

City of Sherwood

ORDINANCE NO. 696

AN ORDINANCE ADOPTING FINDINGS WITH RESPECT TO THE APPLICATION OF NORTHLAND HOMES, INC. AND MDIC, INC. DOING BUSINESS AS K-WOOD DEVELOPMENT COMPANY FOR A PERMIT APPROVING DEVELOPMENT OF MULTI-FAMILY LIVING UNITS ON TAX LOT 3200, TAX MAP 2S132CA AT THE INTERSECTION OF S.W. SUNSET COURT AND SOUTH SHERWOOD BOULEVARD IN THE CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON, GRANTING SAID APPLICATION AND FIXING AN EFFECTIVE DATE.

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The City of Sherwood ordains as follows:

Section 1: The City Council finds that the subject property of the applicants, a legal description of which is marked Exhibit A, attached hereto and by this reference incorporated herein, is located in the limited commercial zone (C-1), subject to the requirements of the Sherwood Zoning Code, Article III, Section 3.05, Limited Commercial Zone, C-1, pursuant to Section 3.05(2) Conditional Uses (a), multiple family dwellings are conditional uses in the C-1 zone subject to the requirements of multiple family dwellings found in Article III, Section 3.03 High Density Residential Zone R-3. Pursuant to Ordinance No. 688 which amends the Sherwood Zoning Code, Ordinance No. 588, all uses in the C-1 zone, with the exception of single family dwellings, are to be processed as conditional uses pursuant to the terms and provisions of Ordinance No. 688 and the criteria set forth in that ordinance.

Section 2: The Council further finds that pursuant to the prescribed procedures, the owner and proposed developer of said lands has applied to the City of Sherwood, pursuant to the conditional use procedure, for approval to develop the property described on Exhibit A with multiple dwelling units. The Council further finds that the application has been duly reviewed by the City Planning Commission at public hearing held on April 18, 1978, after due and legal notice. The Planning Commission, after said hearing, recommended to the City Council, approval of the application with conditions. A copy of the Planning Commission's decision and recommendations to the City Council is marked Exhibit B and by this reference incorporated herein. The City Council after due and legal notice, held a public hearing on said application at 7:30 P.M. in the City Council Chambers at City Hall at its meeting of May 10, 1978, at which time the City Council heard from the proponents and interested citizens and received for the record, the City Staff Report concerning the subject application.

Section 3: The City Council finds that the City Staff has submitted a Staff Report dated February 15, 1978, and the City Council adopts as part of its findings, the statements set forth under paragraph headings I and II of said Staff Report, a copy of same being marked Exhibit C and by this reference incorporated herein. The Council adopts as additional findings, the following:

a. That at the public hearing by the Council, no objections to the use were voiced by abutting property owners nor others which cannot be met or which would not be satisfied by adoption of the conditions recommended by the Planning Commission and the additional conditions found to be necessary by the Council as hereinafter set forth.

b. The Staff recommendation of approval of the application subject to conditions is found by the Council to be appropriate and the Council further finds that the recommended conditions are reasonable and necessary conditions for the protection of the public interest and surrounding property from any adverse effects from the use proposed on the subject property, including but not limited to noise, visual impact and other conditions which might otherwise be injurious to the public health, safety and welfare. All public facilities servicing the proposed development are adequate or will be made adequate by means of the conditions imposed to approval of the application.

c. In addition to the conditions imposed by the Planning Commission, the Council finds that the additional conditions are appropriate and necessary conditions for the protection of the public interest and surrounding property:

(1) The subject property is separated into two parcels by S.W. Sunset Court. Accordingly each of those parcels should have a separate tax account number.

(2) That an eight foot combination sidewalk and bike path be constructed on S. Sherwood Blvd. to connect with the bike path on Sunset Blvd.

(3) That the area between the curb to be installed by applicant and existing pavement on S. Sherwood Blvd. and Sunset Blvd. be paved.

