

City of Sherwood, Oregon
Ordinance No. 93-965

AN ORDINANCE APPROVING A RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONING DISTRICT FOR TAX LOTS 2500 AND 2502, WASHINGTON COUNTY ASSESSORS' MAP 2S132C, CONSISTING OF 16.6 ACRES MORE OR LESS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Tax Lots 2500 and 2502:32C contain approximately 1.5 acres of Cedar Creek floodplain identified in the Comprehensive Plan, and about 3.5 acres of wetlands identified in the City's wetland inventory; and

WHEREAS, notwithstanding Tax Lots 2500 and 2502:32C greenway, floodplain and wetland designations, 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 "PUDs 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 Lots 2500 and 2502:32C on March 2 and April 6, 1993, and after full and due consideration of the evidence, reports, and testimony presented, adopted the findings of fact outlined in the Planning Staff report PUD 93-1 Georgetown Estates, dated February 22, 1993, and recommended approval of the PUD Preliminary Development Plan, subject to certain conditions as enumerated in the Notice of Decision dated April 7, 1993; 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 Lots 2500 and 2502:32C was subject to a full and proper review and public hearing before the City Planning Commission on March 2 and April 6, 1993.

Section 2. Public Hearing. That a public hearing on the PUD Preliminary Development Plan was held before the City Council of May 12, 1993, 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 natural features, Tax Lots 2500 and 2502:32C are unusually constrained in development potential as compared to other land with the same underlying zoning designation, and therefore the Council adopts the finds of fact contained in Staff report PUD 93-1, said report made part of this Ordinance by reference.

Section 4. Approval. That a request for a PUD Preliminary Development Plan for Tax Lots 2500 and 2502:32C consisting of 16.6 acres more or less, is hereby APPROVED subject to the conditions attached as Exhibit "A".

Section 5. Manager Authorized. 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 the approval have been fully satisfied in accordance with City ordinances and regulations, as determined by the City Manager.

Section 5. 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 26th day of May, 1993.

Approved by the Mayor this 26th day of May 1993.

Walter Hitchcock
Walter Hitchcock, Mayor

ATTEST:

Polly Blankenbaker
Polly Blankenbaker, City Recorder

	<u>AYE</u>	<u>NAY</u>
Boyle	<u>✓</u>	_____
Cottle	<u>✓</u>	_____
Hitchcock	<u>✓</u>	_____
Kennedy	<u>✓</u>	_____
Shannon	<u>✓</u>	_____



90 NW Park Steet
Sherwood, Oregon 97140
503/625-5522 □ FAX 625-5524

EXHIBIT A

TAX LOTS: 2500 and 2502:2S1 32C
CASE NO: PUD 93-1
DATE MAILED: June 1, 1993

NOTICE OF DECISION

TO: Al Pense
16395 SW Bell Road
Sherwood, Oregon 97140

Tom Burton
11945 SW Pacific Highway, #302
Tigard, Oregon 97223

Larry Minor
16295 SW Brookman Road
Sherwood, Oregon 97140

On May 26, 1993, the City Council of the City of Sherwood, Oregon, decided to approve your application for PUD 93-1 Georgetown Estates Preliminary Development Plan and Preliminary Subdivision Plat.

The decision was based on the following major findings:

See Staff Report dated February 22, 1993, and the attached Ordinance No. 93-965.

The following conditions were placed on approval:

1. Legally describe the 100-year flood plain, wetlands and buffer and dedicate as per City requirements. Dedication shall include the floodplain, wetlands, and buffer on remainder parcel shown as site of "existing farm house." This dedication shall be Parks SDC credit eligible.
2. City may accept for ownership the 1.96 acre wetlands parcel that is interior to the PUD, but said parcel shall not be factored into housing density calculations or transfers, nor shall it be Parks SDC credit eligible.
3. Provide proof of PUD plan concurrence by the USA regarding wetland delineation, mitigation and buffer areas.

