

City of Sherwood, Oregon
Ordinance No. 94-984

AN ORDINANCE APPROVING A RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONING DISTRICT FOR TAX LOT 300, WASHINGTON COUNTY ASSESSORS' MAP 2S 1 30C CONSISTING OF 45 ACRES MORE OR LESS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the subject tax lot contains wetlands and floodplain identified in the City's wetland inventory and Parks and Open Space Plan; and

WHEREAS, notwithstanding wetland designation, the subject tax lots is within the urban growth boundary and City limits, and is 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 within 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 heearing on the proposed PUD for the subject tax lot on March 1 and 15, 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 93-2 Wyndam Ridge, dated February 22, 1994, and recommended approval of the PUD Preliminary Development Plan and Preliminary Subdivision Plat, subject to certain conditions as enumerated in the Notice of Decision dated March 28, 1994; and

WHEREAS, the City Council has received the original application materials, the City's Planning Staff Report, the testimony and materials submitted to the Planning Commission, the Notice of Decision, the minutes of the the Planning Commission, 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 approval of a PUD Preliminary Development Plan for Tax Lot 300, Map 2S 1 30C was subject to full and proper review and a public hearing before the City Planning Commission on March 1 and 15, 1994.

Section 2. Public Hearing. That a public hearing on the PUD Preliminary Development Plan was held before the City Council on April 13, 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, that the subject tax lot is 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 Report for PUD 93-2, said report made a part of this ordinance by reference.

Section 4. Approval. That a request for a PUD Preliminary Development Plan for the subject tax lot consisting of 45 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 27th day of April, 1994.

Approved by the Mayor this 27th day of April, 1994.

Walter Hitchcock
Walter Hitchcock, Mayor

ATTEST:

Polly Blankenbaker
Polly Blankenbaker, City Recorder

| | <u>AYE</u> | <u>NAY</u> |
|-----------|---------------|------------|
| Boyle | <u>Absent</u> | ___ |
| Cottle | <u>/</u> | ___ |
| Hitchcock | <u>/</u> | ___ |
| Kennedy | <u>/</u> | ___ |
| Tobias | <u>/</u> | ___ |



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

NOTICE OF DECISION

TAX LOT: 300
MAP NO.: 2S1 30C
CASE NO.: PUD 93-2
DATE MAILED: May 3, 1994

TO: Centex Real Estate Corporation
4000 Kruse Way Place, Suite 300
Lake Oswego, Oregon 97305

Howard and Luanna Handley
22015 SW Pacific Highway
Sherwood, Oregon 97140

Alpha Engineering
Mark Dane
9600 SW Oak, Suite 230
Portland, Oregon 97223

On April 27, 1994, the City Council of the City of Sherwood, Oregon, decided to approve your application for Wyndam Ridge PUD Preliminary Development Plan and Preliminary Plat.

The decision was based on the following major findings:

See Staff report dated February 22, 1994.

The following conditions were placed on approval of the application:

Prior to submittal of a Final Development Plan, or in conjunction with engineered construction plans provide the following:

1. Approval of PUD 93-2 is subject to approval and recording of the associated partition plat MLP 93-6 Handley. Approval is also subject to City Council adoption of PA 93-5, a Plan/Map Amendment zoning the property LDR, and the adjoining parcel GC.

2. Certify Division of State Lands and Corps of Engineers verification of the floodplain and wetlands delineation, of permitting for utility and road improvements, and their approval of the wetlands mitigation plan. Provide a professional survey of the wetlands. Provide a plan for reporting wetlands mitigation monitoring to the City.
3. Legally define and dedicate the 9.5 acres of open space to the City. Include Tract "F" in the dedication.
4. Provide access to Pacific Highway and construct the interim improvements at the Meinecke Road/Pacific Highway intersection as described on page 21 (and depicted in Figure 7) of the February 18, 1994 letter from Gary Katsion of Kittleson & Associates, Inc. to Mr. Jim Rapp regarding the Highway 99W/Meinecke Road Intersection Study. Phase 2 may not commence until there is an alternative access to the project, or a permit from ODOT is obtained to construct the additional improvements to the Meinecke Road/Pacific Highway intersection depicted in Figure 1 of the February 24, 1994 memorandum from Gary Katsion of Kittleson & Associates, Inc. to Mark Dane of Alpha Engineering. At Phase 2, the applicant shall fund a proportional share of the cost of rebuilt approaches, intersection improvements and signalization for Meinecke at Pacific Highway. The "share" shall be calculated on traffic generations indicated by the Kittleson & Associates reports, including predicted "background" traffic.
5. Provide a landscape corridor plan for the Pacific Highway frontage.
6. Provide engineered construction plans for public utilities and roads, including costs, maintenance and bonding provisions in compliance with City standards. The plans shall include provisions for streets, trails, sanitary sewer, water, fire protection, storm water runoff, erosion control, street lighting and street trees in compliance with the City, USA, TVFRD and shall include at a minimum:
 - a. Utility extensions to all adjoining properties.
 - b. Pedestrian trail alignment and construction plans to the creek, including a trail paralleling the creek.
 - c. Provide additional data and construct storm water quantity and quality facilities in compliance with City standards including:
 1. Determine runoff impact to downstream properties.

2. Provide calculations for on-site quality facility showing standards are met.
 3. Provide a landscape/maintenance plan showing plantings, fencing, access and pedestrian easements on Tracts C", "D", and "E".
 4. Locate facilities and manage storm water so that quantity and quality are fully preserved for flows into wetlands in the dedicated area and to areas north and east of the PUD.
- d. Provide "No Parking" signs on one side of all local streets, and the north side of the entry collector up to the greenway trail.
 - e. Provide street names in accordance with City standards.
 - f. Provide one street tree per lot (two on corner lots) uniformly planted in the front yard or in a planter strip in accordance with City street tree standards.
 - g. Provide adequate water pressure and looping of water lines to City standards.
 - h. A through east-west and north-south minor collector street to full City classification, including a bike lane from the greenway trail to Highway 99W, and a reversal of the "T" intersection in the north-east corner of the project.
7. Tree cutting in the dedicated open space is prohibited. In addition, preserve the existing stand of trees adjoining Tax Lots 900 and 1000 on the southern boundary.
 8. The City Parks Board has accepted the public open space dedication as proposed. Parks SDC credits can be applied only to floodplain/greenway identified in the Parks Master Plan.
 9. Standard building setbacks apply to each lot, except that lots may have a minimum ten (10) foot setback where adjoining dedicated open space.
 10. Construct a six (6) foot high sight-obscuring fence adjoining the Urban Growth Boundary on all sides as agreed upon by the property owners, the City and the applicant.
 11. When substantial construction or development of the PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission shall hold a public hearing to determine

This approval is valid for one year.

Carole W. Connell
Carole W. Connell

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|----------|-------------------------------------|
| | Final Action |
| <u>X</u> | Additional Required Action |
| | Submittal of Final Development Plan |

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 93-2 was placed in a U.S. Postal receptacle on May 3, 1994.

In testimony whereof I have hereunto set my hand and official seal of the City of Sherwood this 3rd day of May 1994.

Polly Blankenbaker
Polly Blankenbaker
Recorder, City of Sherwood