Section 4: The application of Northland Homes, Inc. and MDIC, Inc. to develop multiple family dwellings on the parcel of real property described on Exhibit A is hereby approved subject to the following conditions:

a. That the applicant agree to dedicate five feet of additional right-of-way on S. Sherwood Blvd. and 25 feet of additional right-of-way on Sunset Blvd.

b. That the applicant agree to install a storm sewer meeting City specifications along the property's S. Sherwood Blvd. frontage in the existing ditch.

c. That the applicant agree to construct curbs along S. Sherwood and Sunset Court.

d. That in the event parcel 3200 (II) is not sewerable by the existing line, the applicant enter into a non-remonstrance agreement with the City for further sewer improvements benefiting the property.

e. That access be limited to Sunset Court.

f. That a maximum of eight (8) units be permitted due to substantial right-of-way and site planning needs and due to the fact that the parcel is in two distinct sections.

g. That the subject property is separated into two parcels by S. W. Sunset Court. Accordingly each of those parcels should have a separate tax account number.

h. That an eight foot combination sidewalk and bike path be constructed on S. Sherwood Blvd. to connect with the bike path on Sunset Blvd.

1. That the area between the curb to be installed by applicant and existing pavement on S. Sherwood Blvd. and Sunset Blvd. be paved.

Section 5: The approval hereby granted shall become effective when the applicant files with the City of Sherwood Recorder, a written statement in form acceptable to the City that the applicant accepts, approves and agrees to be bound by and to perform each of the foregoing conditions to this approval.

Section 6: Inasmuch as it is necessary for the peace, health and safety of the people of the City of Sherwood that the applicant's request be acted upon and the conditions hereinabove set forth imposed and carried out forthwith, an emergency is hereby declared to exist and this ordinance shall become effective upon its enactment by the Council and approval by the Mayor.

PASSED:

By the Council by UNANIMOUS vote of all Council members present after being read by caption three times this 14 day of June, 1978.

Polly Blankenbaker  
Recorder - City of Sherwood

APPROVED:

By the Mayor this 14 day of June, 1978.

Jack O. Harper  
Mayor - City of Sherwood

EXHIBIT "A"

Order No. 335792

PARCEL I

Part of the Northeast quarter of the Southwest quarter of Section 32, Township 2 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon, and described as follows:

Beginning at the Northwest corner of Lot 1, Sherwood Country Estates, the said Northwest corner being East 1441.21 feet and South 906.09 feet of the West quarter corner of said Section 32; thence South  $0^{\circ} 03' 32''$  East 160 feet to the Southwest corner of said Lot 1; thence North  $89^{\circ} 39'$  West 93.99 feet; thence Northwesterly along a curve to the right having a radius of 20.00 feet and a central angle of  $90^{\circ} 01' 22''$ , a distance of 31.42 feet; thence North  $89^{\circ} 37' 38''$  West 5.00 feet; thence North  $0^{\circ} 22' 22''$  East 150.00 feet more or less to a point North  $89^{\circ} 39'$  West of the point of beginning; thence South  $89^{\circ} 39'$  East 130.20 feet to the point of beginning.

PARCEL II

Part of the Northeast quarter of the Southwest quarter of Section 32, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon, and described as follows:

Beginning at the Northwest corner of Lot 18, Sherwood Country Estates, the said Northwest corner being East 1441.21 feet; South 906.09 feet and South  $0^{\circ} 03' 22''$  East 210.00 feet from the West quarter corner of said Section 32; thence continuing South  $0^{\circ} 03' 22''$  East 175.44 feet; thence North  $89^{\circ} 39'$  West 130.86 feet; thence North  $0^{\circ} 22' 22''$  East to a  $3/4$  inch x 30 inch iron pipe as indicated by the plat to Sherwood Country Estates; thence South  $89^{\circ} 37' 38''$  East 5.00 feet; thence Northwesterly along a curve to the right having a radius of 20.00 feet and a central angle of  $89^{\circ} 58' 38''$ , a distance of 31.41 feet; thence South  $89^{\circ} 39'$  East 94.38 feet to the point of beginning.



