

AN ORDINANCE ADOPTING FINDINGS WITH RESPECT TO THE APPLICATION OF RALPH V. & LOUISE K. CARDINAL, DONALD & FAE COCHRAN, AND MARIE KJELGAARD FOR A PERMIT APPROVING A PLANNED UNIT DEVELOPMENT DISTRICT (PD) COMBINED WITH MEDIUM LOW DENSITY RESIDENTIAL AREA (MDRL) RESULTING IN A DESIGNATION OF MDRL-PD, TO INCLUDE A MANUFACTURED HOME COMMUNITY AND COMMERCIAL CONVENIENCE CENTER, ON TAX LOT 200 WASHINGTON COUNTY ASSESSOR'S MAP 2S1 32AA, GRANTING APPROVAL OF SAID APPLICATION WITH CONDITIONS, AND FIXING AN EFFECTIVE DATE.

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1: The Council adopts as its findings of fact the findings set forth in the City Staff report dated September 1, 1981, a copy of which is marked Exhibit A and attached hereto, under headings "Basic Facts" and "Findings". The Council finds the relevant criteria to be those specified in the Staff Report and has considered said criteria, and specifically adopts the findings set forth in attachment C to the Staff Report.

Section 2: The Council further finds that pursuant to the prescribed procedures, the application for the permit was the subject of review and public hearing by the City Planning Commission on September 15, 1981. Subsequent to that hearing the Planning Commission voted to approve applicants' request, subject to conditions set forth in its Notice of Decision dated September 18, 1981 and addendum thereto dated October 8, 1981, a copy of which is marked Exhibit B and attached hereton.

Section 3: The Council further finds that after due and legal notice a public hearing was held on October 14, 1981 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 Staff Report, Exhibit A, and the Planning Commission's decision and addendum thereto, Exhibit B.

Section 4: After due consideration of the application, the recommendation of the Planning Commission, the Staff Report, and evidence adduced, the Council finds that the following conditions to approval are reasonable and necessary to protect abutting property and to carry out the purposes and policies of the Comprehensive Plan:

- (a) The applicants shall execute and file with the final plat a waiver of remonstrance agreement for any future street and utility improvements benefitting the site consistent with the Comprehensive Plan.
- (b) A landscaping plan for the common areas of the development, the 10' visual corridor along Oregon Street, and the 10' landscaped sight barrier shall be submitted to the Design Review Board for review and approval prior to final plat approval. Said landscaping plan shall include placement of trees on property lines intersecting street rights-of-way, and tree plantings shall be appropriate for a narrow right-of-way and shall be consistent with the Street Tree Ordinance.

- (c) Phase II of the development shall be consistent with the final design of road and intersection improvements to Murdock Road.
- (d) A bike path/sidewalk meeting city standards shall be included in site plans and installed along the property's Oregon Street frontage.
- (e) Drainage improvements to Oregon Street in Phase I shall be constructed consistent with the City's drainage plan to outfall in Rock Creek.
- (f) Applicant shall submit to the Planning Commission for approval with the final plat of Phase I:
 1. Proposed covenants concerning common area maintenance, city structural design standards for manufactured units use limitations on the proposed commercial area, and other management concerns;
 2. Proposed covenant to vary the siting of units on subdivided lots to provide that no one lot layout type shall comprise more than 25% of the lots in any phase of the development.
 3. Proposed covenant to restrict the removal or replacement of existing sited manufactured units to 10% of the total units in the development in any one calendar year.
- (g) Streets in the development shall be constructed with not less than 34 feet of paved surface, curb to curb.

Section 5: The application is approved, subject to the conditions set forth in Section 4, for planned unit development district to include manufactured home community and commercial convenience center on the real property described on Exhibit C attached hereto.

Section 6: The applicants, in addition to the foregoing conditions to the approval, shall file a signed, written statement with the City Recorder, prior to any further action by the city, that applicants accept, approve, and agree to be bound by the foregoing conditions to this approval.

Section 7: This ordinance shall become effective on the 31st day after its enactment by the City Council.

PASSED:

By the Council by unanimous vote of all members present, after being read by caption three times, this 18th day of November, 1981.

