

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING A TIME) RESOLUTION NO 99-2857-A
EXTENSION FOR COMPLIANCE WITH TITLE 4)
OF THE URBAN GROWTH MANAGEMENT) Introduced by Rod Monroe, Presiding
FUNCTIONAL PLAN FOR THE CITY OF) Officer and Mike Burton, Executive
SHERWOOD AND REQUIRING ACTIONS TO) Officer
ASSURE COORDINATION AMONG THE)
COMPREHENSIVE PLANS OF THE CITIES OF)
SHERWOOD, TUALATIN, TIGARD,)
BEAVERTON AND WASHINGTON COUNTY)
CONCERNING TITLE 4 OF THE FUNCTIONAL)
PLAN)

WHEREAS, Metro established the desired urban form for the region when it adopted the 2040 Growth Concept and Map into its 1995 regional goals and objectives, called Regional Urban Growth Goals and Objectives (“RUGGO”) which has been acknowledged by LCDC; and

WHEREAS, Metro has the authority to adopt functional plans on aspects of metropolitan development, such as the desired urban form for the region, under ORS 268.390(2); and

WHEREAS, Metro is authorized by ORS 268.390(4) to “require cities and counties, as it considers necessary, to make changes in any plan to assure that the plan and any actions taken under it conform to the district’s functional plans ...”; and

WHEREAS, the Metro Council exercised that statutory authority when it adopted the requirements in Urban Growth Management Functional Plan for early implementation of the 2040 Growth Concept on November 21, 1996, by Ordinance No. 96-647C; and

WHEREAS, compliance with Titles 1, 2, 4, and 6 of the Functional Plan, including any needed comprehensive plan and development code changes, was due in February, 1999; and

WHEREAS, the Urban Growth Management Functional Plan in Metro Code Section 3.07.820.C provides that Metro Council may grant extensions to timelines for

compliance with the Functional Plan “if the city or county has demonstrated substantial progress or proof of good cause for failing to complete the requirements on time;” and

WHEREAS, the City of Sherwood was previously granted an extension to comply with all of these titles of the Functional Plan but was unable to complete work by the end of its time extension deadline of September 30, 1999; and

WHEREAS, the City of Sherwood has requested in Exhibit A an additional extension for compliance with Titles 1, 2, 4, and 6 of the Functional Plan until June 15, 2000 because staff turnover and budget limitations have prevented completion; and

WHEREAS, the City of Sherwood has provided a “2040 Compliance Schedule and Task Outline” which describes the remaining work to be completed for Functional Plan compliance in Exhibit B; and

WHEREAS, Title 4 of the Urban Growth Management Functional Plan requires cities and counties to change their plans to either prohibit retail uses larger than 60,000 square feet of gross leasable area per building or business in the Employment on the 2040 Growth Concept Map Areas or add a process to demonstrate that all current and future transportation facility needs can be met; and

WHEREAS, the cities of Tualatin, Tigard, Beaverton (2 of 3 districts) and Washington County have complied with Title 4 by prohibiting these very large retail uses in 2040 Employment Areas; and

WHEREAS, interest has been expressed in development of a retail use larger than 60,000 square feet of gross leasable area per building or business in a 2040 Employment Area within a City of Sherwood Light Industrial zone; and

WHEREAS, the Conditional Use Permit (“CUP”) process required by the existing city code for reviewing an application for this use addresses only the current transportation facility needs of the proposed use itself; and

WHEREAS, this CUP process is insufficient to demonstrate that future transportation facility needs can be met, thereby violating the Title 4 provision in Metro Code 3.07.420(B); and

WHEREAS, the City of Sherwood’s Functional Plan proposed Compliance Schedule and Task Outline shows that the city anticipates prohibiting retail uses larger than 60,000 square feet from its Office Commercial, Light Industrial and General Industrial zones to comply with Title 4; and

WHEREAS, without action by Metro the possibility exists for applications for very large retail uses to comply with the existing permit standards for the current zone despite violating Title 4 of the Functional Plan for Sherwood’s 2040 Employment Areas; and

WHEREAS, Metro is required by ORS 195.025(1) to be responsible for coordinating all planning activities affecting land uses within the district to assure integrated comprehensive plans for the entire metropolitan area; and

WHEREAS, the comprehensive plans of the Cities of Tualatin, Tigard, Beaverton and Washington County are not coordinated with the City of Sherwood’s comprehensive plan concerning Title 4 of the Urban Growth Management Functional Plan until the City of Sherwood completes its work plan in Exhibit B, including amending its comprehensive plan and land use regulations to comply with Title 4; and

WHEREAS, regional coordination action is necessary to assure that planning activities affecting land uses within the 2040 Employment Areas located inside the city limits of Sherwood

are coordinated with the comprehensive plan and land use regulations of its county and neighbor cities which protect the 2040 Employment areas in those jurisdictions; now, therefore,

BE IT RESOLVED:

1. That the City of Sherwood is hereby granted a compliance time extension for Title 4 of the Urban Growth Management Functional Plan until June 15, 2000 based on its demonstration of good cause for failing to complete the requirements on time due to staff turnover and budget constraints.

