

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 77-684

AN ORDINANCE ADOPTING FINDINGS WITH RESPECT TO APPLICATION OF STANLEY J. HEATER FOR CHANGE OF ZONE CLASSIFICATION FROM R-1 (LOW DENSITY RESIDENTIAL) TO R-3 (HIGH DENSITY RESIDENTIAL) WITH RESPECT TO A PORTION OF TAX LOT 100, TAX MAP #2S132 BB, GRANTING APPLICATION FOR CHANGE OF LAND USE CLASSIFICATION AND FIXING EFFECTIVE DATE.

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THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1: The Council finds that the lands hereinafter described have heretofore been and now are classified R-1 (Low Density Residential) pursuant to the zoning ordinances of the City of Sherwood.

Section 2: The Council further finds that pursuant to the prescribed procedures, application for change of zone classification of said land from R-1 (low density residential) to R-3 (high density residential) was the subject of a public hearing held by the Planning Commission on August 24, 1977, and the Commission has heretofore filed its written minutes of its hearing and its recommendations to the Council regarding the application.

Section 3: The Council further finds that after due and legal notice, a public hearing was held on August 24, 1977, before an impartial council, and at said hearing all parties at interest were afforded an opportunity to be heard and to present and rebut evidence.

Section 4: After due consideration of the application, the recommendations of the Planning Commission and the evidence adduced at the hearing before the Council, the Council makes the following findings:

a. The subject property abuts lands presently zoned R-3, lying between the subject property and North Sherwood Boulevard. Due to the proposed improvement of North Sherwood Boulevard, economically and environmentally sound development of the strip presently zoned R-3 requires that the R-3 portion of applicant's property be expanded to include the additional lands encompassed by the description hereinafter set forth. The property presently has access to sewer lines and water service for the needs of the proposed development.

b. There is need for additional R-3 lands in the City of Sherwood. A large percentage of the undeveloped land in the City which is now zoned R-3 is not presently developable due to lack of sewer and water service. Expansion of the R-3 area of the applicant's property is appropriate in that it does not conflict with the purposes and objections of the comprehensive zone plan for the area, a portion of the applicant's property having already

zoned R-3 and abutting property on one side already being developed with high density dwelling units.

c. Continuation of the present actual use of the property as a private 9 hole golf course is not economically feasible and it has been determined that public acquisition of the golf course is not feasible.

d. The proposed zone change is tenable for the development of high density housing for the elderly. The property is better suited for that purpose due to its proximity to mass transit, shopping facilities and other services, than other R-3 properties now available for development. There is a present need for more housing suitable for the elderly in the City of Sherwood.

e. The proponents of the change have carried their burden of producing evidence justifying the reclassification of the subject lands and there will be no material detrimental to property or owners either abutting or in the immediate vicinity, or impose undue burdens on the neighborhood if developed as a high density residential use, disproportionate to the benefits of such development.

Section 5: The lands described on the attached sheet marked Exhibit "A" headed "description for Heater zone change application", attached hereto and incorporated herein, be and the same hereby are zoned as R-3 (High Density Residential) for use in accordance with the High Density Residential classification of the zoning code of the City of Sherwood, which zoning code with reference to the high density residential district classification is by this reference made a part hereof.

Section 6: The zoning map is hereby amended with respect to the property described on Exhibit A and as depicted on Exhibit B, attached hereto and by this reference made a part hereof, and the Recorder is hereby directed to maintain a copy of Exhibit B certified to be a true copy of the original attached hereto and bearing the number of this ordinance in a book on file entitled "Zone Map Amendments", said book being kept and maintained as a part of the permanent records of the City of Sherwood.

Section 7: This ordinance shall become effective on the 31st day after its enactment by the City Council of Sherwood, Oregon.

PASSED: By the Council, by unanimous vote of all Council members present, after being read by caption three times this 14 day of September, 1977.

Polly Blankenbaker  
Recorder

APPROVED: By the Mayor, this 14 day of September, 1977.

Jack O. Harper  
Mayor

EXHIBIT A

"Description for Heater Zone Change Application"

A parcel in the Stanley J. Heater Minor Partition in the northwest one-quarter of the northwest one-quarter, Section 32, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Sherwood, Washington County, Oregon, and being more particularly described as follows, to-wit:

Beginning at the northwest corner of Section 32, Township 2 South, Range 1 West of the Willamette Meridian, said corner being marked by a two (2)-inch iron pipe (found); thence North  $89^{\circ}45'00''$  East 882.17 feet to a one (1)-inch iron pipe (found) in the westerly line of Sherwood Boulevard; thence along said westerly line South  $20^{\circ}17'23''$  East, 53.22 feet to the northeast corner of the herein described Parcel II, marked by a 5/8-inch iron rod (set) and the True Point of Beginning of the herein described parcel; thence continuing along said westerly line of Sherwood Boulevard, South  $20^{\circ}17'23''$  East, a distance of 166.51 feet to a 5/8-inch iron rod with Oregon State Highway Division cap (found); thence South  $08^{\circ}49'41''$  East, a distance of 201.04 feet to a 1/2 inch iron pipe (found); thence leaving said westerly line, South  $89^{\circ}25'48''$  West, a distance of 522.39 feet to a 5/8-inch iron rod (set); thence North  $24^{\circ}20'36''$  East, a distance of 184.91 feet to a 5/8-inch iron rod (set); thence North, a distance of 190.00 feet to a 5/8-inch iron rod (set); thence North  $89^{\circ}45'00''$  East, a distance of 357.56 feet to the True Point of Beginning.