P. O. Box 167  
Sherwood, Oregon 97140  
625-5522 625-7377

April 24, 1978

Northland Homes Inc.  
10211 SW. Barbur Blvd.  
Portland, Ore. 97229

Attn: Mr. Doug Pollock

The Planning Commission of the City of Sherwood, Oregon decided to recommend approval of your application for a conditional use permit on April 18, 1978. The decision was based on the following major findings:

- 1) Access and public facilities are either adequate to serve the proposed use or will be required of the applicant as a condition of approval.
- 2) Approval would be in conformance with existing zoning.
- 3) There exists a public need for additional multi-family use in the City.
- 4) Multi-family use would be compatible with adjoining uses.

The following conditions were placed on approval of the application:

- 1) That the applicant agree to dedicate five feet of additional right-of-way on So. Sherwood Blvd. and 25 ft. of additional right-of-way on Sunset Blvd.
- 2) That the applicant agree to install a storm sewer meeting City specifications along the property's So. Sherwood Blvd. frontage in the existing ditch.
- 3) That the applicant agree to construct curbs along So. Sherwood and Sunset Court.
- 4) That in the event parcel 3200 (II) is not sewerable by the existing line, the applicant enter into a non-remonstrance agreement with the City for further sewer improvements benefiting the property.
- 5) That access be limited to Sunset Court.
- 6) That a maximum of eight (8) units be permitted due to substantial right-of-way and site planning needs and due to the fact that the parcel is in two distinct sections.

*Brian A. Yerka*  
Brian Yerka, Chairman  
Planning Commission

Forwarded to the City Council  
on May 10, 1978

PLANNING STAFF REPORT  
February 15, 1978

SUBJECT: CONDITIONAL USE

LOCATION: SOUTH SHERWOOD BLVD. AND SUNSET BLVD. (TAX LOT 2S1 32C:3200)

APPLICANT: NORTHLAND HOMES, INC.

I. BASIC FACTS

A. Current zoning is C-1 (limited commercial)

B. Parcel data (parcel in two sections split by street)

2S1 32 CA: 3200 (I) = .45 acre  
          3200 (II) = .5 acre  
                                  .95 acre.

C. Existing structures: None

D. Access: Both parcels accessible by either S. Sherwood Blvd. or  
Sunset Court

E. Public Services

Water - Existing 12" line on S. Sherwood Blvd. and 8" line on  
Sunset Court.

Sewer - Existing 8" line on S. Sherwood Blvd. will serve Parcel  
3200 (I). There is a question whether Parcel 3200 (II)  
can be served by this line.

Drainage - Existing drainage ditch and 18" culvert on S. Sherwood Blvd.

II. FINDINGS

A. Applicant seeks a conditional use permit to allow multi-family use in  
a C-1 (limited commercial zone).

B. The parcel, if contiguous, would accommodate a maximum of ten (10) multi-  
family units but due to required right of ways, lot size standards should  
be altered.

C. There exists a demonstrable public need for multi-family use in the city.

D. The proposed use would be compatible with adjacent single family uses.  
In the absence of a proper buffer, commercial use as zoned, would not be  
compatible with existing development.

E. An additional 5 feet is required on S. Sherwood Blvd. and an additional  
25 feet is required on Sunset Blvd. for future street improvements.

III. STAFF RECOMMENDATIONS

The staff recommends approval of this application with the following conditions:

1. That the applicant agree to dedicate 5 feet of additional right of way  
on S. Sherwood Blvd. and 25 feet of additional right of way on Sunset Blvd.

2. That the applicant agree to install a storm sewer meeting city specifications along S. Sherwood Blvd. in the existing ditch.
3. That the applicant agree to construct curbs along S. Sherwood Blvd. and sidewalks along S. Sherwood and Sunset Court.
4. That in the event parcel 3200 (II) is not sewerable by the existing line, the applicant enter into a non-remonstrance agreement with the city for future sewer improvements benefitting the property.
5. That access be limited to Sunset Court.
6. That a maximum of eight units be permitted due to substantial right of way and site planning needs and due to the fact that the parcel is in two distinct sections.

