

**City of Sherwood, Oregon  
Ordinance No. 96-1005**

**AN ORDINANCE APPROVING A RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONING DISTRICT FOR TAX LOTS 503, 504, 600 AND 700, WASHINGTON COUNTY ASSESSORS MAP 2S131D, CONSISTING OF 26.80 ACRES MORE OR LESS, AND ESTABLISHING AN EFFECTIVE DATE.**

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**WHEREAS, Tax Lots 503, 504, 600 and 700:31D contain approximately 6.83 acres of Cedar Creek floodplain identified in the Comprehensive Plan, including wetlands identified in the City's wetland inventory; and**

**WHEREAS, notwithstanding Tax Lots 503, 504, 600 and 700:31D greenway, floodplain and wetland designations, this property is within the urban growth boundary and the City limits, and is zoned for residential development, and Council believes that the subject PUD complies because of the 6.83 acres of Cedar Creek Greenway floodplain and wetlands on the site; 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 Council believes that the subject PUD complies because of the 6.83 acres of Cedar Creek Greenway floodplain and wetlands on the site; 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 Tax Lots 503, 504, 600 and 700:31D on February 20, 1996, and after full and due consideration of the evidence, reports and testimony presented, adopted the findings of fact outlined in the Planning Staff report PUD 95-2 Arbor Lane, dated February 13, 1996, and recommended approval of the PUD Preliminary Development Plan, subject to certain conditions as enumerated in the Notice of Decision; and**

**WHEREAS, The City Council has received the original application materials, the City's Planning Staff report, 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 503, 504, 600 and 700:31D was subject to a full and proper review and public hearing before the City Planning Commission on February 20, 1996.

Section 2. Public Hearing. That a public hearing on the PUD Preliminary Development Plan was held before the City Council on February 27, 1996, 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 report; the record, findings, and recommendation of the Commission; and of the evidence presented at the public hearing; the Council findings that, due to the unique natural features, Tax Lots 503, 504, 600 and 700:31D 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 Report PUD 95-2, said report made part of this Ordinance by reference.

Section 4. Approval. That a request for a PUD Preliminary Development Plan for Tax Lots 503, 504, 600 and 700:31D consisting of 26.80 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.

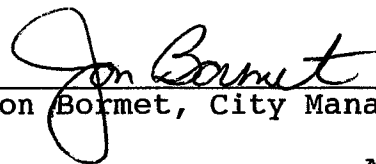
Section 6. Effective Date. This Ordinance shall become effective at such time as the PUD Final Development Plan has been approved in accordance with Code Section 2.202.03, and certification by the City Manager that all conditions of approval have been satisfied or completed, or that a satisfactory performance 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 May 22, 1996, when the annexation of Tax Lot 504:31D is deemed effective and until the vacation of excess Sunset Boulevard right-of-way is complete.

Passed by vote of the City Council this 12th day of March 1996.

Approved by the Mayor this 12th day of March 1996.

  
\_\_\_\_\_  
Walter Hitchcock, Mayor

ATTEST:

  
\_\_\_\_\_  
Jon Borner, City Manager/Recorder

	<u>AYE</u>	<u>NAY</u>
Aamold	<input checked="" type="checkbox"/>	_____
Boyle	<input checked="" type="checkbox"/>	_____
Cottle	<input checked="" type="checkbox"/>	_____
Hitchcock	<input checked="" type="checkbox"/>	_____
Kennedy	<input checked="" type="checkbox"/>	_____



Exhibit A  
Ordinance No. 96-1005  
20 N.W. Washington Street  
Sherwood, Oregon 97140  
503/625-5522 □ FAX 503/625-5524

## NOTICE OF DECISION

TAX LOTS: 503,504,600,700  
MAP NO: 2S1 31D  
CASE NO: PUD 95-2  
DATE MAILED: March 20, 1996

TO: West Hills Homes  
14273 NW Science Park Drive  
Portland, OR 97229

James Griffith  
11970 SW Hazelwood Loop  
Tigard, OR 97223

Ryan O'Brien  
Land Development Consultants, Inc  
233 SE Washington  
Hillsboro, OR 97123

On March 12, 1996, the City Council of the City of Sherwood, Oregon, decided to approve your application for PUD 95-2 Arbor Lane Planned Unit Development Preliminary Development Plan version dated March 7, 1996.

The decision was based on the following major findings:

See Staff Report dated February 13, 1996 and Ordinance 96-1005.

