

**City of Sherwood, Oregon
Ordinance No. 95-994**

AN ORDINANCE APPROVING A RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONING DISTRICT FOR TAX LOTS 500 AND 501, WASHINGTON COUNTY ASSESSORS MAP 2S1 W 31B; ALSO KNOWN AS ASTERBROOK, CONSISTING OF 39.7 ACRES MORE OR LESS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Tax Lots 500 and 501, Washington County Assessors Map 2S1 W 31B, hereinafter called 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 94-1 Asterbrook dated November 29, 1994, and recommended approval of the PUD Preliminary Development Plan, subject to certain conditions as enumerated in the Notice of Decision dated December 21, 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 was subject to a full and proper review and public hearings before the City Planning Commission on December 20, 1994.

Section 2. Public Hearing. That a public hearing on the PUD Preliminary Development Plan was held before the City Council on January 24, 1995, 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 94-1, said reports made part of this Ordinance by reference.

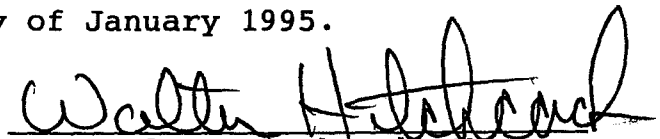
Section 4. Approval. That a request for a PUD Preliminary Development Plan for Tax Lots consisting of 39.7 acres more or less, is hereby APPROVED subject to the conditions attached as Exhibit "A".

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 24th day of January 1995.

Approved by the Mayor this 24th day of January 1995.


Walter Hitchcock, Mayor

ATTEST:


James H. Rapp, City Manager/Recorder

	<u>AYE</u>	<u>NAY</u>
Aamold	X	—
Boyle	X	—
Cottle	X	—
Hitchcock	X	—
Kennedy	X	—



EXHIBIT A
Ordinance No. 95-994
90 NW Park Street
Sherwood, Oregon 97140
503/625-5522 □ FAX 503/625-5524

NOTICE OF DECISION

TAX LOTS: 500 and 501
MAP NO.: 2S1 W 30B
CASE NO.: PUD 94-1
DATE MAILED: January 25, 1995

TO: Farwest Properties
Dick Brown
7350 SW Hunziker, #205
Tigard, Oregon 97224

Len Shelsky
Westlake Consultants
15115 SW Sequoia Parkway
Suite 150
Tigard, Oregon 97224

Nels O. Anderson Estate
c/o Anderson & Dittman Attorneys
8865 SW Center Street
Tigard, Oregon 97224

On January 24, 1995, the City Council of the City of Sherwood, Oregon, decided to approve your application for Asterbook Planned Unit Development Preliminary Development Plan.

The decision was based on the following major findings:

See Staff report dated November 29, 1994.

The following conditions were placed on approval of the application:

Prior to submittal of a Final PUD Development Plan, or in some cases prior to the submittal of the Final Plat, the following conditions must be satisfied:

1. Modify the plan and plat so that no wetlands or wetlands buffer (25') are on private property or in public streets, but are incorporated into the open space dedication. Dedicate the open space to the City in the Phase 1 Final Plat. Obtain necessary permits from the Corps of Engineers and the Division of State Lands for utility extensions in the floodplain/wetlands.

- b. Provide USA and City concurrence that a regional storm water treatment site (minimum 1 acre) is not planned to be purchased on this site.
- c. On-site water quality facilities are not permitted within the wetlands or the 25' wetland buffer, unless the buffer is widened to compensate for the encroachment. In no case shall the facility be closer than 15 feet from the wetland boundary.
- d. A 25 foot undisturbed corridor shall be platted parallel to the wetlands. The corridor should be replanted as part of the development using native vegetation.
- e. The intersection of Edy Road and the internal street in Phase 3 should be moved east to protect the wetland and allow for the required undisturbed corridor.
- f. Provide an all-weather maintenance road to the water quality facilities.
- g. Each lot shall have a separate connection to public storm and sanitary sewer. The private lines connecting each structure to the public main must be on the lot being served.
- h. Obtain a permit from USA for connection to the 24" main in Cedar Creek. Obtain appropriate State and Federal Permits prior to any on-site work.

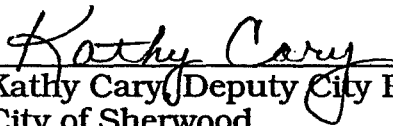
Edy Road:

- a. Obtain a Traffic Impact Report from Washington County. Comply with their road dedication, improvement and traffic safety recommendations.
- b. As a part of Phase 1, provide a half-street improvement to Edy Road from the west boundary of Phase 1 to the easterly side of Lot 1. Additional half-street improvements to Edy Road shall be completed with Phase 2.
- c. Provide a one foot non-access reserve strip along any Edy Road frontage.
- d. Provide a landscape corridor plan for lots adjoining Edy Road, as approved by the City.
- e. Provide all necessary lane striping, including a bicycle path.

STATE OF OREGON)
)
Washington County)

I, Kathy Cary, Deputy City Recorder of the City of Sherwood, State of Oregon, in Washington County, the duly constituted and appointed custodian of the records in said City, do hereby certify that the Notice of Decision on Case No. PUD 94-1 was placed in a U.S. Postal receptacle on January 25, 1995.

In testimony whereof I have hereunto set my hand and official seal of the City of Sherwood this 25th day of January 1995.



Kathy Cary, Deputy City Recorder
City of Sherwood