

Rescinded by  
Ord. 90-909 dm

City of Sherwood, Oregon

ORDINANCE NO. 89-903

AN ORDINANCE APPROVING A RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) PRELIMINARY DEVELOPMENT PLAN AND OVERLAY ZONING DISTRICT FOR 295 ACRES, MORE OR LESS, LOCATED WEST OF THE SOUTHERN PACIFIC RAILROAD LINE, EAST OF HIGHWAY 99W, AND NORTH AND SOUTH OF S.W. WILSONVILLE ROAD, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City has received application for a 295 acre residential PUD, commonly known as "Steeplechase", and an associated 18-hole golf course generally located along S.W. Wilsonville Road; and

WHEREAS, the Planning Commission received the PUD application, associated rezoning and conditional use permit (CUP) applications, and the reports of the City's planning staff, and the Commission fully considered said materials; and

WHEREAS, the Planning Commission conducted public hearings on the proposed PUD, and associated rezoning and CUP applications, on October 16 and November 6, 1989, and after full and due consideration of the evidence, reports, and testimony presented, recommended adoption of the findings of fact contained in planning staff report PUD 89-1 dated October 30, 1989 (attached as Exhibit "N" and made a part hereof), and recommended approval of the PUD Preliminary Development Plan, subject to certain conditions dated November 6, 1989 (attached as Exhibit "Q" and made a part hereof); and

WHEREAS, on December 1, 1989 the applicant submitted supplementary materials and a revised Preliminary Development Plan as per Part One of the Commission's conditions of approval; and

WHEREAS, the City Council has received the original application materials; the City's planning staff reports; the recommended conditions of approval; the minutes of the Planning Commission hearings; associated correspondence, notices, and reports; and the applicant's supplementary materials (all attached as Exhibits "A" through "V" and made a part hereof); and the Council has reviewed the material submitted and the facts of the proposal.

NOW THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Commission Review. That the application for a PUD Preliminary Development Plan for the "Steeplechase" development was subject to a full and proper review and public hearings

before the City Planning Commission on October 16 and November 6, 1989, and the Commission recommended conditional approval of the PUD Preliminary Development Plan.

Section 2. Supplementary Application. That certain conditions of the Planning Commission's recommended approval required that a revised plan and supplementary documentation be submitted prior to Council consideration, and said materials were submitted to the City on December 1, 1989.

Section 3. Public Hearing. That a public hearing on the PUD Preliminary Development Plan was held before the City Council on December 13, 1989, and all interested parties were afforded an opportunity to be heard, and to present and rebut evidence.

Section 4. Findings. That after full and due consideration of the original application; the City staff reports; the record, findings, and recommendations of the Commission; the revised plan and materials submitted December 1, 1989; the evidence presented at the public hearings; and the miscellaneous materials included in Exhibits "A" to "V" attached to this Ordinance; the Council finds that, due to the unique problems of integrating a residential housing development in and around an 18-hole golf course, that this proposed development is unusually constrained in development potential as compared to other land with the same underlying zoning designation and is eligible for PUD designation under Code Section 2.202.02A, and therefore the Council adopts the findings of fact contained in staff report PUD 89-1, dated October 30, 1989, and further finds that this proposal is in conformance with all requirements of Code Section 2.202.02, subject to any conditions contained herein.

Section 5. Approval. That the request for a PUD Preliminary Development Plan and Overlay Zoning District for the "Steeplechase" PUD, as supplemented and amended by the applicant's December 1, 1989 submission, is hereby APPROVED subject to the conditions referenced in this Section 6 of this Ordinance.

Section 6. Conditions. That the aforementioned approval is conditioned on:

- a. All recommended conditions of approval enumerated in Parts Two through Five of the City Planning Commission action of November 6, 1989, as amended by the City Council on December 13, 1989.
- b. Final approval of the associated rezoning proposed through Ordinance No. 89-904.

