facts of the proposal.

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. COMMISSION REVIEW: That the application for a major zoning map amendment from HDR to MDRH for Tax Lot 1200 : 30D was subject to full and proper review, and a public hearing, before the City Planning Commission on July 18, 1988.

Section 2. PUBLIC HEARING: That a public hearing on the proposed major zoning map amendment was held before the City Council on August 10, 1988, and all interested parties were afforded an opportunity to be heard, and to present and rebut evidence.

Section 3. FINDINGS: That, after full and due consideration of the application, the City staff reports, the record, findings, and conditional recommendations of the Planning Commission, and the evidence presented at the public hearing, the Council adopts the findings contained in the planning staff report and in the Commission's recommendation, and further finds that the proposed major zoning map amendment is in conformance with all requirements of the Zoning and Community Development Code Section 4.203.02, subject to any additional findings or conditions contained herein.

Section 4. APPROVAL: That the request for a major zoning map amendment from HDR to MDRH for Tax Lot 1200, Washington County Assessors Map 2S-1-30D, consisting of 5.74 acres, more or less, is APPROVED subject to the conditions contained herein.

Section 5. CONDITIONS: That the aforementioned approval is conditioned on either the satisfaction of the following criteria prior to the issuance of any new manufactured home placement permits or, if applicable, on posting of a performance bond or other security acceptable to the City:

1. That the property owner sign and execute a non-remonstrance agreement, in a form acceptable to the City, agreeing to participate in any future local improvement district for the purposes of constructing or extending public facilities, including streets, storm drainage, water, and sanitary sewer.

2. That the property owner sign and execute a binding agreement, in a form acceptable to the City, to dedicate up to a twenty-seven (27) foot wide right-of-way along the rear of Tax Lot 1200 provided that:
 - a. An engineered alignment for the proposed collector roadway in the vicinity has been developed and approved by the City.
 - b. Contiguous properties have been required to, or have dedicated, portions of that collector roadway.
 - c. Said dedication shall only include those portions of right-of-way actually within Tax Lot 1200, as established by the approved engineering alignment.
3. That a common access driveway to and from Highway 99W be constructed for Tax Lots 1100 and 1200 : 30D provided that:
 - a. The common access driveway is feasible and practical from an engineering standpoint, as determined by the City Engineer.
 - b. Each property owner is solely responsible for the costs of constructing and maintaining those portions of the common access driveway on their individual lots, generally as shown in red on the attached Exhibit 1.
 - c. Tax Lot 1100 shall grant an access easement to Tax Lot 1200 for those portions of the access driveway on Tax Lot 1100.
 - d. The portion of the access driveway on Tax Lot 1200 shall be required to be constructed to no greater standard than the existing southerly access driveway to Tax Lot 1200, said existing southerly access to be permanently closed.
 - e. The existing northly access driveway to Tax Lot 1200 shall remain open.
 - f. If the portion of the common access driveway on Tax Lot 1100 is not completed and access easements granted by January 1, 1989, that the requirements placed on Tax Lot 1200 for said common access shall be waived.
4. That a fifteen (15) foot wide visual corridor be provided along the park's Highway 99W frontage, and that existing trees in this corridor be retained and additional planted screening be installed in accordance with a landscaping plan approved by the City.

Section 6. MANAGER AUTHORIZED: The City Manager is directed to take such action as may be necessary to document this amendment, including producing a certified modification of the Official City Zoning Map, at such time as all conditions of approval have been fully satisfied in accordance with City ordinances and regulations, as determined by the City Manager.

Section 7. EFFECTIVE DATE: This Ordinance shall become effective coincident with the certification by the City Manager that all conditions of approval have been satisfied or completed, or that a satisfactory performance bond or other security acceptable to the City has been posted guaranteeing completion of all conditions, but in any event this Ordinance shall not become effective earlier than thirty (30) days after passage and approval.

Passed by unanimous vote of the City Council this 10th day of August, 1988.

Approved by the Mayor this 12th day of August, 1988.

