

City of Sherwood, Oregon
Ordinance No. 93-974

AN ORDINANCE APPROVING A RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONING DISTRICT FOR TAX LOT 1800, WASHINGTON COUNTY ASSESSORS' MAP 2S133, CONSISTING OF 38 ACRES MORE OR LESS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Tax Lot 1800 contains floodplain identified in the Comprehensive Plan, and wetlands identified in the City's wetland inventory, and as portions of this property are shown as part of the City greenway; and

WHEREAS, notwithstanding greenway, floodplain and wetland designations, Tax Lot 1800 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 Lot 1800 2S133 on August 17, 1993, and September 21, 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 92-1 Sherwood View Estates, dated August 28, 1992, July 26, 1993, and September 13, 1993, and recommended approval of the PUD Preliminary Development Plan, subject to certain conditions as enumerated in the Corrected Notice of Decision dated September 28, 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 Lot 1800:2S133 was subject to a full and proper review and public hearing before the City Planning Commission on August 17 and September 21, 1993.

Section 2. Public Hearing. That a public hearing on the PUD Preliminary Development Plan was held before the City Council on November 17, 1993, and all interested parties were afforded an opportunity to be heard, and to present and rebut evidence.

Section 3. Finding. 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, due to its unique natural features, that Tax Lot 1800:2S133 is 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 92-1, said report made part of this Ordinance by reference.

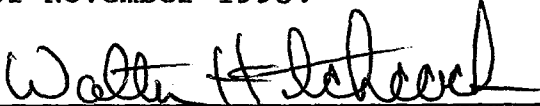
Section 4. Approval. That a request for a PUD Preliminary Development Plan for Tax Lot 1800 consisting of 38 acres more or less, is hereby APPROVED subject to the conditions attached as Exhibit "A".

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.

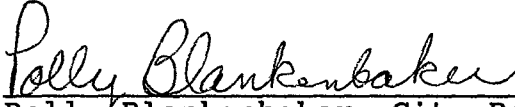
Section 5. Effective Date. This ordinance shall become effective at such time as the PUD Final Development Plan has been approved in accordance with Code Section 2.202.03, and certification by the City Manager that all conditions of approval have been satisfied or completed, or that a satisfactory performance 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 vote of the City Council this 17th day of November, 1993.

Approved by the Mayor this 17th day of November 1993.


Walter Hitchcock, Mayor

ATTEST:


Polly Blankenbaker, City Recorder

	<u>AYE</u>	<u>NAY</u>
Boyle	✓	—
Cottle	✓	—
Hitchcock	✓	—
Kennedy	—	✓



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

EXHIBIT A

NOTICE OF DECISION

TAX LOT: 1800:2S133
CASE NO: PUD 92-1 Revised
DATE MAILED: November 23, 1993

TO: J. C. Reeves Corporation
4850 SW Scholls-Ferry Road, Suite 302
Portland, Oregon 97225

On November 17, 1993, the City Council of the City of Sherwood, Oregon, decided to approve your application for Sherwood View Estates Planned Unit Development (PUD) Preliminary Development Plan.

The decision was based on the following major findings:

See Staff Reports dated April 28, 1992, and September 13, 1993.

In addition, the City finds the existing tree line at about the 326-foot elevation, adjoining the ponds and adjoining the existing road across the site, should be the extent of development on the west side of the site. Limiting building west of the tree line preserves natural vegetation and the integrity of the existing natural features, and minimizes stormwater runoff from the development into the wetlands and wildlife habitat below. Further, the ridgeline denotes the highest elevation of the Bretz Floods that swept the Tonquin Scablands by overtopping a low divide between the Tualatin Basin and the Willamette Valley 10 to 15 thousand years ago.

The following conditions were placed on approval of the application:

- A. Compliance with the following conditions shall be deemed to satisfy the Purpose, Section 2.101.01, and Density Allowance provisions, Section 2.101.07 of the VLDR Zone, thereby permitting densities of up to two units to the acre:
 - 1. The applicant shall dedicate to the City all land within and sloping down toward the ravine along the properties west edge, said dedication line to be generally defined by the existing tree line, except that south of Lot 71 said line shall be at the 312-foot elevation.

