

City of Sherwood, Oregon

ORDINANCE NO. 92-952

AN ORDINANCE APPROVING A PLAN MAP DESIGNATION OF LOW DENSITY RESIDENTIAL (LDR) FOR LAND ANNEXED TO THE CITY DESCRIBED AS TAX LOTS 1100 AND 1103, MAP 2S 1 32D; CONSISTING OF 6.46 ACRES, MORE OR LESS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the owner of the subject tax lot made application to the Portland Metropolitan Boundary Commission for annexation of a contiguous parcel on the north side of Sunset Boulevard, totaling 6.46 acres, more or less, and

WHEREAS, on February 13, 1992, a public hearing was held before the Portland Metropolitan Boundary Commission for said application No. 3029 and after full and due consideration of the evidence, reports and testimony, a Final Order was prepared approving the annexation, and

WHEREAS, the Sherwood Comprehensive Plan Part II Plan/Zone Map for the Sherwood Urban Growth Boundary was adopted on December 12, 1990, and designates the subject parcels Low Density Residential (LDR):

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Commission Review. That the application for a Plan/Map designation of Low Density Residential (LDR) for Tax Lots 1100 and 1103, Map 2S 1 32D was subject to full and proper review, and a public hearing before the Planning Commission on September 15, 1992.

Section 2. Findings. That after full and due consideration of the application, the City Planning Staff report for PA 92-3 and the record and findings of fact, the Council adopts the findings contained in said staff report, and further finds that the proposed map amendment is in conformance with all requirements of the Community Development Zoning Code Section 4.203.02.

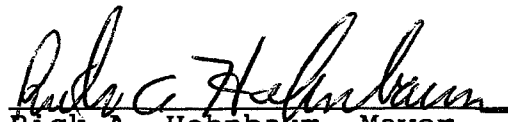
Section 3. Approval. That the request for a Plan/Zone Map designation of Low Density Residential (LDR) for all of Tax Lots 1100 and 1103, Map 2S 1 32D, consisting of 6.46 acres, more or less, is hereby APPROVED.

Section 4. 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 Plan/Zone Map.

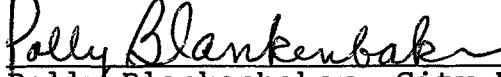
Section 5. Effective Date. This ordinance shall become effective within thirty (30) days after passage and approval.

Duly passed by the City Council this 14th day of October 1992.

Approved by the Mayor this 14th day of October 1992.


Rick A. Hohnbaum, Mayor

Attest:


Polly Blankenbaker, City Recorder

	<u>AYE</u>	<u>NAY</u>
Birchill	<u>absent</u>	<u> </u>
Boyle	<u>✓</u>	<u> </u>
Hohnbaum	<u>✓</u>	<u> </u>
Hitchcock	<u>✓</u>	<u> </u>
Kennedy	<u>✓</u>	<u> </u>

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Sherwood City Council will conduct a public hearing on Wednesday, October 14, 1992, at 7:30 p.m. at the Senior/Community Center, 855 North Sherwood Boulevard on the following land use matters:

1. SP92-4 - Baptist Church, Appeal of the conditions of approval by the Planning Commission regarding a request by the Church for Site Plan approval to add a 50x53 addition south of the existing building on Sunset Boulevard, (Tax Lot 2101:2S132D).

No site plan approval shall be granted unless each of the following is found:

- A. The proposed development meets applicable zoning district standards and all provisions of Chapter 5.
 - B. The proposed development can be adequately served by services conforming to the Community Development Plan, including water, sanitary facilities, drainage, solid waste, parks and open space, public safety, electric power, and communications.
 - C. Covenants, agreements, and other specific documents are adequate to assure an acceptable method of ownership, management and maintenance of structures, landscaping and other on-site features.
 - D. The proposed development preserves significant natural features to the maximum feasible extent, including but not limited to natural drainageways, trees, vegetation, scenic views and topographical features.
2. PA92-3 - Wood, A Plan/Zone Map Amendment to designate recently annexed property on Sunset Boulevard Low-Density Residential (Map 2S132D, Tax Lots 1100 and 1103).