Section 7. 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 to 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 8. 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.

Duly passed by the City Council this 13 day of December, 1989.

Approved by the Mayor this  
15 day of December 1989.

Norma Jean Oyler  
Norma Oyler

Attest:

Polly Blankenbaker  
Polly Blankenbaker, City Recorder

	AYE	NAY
Birchill	<u>absent</u>	—
Chavez	<u>absent</u>	—
Hitchcock	—	<u>X</u>
Boyle	<u>X</u>	—
Oyler	<u>X</u>	—

City of Sherwood, Oregon

Ordinance No. 89-903  
"Steeplechase" Planned Unit Development (PUD 89-1)  
CONDITIONS OF APPROVAL

(Recommended by Planning Commission on November 6, 1989. Amended and approved by City Council on December 13, 1989)

1. Prior to submission of the Preliminary Development Plan (PDP) to the City Council, or any consideration of a preliminary subdivision plat by the Planning Commission, the applicant shall redesign the PDP and/or revise and supplement application documents to:
  - a. Incorporate Tax Lot 100:31C into the PDP.
  - b. Eliminate direct access from Sunset Blvd. to the areas designated "Multi-family, 10-12 DU/AC" and "Maintenance/RV Storage", and provide for alternative access internal to the PUD for these uses.
  - c. Propose an alternative to at-grade, uncontrolled pedestrian crossings at the intersections of Sunset Blvd. and the PUD's entrance roads.
  - d. Illustrate on the PDP the locations and estimated square footage of the PUD's entrance roads.
  - e. Provide for an entrance road to the PUD at Meinecke Road. Otherwise, the requirement for through public collector streets across this site, as per the City Transportation Plan, is hereby tentatively waived, subject to evaluation of the traffic impact analysis required by Condition 2a.
  - f. Correct fairway layouts to eliminate the "landlocked" greens on Holes 4, 12, and 15, and the "landlocked" tee on Hole 17, and modify golf course design to show all probable water features referenced in the applicant's submission.
  - g. Provide further explanation as to how the applicant's stated intent to preserve wetlands can be accomplished and/or mitigated through this PUD, in particular as the submitted PDP seems to dictate considerable modification or elimination of said wetlands.
  - h. Provide further explanation as to how the applicant's stated intent to preserve natural vegetation and trees

can be accomplished and/or mitigated through this PUD, in particular as the submitted PDP seems to dictate considerable modification or elimination of said vegetation.

- i. Except as required by Condition 2.n., 28' wide internal "local" streets as proposed by the applicant are acceptable, provided that left turn lanes shall be incorporated into all intersections of said internal streets with public arterial roadways.
- j. Correct inconsistencies between the submitted PDP and other submitted base maps with respect to the location of Cedar Creek and the Cedar Creek "lake".
- k. Expand the illustrated pedestrian circulation system to:
  - i. Include sidewalks on at least one side of those streets linking any off-street pedestrian trails that terminate at said streets.
  - ii. Provide for a sidewalk along one side of the full length of the internal 36' wide "collector" street accessing the pro shop, sales office, etc.
  - iii. Provide for pedestrian trails and/or sidewalks in the PUD south of Sunset Blvd.
  - iv. Provide for a sidewalk along one side of the full length of the PUD's Meinecke Road entrance road.
- l. Redraw the PDP to delete any representations of vegetation or multi-family housing that do not actually approximate existing or planned vegetation, or planned housing. Also, the PDP shall be redrawn to depict such immediately adjacent features as public streets or rights-of-way, schools, railroad lines, water courses, and the like.
- m. Consider alternatives to the proposed internal circulation system to eliminate the middle crossing of the three proposed street crossings of Cedar Cree. All creek crossings for both vehicular and pedestrian traffic shall be bridged except for the easterly two vehicular crossings which may be culverted subject to review of the wetlands study.
- n. Provide further explanation or refinement to the proposed golf course design, particularly as it relates to the issues of width and siting of fairways adjacent to housing as raised by the City staff report dated

October 30, 1989, and also clarify the phasing plan, if any, for the golf course element of the project.