4. Dedicate ten (10) feet of additional right-of-way to Sunset Boulevard across the entire frontage of Tax Lot 2502.
5. PUD shall be redesigned to provide a local street standard roadway with a thirty-six (36) foot wide driving surface intersecting with Sunset Boulevard, said street to be constructed as part of Phase 1. PUD phasing may be revised accordingly at applicant's discretion, except that Phase 1 is limited to forty (40) lots and Phase 2 shall not commence until a second access east or west is available.
6. Reduce the twenty (20) foot landscape corridor to fifteen (15) feet and submit a landscape plan for City approval. In addition, the applicant shall uniformly plant one (1) street tree per lot, and so inform the builder and homeowner.
7. Widen pavement width of Streets Nos. 5, 7 and 8 to thirty-six (36) feet to permit parking on both sides of these through streets.
8. Provide a fifteen (15) foot wide pedestrian easement with a concrete sidewalk from the southernmost cul-de-sac of Street No. 7 to Brookman Road, to City specifications.
9. Vacate the existing right-of-way in the southwest corner of the project that intersects with Brookman Road and adjoins Tax Lot 504.
10. Provide full hammerhead turnarounds for Street No. 9, provide sidewalks on both sides to the ends of all hammerheads, and delete small turnaround "lots" on Street No. 8, substituting another method acceptable to the City.
11. Verify sight distance at both intersections with Sunset Boulevard. Remove vegetation from the clear vision area. Provide adequate turning radius at both intersections.
12. Ensure all hammerheads comply with County and TVFRD standards.
13. Provide on-site water detention and wetland buffers in accordance with USA requirements. Parcel designated "treatment pond" shall be dedicated to the City or USA once required improvements are made and accepted by City or USA. This facility may be Storm Water SDC credit eligible, as determined by USA.
14. Overall PUD housing density shall not be less than five (5) units to the acre. Lot sizes may be less than 7,000 square feet, except those lots south of Street No. 8.

15. Provide facilities acceptable to USA for transporting water run-off from Tax Lot 2601 into Cedar Creek.
16. Prepare engineered facility plans which extend services to all adjoining properties, and which includes maintenance provisions and improvement costs for the following public facilities:
 - a. Fire protection.
 - b. Water line extensions.
 - c. Sewer line extensions.
 - d. Erosion control consistent with USA and DEQ requirements.
 - e. Street improvements for interior streets and half-street improvements to Sunset Boulevard. On Sunset Boulevard, the improvements shall extend across the full frontage of existing Tax Lot 2502:32C. This improvement shall be completed no later than the completion and acceptance by the City of Phase 1 of the PUD. On Brookman Road:
 - (1) Provide an improved asphalt pathway from the pedestrian easement extending to Brookman Road east along the north side of Brookman Road to Ladd Hill Road to County specifications.
 - (2) The property owner shall sign and record a waiver not to remonstrate against the formation of a local improvement district (LID) or other mechanism to improve and maintain S.W. Brookman Road to County standards between S.W. Ladd Hill Road and Pacific Highway 99.
 - f. Storm water quantity and quality facilities that treat and manage all storm water on-site before entering wetlands and exiting the property.
17. The City will permit latitude in off-setting interior street improvements within the right-of-way where such off-sets may preserve trees in the southern portion of the project, and will also recommend to the County that off-sets be allowed on the pedestrian pathway along Brookman Road to achieve the same purpose.
18. Provide street names consistent with the approved adjoining street in Cambridge Meadow, and consistent with the City street naming standards.
19. Provide a fifteen (15) foot wide pedestrian access easement and hard surface trail improvement in a practical location from Street No. 3 to Street No. 1, and also provide a hard surface trail improvement along the full length of the

perimeter of the dedicated floodplain parcel. Sidewalks required as per Condition No. 5 of this approval may be substituted for these trails if, in the City's determination, they constitute a functional equivalent to the trails.

20. Realign Street No. 5 to coincide with the approved adjoining street in Cambridge Meadows Subdivision.
21. Align Street No. 8 so that the centerline coincides with the northern property line of the adjoining Tax Lot 504.
22. The developer is prohibited from commencing site development between October 1 and March 15.
23. Revise and resubmit all plans to reflect the changes necessitated by these conditions.

This approval is valid for one year.

Appeal

Persons who are a party to this decision and who have a basis for an appeal based on an issue that has been raised, are eligible to appeal this decision not more than 21 days after the date on which the action took place. For the applicant, the 21 days are counted from the date this decision was mailed.

Signed: _____



Carole W. Connell
Planning Director

_____ Final Action
X _____ Additional Required Action

Review Body

Date of Meeting

_____ City Council

X _____ Planning Commission Final
Master Plan and Plat

Unscheduled

STATE OF OREGON)
)
Washington County)

I, Polly Blankenbaker, Recorder of the City of Sherwood, State of Oregon, in Washington County, the duly constituted and appointed custodian of the records of said City, do hereby certify that the Notice of Decision on Case No. PUD 93-1 was placed in a U.S. Postal receptacle on June 1, 1993.

In testimony whereof I have hereunto set my hand and official seal of the City of Sherwood this 1st day of June 1993.

Polly Blankenbaker
Polly Blankenbaker
Recorder, City of Sherwood