

City of Sherwood, Oregon
Ordinance No. 94-982

AN ORDINANCE APPROVING A RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONING DISTRICT FOR TAX LOTS 100 and 5700, WASHINGTON COUNTY ASSESSORS' MAP 2S 1 32DA AND TAX LOTS 400 AND 500, WASHINGTON COUNTY ASSESSORS' MAP 2S 1 33CB, HEREIN AFTER REFERRED TO AS "SUBJECT TAX LOTS," CONSISTING OF 9.93 ACRES MORE OR LESS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the subject Tax Lots contain wetlands identified in the City's wetland inventory; and provides the opportunity for expansion of Roy Street Park identified in the City's Parks and Open Space Plan and as approved by the City Parks Advisory Board on March 8, 1994; and contains a portion of the future alignment for Sunset Blvd. identified in the City's Transportation Plan; and is an unusually long, narrow parcel with extensive public street frontage improvement requirements; and

WHEREAS, notwithstanding wetland designation, the Parks and Open Space Plan and the Transportation Plan designations affecting the site, the subject Tax Lots are within the urban growth boundary and City limits, and are zoned for residential development; and

WHEREAS, the Community Development Plan Part 3 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 the subject Tax Lots on February 15 and March 1, 1994, and after full and due consideration of the evidence, reports and testimony presented, adopted the findings of fact outlined in the Planning Staff Report for PUD 93-4 William Park, dated February 8, 1994, and February 22, 1994, and recommended approval of the PUD Preliminary Development Plan and Preliminary Subdivision Plat, subject to certain conditions as enumerated in the Revised Notice of Decision dated March 28, 1994; 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 100 and 5700, Map 2S 1 32DA, and Tax Lots 400 and 500, Map 2S 1 33CB was subject to a full and proper review and public hearing before the City Planning Commission on February 15 and March 1, 1994.

Section 2. Public Hearing. That a public hearing on the PUD Preliminary Development Plan was held before the City Council on March 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 hearing; the Council finds, due to its unique natural features, dimensional constraints and extensive road frontage, that the subject 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 findings of fact contained in the Staff Reports for PUD 93-4, said reports made a part of this ordinance by reference.

Section 4. Approval. That a request for a PUD Preliminary Development Plan for the subject Tax Lots consisting of 9.93 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 6. 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 13th day of April, 1994.

Approved by the Mayor this 13th day of April, 1994.

Walter Hitchcock

Walter Hitchcock, Mayor

ATTEST:

Polly Blankenbaker

Polly Blankenbaker, City Recorder

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

PUD 93-4 Exhibit "A"

Based on the above findings of fact, agency comments and the applicant's submittal, the City Council hereby approves PUD 93-4 William Park Preliminary Development Plan dated 2-18-94 subject to the following conditions:

Prior to submittal of a Final Development Plan and Plat:

1. Provide right-of-way dedications as follows:
 - a. 30 feet from Roy Street centerline
 - b. 40 feet from Murdock Road centerline, including dedication needed to re-align Murdock from Roy Street to Sunset Blvd., as determined by the City.
 - c. 80 feet for Sunset Blvd., including a 25' radius in the southeast corner of Lot 18.
2. Provide engineered construction drawings (prior to plat recording), maintenance provisions, construction costs and bonding for the following:
 - a. Half-street improvements to Roy Street to City standards, including the park frontage.
 - b. CONDITION FOR MURDOCK ROAD IMPROVEMENTS BASED ON REVIEW OF CITY ENGINEER'S REPORT (ATTACHED).
 - c. Interior street improvements to City standards, including curbs, gutters, sidewalks, street trees, street names and lighting, including illumination at the intersection of Roy Street and Murdock Road.
 - d. Sanitary sewer provisions, including extensions to Sunset Blvd. and Murdock in locations approved by the City. Sewer should be extended to the Bowen easement.
 - e. Water service provisions, including extensions to Murdock and Sunset as approved by the City.
 - f. An approved stormwater plan in accordance with USA and City standards. This shall include foundation drains for Lots 1 through 15, and adequate storm water treatment for the lots at the south end of the project in the Sunset basin. Transfer of stormwater from the Sunset Basin to the Murdock Basin is not permitted.
 - g. Re-location of the fire hydrant to the southwest corner of Lot 26.
 - h. An erosion control plan.
 - i. A landscape corridor plan adjoining Murdock Road and Sunset Blvd.
 - j. A non-remonstrance agreement with the City for future road improvements to Murdock Road and Sunset Blvd.
 - k. Close all existing driveways to Murdock Road.
 - l. Provide a one-foot non-access reserve strip on the

William Park

Murdock Road frontage.

3. Provide a tree survey of all Madrone trees and large evergreen trees. Modify the plat to preserve significant trees where feasible.
4. Legally describe and dedicate the open space tract to the City for public park purposes.
5. Identify and delineate any wetlands to the satisfaction of DSL and provide for any mitigation required by subdivision construction (outside road rights-of-way).
6. Provide Murdock Road drainage improvements required by the County.

This approval is valid for one year.

William Park