2. That the time extension granted to the City of Sherwood is for Functional Plan Title 4 is approved subject to the actions required in Resolved 5, 6, and 7 herein which are necessary to assure that actions taken under Sherwood's existing plan conform to Title 4 of the Functional Plan during the time extension; and

3. That the Metro Council hereby determines that the City of Sherwood's planning activities are not coordinated with Washington County and its neighbor cities of Tualatin, Tigard and Beaverton concerning the requirements of Title 4 of the Urban Growth Management Functional Plan to protect 2040 Industrial Areas and Employment Areas from the transportation impacts of very large retail uses.

4. That a regional coordination action by Metro pursuant to ORS 195.025(1) and ORS 268.385 is necessary to assure coordination of planning activities affecting land uses within the Industrial Areas and Employment Areas identified on the acknowledged 2040 Growth Concept Map which are located in the City of Sherwood until that city amends its comprehensive plan and land use regulations in a manner that complies with Title 4 of the Urban Growth Management Functional Plan in coordination with the cities of Tualatin, Tigard, Beaverton and Washington County.

5. That the City of Sherwood is hereby required to make a determination of compliance with Title 4 of the Urban Growth Management Functional Plan prior to consideration of approval of any application for any retail use larger than 60,000 square feet of gross leasable area per building or business on land in Industrial Areas and Employment Areas identified on the acknowledged 2040 Growth Concept Map which are located in the City of Sherwood.

6. That the City of Sherwood is hereby required to obtain a demonstration of the adequacy of both current and planned transportation facilities for the proposed use and all planned land uses in the vicinity as required by title 4 in order to make a determination of compliance.

7. That the City of Sherwood is hereby required to deny any application for any retail use larger than 60,000 square feet of gross leasable area per building or business on land in Industrial Areas and Employment Areas identified on the acknowledged 2040 Growth Concept Map which are located in the City of Sherwood which do not demonstrate compliance with Metro Code 3.07.420(B).

ADOPTED by the Metro Council this 4th day of NOVEMBER 1999.

Susan McGinnis Acting
Rod Monroe, Presiding Officer Deputy Presiding Officer

APPROVED AS TO FORM:

[Signature]
Daniel B. Cooper, General Counsel



October 20, 1999

Marian Hull
METRO
600 Northeast Grand Avenue
Portland, Oregon 97232-2736

RE: City of Sherwood 2040 Compliance Program – Draft Revised Timelines.

Dear Marian:

We have reviewed comments received from Metro regarding our compliance report and capacity analysis (City of Sherwood's Compliance Report dated August 19, 1998). Based on our review and conversations with you and Lydia we have revised our scope of work and compliance schedule. Listed below is the tentative revised schedule and reformatted scope, together with the estimated completion dates for the various components of the work program.

While we are proceeding with the work tasks, the Planning Commission and City Council has not yet reviewed and approved the revised work program, schedule, and budget. Their review is scheduled for a joint work session on November 30, 1999. So, we will not be able to officially submit our program until the first week of December.

The City understands that this schedule fails to meet the compliance deadline of December 1999, as set by the Functional Plan. Therefore we are requesting an extension to June 15, 2000 in order to allow completion of the work program. However, regardless of the Metro Council's action on our request, we are proceeding with the scheduled work, to the extent our present budget allows.

As you know, the City of Sherwood is operating in a rapid growth environment with a severe shortage of staff. To assist with the compliance work, we have hired the firm of Ragsdale Koch Altman, LLC (RKA). Ben Altman of RKA has prepared the revised Work Program and schedule in coordination with city staff.

Please review our program and provide any comments and recommendations. Any comments provided will be forwarded to the Planning Commission and Council as part of the program review and approval on November 30, 1999.