An amendment to the City Zoning Map may be granted provided that the proposal satisfies all applicable requirements of the Comprehensive Plan and this Code, and that:

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.
- 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.

- C. The proposed amendment is timely, considering the pattern of development in the area, 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.
- D. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.

The applicant, a person notified of the public hearing, the general public or an authorized agent of any of the above, may testify at the hearing verbally or in writing. Public testimony should be limited to the findings of fact in the staff report, the above criteria or other City or State applicable land use standards. Any person testifying may appeal the decision. Failure to raise an issue, or failure to raise an issue with sufficient specificity so as to provide the City, applicant or other parties to the application with a reasonable opportunity to respond, will preclude appeal on said issues to the City Council or State Land Use Board of Appeals (LUBA).

Application materials are available for review or can be copied for a reasonable cost at City Hall. The City planning staff report on this matter will be available for review at least seven (7) days in advance of the hearing.

If you have any questions, please call Carole Connell, Planning Director, on Mondays or Tuesdays at 625-5522.



90 NW Park Street
Sherwood, Oregon 97140
625-5522 FAX 625-5524

TAX LOTS: 1100 and 1103:2S1 32D
CASE NO: PA 92-3
DATE MAILED: September 16, 1992

NOTICE OF DECISION

TO: Howard and Kathy Wood
14775 SW Sunset Boulevard
Sherwood, Oregon 97140

On September 15, 1992, the Planning Commission of the City of Sherwood, Oregon decided to recommend approval of your application for a Plan/Zone Map Amendment to designate your property Low Density Residential (LDR).

The decision was based on the following major findings:

See Staff report dated September 8, 1992.

☐ Final Action

☒ Additional action required

Signed: Carole W. Connell

Carole W. Connell
Planning Director

Review Body:

☐ Planning Commission

☒ City Council

☐ Design Review Board

Date of Meeting

Tentatively October 14, 1992

STAFF REPORT

TO: City of Sherwood
Planning Commission

DATE MAILED: September 8, 1992

FROM: Carole W. Connell
Planning Director

FILE NO: PA 92-3

SUBJECT: A Plan/Zone Map Amendment to designate recently annexed property on Sunset Blvd. Low Density Residential (LDR).

I. PROPOSAL DATA

Applicant: City initiated

Owner: Howard and Kathy Wood
14775 SW Sunset Blvd.
Sherwood, Oregon 97140

Location: 14775 SW Sunset Blvd., further described as Tax Lots 1100 and 1103, Map 2S 1 32D consisting of 6.46 acres.

III. COMPREHENSIVE PLAN PROVISIONS

1. 2.102 Low Density Residential (LDR) Zone
2. 3.200 Public Notice and Hearing
3. 4.100 Application Content
4. 6.100 Public Improvements
5. 7.500 Land Partitions
6. Comprehensive Plan/Zone Map

III. FINDINGS OF FACT

A. Annexation of the subject property illustrated on the attached map was initiated by the owner in accordance with ORS 199.490 and was approved at a public hearing on February 13, 1992 by the Portland Metropolitan Boundary Commission (File No:3029). The Final Annexation Order is attached.

B. The owner chose not to have the annexation reviewed by the City and was not obligated to do so.

C. Washington County was notified of and supported the annexation. A map amendment to designate City zoning in accordance with the Sherwood Comprehensive Plan/Zone map is a required formality following annexation. The Plan map most recently adopted in 1990 designates the property within the Sherwood UGB Low Density Residential. The Plan map is attached.

D. The following is in response to the required findings for a Plan Map Amendment. A map amendment to designate zoning for annexed land is a formality as the land has always been in the Sherwood UGB and designated residential. Therefore, the second, third and fourth criteria are irrelevant as discussed below.

1. "The proposed amendment is consistent with the goals and policies of the Comprehensive Plan."

RESPONSE: The proposed amendment is consistent with the residential goals and policies of the Comprehensive Plan as described in the Boundary Commission's attached findings of fact. The owner applied for annexation in order to sell the property for development in accordance with the LDR designation.

