

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 694

AN ORDINANCE ADOPTING FINDINGS WITH RESPECT TO THE APPLICATION OF BYRON AND DOROTHY HOUSTON, HUSBAND AND WIFE, AND JOSEPH E. LORANGER AND SIMONE LORANGER, HUSBAND AND WIFE, FOR A CHANGE OF ZONE FROM CLASSIFICATION RU-4 (URBAN LOW DENSITY RESIDENTIAL) TO C-2 (GENERAL COMMERCIAL) ZONING WITH RESPECT TO PORTIONS OF TAX LOTS 1600 AND 1603, TAX MAP 2S130A, GRANTING APPLICATION FOR CHANGE OF LAND USE CLASSIFICATION AND FIXING AN 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 RU-4 (Urban Low Density Residential) under Washington County zoning and have not been rezoned since annexation to the City of Sherwood to a zoning classification pursuant to the zoning ordinance of the City of Sherwood.

Section 2: The Council further finds that pursuant to the prescribed procedures, application for zone change classification of said land from RU-4, County Zoning, to C-2, General Commercial zoning, under the provisions of the zoning code of the City of Sherwood, was the subject of a public hearing held by the Planning Commission on February 21, 1978. The Council further finds that the Planning Commission forwarded to the City Council its written notice of decision indicating that the Planning Commission could make neither a recommendation for approval of the application nor a recommendation for denial, there being a tie vote of the commission members.

Section 3: The Council further finds that after due and legal notice, a public hearing was held on March 22, 1978, before an impartial Council and at said hearing all parties at interest were afforded an opportunity to be heard and to present and rebutt evidence.

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

a. The subject property described on Exhibit A abuts that property which was the subject of the Rogers-Stearns Zone Change application approved by the City Council contemporaneously herewith. The Council further finds that the subject property is similiarly situated to that which was the subject of the Rogers-Stearns Zone Change application and should be approved for the same reasons that Rogers-Stearns Zone Change application was approved by the Council.

b. There is a need for additional C-2 General Commercial land in the City of Sherwood.

c. The need for future municipal services or improvements on the property may be addressed and conditions imposed and subsequent required reviews prior to development of the property such as site

review, the conditional use procedure required by the City's Interim Development Ordinance for all uses of the property other than single family residential in any zone. The need for public services will in part be met and satisfied by the conditions imposed upon the approval as hereinafter more fully set forth.

d. Surrounding properties would not be adversely affected by the zone change. The change in zone represents an extension of the C-2 Zone existing north of Edy Road. Said general commercial area lies off Highway 99W and therefore will contribute to the development of a commercial center that does not constitute a strip development along Highway 99W there being adequate access to 99W for this area at the intersection of Edy Road and Highway 99W at a already controlled signalized intersection.

e. The proponents of the change have carried their burden of producing evidence justifying the reclassification of the subject land. There will be no material detriment to the property or owners abutting the subject property or in the immediate vicinity. The zone change classification will not impose any greater burdens on the neighborhood if developed as general commercial property than if said property were developed for residential use.

Section 5: The land described on the attached sheet, marked Exhibit A headed Description for the Huston-Loranger Zone Change Application, attached hereto and incorporated herein, be and the same are hereby zoned C-2 (General Commercial) for use in accordance with the general commercial classification of the zoning code of the City of Sherwood, which zoning code with reference to general commercial district classification is by this reference made a part hereof, subject however, to the following conditions:

a. That an additional 25 feet of right-of-way along S.W. Edy Road on parcel described as tax lot 1600 be dedicated to the City of Sherwood for roadway and utility purposes, said right-of-way being in addition to that lying within the existing public right-of-way.

b. That the applicants enter into an agreement to run with said parcels of land, that the applicants consent to the formation of any future sewer, water or storm drainage local improvements district benefiting the subject properties and waiving any right of remonstrance against the formation of such improvement districts.

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 the City of Sherwood, Oregon, provided that the applicants have complied with the conditions imposed above in Section 5 on or before that date. If applicants do not comply with those conditions prior to that date, this ordinance shall not become effective until 30 days after applicants have so complied. In the event applicants fail to so comply within six months after the date of enactment of this ordinance, this ordinance shall be of no effect and the zone change application shall be conclusively deemed denied.

PASSED:

By the Council, by Unanimous vote of all Council members present, after being read by caption three times this 10 day of May, 1978.

Polly Blankenbaker  
Recorder - City of Sherwood

APPROVED:

By the Mayor this 10 day of May, 1978.

Jack O. Harper  
Mayor - City of Sherwood

That portion of those certain lands described in deed from L. J. Andrews, et ux, to Byron Houston, et ux, dated March 23, 1939, and recorded in Book 179, Page 289, Deed Records of Washington County, Oregon, described as follows:

Beginning at a point on the South line of the South half of the Southwest quarter of the Northeast quarter of Section 30, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, said point being the Southeast corner of that certain tract heretofore conveyed by sellers to John Burris, et ux, as described in Deed Book 636, Page 639, Deed Records; thence North along the East line of said Burris tract to a point 275 feet South of the Northeast corner of said Burris tract, said point being the true point of beginning of the tract herein described; thence continuing North along the East line of said Burris tract to the Northeast corner of said Burris tract; thence East along the North line of said Houston tract 105 feet to a point; thence South along a line parallel to and 105 feet East of the East line of said Burris tract 275 feet to a point; thence West parallel to the North line of said Houston tract 105 feet to the true point of beginning.-----

That portion of those certain lands described in deed from L. J. Andrews, et ux, to Byron Houston, et ux, dated March 23, 1939, recorded in Book 179, page 289, Washington County Records:

Commencing at the Northeast corner of the above said tract located in the South one half of the Southwest one quarter of the Northeast one quarter of Section 30, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence South  $89^{\circ} 51' 50''$  West along the North line of said South half of the Southwest quarter of the Northeast quarter, a distance of 215 feet to the Northwest corner of that tract conveyed to James R. Rodgers, et ux, by deed recorded in Book 864, page 880, said County Records, said point being the true point of beginning; thence continuing South  $89^{\circ} 51' 50''$  West along the North line of said South half to the Northeast corner of the tract conveyed to Joseph Loranger, et ux, by deed recorded in Book 1131, page 240; thence Southerly along the East line of said Loranger tract 325 feet to a point; thence North  $89^{\circ} 51' 50''$  East 270 feet; thence Southerly parallel with the East line of said Loranger tract 307 feet, more or less, to the South line of said South half of the Southwest quarter of the Northeast quarter; thence Easterly along said South line to the Southwest corner of said Rodgers tract; thence North  $0^{\circ} 41' 10''$  East along the East line, a distance of 654.5 feet to the true point of beginning.-----

SCHOLL SHERWOOD ROAD

ROAD

CELINE

HIGHWAY

12th STREET

EXHIBIT B

