

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 695

AN ORDINANCE ADOPTING FINDINGS WITH RESPECT TO THE APPLICATION OF JAMES AND MARY RODGERS AND HAROLD AND ALICE STEARNS FOR CHANGE OF ZONE CLASSIFICATION FROM RU-4 (URBAN LOW DENSITY RESIDENTIAL) TO C-2 (GENERAL COMMERCIAL) WITH RESPECT TO TAX LOTS 1602, 1700 AND 1800, 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 County zoning. Said lands were heretofore annexed to the City of Sherwood but the City of Sherwood has not prior to this time, rezoned the lands to a zoning classification under the City of Sherwood Zoning Ordinance. The lands in question involve approximately 5.55 acres. Existing structures on the premises involve two single family residences and a warehouse. The warehouse is being operated by the applicant, Rogers, as a non-conforming commercial use (warehouse and rock shop) on parcel 1602. The applicant seeks rezoning to permit expansion and continued use of the rock shop and warehouse.

Section 2: The Council further finds that pursuant to prescribed procedures, the application for change of zone classification of said land from RU-4 to C-2 (General Commercial) under the Sherwood City Zoning Ordinance, was the subject of a public hearing held by the Planning Commission on February 21, 1978, and the Commission has heretofore filed its written recommendation of approval of the request for change of zone classification to the Council.

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 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, Council makes the following findings:

a. The subject property abuts lands presently zoned C-2, General Commercial, and if approved, would represent an extension of the commercial zone in the Six Corners area. There exists a public need for additional commercially zoned property in the City of Sherwood. Development of additional commercial property in the Six Corners area off Highway 99W is to be preferred over additional commercial development of a strip nature along Highway 99W. The property, abutting on Edy Road, has good access to Highway 99W at the intersection of Edy Road and Highway 99W, which intersection is already controlled with electronic traffic control signals.

b. The existing operation on the property is non-conforming but would be made conforming by approval of the requested zone change

classification. The applicant's present operation involves ten employees. It does not appear, however, that this change of zone classification would add appreciably to the traffic on Edy Road. Any increase in traffic can be handled by the future widening of Edy Road. Therefore, it is found that as a condition to approval of the applicant's request, additional right-of-way on SW Edy Road should be dedicated by the applicant.

c. The zone change will not presently impose any additional need for water or other services on the properties for which the zone change application is being made. The need for future service improvements may be addressed in the conditions to be imposed at the time application is made for site plan review or for conditional use approval under the City's Interim Development Ordinance which requires that all uses except single family zones be submitted to the conditional use approval review. The opponents of the change have carried their burden of producing evidence justifying the reclassification of the subject land and there will be no material detriment to property or owners either abutting or in the immediate vicinity, nor will there be imposed any undue burdens on the neighborhood if this property is developed as general commercial disproportionate to the benefits of such development.

Section 5: The lands described on the attached sheet marked Exhibit A had a description for Rogers-Stearns 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 the General Commercial district classification is by this reference made a part hereof. This approval is granted subject to the following conditions:

a. That applicants dedicate to the City of Sherwood for roadway and utility purposes, 25 feet along the north side of S.W. Edy Road, and

b. That the applicants enter into a recordable covenant consenting to the formation of any future local sewer, water or drainage improvement districts benefiting the subject property and waiving their right of remonstrance against the formation of such local 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, provided that applicant has complied with the two conditions set forth in Section 5 on or before the expiration of the 31st day after the enactment of this ordinance. If applicant has not so complied by that date, then this ordinance shall not become effective until 30 days after the applicant has so complied, provided, however, that if applicant has not complied with said conditions on or before the expiration of six months from the date of enactment of this ordinance, then this ordinance shall be of no effect whatever and the application shall be conclusively deemed denied upon the expiration of that period of time.

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.

Pally Blankenbaker  
Recorder - City of Sherwood

APPROVED:

By the Mayor this 10 day of May, 1978.

Jack O. Harper  
Mayor - City of Sherwood

EXHIBIT "A"

PARCEL I:

A parcel of land 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, in the City of Sherwood, County of Washington and State of Oregon, being more particularly described as follows:

Beginning at the Northeast corner of the above said South one-half Southwest one-quarter, Northeast one-quarter, Section 30; thence South  $89^{\circ}51'50''$  West, along the North line of the said South one-half, Southwest one-quarter, Northeast one-quarter, Section 30, a distance of 215.0 feet to a point; thence South  $0^{\circ}41'10''$  West, parallel with the East line of the said South one-half, Southwest one-quarter, Northeast one-quarter, Section 30, a distance of 654.5 feet, more or less, to a point on the East-West one-quarter line through said Section 30; thence North  $89^{\circ}53'$  East, along the said one-quarter line, 50.0 feet to a point that is South  $89^{\circ}53'$  West, 165.0 feet from the Southeast corner of the said South one-half, Southwest one-quarter, Northeast one-quarter, Section 30; thence North  $0^{\circ}41'10''$  East, parallel to the East line of the South one-half, Southwest one-quarter, Northeast one-quarter, Section 30, a distance of 264.0 feet to a point; thence North  $89^{\circ}53'$  East, parallel with the East-West one-quarter line through said Section 30, a distance of 165.0 feet to a point on the East line of the South one-half, Southwest one-quarter, Northeast one-quarter, Section 30; thence North  $0^{\circ}41'10''$  East, along the said East line, 390.6 feet to the point of beginning.