The following conditions were placed on approval of the application:

Upon completion of annexation of Tax Lot 504, and prior to submittal of a Final Development Plan to the Planning Commission, or in some cases prior to a Final Plat:

1. Provide a common driveway easement and maintenance agreement between Lots 4 and 5 and between Lots 8 and 9. Extend a driveway easement and shared maintenance responsibilities to the adjoining Tax Lot 800.
2. Provide a half-street center section improvement to the Sunset Boulevard frontage the length of the project, or equal to the length of the frontage.
3. Submit engineered construction plans to the City, TVFRD and USA for all public facility improvements including streets, five foot sidewalks, sanitary sewer, storm water, water, fire protection, street lights, street names, street signs, street trees, erosion control and grading. Ensure water runoff to adjoining properties is not increased. Provide utility easements to Tax Lot 800 and other adjoining properties if necessary. Provide improvement costs and enter into a subdivision compliance and maintenance agreement with the City. Provide maintenance access to stormwater facilities.
4. Denote in the CC&R's that fences over 3.5 feet are prohibited in front yards.
5. Fences in the rear yards of lots adjoining the Cedar Creek Greenway are restricted to black cyclone fencing not to exceed 72 inches and shall be so stated in the CC&R's.
6. Establish Arbor Lane CC&R's and a homeowners association to guarantee maintenance of common areas including, but not limited to, the landscape

corridor on Sunset Boulevard, the drainage swale, the landscaped island in the cul-de-sac and the front yard landscaped planter strips adjoining the internal streets. A subsequent agreement, approved by City Council, will require a homeowner's organization to maintain common areas as noted herein. Said agreement shall also provide a mechanism for the collection of money from property owners for maintenance of the common areas by the City in the event the homeowner's association fails to comply with this condition.

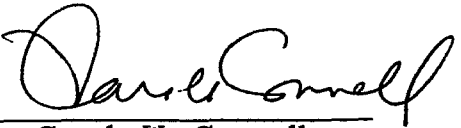
7. Construct an 8 foot wide asphalt pedestrian pathway from the southern end of the site connecting to Sunset Boulevard adjoining Cedar Creek in an alignment to be determined by Staff. Also construct an 8 foot wide asphalt path between Lots 58 and 59 and along the south boundary of Lot 39 from the public street to the pathway paralleling the creek.
8. Properly taper roadways to meet the existing street stubs in Georgetown Estates.
9. The following Code variations will be granted for this development:
  - Street ROW : 42-50 feet which includes, a planter strip, parking and sidewalks on both sides.
  - Street Paving Width: 28 feet
  - Lot Size: Single-family: 4500 SF (minimum)  
5400 SF (average)
  - Lot Width at frontage: 42 feet Cul-de-sacs: 10 feet
  - Lot Width at Building Line: 50 feet
  - Building Setbacks:
    - Front: 20 feet
    - Side: 5 feet
    - Street Side: 15 feet
    - Rear: 20 feet, except for Lots 32-38 which shall have 30 ft.
10. Provide a landscape corridor plan adjoining Sunset Boulevard for City Staff approval. Solid wooden fences are prohibited in the corridor. Maintenance of the corridor is the responsibility of the homeowner's association.
11. Obtain a demolition permit for removal of existing buildings.
12. Prior to Final Plan submittal, provide a tree and woodland survey in accordance with City specifications by a certified arborist. Preserve all trees in the floodplain. Obtain arborist and City approval of trees to be removed. Comply with City guidelines for tree protection.
13. Expand the wetland delineation to include Tax Lot 504. Provide DSL concurrence. Revise the plat accordingly to ensure protection of the wetland, if necessary.
14. Comply with the requirements of an existing water pay back agreement as determined by the City.

15. Lot 31 and Tax Lot 800 may be divided in the future in accordance with the underlying zone standards, and new building lots created must conform to and be a part of the Arbor Lane Homeowner's Association.
16. All site fill must be engineered. Submit a soils report to the Building Division.
17. Provide a one-foot non-access reserve strip on Arbor Lane's southern boundary, and along the Sunset Boulevard frontage.

This approval is valid for one (1) year.

**APPEAL**

Persons who are a party to the 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

X Additional Action

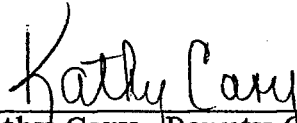
Planning Commission approval of the  
Final Development Plan and Final Plat:

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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 95-2 was placed in a U.S. Postal receptacle on March 20, 1996.

In testimony whereof I have hereunto set my hand and official seal of the City of Sherwood this 20th day of March, 1996.

