

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 762

AN ORDINANCE ADOPTING FINDINGS WITH RESPECT TO THE APPLICATION OF C.G.O. ENTERPRISES, INC. FOR A PERMIT (PD81-02) APPROVING A PLANNED UNIT DEVELOPMENT DISTRICT (PD) OF MODULAR HOMES COMBINED WITH THE UNDERLYING MEDIUM HIGH DENSITY RESIDENTIAL DESIGNATION (MDRH), RESULTING IN A MDRH-PD DESIGNATION, ON TAX LOT 1600 AND PART OF TAX LOT 1301, WASHINGTON COUNTY ASSESSOR'S MAP 2S1 32, 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 December 7, 1981, a copy of which is marked Exhibit A and attached hereto. 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 said 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 Planning Commission on October 6, 1981. Subsequent to that hearing the Planning Commission voted to approve applicant's request subject to conditions set forth in its Notice of Decision dated December 18, 1981, a copy of which is marked Exhibit B and attached hereto.

Section 3: The Council further finds that after due and legal notice a public hearing was held on January 13, 1982 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 carry out the purposes and policies of the Comprehensive Plan:

- (a) That a landscaping plan for the common areas and the required 15 foot visual corridor along Sunset Boulevard be submitted for review and approval by the design review board prior to final plan approval for Phase I. Said plan shall indicate placement and variety of proposed street trees consistent with the Sherwood Street Tree ordinance.

- (b) That the applicant make improvements to Sunset Boulevard or provide improvement guarantees consistent with the Community Facilities and Service Element of the Comprehensive Plan. Specific improvements to be required shall be determined upon recommendation of the City Engineer, shall be adequate to handle expected demands on the street system, and shall provide for the progressive implementation of the Transportation Plan.
- (c) That the location and construction standards of streets to be stubbed out for future extension easterly to South Sherwood Boulevard shall be determined at the time a preliminary plat for Phases II and III are submitted.
- (d) That the applicant record in the county real property records a waiver of remonstrance, in form satisfactory to the city, for any future LID providing street or utility improvements locally benefitting the site.
- (e) That the applicant dedicate to the city, as proposed, those portions of the Cedar Creek greenway indicated on the General Development Plan upon completion of the proposed bike-pedestrian path.
- (f) That the applicant follow the recommendations in the traffic impact study. In order to meet the sight distance standard recommended, an appropriate reduction of grade on Sunset Boulevard and replacement of pavement consistent with plans approved by the City Engineer is required.
- (g) That draft restrictive covenants governing common area management be submitted to the Design Review Board. Final draft covenants shall be approved by the City Council prior to recording of the final plat for Phase I.

Section 5: The application is approved, subject to the conditions set forth in Section 4, for a planned unit development district of modular homes on the real property described on Exhibit C attached hereto.

Section 6: The applicant, in addition to the foregoing conditions to approval, shall file a signed statement with the City Recorder prior to any further action by the city, that applicant accepts, approves and agrees 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 24 day of February, 1982.

Polly Blankenbaker
Polly Blankenbaker
City Recorder

APPROVED:

By the Mayor this 24 day of February
1982.

Clyde List
Clyde List, Mayor



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

STAFF REPORT

December 7, 1981

CASE NO: PD-81-02
SUBJECT: Medium Density Residential Planned Unit Development
LOCATION: Sunset Boulevard (Tax Lot 2S1 32C: 1600 and a portion of 1301)
APPLICANT: Charles Ortiz

DESCRIPTION OF PROPOSED ACTION

The applicant is proposing the development of a small lot attached and detached single family residential planned unit development on a 22.07 acre site on Sunset Boulevard near Four Corners. The applicant proposes 120 units to be developed in three phases over a three year period. Specifically, the applicant seeks approval for:

1. A planned unit development district to be combined with the underlying medium high residential (MDRH) designation resulting in a MDRH-PD designation.
2. A general development plan for a three phase residential development.
3. A preliminary plat for a first phase of the development consisting of 50 lots and common area.

Approval of items #2 and #3 are contingent upon approval of item #1.

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 a written statement addressing the required findings (see applicant materials enclosed).