Sincerely,

Greg Turner
City Planner

2040 COMPLIANCE SCHEDULE AND TASK OUTLINE

- I. General Back Ground and Initial Public Engagement
 - A. Define Geographic Framework – Set context through a series of public workshops.
 1. What are the desired and defining physical characteristics of Sherwood?
 - a) What defines it now?
 - b) How should that change, if at all?
 2. What is the desired future for Old Town?
 - a) What is its look and feel?
 - b) What is the appropriate land use mix and densities?
 - c) What about access and circulation, to, from, and through?
 - d) What are the boundaries?
 3. What about the Six Corners Commercial area?
 - a) What is its look and feel?
 - b) What is the appropriate land use mix and densities?
 - c) What about access and circulation, to, from, and through?
 - d) What are the boundaries?
 4. What about the Industrial Areas?
 - a) What is its look and feel?
 - b) What is the appropriate land use mix and densities?
 - c) What about access and circulation, to, from, and through?
 - d) What are the boundaries?
 5. What about Residential Neighborhoods?
 - a) What is their look and feel?
 - b) How do they relate to the other use areas?
 - c) What about access and circulation, to, from, and through?
 - d) What are the boundaries?
 6. What about Open Spaces, including the Wild Life Refuge?
 - a) What is their look and feel?
 - b) How do they relate to the other use areas?
 - c) What about access and circulation, to, from, and through?
 - d) What are the boundaries?
 7. What about Connecting Corridors?
 - a) Green corridors?
 - b) Local corridors such as Sherwood Blvd, Oregon Street, Washington/Meinecke?
 - c) Major transportation links such as 99W and Tualatin/Sherwood Rd?
 8. Public Review Process.
 - a) Based on citizen workshops, staff prepares comparative match of Community Character to Metro 2040: 10-27-99 to 11-29-99.
 - b) Planning Commission Review: 12-7-99, 12-21-99, 1-4-2000, and 1-18-2000.
 - c) City Council briefing: 1-11-2000 and 1-25-2000.

- d) Draft Recommendations to Metro: 1-31-2000.
- B. Metro 2040 Design Types.
- 1. Based upon the conclusions from task set A, define the boundaries of the 2040 Design Types that fit Sherwood.
 - a) Town Center (Location?)
 - b) Main Street(s).
 - c) Corridors.
 - d) Green.
 - e) Transportation.
 - f) Employment Areas.
 - g) Industrial Areas.
 - h) Neighborhoods.
 - Inner.
 - Outer.
 - 2. Conclusion - Summary of Comprehensive Plan Policies and Map Issues.
 - 3. Public Review Process.
 - a) Based upon citizen workshops, staff prepares updated analysis and findings: 11-17-99 to 11-29-99.
 - b) Planning Commission review: 12-7-99, 12-21-99, 1-4-2000, and 1-18-2000
 - c) City Council briefing: 1-11-2000 and 1-25-2000.
 - d) Draft Recommendations to Metro: 1-31-2000.
- C. Refine and Reconcile vacant land inventory and population/employment allocations with Metro.
- 1. Refine methodology for vacant land capacity analysis per Metro's comments.
 - 2. Update the vacant land inventory and reconcile with Metro housing and employment allocations, including mixed-uses centers.
 - 3. Public Review Process.
 - a) Staff prepares updated analysis and findings: 10-18-99 to 11-26-99.
 - b) Planning Commission Review: 12-21-99 and 1-4-2000.
 - c) City Council briefing: 1-25-2000.
 - d) Draft Recommendations to Metro: 1-31-2000.
- D. Assess public facilities master plans to identify any significant service capacity limitations relative to supporting the projected growth.
- 1. Sewer (coord. USA).
 - 2. Water (C/C approved October '99 update).
 - 3. Storm (coord. USA).
 - 4. Parks (to C/C November '99 update).
 - 5. Assess draft Transportation System Plan (April '98) relative to Metro Title 6 design issues.
 - a) Street classifications.
 - b) Optional performance standards relative to congestion (Section 4.B).

- c) Assess current parking ratios compared to Metro's minimum and maximum criteria.
 - d) Note: Full State TPR compliance review may occur at a separate time.
 - 6. Assess City's current growth management policy framework to determine appropriate revisions, to address current UGB/City Limits versus Urban Reserves.
 - 7. Public Review Process.
 - a) Staff prepares updated analysis and findings: 10-18-99 to 11-26-99.
 - b) Planning Commission Review: 12-21-99 to 1-4-2000.
 - c) City Council briefing: 1-25-2000.
 - d) Draft Recommendations to Metro: 1-31-2000.
- II. Comprehensive Plan and Code Amendment Package.
 - A. Amendment of City's Comprehensive Plan.
 - 1. Chapter 3 – Growth Management (Title 1).
 - a) Update the text and policies of the City's Comprehensive Plan to reflect the new planning horizon of 20 years.
 - (1) Growth assumptions:
 - (a) population allocation
 - (b) employment allocation
 - 2. Chapter 4 - Land Use (Title 1).
 - a) Establish minimum residential densities particularly for high density districts.
 - b) Develop a policy to prohibit Big Box retail uses in identified Industrial and Employment areas.
 - c) Develop a mixed-use policy, which permits limited multi-family housing in certain commercial areas, particularly in the Old Town area.
 - d) Amend City's Comprehensive Plan Map to identify the boundaries of the applicable 2040 Growth Concept design types.
 - 3. Chapter 5 – Environmental Resources (Title 3).
 - a) Develop policies to implement contextual framework identified for Corridors and Title 3.
 - (1) Review and adopt USA Title 3 package (Dec. '99).
 - (2) Refine policies as needed to acknowledge and protect open spaces, stream corridors, and the wild life refuge, including new maps.
 - b) Evaluate flood management policies for appropriate updates, including coordination with Washington County on possible FEMA, Firm Map updates.
 - 4. Chapter 6 – Transportation (Title 6).
 - a) Evaluate whether optional Level of Service Standard (Title 6, Section 4.B) is needed for the designated Town Center.