Paul Blankenbaker

STAFF REPORT

September 1, 1981

CASE NO: PD-81-01
SUBJECT: General Development Plan and First Phase Preliminary Plat
Plat for a Medium Density Residential-Neighborhood
Commercial Planned Unit Development.
LOCATION: Murdock Road and Oregon Street
APPLICANT: Ralph Cardinal
OWNERS: Ralph and Louise Cardinal
Marie Kjelgaard

DESCRIPTION OF PROPOSED ACTION:

The applicant is proposing the development of a medium density manufactured home community including a small neighborhood commercial convenience center. Specifically, the applicant seeks approval for:

1. A planned unit development (PD) district to be combined with the underlying Medium low density residential (MDRL) designation resulting in an MDRL-PD designation.
2. A general development plan for a three phase residential-commercial development.
3. A preliminary plat for a first phase of the development consisting of 30 manufactured home lots.

Approval of items #2 and #3 are contingent upon approval of item #1. Design review is not required for phases of the development involving single family uses. Successive phases must be reviewed according to the provisions of the subdivision ordinance.

APPLICABLE STANDARDS FOR REVIEW

A decision to approve a planned unit development district shall be based on required findings contained in Chapter 2 Section 3.00 of the Community Development Code (CDC). Approval of a preliminary subdivision plat shall be granted in accordance with required findings contained in Chapter 3 Section 2.01 of the CDC. (See attached). The applicant has submitted written information addressing the required findings (see attached).

BASIC FACTS

Growth Management

METRO: Urban (Within Urban Growth Boundary)

WA. County: Urban

City: Urban

Land Use

Plan Designation: MDRL (Medium Low Density Residential)

Existing Parcel Data: 2S1 32AA = 10.92 Acres

Buildable Area = 10.92 acres

Existing Structures/Uses: Vacant/Agricultural

Environmental Resources

Topography: Flat to gently sloping 0-3%

Soils

Type: Aloha Silt Loam

Limitations: Generally wet- severe rating for excavations.

Agricultural Capability: Class II

Recreation Resources

Greenway: Site located adjacent to the Rock Creek Greenway.

Parks: Site is 1/4 mile from an undeveloped neighborhood park in the April Meadows subdivision; 3/4 mile from Stella Olson Community park.

Community Facilities and Services

Water 12" mains on Oregon Street and Murdock Road; 6" line on G & T Terrace.

Sewer 10" line under construction - scheduled for completion in late 1981 or early 1982.

Drainage There are currently no developed drainage facilities in Murdock or Oregon Street. Outfall to Rock Creek is in a northeasterly direction via existing ditches.

Public Safety Sherwood Police and Tualatin Rural Fire District.

Schools The Elementary school is at capacity. The high school has approximately a 50 student additional capacity and the intermediate school has an approximately 30 student additional capacity.

Private Utilities Gas, telephone and power services are available.

Transportation

Vehicle Access: The site abuts Oregon Street (40' RW, 20' PV) and Murdock Road. (40' RW, 0' PV)

Bike/Pedestrian Access: No developed facilities.

Transit: 3/4 mile in Old Town Sherwood

FINDINGS

1. Conformance to the Comprehensive Plan.

- A. Permitted Uses. The proposed manufactured housing subdivision is permitted in the MDRL designation area. The proposed 1.12 acre neighborhood commercial site is permitted subject to the use provisions of the NC designation area. Approval of the first phase would result in a 12% manufactured housing mix for existing and approved units in the City. The Code limits manufactured homes to a minimum of 20 feet in width and a minimum of 900 square feet of floor area. Structural design standards must be consistent with Chapter 3 of the Code.

1. B. Permitted Density: A maximum of 8 units per acre or 87 units are permitted for an approved PD on the 10.92 acre site. The applicant proposes 60 units on 9.8 acres or 6.1 DU/Acre. The proposed single family concept limits density by adhering to minimum lot sizes for the manufactured home units. The Planning Commission has specified a minimum lot size of 4,000 square feet per unit in preliminary concept review. Conventional MDRL subdivision development requires 5,000 square feet per unit. The reduction in lot size is compensated for by the common open area proposed. If the lots included the proposed common area, the average lot size would exceed the 5,000 square foot minimum.

