

City of Sherwood, Oregon
Ordinance No. 94-979

AN ORDINANCE APPROVING A RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONING DISTRICT FOR TAX LOTS 1100, 1200, 1900, 2000, 2090, 2100 IN WASHINGTON COUNTY TAX MAPS 2S1 31A; TAX LOTS 200, MAP 2S1 31AD; TAX LOT 301, MAP 2S1 31B; TAX LOTS 100, 101, 102, 103, 200, 300, 401, AND 700, MAP 2S1 31C; TAX LOT 100, MAP 2S1 31CC; AND TAX LOTS 400, 401, 402, AND 501, MAP 2S1 31D, HEREINAFTER TERMED "TAX LOTS", CONSISTING OF 290 ACRES MORE OR LESS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Tax Lots contain 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 Lots are within the urban growth boundary and the City limits, and are 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 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 for Tax Lots, and after full and due consideration of the evidence, reports, and testimony presented, adopted the findings of fact outlined in the Planning Staff reports for PUD 93-3 Woodhaven, dated October 12, November 23, 1993, and recommended approval of the PUD Preliminary Development Plan, subject to certain conditions as enumerated in the Notice of Decision dated December 1, 1993; and

WHEREAS, the City Council has received the original application materials, the City's Planning Staff reports, 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 was subject to a full and proper review and public hearings before the City Planning Commission on October 19, November 2, November 16, and November 30, 1993.

Section 2. Public Hearing. That public hearings on the PUD Preliminary Development Plan were held before the City Council on January 12, January 26, and February 9, 1994, 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 reports; the record, findings, and recommendation of the Commission; and of the evidence presented at the public hearings; the Council finds, due to its unique natural features, that Tax Lots 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 reports for PUD 93-3, said reports made part of this Ordinance by reference.

Section 4. Approval. That a request for a PUD Preliminary Development Plan for Tax Lots consisting of 290 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 23rd day of February 1994.

Approved by the Mayor this 23rd day of February 1994.

Walter Hitchcock
Walter Hitchcock, Mayor

ATTEST:

Polly Blankenbaker
Polly Blankenbaker, City Recorder

	<u>AYE</u>	<u>NAY</u>
Boyle	<u>absent</u>	<u> </u>
Cottle	<u>✓</u>	<u> </u>
Hitchcock	<u>✓</u>	<u> </u>
Kennedy	<u> </u>	<u>✓</u>
Tobias	<u>✓</u>	<u> </u>



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

NOTICE OF DECISION

TAX LOTS: See Staff Report
dated October 12, 1993
CASE NO.: PUD 93-3 - Woodhaven
DATE MAILED: February 28, 1994

TO: Otak, Inc.
17355 SW Boones Ferry Road
Lake Oswego, Oregon 97035
Attention: David Bantz

Quincorp Investment Group, Inc.
8440 NE Alderwood, Suite A
Portland, Oregon 97220

Inkster Boulevard Corp.
2555 East Chapman Avenue, Suite 620
Fullerton, California 92631
Attention: Gary Harrison

On February 23, 1994, the City Council of the City of Sherwood, Oregon, decided to approve Woodhaven Planned Unit Development Preliminary Development Plan. The recommendation does not include approval of any preliminary subdivision plats.

The decision was based on the following major findings:

See Staff reports dated October 12, October 26, and November 23, 1993.

The following conditions were placed on approval of the Woodhaven Preliminary Development Plan.

1. As general conditions of approval, the applicant shall:
 - A. Demonstrate compliance with any conditions affecting the floodplains and wetlands, as required by the Division of State Lands, Corps of Engineers, or other permitting agencies. The City reserves the right to modify, if necessary, the Final Development Plan based on agency comments

