

City of Sherwood, Oregon
Ordinance No. 95-997

AN ORDINANCE APPROVING A RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONING DISTRICT FOR TAX LOT 200, WASHINGTON COUNTY TAX ASSESSORS MAP 2S1 29C, TAX LOTS 900 AND 901, WASHINGTON COUNTY ASSESSORS MAP 2S1 29B, AND TAX LOT 300, WASHINGTON COUNTY TAX ASSESSORS MAP 2S1 29D; ALSO KNOWN AS SHERWOOD VILLAGE, CONSISTING OF 125 ACRES MORE OR LESS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Tax Lot 200, Washington County Tax Assessors Map 2S1 29C, Tax Lots 900 and 901, Washington County Tax Assessors Map 2S1 29B, and Tax Lot 300, Washington County Tax Assessors Map 2S1 29D, hereinafter called Tax Lots, contain a one-acre wetland 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, Tax Lots are unusual and warrant a master development plan because of size, five different zoning classifications, and is in the center of Sherwood, surrounded by existing development and major roadways; and

WHEREAS, the site will connect two major planned collector streets into two existing arterial roadways, and provides a variety of land use and auto, pedestrian and bicycle circulation in the central part of the City; and

WHEREAS, Tax Lots are within the urban growth boundary and the City limit; 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, wetlands, and extreme topography, or man-made features, such as parcel configuration and surrounding development."; 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 95-1 dated February 21, 1995, and recommended approval of the PUD Preliminary Development Plan, subject to certain conditions as enumerated in the Notice of Decision dated April 26, 1995; 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

WHEREAS, the City Council finds that for improved buffering between different land uses, Phase 6 should be designated Light Industrial (LI) and Phase 5 should be designated Retail Commercial (RC).

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 February 28, 1995.

Section 2. Public Hearing. That a public hearing on the PUD Preliminary Development Plan was held before the City Council on March 28, 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 findings of fact contained in Staff reports for PUD 95-1, 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 125 acres more or less, is hereby APPROVED subject to the conditions attached as Exhibit "A".

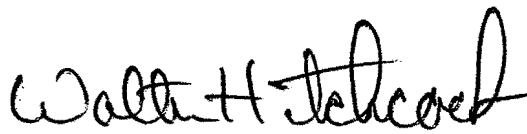
Section 5. Manager Authorized. The City Manager is directed to take such action as may be necessary to document this amendment, including preparation of a certified modification of the Official City Zoning Map, at such time as all conditions of the approval have been fully satisfied in accordance with 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.

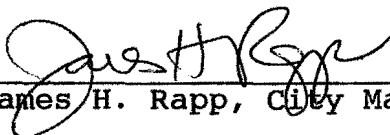
Passed by vote of the City Council this 25th day of April 1995.

Approved by the Mayor this 25th day of April 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	—



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

**EXHIBIT A
ORDINANCE NO. 95-997**

NOTICE OF DECISION

MAP AND TAX LOT Nos:
Tax Lot 200, Map 2S1 29C
Tax Lots 900 and 901,
Map 2S1 29B
Tax Lot 300, Map 2S1 29D
CASE No: PUD 95-1
DATE MAILED: April 26, 1995

TO: Martha Stiven
Planning & Dev. Services
14620 Uplands Drive
Lake Oswego, OR 97034

Clarence D. Langer
15585 SW Tualatin-Sherwood Rd.
Sherwood, Oregon 97140

Weigel Properties
6249 SW Canyon Court
Portland, OR 97221

Westlake Consultants
15115 SW Sequoia Parkway, #150
Tigard, OR 97224

On April 25, 1995, the City Council of the City of Sherwood, Oregon, decided to approve your application for PUD 95-1 Sherwood Village Preliminary Development Plan.

The decision was based on the following major findings:

See Staff report dated February 22, 1995.


The following conditions were placed on approval of the application:

1. Phase 6 shall be designated Light Industrial (LI) and Phase 5 shall be designated Retail Commercial (RC). Remove the Century Drive extension east of Adams Avenue.
2. Prior to issuance of any permits for Phase 1, the City and applicant shall execute a applicant's parks maintenance agreement. The agreement shall include a provision that when the residential areas are fully developed, the City has the option to take over the maintenance responsibilities of the Park.

3. The owner shall dedicate to the City the wetland and wetland buffer delineated in the applicant's wetland delineation report, prior to issuance of permits for Phase 8 of the development. Any wetland modifications shall be submitted by the developer for review and approval by the Division of State Lands and the Corps of Engineers.
4. At each phase of development, and with each site plan submitted to the City, the applicant shall provide a traffic impact analysis for City, County and ODOT review and approval. Recommended traffic safety and road improvements shall be considered by the City and may be required with each phase.
5. Revise the Design Guidelines for all residential and commercial development to increase the number of structures required to have porches and recessed garages.
6. Adams Avenue shall be constructed from Century Drive north to Tualatin-Sherwood Road prior to completion of Phase 3. Those improvements shall include curbs, gutters and sidewalks and 28 feet of paving on the west side of the street. Adams Avenue shall be constructed by the developers to connect to Oregon Street (not across railroad tracks) upon completion of Phase 6, and where necessary the City will acquire road right-of-way to complete the connection. Sidewalks on all portions of Adams Avenue shall be constructed in the same meandering design as approved for Century Drive.
7. At the time of individual site plan review, consider comments from Tri-Met recommended in their letter dated March 27, 1995.
8. Prior to Final Development Plan submittal, modify the plan to the City's satisfaction so that the pedestrian link to the Sherwood Plaza is a sidewalk built to City standards.
9. In Phase 1, water service shall be looped to Tualatin-Sherwood Road from Century Drive via a public easement in the Adams Avenue alignment.
10. Modify the plan to incorporate a pedestrian link from Phase 3 to Phase 5 at the end of the planned cul-de-sac. Alignment is to be finalized during site plan approval of Phase 3.
11. As a part of the Phase 1 Site Plan submittal, provide a forty (40') foot wide pedestrian easement from Century Drive to Langer Drive that includes pavement width, landscaping and street furniture for City approval. Align the pathway so that it coincides with the adjoining phase lines. The pathway shall be constructed by the developer with the completion of Phase 1 development.

12. Provide and construct a twenty-four (24') foot wide public vehicle access easement from Phase 1 to Langer Drive, alignment and specifications to be determined at the time of Phase 1 Site Plan submittal. Upon a subsequent evaluation, this access may be abandoned when the connection to Tualatin-Sherwood Road via Adams Avenue is constructed.

This Preliminary Development Plan approval is valid for one (1) year.

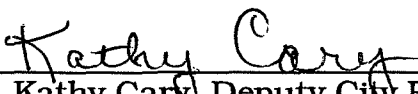
Signed: 
Carole W. Connell
Planning Director

Final Action
 Additional Required Action

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 95-1 was placed in a U.S. Postal receptacle on April 26, 1995.

In testimony whereof I have hereunto set my hand and official seal of the City of Sherwood this 26th day of April 1995.



Kathy Cary, Deputy City Recorder
City of Sherwood