C. Lot Dimensions, setbacks, etc.

The applicant proposes to reduce front yard setbacks from 20 feet to 6 feet and rear yard setbacks from 20 feet to 10 feet on a typical manufactured home lot. The reduced setbacks are related to the proposed reduction in lot size. Rear yards for most of the proposed lots are extended to 20 feet or more by proposed landscaped buffer areas or adjacent common area. Carports are proposed within a typical 26 foot area from front property lines to the building line of the dwelling unit.

2. PUD Design Concept.

A. Use-Mix The applicant proposes a 60 unit manufactured home subdivision with a 1.12 acre neighborhood commercial center in three phases as follows.

- Phase 1 30 dwelling units
Common area
 - Phase 3 15 dwelling units
Common area
 - Phase 2 15 dwelling units
Common area
- 1.12 acre neighborhood-commercial center.

B. System of Ownership and Management

The applicant states that the lots will be sold and common area will be maintained by a home owners association governed by a set of restrictive covenants. (see applicant findings item D). Management and maintenance of common areas would be the responsibility of the Homeowners Association. Draft covenants have not been submitted.

2. C. Relationship to the Neighborhood

The site is located adjacent to a developed single family subdivision. Undeveloped areas surround the site on three sides. The proposed use is compatible with existing and proposed uses in the area assuming reasonable measures are taken to screen the development and to preserve the privacy of dwelling units.

3. Consistency With PD District Objectives.

The proposed development addresses the objectives of the PD district by:

- Separating vehicular and pedestrian circulation.
- Providing open space accessible to dwelling units.
- Providing a creative and affordable housing concept.

4. Adequacy of Public Facilities and Services.

Water service is adequate.

Sewer service is to be provided by the Rock Creek LID project currently in construction phase and scheduled for completion in early 1982.

Drainage service is not available. The development of the 36" Oregon Street storm drain to outfall will be required in conjunction with development on the site.

Public Safety services are adequate.

Private Utilities are available.

5. Parks and Open Space.

The proposed 1.8 acre common area comprises over 16% of the proposed site not including yard area provided on subdivision lots. Off site recreation requirements shall be met by applying the system development standard to proposed residential development pursuant to Chapter 2 Section 4.04 of the Code.

A ten foot buffer strip is provided along the easterly and southerly perimeter of the development. A ten foot visual corridor should be shown along the full length of the frontage of Oregon Street. Landscaping in the common areas should be specified. In the absence of front yard areas for proposed lots, street trees should be considered.

6. Access, Circulation and Parking.

The Planning Commission gave preliminary approval for 30' streets with the exception of G & T Drive which shall be improved to a standard consistent with existing improvements. A required half street is shown along Oregon Street. Expected traffic to be generated by Phase 1 is 162 trip ends per day and for the entire development 850 trip ends per day. Development of the Commercial area in Phase 2 should not be undertaken until Murdock Road improvements are made.

6, Cont.

No improvements are shown along Murdock Road in Phase ²3. The realignment of Murdock Road shown in the Transportation Plan would not require use of the current abutting section of right of way. Improvements to Murdock Road should be consistent with the intersection redesign and Murdock Road improvements plan adopted by the Council prior to initiation of Phase ²3 of the development. Full participation in the financing of the Murdock Road improvements proportional to benefit shall be assured pursuant to the Code prior to the initiation of Phase 1.

Sidewalks (3') are shown along internal streets where pathways (3') in the common area do not provide for circulation. Standard sidewalks are required on G and T Drive. An 8 foot sidewalk/bikepath is required by the Plan along Oregon Street.

Parking is provided on each lot (2 spaces) and on at least one side of internal streets.

7. Compliance with Subdivision Standards.

Phase 1 complies with the Sherwood Subdivision Ordinance except where standards have been modified consistent with the PD concept as noted above.

STAFF RECOMMENDATIONS

Based on the above findings the staff recommends approval of the PD general development plan, the PD district, and the preliminary plat for phase 1 with the following conditions.