- o. Provide schematic illustrations of possible solution(s) to the rebuilding of the intersection of Old Highway 99W, new Highway 99W, and the most westerly entrance road to the PUD.
  - p. Given the size and complexity of this PUD, the usual Code requirement for concurrent submittal of preliminary subdivision plats with the PDP is deferred, provided however, that a full preliminary plat must be approved prior to consideration of any Final Development Plan, and final plats shall be approved on a phase-by-phase basis prior to any actual construction permits being issued.
- 2. Prior to submission of the Final Development Plan (FDP) or any final subdivision plats to the Planning Commission, the applicant shall submit the following materials and reports:

- a. A comprehensive traffic impact analysis prepared by a qualified professional traffic engineer that indicates the needed level of road improvements for Sunset Blvd. and Old Highway 99W, as per the comments and requirements suggested by the Oregon Department of Transportation (ODOT) memorandum of October 20, 1989 and the Washington County Department of Land Use and Transportation (DLUT) memorandum of October 12, 1989 (attached as Exhibits C and D).

Inclusion of these memos as a part of this record are intended for guidance only at this stage of the PUD approval process, and none of the points made are presently endorsed or rejected by the City, except as specifically cited elsewhere in these conditions. Final conditions of approval with respect to street improvements may not be fully established until the FDP is approved and detailed subdivision plats are submitted.

- b. A preliminary engineering design for the intersection of the most westerly PUD entrance road, Old Highway 99W, and nw Highway 99W, said design to be acceptable to and approved by the City Engineer and ODOT. The extent of this design, and the level of additional right-of-way improvements required, may be mitigated by the results of the traffic impact analysis and by other transportation improvements such as the westerly extension of Sunset Blvd. to new Highway 99W or improvements on Meinecke Road.

- c. A comprehensive wetlands inventory prepared by a qualified professional biologist establishing and surveying the extent and quality of existing wetlands, the extent and boundaries of the 100-year floodplain, and proposals for mitigating any wetlands impacts, as per the comments and requirements suggested by the Unified Sewerage Agency (USA) memorandum of October 12, 1989, (attached as Exhibit B). Said inventory and mitigation plan shall be acceptable to and approved by the Oregon Division of State Lands and other applicable local, State, and Federal agencies.

Inclusion of the USA memorandum as part of the record is intended for guidance only at this stage of the PUD approval process, and none of the points made are presently endorsed or rejected by the City, except as specifically cited elsewhere in these conditions. Final conditions of approval with respect to wetland and storm water management may not be fully established until the FDP is approved and detailed subdivision plats are submitted.

- d. A comprehensive storm water management plan, including on-site detention and treatment facilities, prepared by a qualified civil engineer, that is consistent with, as determined by the City Engineer, the intent and purposes of newly enacted Oregon Department of Environmental Quality (ODEQ) and USA storm water control and quality regulations, and with the USA memorandum dated October 12, 1989 (Exhibit B).
- e. A private system for the irrigation of the proposed golf course is NOT approved, but rather the applicant shall, at his own expense, construct a new public water well to City specifications on a site provided by the City as per the 1980 City Water Source Study. The applicant shall, upon completion of this improvement to the City's satisfaction, dedicate the new water well to public use, and the City shall own, operate, and maintain said well. In exchange for this dedicated public improvement, the applicant may construct an independently metered golf course irrigation system and shall receive, at no cost, sufficient water to meet minimum course irrigation needs, for so long as the new well operates and overall community demand for water can be adequately met by the City owned public water supply system. The exact terms and conditions, and annual quantities of "no cost" water from this irrigation system shall be subject to a separate agreement to be negotiated between the applicant and the City.