2. The applicant shall inventory all mature trees on the property outside of the ravine dedication, excluding the existing filbert orchard, and demonstrate that the PUD design shall preserve a significant number of these trees.

B. Other conditions of approval are:

1. Prior to review and approval of the Final PUD Development Plan, the applicant shall submit and have approved by the City and Unified Sewerage Agency (USA), an on-site storm water management plan including both quality and quantity facilities that:
 - A. Meets the standards and principles contained in the 1993 City Storm Water Master Plan City Resolution No. 92-520.
 - B. Locate facilities and manage storm water so that water quantities and quality are fully preserved for flows into wetlands and ponds within the dedicated ravine and to wetlands and ponds immediately north and south of the PUD.
2. Applicant shall construct an off-street pedestrian pathways through the dedicated ravine from the intersection of the PUD entrance road with Murdock Road, southerly along the ravine slope, then crossing the wetland in an east-west direction, and intersecting with Baker Road. Design, alignment, and construction of this pathway shall be subject to City review and approval.
3. Subject to identification of a suitable specie(s) that will not potentially damage sidewalks or underground utilities, all required street trees in the PUD shall be native species and shall be planted in a boulevard strip between curb line and sidewalk.
4. Illustrate the wetlands and at least a twenty-five (25) foot wetlands buffer on the final development plan.
5. Provide a tree survey of all Madrone trees and large evergreen trees with the final development plan. Modify the plat to preserve significant trees where feasible.
6. Prior to final development plan submittal, provide a traffic access report for review by the County Traffic Analyst in accordance with R&O 86-95. The report shall address sight distance at Murdock Road, trip generation, intersection design at Murdock Road incorporating the

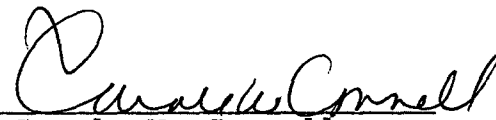
planned realignment of Sunset Boulevard and Murdock Road intersection (dated 8-18-93), and access spacing on Murdock Road. Submit plans, obtain engineering approval, obtain a facility permit and provide financial assurances for all Murdock Road improvements deemed necessary for the intersection.

7. Dedicate ten (10) feet of frontage to Murdock Road right-of-way, and dedicate sufficient right-of-way to align with the planned Sunset Boulevard/Murdock Road intersection. Include a landscape corridor plan for the intersection.
8. Prepare a twenty (20) foot wide easement for access to the adjoining Tax Lots 2100 and 2200.
9. Prepare engineered facility plans, including maintenance provisions and improvement costs, for the following public facilities, all of which must be bonded for:
 - a. Location of fire hydrants within 500 feet of the remote side of each house.
 - b. Water line extension plans and upper zone pumping improvements, including participation in the installation of a 25-horsepower water pump and controls beside the reservoir.
 - c. Sewer line extension plans from the Bowen easement and Murdock Road.
 - d. Interior street design in accordance with City local street standards. Street lighting, street names and street trees in accordance with City standards shall be included. Provide engineering details of the split-road entry, as agreed upon by City and Tualatin Valley Fire and Rescue District (TVFRD). Utilize roof materials and exterior home materials that reduce fire hazards if deemed appropriate by fire district.
 - e. Erosion control in accordance with standards of DEQ, USA and the City.
 - f. Stormwater quantity and quality consistent with USA's letter dated April 6, 1992, and the City Stormwater Management Master Plan.

- g. An improved six (6) foot wide pedestrian trail in the open space between Lots 65 and 66, or in that vicinity.
- 10. Each lot shall be a minimum of 10,000 square feet, and so noted on the final development plan. Illustrate lot phasing on the final plan.
- 11. Dedicate the floodplain/wetland/buffer acreage to the City in the Phase 1 final plat.
- 12. Straighten the easterly lot line of Lot 63 so that it is perpendicular to the edge of the development.

This approval is valid for one (1) year.

Signed: _____



Carole W. Connell
Planning Director