1. That the applicant record a waiver of remonstrance agreement for any future street and utility improvements benefitting the site consistent with the Sherwood Comprehensive Plan.
2. That a landscaping plan for the common areas, and the required 10' visual corridor along Oregon Street be submitted to the Design Review Board for review and approval prior to final plat approval. Said landscaping plan shall include the placement of street trees on property lines intersecting street rights of way. Tree plantings shall be appropriate for a narrow right of way and consistent with the Street Tree Ordinance. Varieties suggested include Flowering Crab, Flowering Plum, Japanese Flowering Cherry or similar small, low maintenance variety.

3. That phase 2 development be consistent with the final design of road and intersection improvements to Murdock Road.
4. That an 8' bike path/sidewalk be installed on Oregon Street.
5. That drainage improvements to Oregon Street be constructed consistent with the drainage plan to outfall in Rock Creek in the first phase.
6. That draft restrictive covenants addressing common area maintenance, city structural design standards for manufactured units use limitations on the proposed commercial area and other management concerns be submitted for approval with the final plat of Phase 1.

REQUIRED FINDINGS

PLANNED UNIT DEVELOPMENT

The Planning Commission and City Council shall make their decision based on findings of fact which shall include the following.

- A. That the proposed development is in substantial conformance with the comprehensive plan for the City.
- B. That exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program.
- C. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatment.
- D. That the system of ownership and the means of developing, preserving and maintaining open spaces is suitable.
- E. That the approval will have a beneficial effect on the area which could not be achieved under the primary planning designation area.
- F. That the proposed development, or a unit thereof, can be substantially completed within one year from date of approval.
- G. That adequate public facilities and services are available or are proposed to be made available in the construction of the project.
- H. That the general objectives of the PD district and the applicable objectives of the various categories of planned development have been met.

REQUIRED FINDINGS

PRELIMINARY PLAT

No preliminary plat for a proposed subdivision or major partition shall be approved unless:

1. Streets and roads are laid out so as to conform to the plats of subdivisions or maps of major partitions already approved for adjoining property as to width, general direction and in all other respects, unless the City determines it to be in the public interest to modify the street or road pattern.
2. Streets and roads held for private use are clearly indicated on the preliminary plat plan and all reservations or restrictions relating to such private roads and streets are set forth thereon.
3. The preliminary plat complies with the Comprehensive Plan and applicable Planning Designation Area regulations of the City then in effect.
4. There will exist adequate quantity and quality of water and an adequate sewage disposal system to support the proposed use of the land described in the proposed plat.
5. Development of any remainder of property under the same ownership can be accomplished in accordance with this ordinance.
6. Adjoining land can be developed or is provided access that will allow its development in accordance with this ordinance.

PLANNED UNIT DEVELOPMENT

REQUIRED FINDINGS

ATTACHMENT C

ORLAND VILLA - Dev. Ralph V. Cardinal

- A. That the proposed development is in substantial conformance with the comprehensive plans for the City.

The comprehensive plans call for the parcel to be designated MDRL 5-8 units per acre. The parcel is 10.92 acres by using the following calculations, it is demonstrated that the conformance of this designation has been accomplished while providing many amenities not normally included in a single family residential subdivision.

10.92 acres	9.8 x 5 = 49	unit spread by
-1.12 acre commercial site	9.8 x 8 = 78	designation
<u>9.80 acres</u>		

Actual 60 units

- B. That exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program.

The PUD has been requested to provide three amenities normally not found in a development. First the lot size has been reduced from that of a typical single family residential subdivision to accommodate later east lots as well as creating lots of more realistic sizing for premanufactured housing. Second, a large amount of open space is being created to add esthetics to the project as indicated in response "A". A unit count of 78 could be accomplished and this increased density would come from reduction of open space or the construction of multi-family units. Third, the PUD includes a 1.12 acre neighborhood commercial site. It is our feeling that this site will be used for local quick shop stores, therefore reducing citizen vehicular need and benefiting the public and achieving LCDC Goal #13- Energy Conservation. These amenities in and the desirable location of the properties, therefore, fit into the conceptual idea of a PUD and warrants the approval over the underlying district.

- C. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatment.