- f. A final draft of the Conditions, Covenants, and Restrictions (CC&R's) for the project and an example "development manual" as noted in the applicant's submission.
- g. A redrawn and rescaled FDP prepared in accordance with Code Section 2.202.03 and showing:
  - i. Location and widths of all streets and pedestrian ways (excluding pathways along golf course fairways unless proposed as linkages in the primary pedestrian circulation system).
  - ii. Location, density, dimensions, and area of all non-single family development sites.
  - iii. Location, use, and estimated floor area of all non-residential buildings.
  - iv. Location and boundaries of wetlands, floodplains, and all other water features whether natural or man-made.
  - v. Location, dimensions, and primary features of all golf course fairways including water features (but excluding sand traps and detailed landscaping features).
  - vi. Location and area of all non-golf course open spaces and parks referred to in the applicant's submission.
  - vii. All other applicable requirements of the City's Community Development and Zoning Code and the particulars of this conditional approval.

This redrawn and rescaled FDP shall be in the form of a preliminary plat as per Code Section 7.200, and supplemented as necessary to include all required information as per this condition.

- h. Consents from the Southern Pacific Railroad (SPRR) for use and incorporation of its drainage swale in the southeasterly quarter of the PUD into the comprehensive storm water management plan required by Condition 2d.
- i. Full documentation, provided to the City's satisfaction, that all properties within the PUD are within the legal control of the applicant. The City may require the applicant to resubmit an application form containing the signatures of all owners of record and contract purchasers, and/or to submit complete



title reports prepared by a Title Company.

- j. The applicant shall secure the right to use the name "Steeplechase", or submit a substitute project name; and show all suggested street names on the FDP.
- k. A final phasing plan including residential, non-residential, and golf course construction phasing as per Code Section 2.202.04A.
- l. Receive City Council approval for the rezoning of 70.47 acres of property south of Wilsonville Road from Special Industrial to Low Density Residential (see File No. PA 89-1), and Planning Commission approval of a conditional use permit for the golf course development (see File No. CUP 89-6).
- m. Provide further details on the "walled enclosures" proposed for the PUD, including heights, materials, and locations; and specify how the enclosure concept will be compatible with the retention and integrity of wetlands/floodplains and natural vegetation. The "enclosure" shall be designed to provide sound attenuation in certain areas, particular where adjacent to railroad tracks and existing industrial development. The applicant shall specify whether the PUD will include security gated at entrance roads or will be unsecured. The applicant shall also consider alternatives such as differing wall heights and materials, berming, and landscaping, or any combination thereof, to mitigate the appearance and impact of the "walled enclosure".
- n. Modify the PDP so that the following internal streets are widened, provided, however, that the determination of these widths are preliminary and may be varied by action of the Council or Commission, based on the comprehensive traffic impact analysis as per Condition 2b, or other factors as may be appropriate:
  - i. 36' for the "collector" roadway extending from Old Highway 99W to Sunset Blvd. that accesses the practice range, sales office, pro shop, et. al.
  - ii. 32' for the "collector" roadway that arcs through the northern portion of the PUD from the vicinity of the pro shop to the entrance road nearest the Southern Pacific railroad line.
  - iii. 36' for the "collector" entrance road at Meinecke Road, as required by Condition 1e.