Norma Jean Oyler
Norma Oyler, Mayor

Attest:

Polly Blankenbaker
Polly Blankenbaker, Recorder

	Aye	Nay	Abstain
Oyler	_____	_____	_____ ✓
Hitchcock	_____ ✓	_____	_____
Stewart	_____ ✓	_____	_____
Birchill	_____ ✓	_____	_____
Chavez	_____ absent	_____	_____

TAX LOT: 1200 2S 1 30D
CASE NO: MFA 88-2
DATE: July 19, 1988

NOTICE OF DECISION

TO: Mr. Ray Zettlemyer
21305 SW Pacific Highway
Sherwood, OR 97140

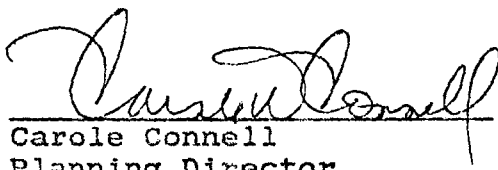
The Planning Commission of the City of Sherwood, Oregon decided to recommend approval of your application for a Major Plan Amendment from HDR to MDRH on July 18, 1988.

The decision was based on the following major findings:

See Staff Report Dated July 8, 1988.

The following conditions were placed on approval of the application:

1. The owner shall agree to participate in a non-remonstrance agreement for a future local improvement district to improve a proposed collector street adjoining the property, and other future public facilities.
2. 15 feet shall be provided for a visual corridor along the Hwy. 99 frontage and existing trees within that 15 feet shall be retained.

Signed: 

Carole Connell
Planning Director

 Final Action
 X Additional Required Action

Review Body
 Planning Commission
 X City Council

Date of Meeting
 August 10, 1988

cc: Greenhill Associates

family residences. The Plan also identifies the need for 638 acres of vacant residential land by the year 2000. As in the case of the commercial inventory, it appears that these stated land needs will occur in the later part of the planning period.

2. Table IV-6 identifies 243 multi-family units in 1980 to be increased to 3,853 units by the year 2000. The additional units will occur primarily in the MDRH and HDR zones.

RESPONSE: The plan anticipates a significant increase in the amount of multi-family residential development and the subject property is zoned for high density development. The requested change in designation of 6 acres from HDR to MDRH will reduce the potential gross number of units on the property from 96 to 66 units. There have been significant changes in the residential inventory since the Plan was adopted. At this time, it is not known whether there has been an increase or decrease in the amount of multi-family land available. Since the subject property is developed, it is unlikely that the land would be available for HDR density for some time.

B. Residential Policies

1. Seek to provide housing which meets local needs with regard to style, price, density, quality and energy efficiency.
2. Residential areas will be developed in a manner which will insure that the integrity of the community is preserved and strengthened.
3. The City will insure the availability of affordable housing and locational choice for all income groups.
4. Mobile home housing will comprise up to 25% of the total dwelling units.
5. The HDR zone is intended to provide for high density multi-family urban housing with a diversity in style, design and amenities in keeping with sound site planning principles where services are available.
6. The MDRH zone is intended to provide for a variety of medium density housing styles, designs, and amenities in keeping with sound site planning. Mobile home parks may be allowed as conditional uses.

RESPONSE: The existing mobile park and its expansion provides a needed housing style for low and moderate income residents. The expansion is compatible with the existing character of the park, an established land use in the community. The addition of the proposed six spaces and utilization of 9 unused lots brings the platted residential inventory to 1,126 lots 198 or 17.5% are designated for mobile units.

V. FINDINGS OF FACT

A. PARCEL DESCRIPTION

1. The subject parcel is six acres and is currently occupied by 41 units. The park was approved by Washington County in 1964 for 50 spaces, so that nine approved spaces are unused. The front portion was to be utilized for a septic drainfield. Since the drainfield is no longer needed, the applicant has requested use of that area for six additional spaces, for a total of 56.
2. The parcel is also occupied by a single family residence and garage for the park manager. There are no children living in the park. There are no recreation or storage improvements. There are about a dozen RV's and other vehicles parked randomly around the park.
3. The Sherwood Transportation Plan identifies a future collector road that crosses the rear portion of the property connecting into Edy Road and eventually Elwert Rd.
4. Surrounding land use consists of a single family residence zoned HDR to the north, vacant and agricultural land zoned HDR to the south and west, and vacant land zoned General Commercial across the highway to the east.
5. Access to the parcel is currently available from two 25 foot wide driveways. Public sewer is provided by an eight inch line in the highway right-of-way. Water is still provided by a private well. The proposal would have little effect on current traffic volume. Storm drainage flows to the highway.
6. There are no significant natural features on the site. There are no known easements on the property. There are several large trees in the front. There is a vegetable garden in the vacant area in the southwest corner.
7. ODOT has been notified of this request and has suggested within the Hwy 99W access plan analysis that the applicant of this request and the Reid Plan Amendment request consider a shared access to the highway, ideally to be centered on the common property line.
8. The code requires a 25' landscaped corridor. The proposal provides only 10 feet and a wood fence.
9. The Tualatin Fire District, Washington County and ODOT have been notified of this request. The Fire District comments are attached.
10. There is no public park in the area serving the

residents. There is a planned neighborhood park on Edy Rd. that could be utilized by the residents, but there are no known plans to develop the park.