BASIC FACTS

Growth Management

METRO: Urban (within Urban Growth Boundary)

WA. COUNTY: Urban

CITY: Urban

Land Use

PLAN DESIGNATION: MDRH (Medium High Density Residential)

EXISTING PARCEL DATA: 2S1 32C: 1600 18.44 ac.

1300 (P) 3.63 ac.

TOTAL SITE 22.07 ac.

Buildable Area 19 ac.

EXISTING STRUCTURES USES: Vacant

EXHIBIT A

Environmental Resources

TOPOGRAPHY/SOILS:

Along Cedar Creek - below 177 foot contour. Huberly Silt Loam. Steep(greater than 12%.) Floodable(within 100 year flood plain.) Class III soil.

Remainder of Site - Quatama loam 0-7%. Rolling contours. Wet, not suitable for basements. Class II soil.

VEGETATION

Large growth douglas firs along Cedar Creek flood plain.

RECREATION RESOURCES

Greenway: Site includes approximately four acres of the proposed Cedar Creek greenway along its western boundary.

Parks: Site is $\frac{1}{2}$ mile from Stella Olson Community Park. A neighborhood park is proposed approximately $\frac{1}{2}$ mile southeast of the site.

Community Facilities and Services

WATER: 12" main at Four Corners

SEWER: No existing service. Future service via the Cedar Creek Trunk.

DRAINAGE: Natural drainage to Cedar Creek.

PUBLIC SAFETY: Fire protection; TRFD; Police Protection: Sherwood PD

SCHOOLS: Sherwood District 88J.

PRIVATE UTILITIES: Power, gas, and telephone service is available.

Transportation

VEHICLE ACCESS: The site abuts Sunset Blvd. on the South (60' RW 21' PV) Major North-South access is provided by S. Sherwood Blvd. (50' RW 20' PV)

BIKE/PEDESTRIAN ACCESS: There are no developed facilities on either S. Sherwood or Sunset Blvd.

TRANSIT: $\frac{1}{2}$ mile in Old Town Sherwood.

FINDINGS

1. Conformance to the Comprehensive Plan

A. Permitted Uses: The proposed single family modular housing development is permitted in the MDRH designation area.

B. Permitted Density: A maximum of 11 units per acre or 209 units are permitted for an approved PD on the site. The proposed single family concept limits density by adhering to minimum lot sizes for the modular units. The Planning Commission has specified an average minimum lot size of 4,000 square feet per unit or more in preliminary concept review. The applicant proposes 118 units for an overall density of 6.21 units per acre, substantially under the density allowed in the designation area.

C. Lot Dimensions, setbacks, etc.

The applicant proposes variable front and rear yard setbacks down to a minimum of 10 feet. Five foot side yards are to be maintained.

FINDINGS CONT.

2. PD Design Concept

A. Use-Mix

The applicant proposes a 120 unit modular housing subdivision with approximately 4 acres of common area to be developed in three phases as follows:

Phase 1	50 Dwelling Units
Phase 2	32 Dwelling Units
Phase 3	36 Dwelling Units
<u>TOTAL</u>	<u>118 Dwelling Units</u>

B. System of Ownership and Management

Lots are intended for sale and common area would be maintained by a home owners association consistent with restrictive covenants running with the land. Draft covenants have not been submitted.

C. Relationship to the Neighborhood

The site is located in an area of sparse development. Undeveloped property surrounds the site on all four sides. Open spare buffers are indicated between proposed lots and the railroad line consistent with the Planning Commission request. Additional buffering in the form of standard rear and side yard setbacks screenings or plantings should be considered along the sites easterly boundary.

3. Consistency with PD Objectives

The proposed development addresses the objectives of the PD district (Chapter of Section 3.01 and 3.06) by

- Providing pedestrian and bikeways separated from streets.
- Conserving significant amounts of on site and off site open space including significant stands of Douglas Fir.
- Providing readily accessible open space.
- Making use of affordable housing concepts which make efficient use of land.

4. Adequacy of Public Facilities

WATER: Available from a 12" main at Four Corners. A looping of the line via Division Street to S. Sherwood may be necessary to assure maximum pressure for fire flow.