3. Prior to any actual building, construction, or development permits being issued, either for the entire PUD or on a phase-by-phase basis as deemed appropriate by the City, the applicant shall:
- a. As applicable, submit and receive separate site plan or conditional use permit approvals as per Code Sections 5.102 or 4.300, for all multi-family and non-residential development indicated on the adopted Final Development Plan.
  - b. Submit and receive approval for final subdivision plats on a phase-by-phase basis as per Code Section 7.300 and 2.202.04. Said final plats shall be in substantial conformance with the approved Final Development Plan and preliminary subdivision plat.
  - c. Submit, if not otherwise previously accomplished through approved subdivision plats, land partitions for all those tax lots shown as partially incorporated into the PUD.
  - d. Initiate, and have approved, a vacation of that portion of West Villa Road right-of-way within the project boundary.
  - e. Submit an executed non-remonstrance agreement, in a form acceptable to the City, for future public improvements adjacent and contiguous to the PUD on Sunset Boulevard, Old Highway 99W, Middleton Road, and Meinecke Road, and including off-site extension of Sunset Blvd. to Highway 99W as per City and County Transportation Plan.
  - f. Submit for City review and approval all applicable engineering plans for streets, sanitary sewers, storm sewers and site drainage, water supply, and other required utilities and facilities, and record all required utility easements or rights-of-way.
  - g. Pay in full, at the time specified by City Codes, all required system connection fees, plan check fees, building permit fees, system development charges, land use application fees, and other applicable charges.
  - h. Submit, in forms acceptable to the City, all required performance and maintenance bonds, and development and subdivision agreements, in conformance with City Codes.
  - i. Submit and have approved all required landscape and screening plans, in conformance with City Codes,

provided that fencing around the golf practice range may exceed fencing height maximums, subject to Planning Commission review.

- j. Submit complete grading plans for residential, non-residential, and golf course development for consideration and approval by the City Engineer.
  - k. Standard City requirements for dedication of the 100-year floodplain to the public greenway system are hereby tentatively waived, subject to a review of the applicant's wetland and storm drainage plans. Provided, however, that the applicant may be required to dedicate to the City any portion of the 100-year floodplain that is generally on the periphery of the PUD but not part of the golf course. Such dedications may be evaluated and required on a phase-by-phase basis.
  - l. Submit a final detailed golf course design and construction plan. The golf course shall be open to the public when completed.
  - m. Conform to all other applicable requirements of the City's Zoning and Community Development Code that are not specifically varied by the approvals for this PUD.
4. That the PUD shall conform to and/or satisfy the following general terms and conditions, either for the entire PUD or on a phase-by-phase basis as deemed appropriate by the City:
- a. Except as otherwise specifically varied by this PUD approval, development activities in the floodplain shall conform to Code Section 2.114.
  - b. All uses, buildings, and facilities within the PUD shall be served by parking facilities meeting or exceeding the off-street parking standards contained in Code Section 5.300. No "on-street" parking will be allowed on internal 28' wide streets. Parking on one-side only will be allowed on internal 32' wide streets.
  - c. All signing proposed for the PUD shall be subject to Code Section 5.700.
  - d. Except for specific variances granted herein to street widths and sidewalk locations, all streets internal to the PUD shall otherwise conform to standard City construction and dimensional standards. Internal streets shall be privately maintained and owned and shall include street lighting to City specifications.

- e. Dedicate to the public, prior to the issuance of any building, construction, or development permits for any phase of the PUD, the following rights of way:
- i. 45' from centerline on both sides of Sunset Blvd. along the full frontage of all tax lots that are either fully or partially within the PUD boundary at the time of Preliminary Development Plan approval or that are subsequently added to the PUD.
  - ii. 45' from centerline along the project frontage on Old Highway 99W, except as per Condition 4e.iii below.
  - iii. All additional right-of-way dictated by the improvements required at the intersection of Old Highway 99W and new Highway 99W as per Condition 2b, whether along the PUD frontage or not.
  - iv. 35' from centerline along the PUD frontage on Meinecke Road.
  - v. Widening along the PUD frontage on Middleton Road as per County requirements.
  - vi. All additional rights-of-way as may be necessary to accommodate the public arterial, collector, or local street improvements required by this PUD approval.

The foregoing dedication requirements, and the street phasing and construction requirements contained in Condition 4f and elsewhere in these conditions of approval, are all subject to further amendment based on an evaluation of the traffic impact analysis required of the applicant, the evaluation of preliminary engineering plans, and a final determination as to whether Sunset Blvd. and Old Highway 99W will remain under County jurisdiction or be transferred to the City.