B. PLAN AMENDMENT CRITERIA

1. The proposed amendment is consistent with the goals and policies of the Comprehensive plan. The Plan encourages the provision of low income and multi-family housing compatible with adjacent land uses and near public services. Although the housing market has not met the anticipated projections, the proposal complies with these goals. The proposal also complies with the Plan policy to develop "infill" properties before "leap-frogging" into vacant undeveloped parcels. The proposal provides for full utilization of the subject parcel.
2. There is a need for the particular use and zoning proposed. The proposal results in a mobile home inventory of an estimated 17.5% well under the 25% limitation. There are two mobile home parks in Sherwood, neither of which are completely full. But there is a growing demand for a selection of mobile homes sites and the subject facility, which has provided home sites for 24 years, has room to expand and be fully utilized.
3. The proposed amendment is timely and services are available. The proposal affects an existing development that would benefit the community by being fully utilized. This is not an application based on speculated development. Further, City services have been made available. The well water is adequate and access to the highway is adequate.
4. Other similarly zoned land is unavailable for the proposed use. There is vacant MDRH land in Sherwood for mobile homes, but none of which have a nearly builtout park already established. The Plan encourages utilization of existing serviced properties first. The redesignation brings an existing, established use into compliance with City planning and zoning.

VI. CONCLUSION

The existing Driftwood Mobile Park is a non-conforming use in the HDR zone and in order to be fully utilized and expanded, the property must be reclassified MDRH. The Plan strongly supports infill development, increased densities and a variety of housing choices for low and moderate income residents. However, the Plan also encourages the development of livable residential neighborhoods and there are a few problems with the application as follows:

- The Transportation Plan requires 27 feet of road dedication along the rear property line for a future collector.

Conveniently, there is now a 25 foot wide drive along the rear property, but there are also two proposed mobile home lots. These two lots, which are now vacant, would have to be eliminated.

- Driftwood Park was designed primarily for single wide units and many of the lots are narrow. There is, at most, one parking space per lot, and if the undeveloped areas are utilized, there will be no storage or open space area in the park. The estimated one dozen trucks and RV's would have to be parked off the property in a storage facility.
- This is a dense development that will become much more dense if completely utilized. There are no public parks in the area and no open space if approved as proposed. At a minimum, a small area for a community garden, picnic or play area should be provided.
- The City is involved in the development of a Hwy 99W access plan. In this application, there may be an opportunity to combine access with Reid to the south and combine two close highway driveways into one. This would require elimination of two planned lots.
- The manager's parcel is spacious and well landscaped. It appears by the plan that the existing garage would have to be eliminated and provided elsewhere on the manager's parcel. Also, the proposal does not comply with the 25' landscaped corridor.
- The redesignation of this parcel will firmly establish the park as a conforming and permanent use. Proper development of this parcel as a livable residential community is important.

VII. RECOMMENDATION

Staff recommends approval of the Plan amendment to redesignate the subject property Medium Density Residential High MDRH subject to the following conditions:

A. 27 feet along the rear property line shall be dedicated to the City for a future collector road. This may continue to be used for an internal driveway and RV storage or open space. This will require the removal of lots #10 and #52.

B. 15 feet shall be provided for a visual corridor along the Hwy 99W frontage and existing trees within that 15 feet shall be retained.