The property is located east of a developed LDR area. The Comp. Plan map indicated the area to the north as L1, to the east as LDR and to the south as MDRL. The pre-manufactured housing subdivision we propose falls within the MDRL zone without creating multi-family living units. The proposed commercial site will readily serve a large area of housing within walking distance. The open space to be landscaped and walkways provide architectural and aesthetic value to the property. The homeowners shall reserve the right of review prior to placement of all homes.

- D. That the system of ownership and the means of developing, preserving and maintaining open spaces is suitable.

All open space shall be held in common ownership by a homeowners association who shall be governed by a covenant of plat restriction established by the developer. The restrictions will include such requirements as open space maintenance responsibilities, housing review, carport design review and various other items.

- E. That the approval will have a beneficial effect on the area which could not be achieved under the primary planning designation area.

The primary development under the current Comp. Plan designation would indicate a zero lot line (duplex) or multi-family development. In the present economy such developments are not feasible due to the current interest rates and construction costs. In addition to the proposed development being a more economic and practical approach in the current market, it also offers a single family residence which is much more desirable to the majority of the buying population.

- F. That the proposed development, or a unit thereof, can be substantially completed within one year from date of approval.

We find this question difficult to answer until the City makes a clarification or determination regarding pre-manufactured housing.

For example:

1. In the questions it reads " that the proposed development, or a unit thereof," 1 year
2. Your PD requirements indicate that it must be completed within 24 months.
3. Your PP requirement indicates 1 year.

It is our intent to phase the PUD in three parts as indicated on the general development plan. Phase I preliminary plat submitted shall be built in timing with the construction of the sanitary sewer line to serve the property (within one year). Phases II & III to follow within a 24 month time period. The difficulty arises from when the allotment of home sites will be binding on the City's part. Will the PD general plan approval allot 60 units and allow 24 months to complete the entire project or does the preliminary plat overrule and do we have to submit a preliminary plat for the balance of the project and complete the entire development within one year?

- G. That adequate public facilities and services are available or are proposed to be made available in the construction of the project.

Yes. The City presently has a 12" water main in Oregon Street and a 10" trunk sanitary sewer is in the bidding process with funds available to the City and will be construction in the near future. Our development will build all on-site utilities and an off-site storm sewer to accommodate Orland Villa.

- H. That the general objectives of the PD district and the applicable objectives of the various categories of planned development have been met.

PD processes have been established to allow creative and flexible design of project that cannot be done in strict conformance under planning designation or subdivision standards. The items mentioned in your purposes for PUD have been incorporated into our plan. For example:

1. The interior walkway system in the open space will separate pedestrian and vehicle traffic to a maximum.
2. The small lot size will allow single family residents in a med-low density designation with multi-family units and still provide density with the range established for the site.
3. The small lots and pre-manufactured housing provide economic saving

to both the developer and consumers looking for low cost single family housing.

4. The open space provides for a pleasant and aesthetic atmosphere normally not found in subdivision developments.
5. The neighborhood commercial site provides the possibility of a local store that citizens can walk to from this and other existing and future developments.

SUMMARY:

1. Comp. Plan density requirements have been met.
2. LCDC Goal #10 - Low cost housing met.
3. LCDC Goal #13 - Energy Conservation met.
4. PUD criteria for deviation from underlying zoning has been met.
5. Changes requested from informal hearing have been incorporated in revised general development plan submitted.



P.O. Box 167
Sherwood, Oregon 97140
625-5522 625-5523

TAX LOT: 32AA : 200

CASE NO: PD-81-01

NOTICE OF DECISION

DATE: 9/18/81

To: Ralph Cardinal J and J Development City Council
3535 SW Buddington 1049 Baseline
Portland, Ore. 97219 Hillsboro, Ore.

The Planning Commission of the City of Sherwood, Oregon decided to recommend approval of your application for a manufactured home planned unit development general development plan, PD district and a preliminary plat for phase one on September 15, 1981.

The decision was based on the following major findings:

The findings in the attached staff report dated September 1, 1981.