- B. Describe and dedicate the 100-year floodplain, wetlands, wetlands buffers and all other open spaces in the project as a part of the Phase 1 Final Plat, and as per the City Parks Advisory Board's recommendations of September 14, 1993. If any such sites cannot be defined at Phase 1, they shall be dedicated with the appropriate phase. Road crossings over floodplains shall require a Conditional Use Permit from the City.
- C. Conform to the following minimum dimensional standards for single and multi-family parcels. There will be no further dimensional variances allowed in the project, except for administrative variances as permitted by Code Section 4.402 where, in addition to the criteria of that Section, the requested variance can be demonstrated to be necessary to preserve a natural or physical feature that existed prior to approval of the Woodhaven PUD.
- a. Front yards: 15 feet
 - b. Side yards: 5 feet (MDRH standard for multi-family)
 - c. Corner side yards: 15 feet
 - d. Rear yards: 20 feet (10 feet adjoining public park)
 - e. Accessory structure: 5 feet
 - f. Height: LDR: 2-1/2 stories or 30'
 - MDRH: 2-1/2 stories or 35'
 - g. Lot sizes and widths as per approved Preliminary Development Plan
 - h. MDRH dimensional standards in effect at the time of actual site plan application shall apply to all multi-family development
 - i. NC standards in effect at the time of actual site plan application shall apply to commercial development, except that a total site area of up to 1.5 acres shall be permitted
- D. Conform to the following modified street standards. Except as noted below, all other City street standards shall apply.
- 1. For local streets, 28' paving width with parking on one side, provided however that parking restrictions will be relaxed if City and TVFR standards are modified, or, 32' paving width with parking on two sides,
 - 2. 42' right-of-way width
 - 3. 14' wide travel lanes on Sunset Boulevard provided that landscaped boulevards and medians are provided as illustrated on applicant's Figure 9, and landscaped to the City's satisfaction.

4. Provide three (3) foot deep landscape "planter" strips between curb and sidewalks on all internal minor collector streets.
- E. Describe and dedicate the entire Ponderosa Pine Significant Natural Area (Area "A") unless the applicant can demonstrate with a tree survey, produced to the City's satisfaction, that no more than 5 percent of the mature pines in the area will be removed and are exclusively on the edge of the area. The Final Development Plan shall be revised accordingly, as approved by the City.
- F. Describe and detail the tot lot and mini-park sites identified on the Preliminary Development Plan at the time of the Phase 1 Final Plat. If any such sites cannot be defined at Phase 1, they shall be dedicated with the appropriate phase. Actual development of these sites shall be the responsibility of the City, except for grading and seeding, which shall be the applicant's responsibility. In lieu of a maintenance bond, applicant may elect to perform direct maintenance of these areas for a period of one (1) year.
- G. Install all Sunset Boulevard median and corridor landscape improvements; mini-park and tot-lot improvements; and greenway and pedestrian access improvements during the appropriate PUD phase, and in addition, provide for a minimum fifteen (15) foot wide pedestrian access parcel behind proposed Lots 621 and 626 adjacent to the Willamette and Pacific rail line for possible future extension of the planned Cedar Creek Greenway Trail. This access parcel may be deleted at the appropriate phase or final plat approval if an alternate route has been established by that time.
- H. Fences, walls and hedges along pedestrian access ways adjoining open spaces shall be limited to three and one-half (3-1/2') feet in height for solid fencing and six (6') feet for chain link or other "see-through" fencing. Street lighting shall be located so as to illuminate the entry to all pedestrian pathways between lots. Lighting is not required along pathways in floodplains and wetlands.
- I. All public and private utilities shall be installed underground to City and private utility specifications.

- J. Refrain from removing any vegetation outside of an approved Final Plat, except where necessary for utility extensions or mitigation improvements.
 - K. Solid, sight obscuring fencing and dense evergreen planting shall be installed by the developer along the rear property lines and in the rear yards of proposed Lots 304 to 310, except for yards backing onto dedicated open spaces. Planting shall be installed in Phase 1 so as to reach maturity by the time of actual lot development. A sound attenuation wall and/or berm shall be installed along the rear of proposed Lots 719 and 720 at the time of development of those lots.
2. Prior to Final Development Plan approval, or in some cases the appropriate phase, the applicant shall provide or meet:
- A. The PUD shall conform to and/or satisfy the following terms and conditions, either for the entire PUD or on a phase-by-phase basis as deemed appropriate by the City. The applicant shall provide street dedications, spacing, street and safety improvements, design details and traffic analysis as follows. This may include financial participation in funding their share of off-site improvements.
 - 1. Forty (40') feet of right-of-way dedication from centerline on both sides of Sunset Boulevard along the frontage of all tax lots that are either fully or partially within the PUD boundary at the time of Final Development Plan approval. Street improvements shall be to City minor arterial standards, except as varied by this PUD approval.
 - 2. A full eighty (80') feet of right-of-way and improvement to City standards, except as varied by this approval, for the Sunset Boulevard extension to and intersect with Pacific Highway 99W, aligned generally as depicted in the approved PUD plans. The alignment and intersection of Sunset Boulevard with Highway 99W shall be subject to ODOT approval.
 - 3. Any right-of-way widening and improvements on Pacific Highway 99W along the PUD's frontage as required by ODOT. The applicant shall be responsible for the costs of signaling the Highway 99W/Sunset intersection at any phase as deemed necessary by the City or ODOT.

