

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 711

AN ORDINANCE ADOPTING FINDINGS WITH RESPECT TO THE APPLICATION OF TRAVPORT, INC. FOR APPROVAL OF A CHANGE OF ZONE CLASSIFICATION FROM R-1 (SINGLE FAMILY RESIDENTIAL), TO R-1/PD (LOW DENSITY RESIDENTIAL-PLANNED UNIT DEVELOPMENT), WITH RESPECT TO TAX LOTS 200 AND 300, WASHINGTON COUNTY ASSESSOR'S TAX MAP NUMBER 2S1-32 AD AND TAX LOT 2400 WASHINGTON COUNTY ASSESSORS TAX MAP #2S1-32-D, AND APPROVAL OF A GENERAL DEVELOPMENT PLAN FOR SAID LAND PURSUANT TO §3.09 OF THE CITY OF SHERWOOD ZONING ORDINANCE; GRANTING APPROVAL OF SAID APPLICATION, AND FIXING AN EFFECTIVE DATE.

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1 : The Council finds that the lands hereinafter described have heretofore been and now are classified R-1 (Single Family Residential) pursuant to the Sherwood Zoning Ordinance. The lands which are subject of the application consist of 22.39. The land is presently undeveloped. Approval of the application would have the effect of changing the existing zoning, R-1, Low Density Residential, pursuant to §3.09 of the Sherwood Zoning Ordinance, by superimposing a special district over the zone for this property, thereby permitting, in addition to the uses and development standards permitted in the underlying zone, uses approved by the Planning Commission as consistent with an approved development plan. The standards and criteria by which the application is to be reviewed are set forth in subsection B, 3, (a) of Section 3.09 and the "Fasano" criteria. The subject property is more particularly described on Exhibit A hereto attached and by this reference incorporated herein.

Section 2: The Council further finds that pursuant to prescribed procedures, the application for the zone change to planned development classification of said land, was the subject of review and public hearing by the City Planning Commission on March 20 and April 3, 1979. Subsequent to that hearing and review the Planning Commission voted to recommend that the Council approve the changes in zoning classification on April 3, 1979. The Planning Commission, as a part of that proceeding, approved, subject to conditions, site review and other requirements, the general type and interrelationships of uses for the phased development of the property.

Section 3: The Council further finds that after due and legal notice a public hearing was held on April 25, 1979, before an impartial council, and at said hearing all parties interested were afforded an opportunity to be heard and to present and rebut evidence. At said hearing the Council received in evidence, among other documents and testimony, the City staff report dated March 9, 1979 (marked Exhibit B, attached hereto and incorporated herein), the addendum or supplemental Staff Report dated March 29, 1979, (marked Exhibit C, attached hereto and by this reference incorporated herein), and the Planning Commission recommendation (marked Exhibit D, hereto attached and by this reference incorporated herein).

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

(a) The application, if allowed, will conform to the comprehensive plan. The application will allow some changes in use or development standards from those required by existing zoning, but those changes are justified by the requirements, amenities and benefits obtained by imposition of the development plan. The change applied for conforms with the Comprehensive Plan Policy goals set forth in Ordinance 689.

(b) The proposal is in harmony with the surrounding area. The development plan will make it more harmonious with surrounding property than would development under existing zoning, due to additional controls and requirements of the plan.

(c) There is a public need for the kind and location of the use proposed.

(d) The recordation of plats, covenants and restrictions running with the land will assure that plan requirements be carried out with respect to development and that maintenance of the plan features after the property is developed will be provided. These controls, restrictions and covenants will be imposed as a part of the site review and subdivision process required to develop the property.

(e) The first stage, phase 1 of the development can be substantially completed within one year or within any continuation which may be allowed at discretion of the Council pursuant to §3.09, subsection F.

(f) The findings and recommendations set forth in the staff report, Exhibit B, dated March 9, 1979, adopted as findings of the Council, except Findings 4.C, 6.C and except for Staff Recommendations 4., 5., and 7.

(g) Findings of the staff as set forth in the supplemental staff report dated March 29, 1979, are adopted, as findings of the Council.

(h) The final design for Division Street as it relates to the planned unit developments should be postponed until a final decision is made as to whether the planned width of Division Street should be changed.

Section 5: Based on the foregoing findings:

(a) The plan concept and general type and interrelationship of the entire development is approved.

(b) Phase 1 of the planned unit development is approved except that the final design for Division Street remains subject to possible change of planned width of that street.

(c) The preliminary subdivision plat for Phase I is approved.

Section 6: The lands described on Exhibit A and as indicated on the plat attached to Exhibit A are hereby zoned R1-PD respectively, for use in accordance with an approved general development plan to be completed and followed as required by Section 3.09 of the Sherwood Zoning Ordinance. This approval is granted subject to the requirement that each of the conditions approved above in Section 4 of this ordinance shall be conditions to this approval.

Section 7: The zoning map is hereby amended with respect to the property described in Exhibit A and the recorder is hereby directed to cause a copy of the plat attached to Exhibit A or other suitable plat to be made indicating thereon the area previously zoned R-1 to be now zoned R1-PD, and the recorder shall keep said plat bearing the number of this ordinance on file in the book of zone map amendments, said book being kept and maintained as a part of the permanent records of the City of Sherwood.

Section 8: This ordinance shall become effective on the 31st day after its enactment by the City Council.

PASSED: By the Council by majority vote of all Council members present, after being read by cation three times this 25 day of July, 1979.

Polly Blankenbaker
Polly Blankenbaker
Recorder - City of Sherwood

APPROVED: By the Mayor this 25 day of July, 1979.

Marjorie Stewart
Marjorie Stewart
Mayor - City of Sherwood