- b) Revise transportation policies in Chapter 6 to include a reference to the design elements and performance standards in the Functional Plan.
 - c) Incorporate a new policy in Chapter 6 to recognize the Transportation Planning Rule and 2040 Growth Concept, which calls for more compact urban development.
 - d) Develop a policy commitment to review and amend parking regulations, if necessary, to meet the Regional Parking Ratios Table and parking Maximum Map.
5. Chapter 7 - Community Facilities and Services (Title 1).
- a) Identify any necessary amendments to City's adopted master plans (sewer, water, drainage) to assure that public facilities can be provided to accommodate the planned housing and employment capacity within the planning period.
 - b) Identify appropriate Code amendments as necessary to assure continued coordination between development and public facilities and services.
6. Public Review Process - Comparative match of Community Character to Metro 2040 Concepts and Design Types.
- a) Based on prior citizen workshops and Commission hearings, staff prepared recommended amendments: 12-7-99 to 1-17-2000.
 - b) Citizen Review Workshops (3): 1-26-2000, 2-2-2000, and 2-9-2000.
 - c) Planning Commission Review: 3-7-2000, 3-21-2000, and 4-4-2000.
 - d) City Council briefing: 4-25-2000.
 - e) Draft Recommendations to Metro: 4-28-2000.
 - f) City Council Adoption 5-9-2000 and 5-23-2000.
- B. Amendment of City's Zoning Code relative to applicable Titles of Metro Growth Management Functional Plan.
- Title 1. Requirements for housing and Employment Accommodation.
- a) Develop minimum density standards based on 80% of the maximum number of dwelling units per net acre permitted by the zoning designation.
 - b) Add a purpose statement specifying requirement of allowing partitioning or subdividing land inside the UGB where existing lot sizes are two or more times that of minimum lot size of the zone - Sherwood appears to already comply with this requirement.
 - c) Develop amendment to allow at least one accessory dwelling unit within any detached single family dwelling unit within all of the residential districts.
 - d) Select approach to identifying redevelopable lands to complete the capacity estimate. The City needs to analyze the Old Town area and Main Street areas and develop an approach

- to identifying the redevelopable lands. The City will then be able to complete the capacity analysis.
- e) Review residential zones to look for opportunities to increase housing capacity to meet the 2017 housing targets.
 - f) Consider methods of increasing housing and jobs in Town Center, Employment Areas and along Corridors.
2. Title 2. Regional Parking Policy.
- a) The completion of these items would coincide with the completion of the City's Transportation System Plan.
 - (1) Establish process for considering variances when a development application is received which may result in approval of construction of parking spaces either in excess of the maximum parking ratios or less than the minimum parking ratios.
 - (2) In mixed use areas, provide blended parking ratios to account for cross-patronage and shared parking benefits
 - (3) Establish maximum parking ratios per Table 2 of the Functional Plan.
 - (4) Revise minimum parking standards in Code to coincide with Table 2, Regional Parking Ratios Title 2, Section 2.A.1.
 - (5) Count adjacent on-street parking spaces, nearby public parking and shared parking toward minimum standard.
 - (6) Rewrite Section 5.301.02 of the City's Zoning Code to read: "Two or more uses, structures or parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap...".
 - (7) Amend Section 5.301.04 of the City's Zoning Code to read, "When several uses occupy a single structure or parcel of land, the total requirements for off-street parking...shall be the sum of the requirements for the several uses computed separately with a reduction of 10-25% to account for cross-patronage of adjacent businesses or services."
 - (8) Relative to storm water management measures in parking areas, consider alternatives to hard, impermeable surface treatments for infrequently utilized parking areas, and on-site water retention in large parking lots.
3. Title 3. Water Quality, Flood Management and Fish and Wildlife Conservation.
- a) Coordinate compliance package through Unified Sewerage Agency (USA).