4. Half-street right-of-way dedication and improvements to the east side of Middleton Road along the PUD's frontage as required by Washington County or the City.
5. Compliance with County minor arterial access spacing standards for the multi-family and commercial sites on Sunset Boulevard.
6. Provide certification of adequate sight distance as per County standards at all intersections with Sunset Boulevard and Meinecke Road for properties within the applicant's control at the time of PUD approval.
7. Compliance with the County's Access Report recommendations as determined by the County Traffic Analyst and in accordance with R&O 86-95.
8. Establish a one-foot non-access reserve strip along Sunset Boulevard frontage, except at approved access points.
9. Close all existing driveways to Sunset Boulevard and Old Highway 99W for properties within the applicant's control at the time of PUD approval.
10. Construction of a cul-de-sac terminus on the north end of Old Highway 99W to City standards.
11. Thirty-five (35') foot dedication from centerline and half-street improvements to City standards along the PUD's Meinecke Road frontage and compliance with all ODOT requirements at the intersection of Meinecke Road and Pacific Highway 99W for those impacts attributable to the PUD.
12. Dedicate all additional internal rights-of-way as may be necessary to accommodate the arterial, collector or local street improvements required by the PUD approval, as well as ODOT's and the City's review of further traffic analysis.
13. Provide design details for the Sunset/Krueger/Elwert/Old 99W intersection and connection to Middleton Road at the time an application for a road approach permit is made for the Sunset intersection with 99W.

14. Analyze the traffic impact of the PUD on the proposed Sunset/99W and Meinecke/99W intersections, including whether the intersections should be signalized, and make any appropriate PUD Plan changes indicated by the analysis. Any conclusions or recommendations of such traffic impact analysis are subject to review and approval of the City and ODOT. Signalization and other improvements to the Sunset/99W intersection and the Meinecke/99W intersection shall be provided as indicated by the traffic reports.
 15. Analyze the traffic impact of the collector and local street connections from the PUD to Meinecke Road, and make any appropriate PUD Plan changes indicated by the analysis.
 16. At the appropriate phase, the Planning Commission shall consider requiring one or two east-west stubbed local street connections to Tax Lot 703:31C, which is currently not included in the Woodhaven PUD.
 17. At Phase 3, or whatever phase the project makes a road connection to Meinecke Road, the applicant shall fund a proportional share of the cost of rebuilt approaches to, intersection improvements and signalization for Meinecke at Highway 99W. The "share" shall be calculated on traffic generations indicated by the Kittleson traffic impact reports, including predicted "background" traffic.
- B. Based on a review by DLCD, ODOT and METRO of the PUD for compliance with the State Transportation Rule, the PUD shall be amended to:
1. Provide a north-south local street stub between proposed Lots 339 and 340 for future access to the residentially zoned parcels to the north.
 2. Provide a pedestrian pathway/emergency access lane in the vicinity of Lots 299 to 303 for future access to the commercially zoned parcels to the west. The lane shall be twenty (20') feet of unobstructed driving surface.
 3. Provide a twenty-five (25') foot wide pedestrian access parcel and pathway improvement at approximately proposed Lots 230 and 245.