C. A combined access with parcel ¹⁰⁰~~1200~~ shall be provided and the park layout redesigned accordingly.

CITY OF SHERWOOD

APPLICATION FOR LAND USE ACTION

Staff Use

CASE NO. CU88-1
MPA 88-2
FEE \$ 900
RECEIPT NO. 0681
DATE 6/17/88

Type of Land Use Action Requested

- Annexation
- Plan Amendment
- Variance
- Planned Unit Development
- Conditional Use
- Minor Partition
- Subdivision
- Design Review
- Other _____

Owner/Applicant Information

	NAME	ADDRESS	PHONE
Applicant:	GREENHILL ASSOC.	1750 Skyline Blvd Port. 97221	292-6933
Owner:	Ray Zettlemoyer	21305 SW Pacific Hwy. Sherwood, 97140	
Contact for			
Additional Info:	Hal Hewitt, Greenhill Assoc. <i>Hal Hewitt</i>		

Property Information

Street Location: 21305 SW Pacific Hwy.

Tax Lot No. 1200 2S 1W Sec 30D Acreage 6

Existing Structures/Use: Mobile Home Park

Existing Plan Designation: High Density Res.

Proposed Action

Proposed Use Continue Mobile Home Park

Proposed Plan Designation Medium Density Res. High

Proposed No. of Phases (one year each) One

Standard to be Varied and How Varied (Variance Only) _____

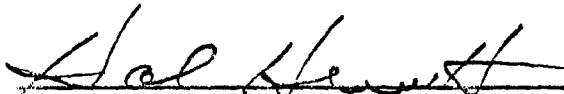
Purpose and Description of Proposed Action: _____

Plan Amendment to allow Conditional Use for continuing present use.

Authorizing Signatures

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.



Applicant's Signature

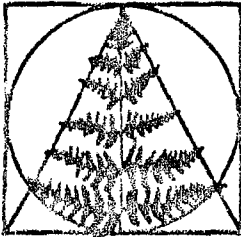
5-18-88

Owner's Signature

To Be Submitted With The Application

To complete the application submit nine ^{9/3} copies of the following:

1. A brief statement describing how the proposed action satisfies the required findings criteria contained in the Comprehensive Plan for the action requested.
2. Applicable existing conditions and proposed development plan information and materials listed in Part 3 Chapter 1 TABLE 4.04 of the Comprehensive Plan. The information in TABLE 4.04 which is applicable to a given application shall be determined during a preapplication conference with the Planning Department.



GREENHILL ASSOCIATES

1730 SW Skyline Blvd Portland OR 97221

May 20, 1988

Sherwood Planning Commission
City Hill
Sherwood, Oregon

Ladies and Gentlemen:

Enclosed herewith is a Plan Amendment and Conditional Use application intended to support your approval of a modified site plan for the Driftwood Mobile Home Park on Highway 99W.

As you know, this park has operated successfully in the community for many years but has had development limitations because of the lack of public sewer service. This problem was remedied recently with the extension of a sanitary sewer line to the property. As a result, the owner would like to complete the original park development concept. However in doing so, he is requesting some minor modifications to the original plan which will allow for upgrading and completion of the project. These are shown on the attached site plan and described in the attached statements.

Although this request in affect involves a reduction in zoning on the subject property, we believe it is in compliance with the existing Comprehensive Plan Policies and Zoning Ordinance standards and criteria for the subject property.

We trust this application will receive your thorough and careful consideration. We stand prepared to respond to any additional details or information required.

Very truly yours,

Hal Hewitt

cc: Ray Zettlemyer
Don Pfeifer

SUPPORTING STATEMENT

Plan Amendment

Zettlemyer/Pfeifer

May, 1988

REQUEST

This is a request to amend the community plan map from the High Density Residential to the Medium Density Residential High classification on property containing the Driftwood Mobile Home Park at 21305 S. W. Pacific Hwy.

BACKGROUND

Subject property was approved for a mobile home park development in 1964 by Washington County for a 50 unit mobile home park. The property was subsequently developed by the owner Mr. Ray Zettlemyer, who has operated the park during the last 24 years. During most of this period the park has operated with reliance upon independent septic systems which limited the full development of the site. The recent extension of the public sewer to service the property has eliminated any further need to reserve the drain field areas. The owner has a buyer actively interested in purchasing the property who wishes to upgrade the overall appearance of the park and provide improved spaces for a total of 56 units as indicated on the attached site plan.

This type of development is not recognized in the present zoning district in which the property is located, but it is permitted in the Medium Density Residential High District as a conditional use, hence the proposed amendment.

AMENDMENT CRITERIA

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan by category as indicated:

Growth Management Policy Objectives

- 2a. Focus growth into areas contiguous to existing development rather than "leap frogging" over developable property.
- 2b. Encourage development within the present city limits, especially on large past-over that are available.