- (1) Adopt a balanced cut and fill for any development occurring within the floodplain.
 - (a) Amend Flood plain regulations to include 1996 flood inundation areas.
 - (2) Require erosion and sediment control for all new development regardless of size or location of site.
 - (3) Provide protection for steep slopes within Water Quality Resource Areas defined by Title 3, including provisions for increasing riparian vegetation cover along Water Quality Resource Areas.
 - (4) Prohibit new uses of uncontained areas of hazardous materials of hazardous materials defined by DEQ in the Water Quality and Flood Management Areas.
- b) Develop code amendment to flood plain regulations to account to FEMA map revision process (CLOMR & LOMR).
4. Title 4. Retail in Employment Areas.
 - a) Prohibit retail uses larger than 60,000 square feet of gross leasable area per building or business from the OC, LI and GI zones. Request change to Title 4 map to remove employment designation for rail district property.
 5. Title 5. Neighboring Cities and Rural Reserves.
 - a) Develop Code language to reflect Title 5 requirements to recognize and protect Green corridors.
 6. Title 6 – Regional Accessibility.
 - a) The completion of these items would coincide with the completion of the City’s Transportation System Plan.
 - (1) Sherwood Boulevard from Gleneagle Drive to Oregon Street and Oregon Street from Sherwood boulevard to Lincoln Street have been designated on Metro’s Boulevard design map as Main Streets. The Transportation System Plan as well as the Comprehensive Plan should contain consideration of the design treatments listed in Title 6, Section 2B (1-9) for the two Main Streets.
 - (2) In the Comprehensive Plan, Part 2 Chapter 6C Policies 2-6 reference Title 6, Section 2B (1-9).
 - (3) In the Comprehensive Plan, Part 2 Chapter 6D 2(a) and Policy 11 should reference portions of Title 6, Section 2B (1-9).
 - (4) Revise Section 6.304.01 and 6.304.02 of Zoning Code to contain a reference of Title 6, Section 2B (1-9).
 - (5) Design Standards for Street Connectivity - The City will decide through the Transportation System Plan process whether to comply with Title 6 Section 3A (Design option) or Section 3B (Performance option).

b) Title 6, Section 4.A. Alternative Mode Analysis - The City shall establish mode split targets for the 2040 design types, which will be used to guide transportation system improvements.

c) Title 6, Section 4.B. Motor Vehicle Congestion Analysis - The City may establish optional performance standards and deficiency thresholds intended to identify transportation needs through multi-modal system-level planning.

d) Title 6, Section 4.C. Transportation System Analysis - The City shall establish the process to identify appropriate recommended solutions to address those needs identified through multi-modal system level planning.

e) Title 6, Section 4.D. Congestion Analysis Outside of Mixed Use Areas - Addresses congestion and capacity issues that result from the implementation of the functional plan. In Sherwood, these provisions would apply (a) areas outside the town center boundaries, and (b) the Town Center area, if the City elects not to use the alternative congestion standards contained in Section 4.B of the Functional Plan.

7. Public Review Process - Comparative Match of Community Character to Metro 2040 Concepts and Design Types.

a) Based on prior citizen workshops and Commission hearings, staff prepared recommended amendments 12-7-99 to 1-17-2000.

b) Citizen review Workshops (3) 1-26-2000, 2-2-2000 and 2-9-2000.

c) Planning Commission Review 3-7-2000, 3-21-2000, and 4-4-2000.

d) City Council briefing: 4-25-2000.

e) Draft Recommendations to Metro 4-28-2000.

8. City Council Adoption 5-9-2000 and 5-23-2000.

C. Title 7. Affordable Housing.

1. This Title deals with affordable housing and is currently advisory. No action is required by the City at this time. There is no specific work program task focused on this issue. However, any policy direction that may emerge from the public review process will be incorporated into the amendment package.

D. Title 8. Compliance Procedures.

1. Draft copies of the various elements will be forwarded to Metro for review and comment as noted in to above schedule. Formal notice of adoption, of proposed amendments to comprehensive plan provisions or implementing ordinances, shall be provided to METRO at the same time notice is provided to DLCD, as required by their administrative procedures. The notice shall include the city's analysis demonstrating that the proposed amendments are in substantial compliance with the 2040 Functional Plan, and shall address any requested exceptions.

GROWTH MAGEMENT COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 99-2857A, FOR THE PURPOSE OF GRANTING A TIME EXTENSION FOR COMPLIANCE WITH TITLE 4 OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FOR THE CITY OF SHERWOOD AND REQUIRING ACTIONS TO ASSURE COORDINATION AMONG COMPREHENSIVE PLANS OF THE CITIES OF SHERWOOD, TUALATIN, TIGARD, BEAVERTON, AND WASHINGTON COUNTY CONCERNING TITLE 4 OF THE FUNCTIONAL PLAN.

