



Resolution 2003-050

A RESOLUTION ADOPTING ADDITIONAL FINDINGS TO THE CITY COUNCIL APPROVAL OF THE BLUFFS AT CEDAR CREEK PLANNED UNIT DEVELOPMENT (CASE FILE PUD 02-02) APPROVED UNDER CITY COUNCIL ORDINANCE 2003-1141.

WHEREAS, The City Council approved the Bluffs at Cedar Creek Planned Unit Development (PUD 02-02) on January 14, 2003 (Ordinance 2003-1141). A development containing 24 single-family lots located on Tax Parcel 3600 of Tax Map 2S130DB, directly east of the Millers Landing No. 2 Subdivision.

WHEREAS, Sherwood Zoning and Community Development Code (SZCDC) Section 7.201.03(F) is stated as follows:

“Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.”

And; the City Council found that stubbing a road to the property to the south owned by Lloyd McFall was not needed because constructing the road across the wetlands and steep slopes would be unfeasible.

WHEREAS, the City Council’s decision was appealed to the Oregon State Land Use Board of Appeals (LUBA) by Lloyd McFall.

WHEREAS, LUBA found that the City Council’s finding regarding SZCDC Section 7.201.03(F) to be inadequate; and remanded the decision back to the City Council to adopt additional findings.

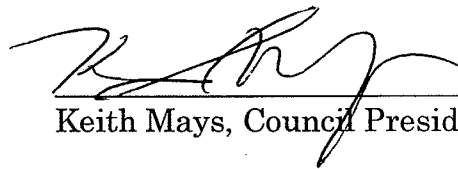
NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:

Section 1. The City Council finds that the opponents of this PUD suggest that access to their property to the south should be provided from the PUD. However, the slopes on the south edge of the property exceed 30% and SZCDC 6.305.07 prohibits grades steeper than 12%. Although SZCDC

6.305.07 allows exemptions from the prohibition, the City declines to exercise its discretion in this case.

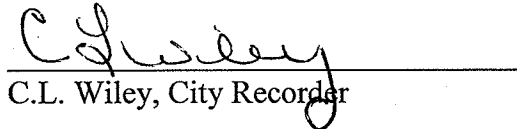
Section 2. The City Council finds that the opponents of this PUD suggest that access to their property to the south should be provided from the PUD under SZCDC 7.201.03(F). However, the evidence in the record clearly indicates that the opponents retain access to Highway 99W and that they can develop their property independently of this PUD. The City Council interprets SZCDC 7.201.03(F) not to apply in a circumstance where an adjoining property that currently has access faces the potential loss of that access in future.

Duly passed by the City Council this 10th day of June 2003.



Keith Mays, Council President

ATTEST:



C.L. Wiley, City Recorder