Residential Policy Goal

To create a flexible planning framework for the allocation of land for residential, commercial and industrial activities so as to create a balanced, livable urban environment where persons may live, work, play and shop.

Policy No. 1

Residential areas will be developed in a manner which will insure that the integrity of the community is preserved and strengthened.

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.

Policy No. 2

The city will insure that an adequate distribution of housing styles and tenures are available.

Mobile housing will comprise up to 25% of the total dwelling units in the planning area. The 75/25% ratio of conventional housing types to mobile housing shall be employed as a guideline to assure a variety of housing types are available at any given time.

Policy No. 3

The city will insure the availability of affordable housing and locational choice for all income groups.

The city will participate in the regional "fair share" housing program to provide housing opportunities for low and moderate income, elderly, large family and handicapped households.

Housing shall be of a design and quality compatible with the neighborhood in which it is located.

Policy No. 4

The city will create, designate and administer five residential planning designations specifying the purpose and standards of each consistent with the need for balance in housing densities, styles, prices and tenures.

4) Medium high density residential

This designation is intended to provide for a variety of medium density housing styles, designs, and amenities in keeping with sound site planning. Included in this designation are multiplexes, low density apartments and condominiums, and row housing. Mobile home parks may be allowed as conditional uses.

B. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the city, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area and the general public good:

1. We believe the success of this park since its development over a 24 year period serves as a primary demonstration of the need for this type of use in the community. During this period of time the park has consistently provided housing space for moderate income families, but has been unable to fully develop due to the absence of public sewer service to the property.
2. The need for this type of development is also amply demonstrated in previously cited residential housing policies with reference to the 25% goal.
3. Moderate demand and public need is further demonstrated for mobile home living with the approval and development of newer but similar types of housing developments in the community during recent years.

C. The proposed amendment is timely, considering the pattern of development in the TI surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment and the availability of utilities and services to serve all potential uses in the proposed zoning district:

The subject property is located within the six corners area, which has been the location for growth and development during the past ten to fifteen years. The existing mobile home park is one of the few non-commercial properties in the immediate area; however it reflects a high degree of compatibility as a transitional use consistent with the multi-family housing designations contained on the plan map.

The principal change which underscores the proposed amendment is the extension of public sewer to the property which in turn recognizes and supports the completion of the site development.

D. Other lands in the city already zoned for proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors:

We do not believe this criteria to be applicable in this case.

~~D. At the time of development, city water shall be extended the length of the property's highway frontage.~~

~~Mr. Galbreath seconded and the motion carried with Mr. Scanlon voting nay.~~

- B. Request by Greenhill Associates for a Major Plan Amendment from HDR to MDRH. Mrs. Connell reviewed the Background Data and Findings of Fact. She advised that this zoning change is appropriate because of the upgrading and addition of spaces to the park. She noted that only the MDRH zone permits mobile home parks, as a conditional use. Staff recommended approval of the Plan amendment to redesignate the subject property Medium Density Residential High MDRH subject to recommended conditions.

Mr. Warmbier opened the public hearing and called for proponent testimony. Mr. Hal Hewitt of Greenhill Associates said he felt it was necessary to separate land uses when you have joint accesses. He said that if he must dedicate 27 feet along the rear of the property line this will eliminate 2 trailer spaces. He also noted that Mr. Pfeiffer has approached this transaction after much research and work and he plans to bring \$50,000 into the park for upgrading, etc. He said he needs the 56 sites in order to make the project feasible.

Mr. Warmbier called for opponent testimony. There being none, he closed the public hearing.

Mr. Birchill asked if the applicant would be willing to sign a nonremonstrance agreement. The applicant agreed to this. Mr. Zettlemyer said he already has a deceleration and acceleration lane which was required by Washington County when he put in the park.

After further discussion, Mrs. Hosler moved to approve the request for a major plan amendment with the following conditions. The commission decided not to require a combined access with parcel 1200.

- A. The owner shall agree to participate in a non-remonstrance agreement for a future local improvement district to improve a proposed collector street adjoining the property, and for other future public facilities.
- B. 15 feet shall be provided for a visual corridor along the HWY 99W frontage and existing trees within that 15 feet shall be retained.

Mr. Shannon seconded and the motion carried unanimously.