4. Either construct a pathway improvement across Tract J connecting proposed pedestrian access parcels, or contribute funding for same for City constructed improvements.
 5. In Phase 1 construct the planned east/west pathway to the vicinity of Lot 627, then build an all-weather temporary pathway extension to Villa Road, as approved by the City.
- C. Approval of the extra length cul-de-sac located west of the Sunset Boulevard extension and east of Old Highway 99W, is subject to written concurrence by TVFR that no fire safety hazards will be created.
3. Prior to the approval of all applicable final plats of subdivision, the applicant shall comply with the following requirements:
- A. Prepare and submit visual corridor plans as per Code requirements for Sunset Boulevard Meinecke Road, and the north-south collectors internal to the development.
 - B. Prepare and submit detailed engineering and construction plans and easements for water service for the City's and TVFR's review and approval. Acceptance by the City of the conceptual specifications outlined in the applicant's PUD application does not constitute approval of those specifications. All waterlines in the development shall be looped if required by the City and be a minimum of 8" in diameter, and shall be sized, designed and located to be potentially extended to properties outside of the PUD. Allowances for any dead-end lines, even if temporary, shall be subject to City approval based on proof of satisfactory water pressures and water quality and methods to maintain same.
 - C. Prepare and submit detailed engineering and construction plans and easements for sanitary sewer services, for the City's and the Unified Sewerage Agency's review and approval. There shall be no sewer lift stations permitted in the project, even on a temporary basis. Acceptance by the City of the conceptual specifications outlined in the applicant's PUD application does not constitute final approval of those specifications. All sewer lines in the development shall be sized, designed and located to be potentially extended outside of the PUD.

- D. Prepare and submit detailed engineering and construction plans and easements for stormwater services and erosion control, for the City's and the Unified Sewerage Agency's review and approval. Acceptance by the City of the conceptual specifications outlined in the applicant's PUD application does not constitute final approval of those specifications. Storm drainage systems within the project shall be primarily owned and maintained by the City or USA and those facilities adjacent to or within any City open spaces shall be designed for maximum compatibility with these natural areas. All stormwater plans shall include analysis of off-site impacts, to the City's satisfaction. In addition:
1. All stormwater from impervious surfaces shall be treated prior to discharge into wetlands and natural water ways.
 2. Sumped catch basins shall be installed throughout the development to retain sediment and other particulates associated with stormwater run-off.
 3. Stormwater detention shall be provided for the development such that post-development flow rates do not exceed pre-development flow rates. First priority shall be given to constructing a regional detention facility to serve the development and other properties in the watershed. If a regional facility is determined by the City to be infeasible, on-site detention shall be provided in compliance with the City Stormwater Master Plan.
 4. Stormwater treatment facilities shall be constructed outside of any delineated wetland areas, unless specifically approved by the appropriate federal and state agencies. Stormwater treatment shall be provided prior to discharge into natural water ways and wetlands.
 5. A formal wetland mitigation plan shall be prepared for the development and the plan shall be approved by the appropriate federal and state agencies. The wetland mitigation plan shall include a scientific evaluation of the impacts to wetlands from the practice of using the wetlands for stormwater detention.
 6. Sufficient area shall be set aside for proper sizing of stormwater treatment facilities. Proper sizing will be evaluated at the time of design

review based on Unified Sewerage Agency's design standards and other accepted engineering practices such as those appearing in the King County Manual, the Puget Sound Water Quality Manual, and other similar resource documents. Flexibility shall be maintained in site planning so that larger treatment areas can be accommodated, if necessary, by reducing the number of lots developed.

7. To reduce maintenance needs, treatment areas shall be consolidated to favor fewer large treatment areas rather than more smaller treatment areas.
 8. Convenient access shall be provided for maintenance of treatment areas.
 9. Stormwater treatment areas shall be designed so that sufficient storage capacity is provided to retain solids and other residuals without significant loss in treatment efficiency.
 10. A flood hydrology study shall be submitted with the engineering design documents. The study shall evaluate pre and post development flow rates and water surface elevations in the development and immediately downstream. The flood hydrology study shall also describe in detail, the proposed method of determining stormwater run-off. Engineering plans for any detention structures shall be submitted for review.
 11. Locate facilities and manage stormwater so that water quantities and quality are fully preserved for flows into wetlands and ponds.
- E. Prepare and submit detailed engineering and construction plans and easements for public streets for the City's review and approval. Acceptance by the City of the conceptual specifications outlined in the applicant's PUD application does not constitute final approval of those specifications.
- F. The applicant shall complete a 28-foot wide local street improvement, less a sidewalk on the north side, for the entire length of the PUD's Villa Road frontage and for that portion of Villa Road that is off-site, up to the driveway to the last home on Villa west of Cedar Creek. This end of Villa shall terminate with a hammerhead, and be appropriately blocked to keep vehicular traffic off the balance of Villa. At the same time, a paved pedestrian path shall be installed from the hammerhead to the crest of the opposite bank of the Cedar Creek ravine.

Except for equipment associated with the actual construction of Villa, no construction equipment or traffic associated with the Woodhaven PUD will be allowed to use Villa at any time.

