

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 818

AN ORDINANCE AMENDING CERTAIN PROCEDURES FOR MAJOR AND MINOR PLAN MAP AMENDMENTS AS CONTAINED IN THE SHERWOOD COMPREHENSIVE PLAN, PART 3 (COMMUNITY DEVELOPMENT CODE) AND DECLARING AN EMERGENCY.

WHEREAS, the Sherwood Comprehensive Plan was enacted by Ordinance No. 726 adopted by the Council on August 27, 1980, and certain text amendments were enacted by Ordinance No. 788, adopted by the Council on March 9, 1983, with respect to Plan Map amendments, among other things; and

WHEREAS, the effect of these amendments made by Section 2 of Ordinance No. 788 was to permit in certain situations the Planning Commission to amend the City Plan Map which is part of the City Plan adopted by Ordinance No. 726, without passage of an ordinance by the City Council, and therefore, constitutes the impermissible delegation of legislative power of the city which vested solely in the City Council;

WHEREAS, it is necessary that Chapter 1, Section 3 "Amendment Procedure" of the Community Development Code be amended to establish a legally proper procedure for Plan Map amendments; and

WHEREAS, the Council, after due and legal notice, held a public hearing on the proposed corrective amendments, on February 13, 1985, and the Planning Commission prior thereto heard the matter at public hearing, after due and legal notice, held on January 3, 1985, and has made its recommendations to the City Council;

THEREFORE, the City of Sherwood ordains as follows:

Section 1: Chapter 1, Section 3 "Amendment Procedures" of the Community Development Code (Comprehensive Plan, Part 3) is hereby amended in the following particulars:

(a) Section 3.01 is amended to read as follows:

3.01 INITIATION OF AMENDMENTS

An Amendment to the maps or text of the Comprehensive Plan and implementing ordinance may be initiated by the City Council, Planning Commission, an owner of property within the City or his authorized representative.

(b) Section 3.02 is amended to read as follows:

3.02 AMENDMENT PROCEDURE

A. Major Plan Map Amendment and Plan Text Amendment

1. Application. An application for a Major Plan Map or Plan Text amendment shall be on forms provided by the City and shall be accompanied by an amendment fee pursuant to Chapter 1, Section 5.00. Amendments must be initiated at least 60 days prior to the meeting of the City Council at which time they will be considered.

2. Public Notice. Public notice shall be given pursuant to Chapter 1, Section 7.00 for public hearings before the Planning Commission and City Council.

3. Planning Commission Review. The Planning Commission shall conduct a public hearing on the proposed amendment and provide a report and recommendation to the City Council. The decision of the Planning Commission shall include findings as required in Chapter 1, Section 3.03.

4. City Council Review. Upon receipt of a report and recommendation from the Planning Commission, the City Council shall conduct a public hearing. The Council's decision shall include findings as required in Chapter 1, Section 3.03 of the Community Development Code. Approval of the request shall be in the form of an ordinance.

B. Minor Plan Map Amendment

1. Application. An application for a Minor Plan Map Amendment shall be on forms provided by the City and shall be accompanied by an amendment fee pursuant to Chapter 1, Section 5.00. Minor Plan Map Amendments must be initiated at least 30 days prior to the meeting of the City Council at which they will be considered.

2. Public Notice. Public Notice shall be given pursuant to Chapter 1, Section 7.00 for public hearings before the Planning Commission and City Council.

3. Planning Commission Review. The Planning Commission shall conduct a public hearing on the proposed amendment and provide a report and recommendation to the City Council. The decision of the Planning Commission shall include a finding that the action contemplated is a Minor Plan Map amendment. A Minor Plan Map amendment is defined as an action with respect to one or part of one lot of record of an area of four acres or less. The decision of the Planning Commission shall also include findings as required in Chapter 1, Section 3.03 and if in support of the proposed amendment shall be forwarded to the City Council.

4. City Council Review. Upon receipt of a report and recommendation from the Planning Commission with respect to a Minor Plan Map amendments only, the City Council may proceed to decide upon the application on the record made by the Planning Commission without an additional public hearing if the Council finds that: (a) the record made at the Planning Commission is adequate; (b) that there is no need for additional public testimony; and (c) no Council member, the applicant or any aggrieved party, requests that an additional hearing be held. Approval of the request shall be in the form of an ordinance.

(c) Section 3.03 is amended to read as follows:

3.03 REQUIRED FINDING

In order to grant any plan amendment, the Planning Commission and City Council shall find that:

1. The proposed amendment is in conformance to map and text portions of the Comprehensive Plan not being considered for amendment.
2. The public interest is best served by granting the amendment at this time.
3. The following factors in ORS 215.055 were consciously considered; the various characteristics of the areas in the City; the suitability of the various areas for particular land uses and improvements; the land uses and improvement; density of development; property values; the needs

of economic enterprises in the future development of the area; transportation access; natural resources and the public need for healthful, safe and aesthetic surroundings and conditions.

Section 2: Inasmuch as it is necessary to ensure that Community Development Code actions are processed in an appropriate and legal manner and that certain current Code provisions have been found to be incorrect, an emergency is hereby declared to exist, and this Ordinance shall be effective upon its passage by the Council and approval by the Mayor.

Enacted by Unanimous Vote of the Council this 13 day of February 1985, after being read in title only, the Council voting as follows:

<u>Councilperson</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
<u>Tobias</u>	<u>x</u>	<u> </u>	<u> </u>
<u>Oyler</u>	<u>x</u>	<u> </u>	<u> </u>
<u>Reid</u>	<u>x</u>	<u> </u>	<u> </u>
<u>Thornton</u>	<u>x</u>	<u> </u>	<u> </u>
<u>Gothie</u>	<u>absent</u>	<u> </u>	<u> </u>

Polly Blankenbaker
Polly Blankenbaker, City Recorder

APPROVED: By the Mayor this 13 day of Feb., 1985

Mary L. Tobias
Mary Tobias, Mayor