2. "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."

RESPONSE: This criteria does not apply to the request. The purpose of the request is to apply the appropriate City zoning to the annexed property, consistent with the Comprehensive Plan. The area is designated by the Plan Map, Part II, Chapter 4, page 58, which was adopted December 12, 1990. Interim LDR zoning is automatically applied to the annexed property until this official amendment is approved and in effect.

3. "The proposed amendment is timely, considering the pattern of development 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."

RESPONSE: The timeliness of the request is relevant only in that a property annexed to the City must be legally and officially zoned in accordance with the zoning designated by the Plan. Further, the property was annexed in order to subdivide the vacant portion and extend City streets and services.

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

RESPONSE: This criteria is also irrelevant because the purpose of the request is to officially designate City zoning on the site, not change the zoning from one City designation to another.

IV. RECOMMENDATION

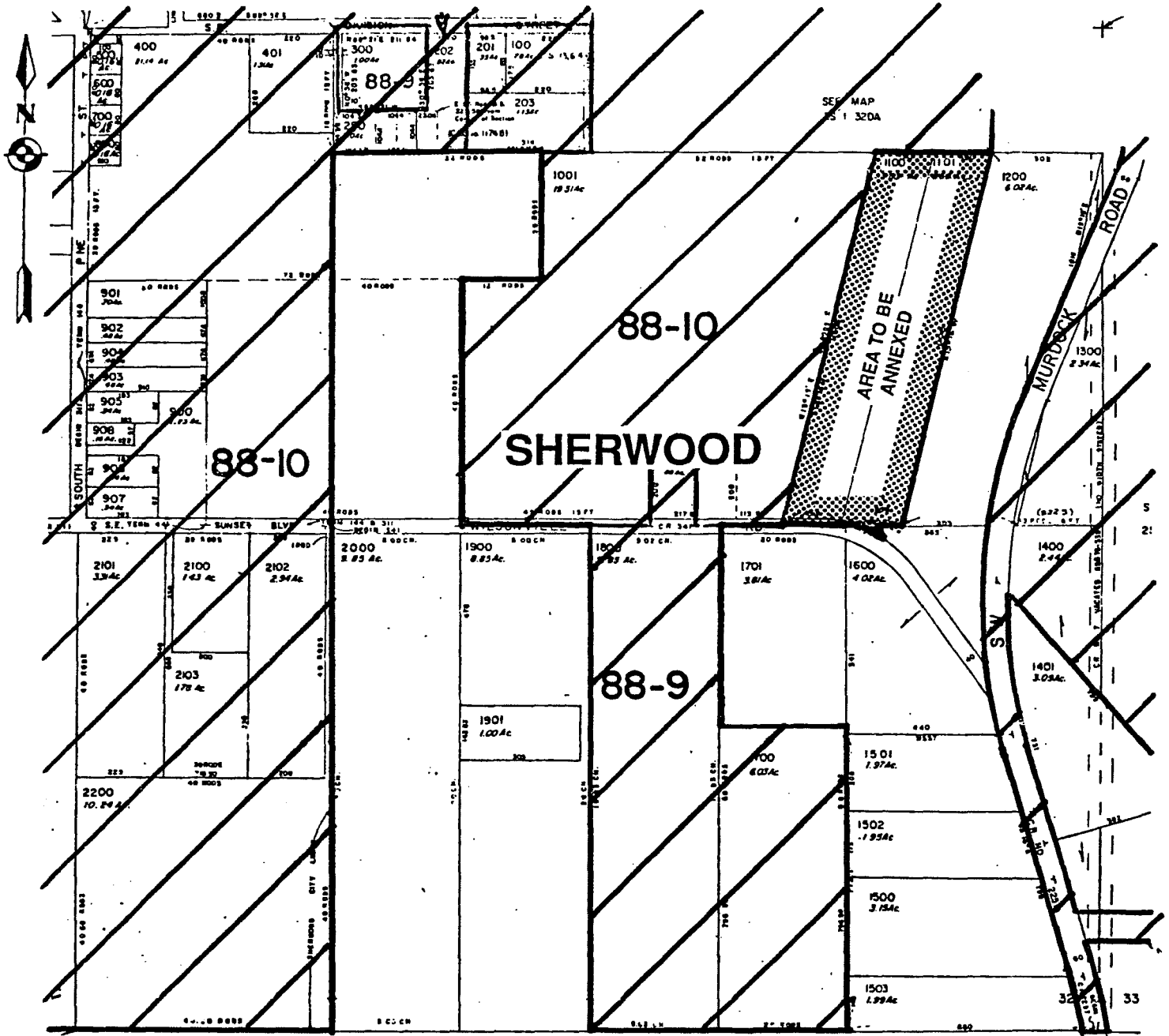
Based on the attached annexation background data, findings and Final Order, and the above findings of fact, Staff recommends adoption of those findings and the Plan Map Amendment PA 92-3 to designate the subject 6.46 acres Low Density Residential (LDR).

