

City of Sherwood, Oregon

ORDINANCE NO. 89-891

AN ORDINANCE APPROVING A RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONING DISTRICT FOR TAX LOT 1400, WASHINGTON COUNTY ASSESSORS MAP 2S-1-33, CONSISTING OF 21.87 ACRES MORE OR LESS, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Tax Lot 1400:33 borders on and is within the Tonquin Geological area which is identified in the Washington County Natural Resources Plan as a significant resource and is also bordered by the Rock Creek floodplain; and

WHEREAS, Tax Lot 1400:33 exhibits many of the geologic features which make the Tonquin a unique area and which at the same time makes development of the property difficult and expensive, i.e., shallow soils over bedrock and exposed bedrock, steep slopes, and wetlands; and

WHEREAS, notwithstanding Tax Lots 1400:33 natural resource designation and geologic conditions, this property is within the urban growth boundary and the city limits, and is zoned for residential development; and

WHEREAS, the Community Development and Zoning Code Section 2.202.2A specifies that "PUD's shall only be considered on sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of natural features such as floodplain or extreme topography ..."; and

WHEREAS, the Planning Commission received the PUD application, and the report of the City's planning staff, and the Commission fully considered said materials; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed PUD for Tax Lot 1400:33 on December 19, 1988, and after full and due consideration of the evidence, reports, and testimony presented, adopted the findings of fact outlined in planning staff report PUD 88-2, dated November 28, 1988, and recommended approval of the PUD Preliminary Development Plan, subject to certain conditions as enumerated in the Notice of Decision dated December 20, 1988; and

WHEREAS, the City Council has received the original application materials, the City's planning staff report, the Notice of Decision, the minutes of the Planning Commission, and the Council has reviewed the material submitted and the facts of the proposal; and

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Commission Review: That the application for approval of a PUD Preliminary Development Plan for Tax Lot 1400:33 was subject to a full and proper review and public hearing before the City Planning Commission on December 19, 1988.

Section 2. Public Hearing: That a public hearing on the PUD Preliminary Development Plan was held before the City Council on January 25, 1989, and all interested parties were afforded an opportunity to be heard, and to present and rebut evidence.

Section 3. Findings: That after full and due consideration of the application; the City staff report; the record, findings, and recommendation of the Commission; and of the evidence presented at the public hearing; the Council finds that, due to the unique geologic and topographic features, Tax Lot 1400:33 is unusually constrained in development potential as compared to other land with the same underlying zoning designation, and therefore the Council adopts the findings of fact contained in staff report PUD 88-2, said report made part of this Ordinance by reference.

Section 4. Approval: That a request for a PUD Preliminary Development Plan for Tax Lot 1400:33 consisting of 21.87 acres more or less, is hereby APPROVED subject to the conditions contained in the Notice of Decision dated December 20, 1988, which is made part of this Ordinance by reference.

Section 5. Conditions: That the aforementioned approval is conditioned either on the satisfaction of the criteria contained in the Notice of Decision prior to approval of the Final Development Plan and Final Plat of Subdivision or, if applicable, on posting of a performance bond or other security acceptable to the City. Further, the following additional conditions and amendments to the Notice of Decision shall apply:

- A. Fair Oaks Drive and Fair Oaks Court shall be public dedicated streets twenty eight (28') feet in paved width.
- B. A non-remonstrance agreement shall be filed binding the Fair Oaks PUD to the addition of any future curbs, sidewalks, and subsurface storm drainage systems required internal to the development, and to any off-site storm drainage improvements to the Rock Creek system.
- C. A full half-street improvement shall be installed along the full frontage of the PUD along Murdock Road including paving, curbs, sidewalks, and subsurface storm drainage.
- D. The fifteen (15') foot wide visual corridor along Murdock Road is not required.

E. No further segregation of LID liens shall be permitted.

Section 6. Manager Authorized: That the City Manager is directed to take such action as may be necessary to document this amendment, including preparation of a certified modification of the Official City Zoning Map, at such time as all conditions of approval have been fully satisfied in accordance with City ordinances and regulations, as determined by the City Manager.

Section 7. Effective Date: This Ordinance shall become effective at such time as the PUD Final Development Plan has been approved in accordance with Code Section 2.202.03, and certification by the City Manager that all conditions of approval have been satisfied or completed, or that a satisfactory performance bond or other security acceptable to the City has been posted guaranteeing completion of all conditions, but in any event this Ordinance shall not become effective earlier than thirty (30) days after passage and approval.

Passed by unanimous vote of the City Council this 25th day of January, 1989.

Approved by the Mayor this 26 day of January, 1989.

Norma Jean Oyler
Norma Oyler, Mayor

Attest:

Polly Blankenbaker
Polly Blankenbaker, Recorder

	Aye	Nay	Abstain
Oyler	<u>✓</u>	_____	_____
Hitchcock	<u>✓</u>	_____	_____
Boyle	<u>✓</u>	_____	_____
Birchill	<u>✓</u>	_____	_____
Chavez	<u>✓</u>	_____	_____

TAX LOT: 1400 2S-1-33
CASE NO: PUD 88-2
DATE: December 20, 1988

NOTICE OF DECISION

TO: Sam Gotter
Larry Jackson
12995 SW Pacific Hwy.
Tigard, OR 97223

The Planning Commission of the City of Sherwood, Oregon decided to approve your application for Fair Oaks PUD on December 19, 1988.

The decision was based on the following major findings:

Staff Report dated November 28, 1988

The following conditions were placed on approval of the application:

1. The portion of the development within the 100-year Rock Creek floodplain, consisting of .71 acres more or less, shall be dedicated to the City, with final floodplain elevation to be determined by data provided by the developer.
2. Five (5) feet of additional road right-of-way for Murdock Road shall be dedicated along the full length of the westerly boundary of the development and there shall be constructed half street improvements including paving, drainage and sidewalks to City standards.
3. Compliance with the Tualatin Fire District requirements.
4. Payment of a full Parks System Development Charge, less any credits for dedication of the Rock Creek floodplain, as per Section 4.04 B, Chapter 2 of the Community Development Code.
5. Provision for a fifteen (15) foot wide landscaped corridor along Murdock Road.
6. Construction of new cut sloping or other alteration of the land shall not result in finished cut slopes exceeding one and one-half (1 1/2) feet horizontally by one (1) foot vertically, or finished fill slopes in excess of two (2) feet horizontally by one (1) foot vertically, except as permitted by the City based on evidence supporting the use of other standards and as approved by the City Engineer.