SEWER: Future services to be provided by the Cedar Creek Trunk extended from Stella Olson Park south to Four Corners as a part of the Cedar Creek Sewer LID which was formed on October 14, 1981. Final plat approval for phase 1 would necessarily require the completion of this improvement.

DRAINAGE: Drainage facilities consistent with the drainage plan to Cedar Creek with stubbed out service to adjacent properties is required in conjunction with development.

PUBLIC SAFETY: Services are adequate.

PRIVATE UTILITIES: Including gas, power, and telephone services are available.

5. Parks and Open Space

The applicant has met code requirements for on site and off site open space by providing a total of 5.51 acres. The proposal meets park system requirements by proposing dedication of approximately 3 acres of greenway along Cedar Creek consistent with the Master Recreation Plan.

On site open space is provided throughout the development accommodating bike and pedestrian access to all parts of the development.

A 15 foot visual corridor (landscape strip) should be shown along Sunset Blvd.

6. Access, Circulation and Parking

Vehicle Access

Major street access to the development is from S. Sherwood Blvd. and Sunset Blvd. Both of these streets are planned minor arterials (70' RW 48' PV) and are currently substandard. The applicant proposes to shape the ditch, install a gravel shoulder, sidewalk, and bikepath along Sunset Blvd. consistent with the future arterial street section. The code requires half street arterial improvements up to a maximum 30 feet or if that is not practical, the recording of improvements guarantees. Initial design for the entire street section along the property's Sunset Blvd. frontage including water, sewer, and drainage facilities will be required in order to assure that any current improvement matches future improvements. Sewer placement will be consistent with the final design of the Cedar Creek LID. Although, Division Street (33' RW 0' PV) could potentially serve the development it is not recommended that it do so. Traffic impacts on the Division St./S. Sherwood Blvd. intersection would be excessive. Full acquisition of standard right-of-way is hampered by encroaching dwellings. Access to other developable properties along Division could be provided by a cul-de-sac or a shortened street section.

A traffic impact study provided by the applicant indicates a total generation of 1200 trips per day at full development with a high p.m. peak hour factor of 130 trips. A 30% increase in traffic using the Four Corners intersection is projected with a 34% increase in traffic on S. Sherwood Blvd. during p.m. peak hour. The analysis concludes that vehicular traffic service on these roadways would remain at level A. Four design features are recommended for functional and safety reasons. (see analysis pg. 4) No signalization is recommended based in standard warrants.

Internal circulation is provided by 32' streets in 40' right-of-way as required by the Planning Commission. Cul-de-sacs (40' R) are provided for all but one dead-end street. A street is shown stubbed out to the east to provide future access to S. Sherwood Blvd. This street should be developed to local street standards (48' RW 34' PV).

Bike and pedestrian access is provided by a system of 4 foot sidewalks on one side of internal streets and 8' combination bike and pedestrian paths along the greenway and between internal streets in on site open space areas and connecting to Division street to the northeast. Sidewalks on both sides of "Orchard St." should be provided.

The development is approximately $\frac{1}{4}$ mile from transit via S. Sherwood Blvd. at Division Street. However, there are currently no sidewalks on Division Street. System development charges might be earmarked for improvements to this section of S. Sherwood to serve the development.

Parking is provided on proposed lots (2 spaces) and along 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.

8. Schools

There is a need for a new elementary school to serve already approved developments. The intermediate school is near capacity. New school development typically occurs in response to a perceived critical need. New development provides the impetus to convince voters that a new facility is needed (see also letter from Elvan Pitney in applicants packet).

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 a landscaping plan for the common areas and the required 15 foot visual corridor along Sunset Blvd. be submitted for review and approval by the design review board prior to final plat approval for phase 1. Said plan shall indicate placement and variety of proposed street trees consistent with the Sherwood Street Tree Ordinance.
2. That the applicant make improvements to Sunset Blvd. or provide improvement guarantees consistent with the Community Facilities and Service Element of the Comprehensive Plan. Specific improvements to be required shall be determined upon recommendation of the City Engineer and shall be adequate to handle expected demands on the street system and shall provide for the progressive implementation of the Transportation Plan.
3. That the applicant install a standard local street (48' RW 34' PV) in the proposed right-of-way indicated as "Orchard St." on the General Development Plan in Phase III including sidewalks on both sides.
4. That the applicant record a waiver of remonstrance for any future LID providing street or utility improvements locally benefitting the site.
5. That the applicant dedicate to the City as proposed, those portions of the Cedar Creek Greenway indicated on the General Development Plan upon completion of the proposed bike pedestrian path.