PROPOSAL NO. 3029

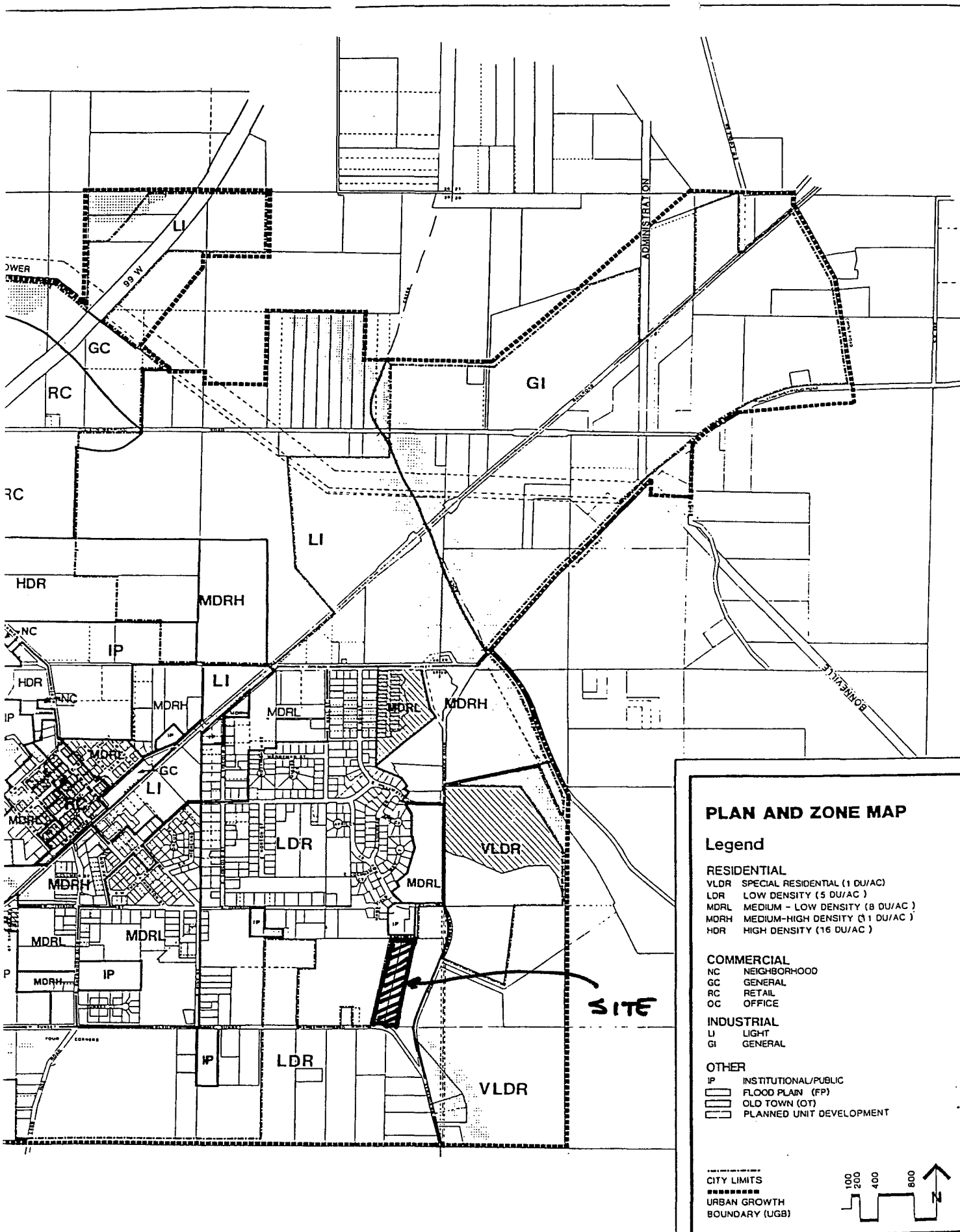
SE1/4 SECTION 32 T2S R1W W.M.
Washington County, Oregon