- G. Prepare and submit detailed plans for sealing, abandoning or removing obsolete water wells, sewage drain fields, holding tanks, sewer lines and other obsolete utilities within the PUD, for the City's review and approval.
 - H. Prepare and submit detailed landscaping plans for any public parks and greenways, or associated improvements, for trees along internal streets as required by City Codes, and for visual corridors, for the City's review and approval.
 - I. As applicable, prepare and submit any other detailed site plans as may be required by City Codes, potentially including plans for lighting, fencing, off-street parking, pedestrian pathways and other requirements of this conditional approval, for the City's review and approval. Acceptance by the City of the conceptual specifications for such improvements as outlined in the applicant's PUD application does not constitute final approval of those specifications.
 - J. Provide performance and maintenance bonds for all public improvements as required by City Code Section 6.200, and sign and execute all required subdivision and engineering agreements.
 - K. Sign and execute a non-remonstrance agreement for future public improvements adjacent and contiguous to the PUD on Sunset Boulevard, Old Highway 99W, Middleton Road and Meinecke Road, and including any possible off-site safety improvements to Pacific Highway and Meinecke Road that are attributable to the impacts of the PUD.
4. Prior to any building, construction, or development permits being issued, either for the entire PUD, or on a phase-by-phase or project-by-project basis as deemed appropriate by the City, and assuming all applicable requirements of the above noted conditions have been met, the applicant shall submit and/or have approved the following:
- A. The following additional major land use or development applications and plans:
 - 1. Temporary use permit for a sales and construction office as per Code Section 4.500.

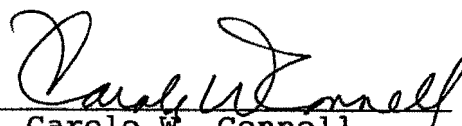
2. Conditional Use Permit for any floodplain alterations.
 3. Site plans for commercial and multi-family uses. The proposed commercial site may be on either side of the collector street as illustrated on the PUD plan. The commercial site shall be limited to one and one-half (1.5) acres and developed in conformance with the City Neighborhood Commercial (NC) zone. A fifteen (15') foot side yard and twenty (20') foot rear yard setback and sight obscuring vegetation and/or fencing shall be provided between multi-family and single-family dwellings.
 4. Sign permits as applicable per Code Section 5.700.
- B. At the time specified by City Codes, all required system reimbursement fees, plan check fees, building permit fees, system improvements fees, land use application fees, and other applicable City fees and charges shall be paid. These fees shall be charged out at the level in effect at the time said fees are due and payable, not at the level as of Final Development Plan or Final Plat approval.
- C. Complete grading and fill plans as per City Codes and the Uniform Building Code, and other applicable regulations.
5. Any Code or Master Plan requirements or development standards 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.
 6. The City recognizes that in the case of any phased, multi-year application of the size and complexity of the subject application, that amendments to the approved Final Development Plan may be necessary at some future date. Changes shall be considered in accordance with Code Section 2.202.04, if applicable. Proposed changes not within the scope of Section 2.202.04 shall be treated in compliance with applicable City policies and practices.
 7. No part of this approval may be unilaterally altered or abrogated by the applicant, its successors or assigns, including but not limited to phasing plans, CC&Rs, agency permits, or other agreements, plans or conditions, without the prior consent of the City. Such action on the part of the applicant shall be considered a violation of the City Zoning Code as per Section 1.101.04.

8. The developer shall submit any general CC&Rs to be applied to the project to the City for review and approval prior to review of the Final Development Plan, or at the appropriate phase.
9. The City reserves the right, as per Code Section 2.202.04(A.1.a), to stage or delay additional plats or to modify the size and sequence of approved phases, based on an evaluation of infrastructure capacity issues at the time the applicant requests additional final plat approvals. Prior to Final PUD Development Plan consideration, the applicant shall submit a final phasing plan. Any changes to the sequence of these phases, except for minor adjustments to phase boundaries, shall be subject to further Council review and approval.

This PUD Preliminary Development Plan 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:
 X Planning Commission
for PUD Final Development
Plan
 City Council

Date of Meeting:

 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 93-3 was placed in a U.S. Postal receptacle on February 28, 1994.

In testimony whereof I have hereunto set my hand and official seal of the City of Sherwood this 28th day of February 1994.

Polly Blankenbaker
Polly Blankenbaker
Recorder, City of Sherwood