The following conditions were placed on approval of the application:

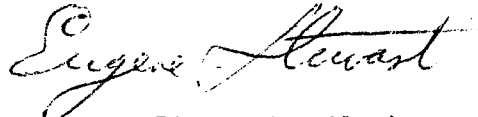
1. That the applicant record a waiver of remonstrance agreement for any future street and utility improvements benefitting the site consistent with the Sherwood Comprehensive Plan.
2. That a landscaping plan for the common areas, the required 10' visual corridor along Oregon Street, and the 10' landscaped sight barrier, be submitted to the Design Review Board for review and approval prior to final plat approval. Said landscaping plan shall include the placement of street trees on property lines intersecting street rights of way. Tree plantings shall be appropriate for a narrow right of way and consistent with the Street Tree Ordinance. Varieties suggested include Flowering Crab, Flowering Plum, Japanese Flowering Cherry or similar small, low maintenance variety.
3. That phase 2 development be consistent with the final design of road and intersection improvements to Murdock Road.
4. That an 8' bike path/sidewalk be installed on Oregon Street.
5. That drainage improvements to Oregon Street be constructed consistent with the drainage plan to outfall in Rock Creek in the first phase.

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9/18/81

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6. That draft restrictive covenants addressing common area maintenance, city structural design standards for manufactured units use limitations on the proposed commercial area and other management concerns be submitted for approval with the final plat of Phase 1.
7. That applicant agree not to lease the land apart from the manufactured unit.



Eugene Stewart, Chairman
Planning Commission

STATUS OF PLAN COMPLIANCE REVIEW

Additional Required Action

City Council Meeting Date, October 14, 1981

Design Review Board



P.O. Box 167
Sherwood, Oregon 97140
625-5522 625-5523
October 8, 1981

ADDENDUM TO STAFF
REPORT PD-81-01

MEMORANDUM

TO: City Council
FROM: Todd Dugdale, Planning Director *JD*
RE: Addendum to Recommended Conditions in Staff Report on Orland Villa
(Case No. PD-81-01)

Two issues have surfaced in the early reviews of Orland Villa which require further clarification and action.

1. Alternative Siting of Manufactured Units on Proposed Lots.
In view of the reduced lot sizes in the project (min. 4,000 sq. ft.) it is important to avoid excessive uniformity in siting the manufactured units on the narrow lots. The staff has asked the developer to provide alternative plot plans showing a variety of siting options in order to avoid a "mobile home park-like" appearance. (see attached) In order to provide for a variety of options zero-lot line and/or common wall siting should be permitted.
2. Developers Right to Lease Land Separate from Units.
The Planning Commission recommended conditions which would prevent the developer from leasing the subdivided lots apart from the manufactured unit may not be able to withstand legal challenge according to the City Attorney. Concern for the transitory nature of units sited in the development could be addressed by a limitation of the number of units moved in any given year.

SUPPLEMENTAL CONDITIONS

The following conditions should be added to the staff report on PD-81-01

1. That the applicant agree by covenant to vary the siting of manufactured units on subdivided lots such that no lot layout option comprise more than 25% of the lots in any given phase of the development; with such determination to be made by the building inspector prior to the issuance of an installation or moving permit.
2. That the applicant agree by covenant to restrict the removal or replacement of existing manufactured units to no more than 10% of the total of existing units in the development during any one calendar year.

Beginning at a point on the North line of Sec. 32, T2S, R1W, Willamette Meridian, Washington County, Oregon, 233.7 feet west of the Northeast corner of said Sec. 32, and running thence West 524.7 feet to the Northeast corner of SHERWOOD ACRES, a duly recorded plat in Washington County, Oregon; thence South $0^{\circ}29'$ West along the easterly line of said SHERWOOD ACRES, 1084.3 feet to a corner of same; thence North $50^{\circ}19'$ East, 849.8 feet along the North line of a tract of land conveyed to V.C. Cochran by Deed recorded on Page 163 of Volume 222 of Washington County, Oregon Deed Records to a point in the County Road; thence North $33^{\circ}50'$ West, 105 feet, more or less, to an angle point in said road, said point being South $12^{\circ}47'$ East, 480.8 feet from the point of beginning; thence North $12^{\circ}47'$ West, 480.8 feet to the true point of beginning.

EXHIBIT C