Date: Nov. 4, 1999

Presented by: Councilor McLain

Committee Action: At its November 2, 1999 meeting, the Growth Management Committee voted 3-0 to recommend council adoption of resolution No. 99-2857A. Voting in favor: Councilors Bragdon, Park and McLain.

Committee Issues/Discussion: Resolution 99-2857A grants an extension to the City of Sherwood to June 15, 2000, in able for the City to complete changes to its existing zoning code to come into compliance with Title 4 of Metro's Urban Growth Management Functional Plan. Sherwood is currently out of compliance with Titles 1,2,4,5 and 6 of the functional plan, based on an initial extension request, which expired on September 30 of this year.

Larry Shaw explained that Resolution 99-2857A not only grants a time extension, but also applies conditions that exercise Metro's regional coordination authority, explained further in L. Shaw memo dated October 26, 1999.

The substantive amendments to this resolution reduce the application of this time extension to only title 4 of the functional plan, while expanding application to industrial lands as well as employment areas.

STAFF REPORT

*CONSIDERATION OF RESOLUTION NO. 99-2857-A
GRANTING A FUNCTIONAL PLAN IMPLEMENTATION
TIME EXTENSION FOR TITLE 4 TO THE CITY OF
SHERWOOD AND ASSURING COORDINATION
BETWEEN THE CITIES OF SHERWOOD, TUALATIN,
BEAVERTON, AND TIGARD AND WASHINGTON
COUNTY*

Date: November 1, 1999

**Presented by: Mary Weber
Prepared by: Mary Weber**

PROPOSED ACTION

Adoption of Resolution No. 99-2857-A granting a time extension to implement the Title 4 requirements of the Functional Plan for the City of Sherwood.

BACKGROUND AND ANALYSIS

Metro Code 3.07.820.C (Title 8 of the Functional Plan) provides that Metro Council may grant time extensions to Functional Plan requirements if a jurisdiction can demonstrate "substantial progress or proof of good cause for failing to complete the requirements on time."

Compliance Progress

Metro Council granted the City of Sherwood a time extension for Functional Plan compliance in Resolution No. 99-2755. Due to budget constraints and staff turnover, the City has been unable to complete any of the work tasks identified in its first Functional Plan time extension. All implementation tasks were due to be implemented by September 30, 1999. The City is now out of compliance with titles 1, 2, 4, 5 and 6 of the Functional Plan. Sherwood understands the urgency of completing Functional Plan compliance and has hired a consultant to draft code changes and to manage the public involvement process needed to implement the changes.

Prior work completed by City and Metro staff shows that Sherwood will meet its employment targets, but may not meet its housing targets under existing zoning. The City will explore methods to increase housing capacity as a part of its compliance work.

Sherwood planning staff has drafted a new work plan for Functional Plan implementation. The new work plan and schedule will be presented to the City Council and Planning Commission for approval on November 30, 1999. The City will request an extension to titles 1, 2, 5 and 6 after City Council approval of the proposed implementation approach. In the meantime, the City has asked that Metro Council consider an immediate extension to Title 4 of the Functional Plan.

Extension Requested

The City has requested an extension to June 15, 2000 to complete implementation of Title 4 of the Functional Plan. Sherwood has submitted the following timeline to draft, review and adopt the code changes needed to implement Title 4 provisions.

Work Task	Completed By
Draft Code Changes	January 17, 2000
Conduct Citizen Workshops	February 9, 2000
Planning Commission Review	April 4, 2000
City Council Briefing	April 25, 2000
Draft Recommendations to Metro	April 28, 2000
City Council Hearing and Adoption	May 23, 2000

BUDGET IMPACT

Adoption of this resolution has no budget impact.

EXECUTIVE OFFICER'S RECOMMENDATION

Grant the City of Sherwood a time extension to June 15, 2000 to comply with the provisions of Title 4 of the Functional Plan subject to the conditions of the extension and the regional coordination action prescribed in this resolution. See the attached memo from Larry Shaw for a description of the regional coordination action. Any further requests for time extensions or requests for Functional Plan exceptions made by Sherwood would be determined as delineated in Metro Code 3.07.820, Sections B and C.

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METRO

TO: Metro Council
Mike Burton, Executive Officer

FROM: *lls*
Larry Shaw, Senior Assistant Counsel

DATE: October 26, 1999

RE: Sherwood Functional Plan Extension and Conditions

Effect of Functional Plan Extensions

Metro's Urban Growth Management Functional Plan, adopted in November, 1996, exercised functional plan authority to "require cities and counties . . . to make changes in any plan to assure that the plan and any actions taken under it conform to the district's functional plan . . ." ORS 268.390(4). The Functional Plan requires changes in city and county comprehensive plans to the extent necessary to achieve Functional Plan performance standards by February, 1999.