2S 1 32D

Scale: 1" = 400'



PROPOSAL NO. 3029
CITY OF SHERWOOD
ANNEXATION
FIGURE 2



CWC - for file
Polky

PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION
320 S. W. Stark (#530) - Portland, Oregon 97204 - Tel: 229-5307

FINAL ORDER

RE: BOUNDARY CHANGE PROPOSAL NO. 3029 - Annexation of territory
to the City of Sherwood.

Proceedings on Proposal No. 3029 commenced upon receipt by the Boundary Commission of a petition from the property owners on January 10, 1992, requesting that certain property be annexed to the City. The petition meets the requirements for initiating a proposal set forth in ORS 199.490, particularly paragraph (c) of section (1).

Upon receipt of the petition the Boundary Commission published and posted notice of the public hearing in accordance with ORS 199.463 and conducted a public hearing on the proposal on February 13, 1992. The Commission also caused a study to be made on this proposal which considered economic, demographic and sociological trends and projections and physical development of the land.

The Commission reviewed this proposal in light of the following statutory guidance:

"199.410 Policy. (1) The Legislative Assembly find that:

(a) A fragmented approach has developed to public services provided by local government. Fragmentation results in duplications in services, unequal tax bases and resistance to cooperation and is a barrier to planning implementation. Such an approach has limited the orderly development and growth of Oregon's urban areas to the detriment of the citizens of this state.

(b) The programs and growth of each unit of local government affect not only that particular unit but also the activities and programs of a variety of other units within each urban area.

(c) As local programs become increasingly inter-governmental, the state has a responsibility to insure orderly determination and adjustment of local government boundaries to best meet the needs of the people.

(d) Local comprehensive plans define local land uses but may not specify which units of local government are to provide public services when those services are required.

(e) Urban population densities and intensive development require a broad spectrum and high level of community services and controls. When areas become urbanized and require the full range of community services, priorities are required regarding the type and levels of services that the residents need and desire. Community service priorities need to be established by weighing the total service needs against the total financial resources available for securing services. Those service priorities are required to reflect local circumstances, conditions and limited financial resources. A single governmental agency, rather than several governmental agencies is in most cases better able to assess the financial resources and therefore is the best mechanism for establishing community service priorities.

(2) It is the intent of the Legislative Assembly that each boundary commission establish policies and exercise its powers under this chapter in order to create a governmental structure that promotes efficiency and economy in providing the widest range of necessary services in a manner that encourages and provides planned, well-ordered and efficient development patterns.

(3) The purposes of ORS 199.410 to 199.519 are to:

(a) Provide a method for guiding the creation and growth of cities and special service districts in Oregon in order to prevent illogical extensions of local government boundaries and to encourage the reorganization of overlapping governmental agencies;

(b) Assure adequate quality and quantity of public services and the financial integrity of each unit of local government;

(c) Provide an impartial forum for the resolution of local government jurisdictional questions;

(d) Provide that boundary determinations are consistent with local comprehensive plans and are in conformance with state-wide planning goals. In making boundary determinations the commission shall first consider the acknowledged comprehensive plan for consistency of its action. Only when the acknowledged local comprehensive plan provides inadequate policy direction shall the commission consider the state-wide planning goals. The commission shall consider the timing, phasing and availability of services in making a boundary determination; and

(e) Reduce the fragmented approach to service delivery by encouraging single agency service delivery over service delivery by several agencies.