PARCEL II:

A parcel of land in Section 30, Township 2 South, Range 1 West, Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon, described as follows:

Beginning at a point on the South line of the Northeast quarter of said Section 30; which point is 1320 feet West of the one-quarter corner on the East line of said section; thence North 264 feet; the West on a line parallel with the South line of said section, 165 feet; thence South 264 feet; thence East 165 feet to the place of beginning.

PARCEL III:

The West 7 1/2 rods of the following tract in Section 30, Township 2 South, Range 1 West, Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon:

Beginning at a point in the County Road, a distance of 58 rods West of the one-quarter section corner on the East line of said Section 30; thence West 22 rods; thence North 32 rods; thence East 22 rods; thence South 32 rods to the point of beginning.

WEST 78 RODS  
EAST 1055



This print is made solely for the purpose of assisting in locating said premises and the company assumes no liability for variations if any, in dimensions and location ascertained by actual survey.

EAST 1065

550  
EAST 180  
500  
1.58 Ac  
NORTH 363  
SOUTH 22 RODS  
WEST 100

2 RODS TO PUBLIC

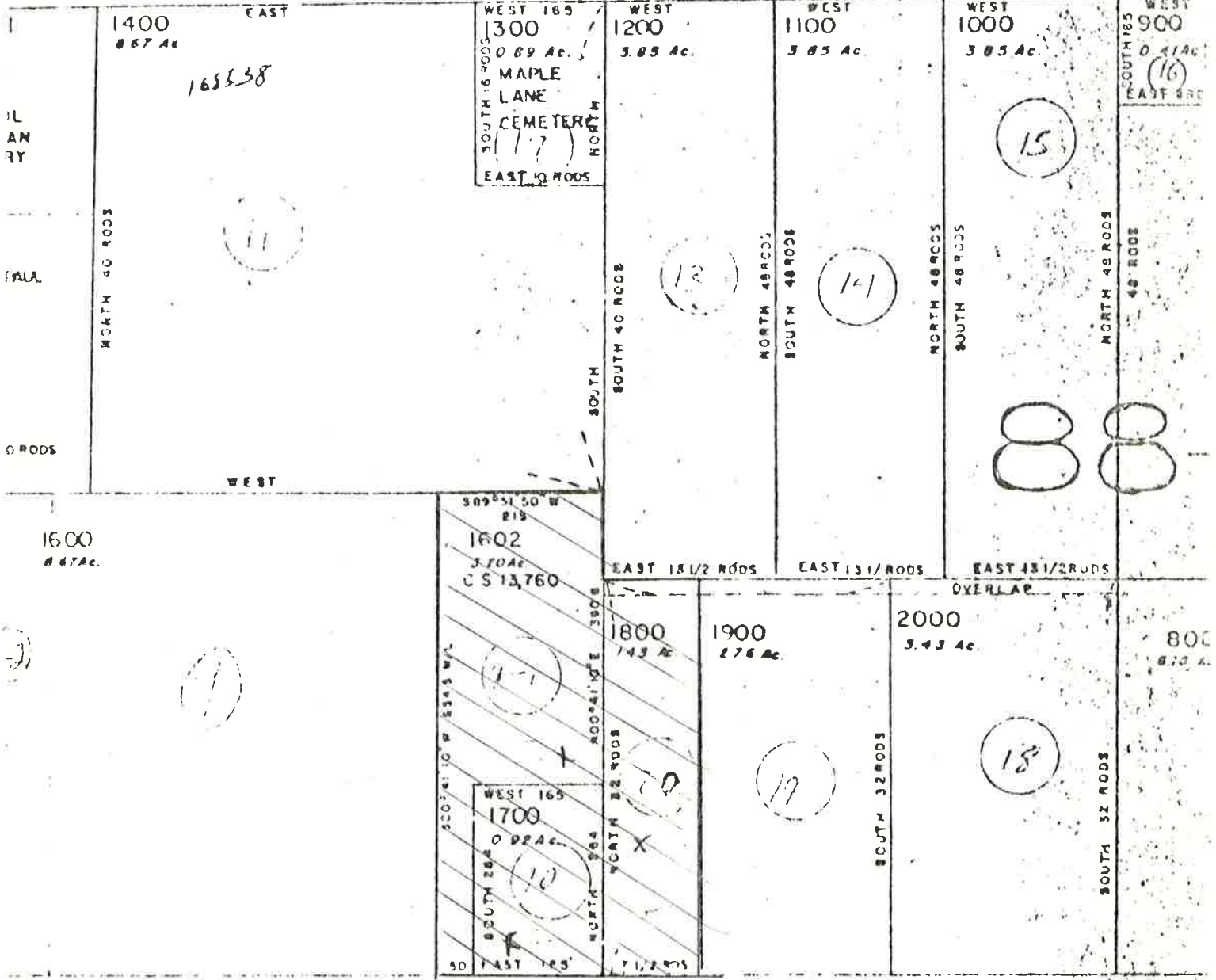
ST. corner  
Milton 197-397

BE CORNER  
BARNUM D.C.

WEST 20 RODS SLINKS

N 89° 42'

SW T SCHOLLS SHERWOOD T ROAD CR 1324



S W EDY ROAD

EXHIBIT B Ordinance #  
Rogers-Stearns zone change