Time extensions have been granted into late 1999 for many requirements, longer for a few requirements. The lack of an extension for any requirement for any city and county puts that jurisdiction in violation of that Functional Plan requirement.

For new developments that would violate a Functional Plan requirement which need a comprehensive plan or zone change under the city or county's existing plans, Metro enforcement would be straightforward. Metro would point out the violation during the local hearing on needed local change, put the Functional Plan (regional law) in the record and successfully appeal to LUBA for violation of regional law if the plan or zone change were adopted.

However, if no time extension for Functional Plan compliance is in place and no action has been taken to change existing zoning code that directly violates a Functional Plan requirement, there is no proposed city or county plan or zone change to appeal. An application for development approvable under existing zoning could be filed. That is an application for a permit that the city or county must approve if the existing zoning code is met.

TO: Metro Council
Mike Burton, Executive Officer

October 26, 1999
Page 2

Sherwood "Big Box Retail" In 2040 Employment Area – Title 4

The City of Sherwood received a time extension to September 30, 1999, for most Titles of the Functional Plan. The city has not adopted changes to its plan and zoning for any Title, including Title 4 limits on big box retail in 2040 Employment Areas. A request for further extension was received October 21, 1999.

A large retailer has indicated interest in a new store in Sherwood's 2040 Employment Area. A development application may be allowable by Conditional Use Permit (CUP) under existing zoning while violating Title 4. No plan change or zoning amendment has been proposed for this development. Therefore, there is no new plan or code action for Metro to appeal for violation of the applicable regional law, Title 4 of the Functional Plan. The permit application would be appealable only for violation of the existing CUP standards.

Time Extension Conditions Concept

An alternative way of exercising regional coordination authority (discussed below) is to grant further time extensions with conditions based on how these "second round" time extensions coordinate with surrounding comprehensive plans. As more cities and counties complete their Functional Plan implementation work, incomplete work by neighbors may affect them. Sherwood is a prime example for Title 4 implementation. Sherwood's lack of Title 4 required plan provisions may be affected by other jurisdictions, like Tualatin, which have those provisions in place. Tigard, Tualatin, Beaverton (in 2 of 3 districts) and Washington County have changed their plans to prohibit Big Box retail in Employment Areas.

Metro Council approval of extensions could include an exercise of regional coordination authority to require a determination of Functional Plan compliance and denial of permits which would violate the Functional Plan. Such new requirements of a city or county could be in the form of conditions of approval of the time extensions as a further exercise of functional plan authority in ORS 268.390(4).

Regional Coordination Action - ORS 197.025(1)

Metro's regional coordination authority in ORS 195.025(1) and 268.385 is not limited by statutory words. A 1994 case stated Metro's authority to assure coordination among 27 city and county plans in broad terms. The facts of that case were limited to three (3) adopted comprehensive plan provisions which actually did conflict. Metro required a new plan provision for all three. Use of coordination authority here could be identifying a conflict between Sherwood's lack of Title 4 required plan provisions and other jurisdictions, like Tualatin, which have those provisions in place. Tigard, Tualatin, Beaverton and Washington County have changed their plans to prohibit Big Box retail in Employment Areas.

The use of a regional coordination action for a particular city or subregion is not an amendment to RUGGO, 2040 Growth Concept, Regional Framework Plan or Functional Plan ordinances. Therefore, a Metro Council action can be by resolution at any Metro Council

TO: Metro Council
Mike Burton, Executive Officer

October 26, 1999
Page 3

meeting. The action would state all the special circumstances, including potential applications under current city code that will violate Title 4 because Sherwood has not yet amended its Code. The action could be the same as the conditions discussed above: require (1) Sherwood to make a determination of whether Functional Plan requirements would be violated and (2) that any permit applications which would violate the Functional Plan be denied.

Conclusion

Sherwood's request for a further time extension can be addressed based on the staff report on the reasons for it. That extension for Titles 1, 2, 4, and 6 can include extension conditions to assure coordination among comprehensive plans of Sherwood, Tigard, Tualatin, Beaverton and Washington County. For such action to be effective at protecting Sherwood's 2040 Employment Areas from big box retail development during the extension, the city must be required to take actions at the permit process level. This would be the first such action taken by Metro. It would be based on both Metro's functional plan authority at ORS 268.390(4) and its regional coordination authority at ORS 195.025(1) and 268.385.