- f. Subject to any modifications suggested or required by the traffic impact analysis submitted as per Condition 2b or by ODOT or County street standards, Sunset Blvd. and Old Highway 99W shall be constructed by the applicant to the full standard required for minor arterials by the 1989 City Transportation Plan Update and other applicable standards. Except as otherwise noted, improvements shall include the full frontage of all tax lots that are either full or partially within the PUD boundary at the time of Preliminary Development Plan approval or that are subsequently added to the

PUD, plus any off-site improvements possible within existing rights-of-way. Construction shall be phased so that:

- i. Full required street improvements in the vicinity of the intersection of Old Highway 99W and new Highway 99W, approved as per condition 2b, are constructed coincident with Steeplechase Phase 1. The applicant shall be responsible for all needed improvements whether within, contiguous to, or off-site of the PUD. Provided however, that interim improvements may be allowed for Phase 1 based on the traffic impact analysis and on the development of acceptable alternative(s), such as a westerly extension of Sunset Blvd. or improvements to Meinecke Rd.
  - ii. Full required street improvements to Sunset Blvd. and Old Highway 99W between the PUD entrance road intersecting Old Highway 99W and the most westerly PUD entrance road intersecting Sunset Blvd. are constructed coincident with Steeplechase Phases 2 and 3. Construction of the PUD entrance road intersecting Meinecke Road shall also occur coincident with Phases 2 and 3, as shall a half-street improvement to City standards along the PUD's Meinecke Road frontage.
  - iii. Full required street improvements to Sunset Blvd. eastward to the Southern Pacific Railroad (SPRR) are constructed coincident with Steeplechase Phases 4 and 5, provided that widening to accommodate scheduled signalization of the Sunset Blvd/SPRR crossing shall be accomplished when required by Southern Pacific's construction schedule.
- g. The proposed PUD sewer service plan shall be subject to approval by the City Engineer and shall be modified to eliminate the sewer pump stations proposed by the applicant. The PUD shall be serviced via the "West Villa Road" lateral sewer and the "Wilsonville Road Creek" lateral sewer in conformance with the City Sewer Master Plan, including all line-sizes, oversizing, stub-outs, and looping required by said Plan.
- h. The proposed PUD water service plan shall be subject to approval by the City Engineer and shall be in conformance with the City Water Master Plan, including all line-sizes, oversizing, stub-outs, and looping required by said Plan.

- i. The proposed PUD storm drainage plan shall be subject to approval by the City Engineer shall be in full compliance with the City Storm Drainage Master Plan, and with any applicable ODEQ and USA regulations. All necessary off site drainage to be subsurface and discharged into Cedar Creek.
  - j. The following standard Code criteria for parcel development are subject to modification as per the applicant's submission, but only on a phase-by-phase basis provided that said variances are consistent with the approved Final Development Plan and preliminary subdivision plat:
    - i. Building setbacks.
    - ii. Lot dimensions.
    - iii. Fencing and screening heights.
    - iv. Cul-de-sac lengths.
  - k. Any Code requirements not specifically modified or waived by this conditional approval shall be deemed to be in effect notwithstanding any statements made to the contrary in the applicant's documentation.
  - l. The City recognizes that with any phased, multi-year PUD of the size and complexity of the subject application, that amendments to the approved Final Development Plan may be necessary at some future date. All such changes shall be considered in compliance with Code Section 2.202.04.
5. Notwithstanding the preceding conditional approval, the City reserves the right to modify, add to, or rescind any conditions or requirements contained herein or suggested by City Codes and practices, based on the additional information provided by the applicant.

This conditional approval is granted with the further limitation that, as a result of the applicant complying with any of the preceding criteria or if the applicant makes further changes to the proposal, and as a result the PUD is altered as per Code Section 2.202.04B at either the Preliminary or Final Development Plan stages, that the PUD may be returned to the Planning Commission or City Council for further review, public hearings, and/or full reconsideration.