  
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Kathy Cary, Deputy City Recorder  
City of Sherwood

LEGEND

-  HYDROLOGIC SOIL GROUP "B"
-  HYDROLOGIC SOIL GROUP "D"
-  HYDROLOGIC SOIL GROUP "U"
-  HYDROLOGIC SOIL GROUP "BC"
-  HYDROLOGIC SOIL GROUP "C"
-  MAJOR BASIN

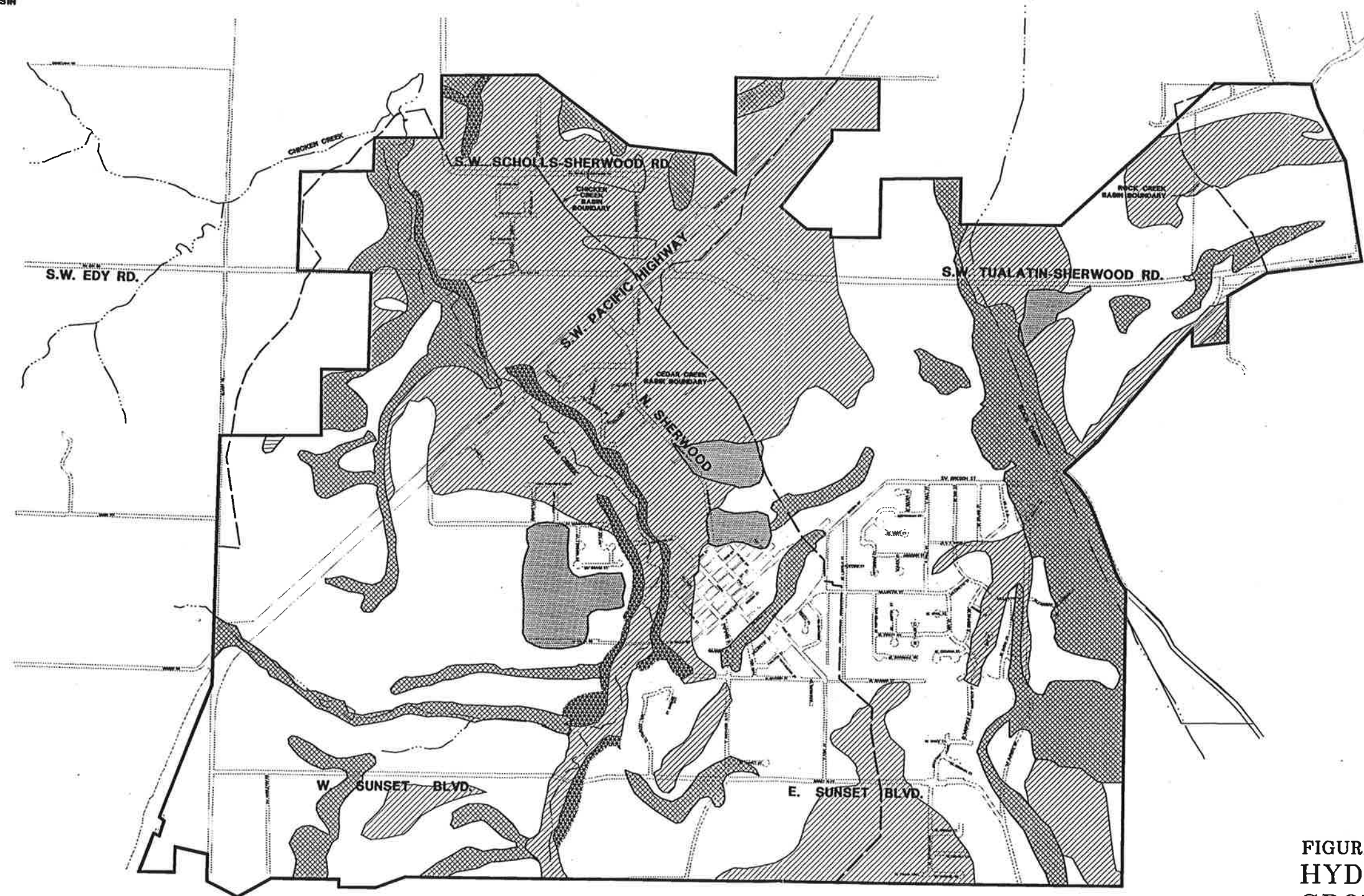


FIGURE 5.  
HYDROLOGIC SOIL  
GROUPS