199.462 Standards for review of changes; territory which may not be included in certain changes. (1) In order to carry out the purposes described by ORS 199.410 when reviewing a petition for a boundary change or application under ORS 199.454, a boundary commission shall consider local comprehensive planning for the area, economic, demographic and sociological trends and projections pertinent to the proposal, past and prospective physical development of land that would directly or indirectly be affected by the proposed boundary change or application under ORS 199.464 and the goals adopted under ORS 197.225."

(2) Subject to any provision to the contrary in the principal Act of the affected district or city and subject to the process of transfer of territory:

(a) Territory within a city may not be included within or annexed to a district without the consent of the city council;

(b) Territory within a city may not be included within or annexed to another city; and

(c) Territory within a district may not be included within or annexed to another district subject to the same principal Act.

The Commission also considered its policies adopted under Administrative Procedures Act (specifically 193-05-000 to 193-05-015), historical trends of boundary commission operations and decisions, and past direct and indirect instructions of the State Legislature in arriving at its decision.

FINDINGS

(See Findings in Exhibit "A" attached hereto).

REASONS FOR DECISION

(See Reasons for Decision in Exhibit "A" attached hereto).

ORDER

On the basis of the Findings and Reasons For Decision listed in Exhibit "A", the Boundary Commission approved Boundary Change Proposal No. 3029 on February 13, 1992.

NOW THEREFORE IT IS ORDERED THAT the territory described in Exhibit "B" and depicted on the attached map, be annexed to the City of Sherwood as of 45 days from this date which is March 29, 1992. Subject to the provisions of ORS 199.505 and 199.519*.

PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT
BOUNDARY COMMISSION

DATE: FEB. 13, 1992

BY: Raymond Bantz
Chairman

Attest: Kathleen L. Viti

- * ORS 199.519 will further delay the effective date of this annexation until the day after the May Primary Election but would not keep the Assessor from adding this property to the city's tax rolls prior to the March 31st cut off date for doing this.

FINDINGS

Based on the study and the public hearing the Commission found:

1. The territory to be annexed contains 6.55 acres, 2 single family residences, an estimated population of 6 and is evaluated at \$270,000.
2. The property owners requested annexation to permit dividing each lot into two parcels. This division will allow the owners to refinance the mortgage on the portions containing the homes. Eventually, the owners would like to develop the remaining lots at a density of approximately four units per acre.
3. The Boundary Commission has three adopted policies. The first of these policies states that the Commission generally see cities as the primary provider of urban services. Recognizing that growth of cities may cause financial problems for districts, the second policy stipulates that the Commission will help find solutions to those problems. The third policy states that the Commission may approve irregular boundaries in the short term if these lead to logical service arrangements in the long term.
4. The territory is within the regional Urban Growth Boundary and the boundary of the Metropolitan Service District.
5. The City and Washington County have signed an Urban Planning Area Agreement (UPAA) to assure complimentary land use and intensity of use designations. The territory is within the City's Urban Planning Area as identified on the acknowledged Sherwood Comprehensive Land Use Plan. Washington County zoning for the area is R-6, Residential 6 units/acre. The City zone which applies to the area is Low Density Residential (5 units/acre).

The territory, along with Tax Lot 1200 to the east, is identified as Area of Special Concern 5 on the Washington County Sherwood Community Plan. The Plan states:

"An area including six existing land parcels between Wilsonville and Murdock Roads is Area of Special Concern 5. The partitioning of land and building of any structures within this Area shall be designed and reviewed for location and orientation as they affect circulation according to the Master Planning-Planned

Development provisions of the Community Development Code. A general circulation plan for the Area shall be provided which minimizes 1) crossing of the major Rock Creek tributary and 2) access onto Wilsonville and Murdock Roads."