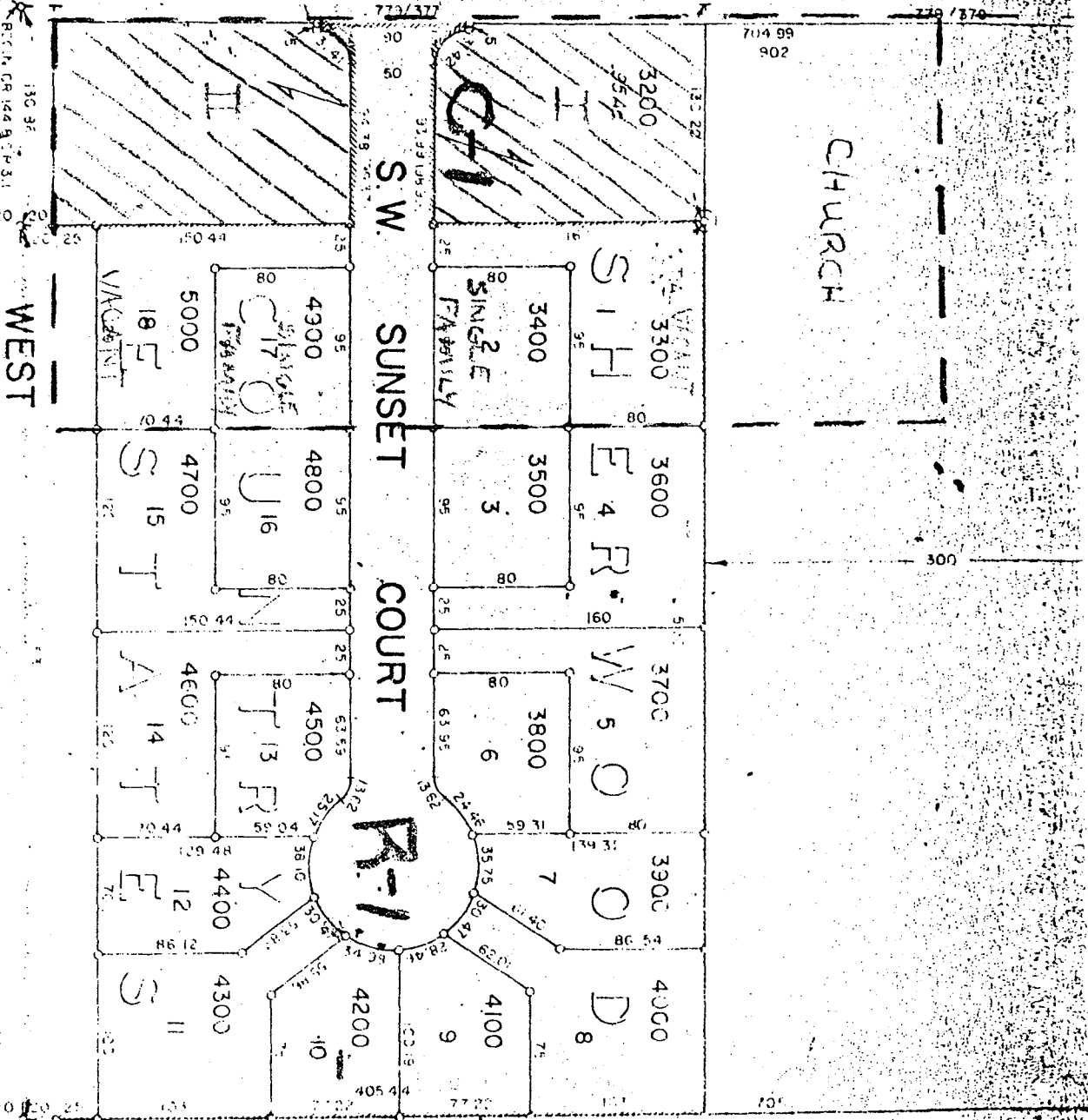
R-3

VACANT

VACANT

SOUTH

SHERWOOD



SINGLE FAMILY

WEST

R-1

SEE MAP 2S 1 32C