6. That the applicant follow the recommendations in the traffic impact study. In order to meet the sight distance standard recommended an appropriate reduction of grade on Sunset Blvd. and replacement of pavement consistent with plans approved by the City Engineer is required.



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

1301 (p)
TAX LOT: 2S132C: 1600
CASE NO: PD-81-02
DATE: 12/18/81

NOTICE OF DECISION

To: City Council Carl Jensen Charles Ortiz
Alpha Engineering 1103 Evelyn Ln.
1750 SW Skyline Blvd. Sacramento, Calif. 95825
Portland, Ore. 97221

The Planning Commission of the City of Sherwood, Oregon decided to recommend approval of your application for a planned development district, general development plan, and first phase preliminary plat on Tuesday, December 15, 1981.

The decision was based on the following major findings:
The findings contained in the attached staff report dated December 7, 1981.

The following conditions were placed on approval of the application: Conditions listed on pages 5-6 of the attached staff report dated December 7, 1981 except Condition #3 which is revised to read as follows: That the location and construction standards of streets to be stubbed out for future extension easterly to So. Sherwood Blvd. shall be determined at the time a preliminary plat for Phase II and III are submitted for approval.


Eugene Stewart, Chairman

STATUS OF PLAN COMPLIANCE REVIEW

X Additional Required Action

X City Council

Meeting date: Jan. 13, 1982

PARCEL I:

Commencing at the quarter post between Sections 31 and 32 of Section 32, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon; running thence East 514-1/2 feet to the place of beginning; thence East 525 feet to the Southeast corner of the tract of land belonging to George E. Strong; thence North 61 feet; thence West 525 feet; thence South 61 feet to the place of beginning, being a part of the Southwest quarter of the Northwest quarter of Section 32, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon.

EXCEPTING THEREFROM that portion thereof lying within the boundaries of the Oregon and California Railroad Company right-of-way.

TOGETHER WITH the following described tract:

All that part of the West half of the Northwest quarter of the Southwest quarter of Section 32, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon, lying South of the Oregon and California Railroad Company right-of-way.

EXCEPT the following described tract, to-wit:

Beginning at the intersection of the line between Sections 31 and 32, Township 2 South, Range 1 West of the Willamette Meridian, with the Southerly line of 60 foot right-of-way of Oregon and California Railroad Company, through said sections, which point is distant South on said section line, 176.7 feet from the quarter corner between said sections; thence South on said section line, 40.26 feet to a point 70 feet distant Southerly at right angles from the center line of Oregon and California Railroad Company's main tract; thence North 83° 25' East, parallel to said center-line, 66 feet; thence North 54° 43' East, 83.31 feet to an intersection with Oregon and California Railroad Company's Southerly right-of-way line; thence South 83° 25' West on said right-of-way line, 134.46 feet to the point of beginning, all in Section 32, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon.

PARCEL II:

The following described property situated in the County of Washington and State of Oregon:

Beginning at the Southeast corner of the Northwest quarter of the Southwest quarter of Section 32, Township 2 South, Range 1 West of the Willamette Meridian; thence West 10 chains along the road leading to Middleton; thence North 6 chains; thence East 10 chains to the center of the road leading from Sherwood to the Pleasant Hill Cemetery; thence South 6 chains to the place of beginning.-----

EXCEPT the following described tract, to-wit:

Beginning at the Southeast corner of the Northwest quarter of the Southwest quarter of Section 32, Township 2 South, Range 1 West of the Willamette Meridian; thence West 265 feet along the road leading to Middleton; thence North 396 feet; thence East 265 feet to the East line of the said Northwest quarter of the Southwest quarter of Section 32; thence South 396 feet to the place of beginning.