The southwest corner of Tax Lot 1100 and the south half of Tax Lot 1101 are identified as Wildlife Habitat on the Community Plan. In addition, the creek which crosses both lots is labeled Water Areas and Wetlands & Fish and Wildlife Habitat.

The Washington County Department of Land Use and Transportation has indicated that it has no objection to this Proposal. While the County has no authority over land use decisions once a territory is annexed to a City, the County does comment on pending land use actions when a County-wide interest is involved.

Chapter 5, Environmental Resources of the Sherwood Community Development Plan defines wetlands riparian areas outlines Environmental Resources Policy Goals. Policy B, states:

- "3. The urban uses of wooded areas should be recognized and encouraged. They include:
 - "a. Watershed protection of wildlife and fisheries habitat and recreation.
 - "b. The prevention of soil erosion.
 - "c. Urban buffers, windbreakers, scenic corridors, and site landscaping.
- "4. Limit land development in areas with known natural hazards, special topographic soil, or drainage characteristics according to the kind and degree of hazard or characteristic present.
 - "a. Restrict the nature and intensity of development in:
 - "(1) 100-year floodplain.
 - "(2) Areas with slopes which have slide or erosion potential.

"(3) Areas with weak foundation soils.

"(4) Wetlands.

"b. Natural hazards such as runoff from paving and soil slippage due to weak foundation soils that could result from new developments should be considered.

"5. Protect fish and wildlife habitats and significant Natural Areas where feasible."

6. The City is within the Unified Sewerage Agency of Washington County and is served by the Durham regional treatment plant. Sherwood provides service lines and manages connections to the system. Since no sewer lines are adjacent to the site, the properties will continue to use septic systems. The owner of an adjacent lot within the City (TL 1001) has applied for preliminary plat approval for a 75 lot development. When that property is developed, it is expected that utility lines will abut the west boundary of the territory proposed for annexation. When a sewer line is available, the two existing homes will be required to connect.
7. When the property is developed, water service could be provided from the proposed subdivision on the west. The existing residences will continue to utilize well water. If not, the estimated \$30,000 cost of extending that line will be borne by the developer. The City obtains water from three wells which provide 1.9 MGD. The City projects that this will provide a sufficient quantity of water to serve City needs for approximately 5 more years. The City's reservoir capacity is 2.5 MG. The City's Comprehensive Plan projects that the City will need a total storage capacity of 5.2 MG by the year 2000.
8. The territory is within the boundary of the Tualatin Valley Fire and Rescue District which also serves the City of Sherwood. No change in service results from annexation to the City.
9. The territory is within the Washington County Enhanced Sheriff's Patrol District from which it will be automatically withdrawn upon annexation. The District levies a tax of \$.77/\$1000 assessed valuation in 1991-92. Upon annexation, that tax will not longer be assessed. Upon annexation, the 5

member Sherwood Police department will provide 24 hour/day protection.

REASONS FOR DECISION

Based on the Findings the Commission determined:

1. The proposal complies with regional, County and City planning.
2. The City has an adequate quantity and quality of service available.
3. The proposal is in accord with the Boundary Commission policy on incorporated status (OAR 193-05-005).

LEGAL DESCRIPTION

ANNEXATION TO
City of Sherwood

A parcel of land in the southeast one-quarter, Section 32, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at a point 303 feet West and 330 feet South of the east quarter section corner of Section 32; thence West 303 feet; thence South 13° 15' West 1008 feet to the centerline of SW Sherwood Blvd (County Rd. 341); thence East 186.03 feet; thence South 79° 29' 46" East 71.54 feet; thence North 33° 50' West 15.69 feet; thence South 89° 59' 46" East 30.91 feet; thence North 14° 10' East 248.73 feet; thence North 15° 00' 45" East 433.66 feet; thence North 14° 22' East 332.63 feet to the point of beginning.

DUE TO HARDWARE RESTICTIONS * WILL REPRESENT DEGREE SIGN.