LSS/sm/kj/kww

Cc: Dan Cooper
Elaine Wilkerson
Mark Turpel

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING A TIME) RESOLUTION NO 99-2857
EXTENSION FOR COMPLIANCE WITH TITLES)
1, 2, 4, AND 6 OF THE URBAN GROWTH) Introduced by Rod Monroe, Presiding
MANAGEMENT FUNCTIONAL PLAN FOR THE) Officer and Mike Burton, Executive
CITY OF SHERWOOD AND REQUIRING) Officer
ACTIONS TO ASSURE COORDINATION)
AMONG THE COMPREHENSIVE PLANS OF)
THE CITIES OF SHERWOOD, TUALATIN,)
TIGARD, BEAVERTON AND WASHINGTON)
COUNTY CONCERNING TITLE 4 OF THE)
FUNCTIONAL PLAN)

WHEREAS, Metro established the desired urban form for the region when it adopted the 2040 Growth Concept and Map into its 1995 regional goals and objectives, called Regional Urban Growth Goals and Objectives (“RUGGO”) which has been acknowledged by LCDC; and

WHEREAS, Metro has the authority to adopt functional plans on aspects of metropolitan development, such as the desired urban form for the region, under ORS 268.390(2); and

WHEREAS, Metro is authorized by ORS 268.390(4) to “require cities and counties, as it considers necessary, to make changes in any plan to assure that the plan and any actions taken under it conform to the district’s functional plans ...”; and

WHEREAS, the Metro Council exercised that statutory authority when it adopted the requirements in Urban Growth Management Functional Plan for early implementation of the 2040 Growth Concept on November 21, 1996, by Ordinance No. 96-647C; and

WHEREAS, compliance with Titles 1, 2, 4, and 6 of the Functional Plan, including any needed comprehensive plan and development code changes, was due in February, 1999; and

WHEREAS, the Urban Growth Management Functional Plan in Metro Code Section 3.07.820.C provides that Metro Council may grant extensions to timelines for

compliance with the Functional Plan “if the city or county has demonstrated substantial progress or proof of good cause for failing to complete the requirements on time;” and

WHEREAS, the City of Sherwood was previously granted an extension to comply with all of these titles of the Functional Plan but was unable to complete work by the end of its time extension deadline of September 30, 1999; and

WHEREAS, the City of Sherwood has requested in Exhibit A an additional extension for compliance with Titles 1, 2, 4, and 6 of the Functional Plan until June 15, 2000 because staff turnover and budget limitations have prevented completion; and

WHEREAS, the City of Sherwood has provided a “2040 Compliance Schedule and Task Outline” which describes the remaining work to be completed for Functional Plan compliance in Exhibit B; and

WHEREAS, Title 4 of the Urban Growth Management Functional Plan requires cities and counties to change their plans to either prohibit retail uses larger than 60,000 square feet of gross leasable area per building or business in the Employment on the 2040 Growth Concept Map Areas or add a process to demonstrate that all current and future transportation facility needs can be met; and

WHEREAS, the cities of Tualatin, Tigard, Beaverton and Washington County have complied with Title 4 by prohibiting these very large retail uses in 2040 Employment Areas; and

WHEREAS, interest has been expressed in development of a retail use larger than 60,000 square feet of gross leasable area per building or business in a 2040 Employment Area within a City of Sherwood Light Industrial zone; and

WHEREAS, the Conditional Use Permit (“CUP”) process required by the existing city code for reviewing an application for this use addresses only the current transportation facility needs of the proposed use itself; and

WHEREAS, this CUP process is insufficient to demonstrate that future transportation facility needs can be met, thereby violating the Title 4 provision in Metro Code 3.07.420(B); and

WHEREAS, the City of Sherwood’s Functional Plan proposed Compliance Schedule and Task Outline shows that the city anticipates prohibiting retail uses larger than 60,000 square feet from its Office Commercial, Light Industrial and General Industrial zones to comply with Title 4; and

WHEREAS, without action by Metro the possibility exists for applications for very large retail uses to comply with the existing permit standards for the current zone despite violating Title 4 of the Functional Plan for Sherwood’s 2040 Employment Areas; and

WHEREAS, Metro is required by ORS 195.025(1) to be responsible for coordinating all planning activities affecting land uses within the district to assure integrated comprehensive plans for the entire metropolitan area; and

WHEREAS, the comprehensive plans of the Cities of Tualatin, Tigard, Beaverton and Washington County are not coordinated with the City of Sherwood’s comprehensive plan concerning Title 4 of the Urban Growth Management Functional Plan until the City of Sherwood completes its work plan in Exhibit B, including amending its comprehensive plan and land use regulations to comply with Title 4; and

WHEREAS, regional coordination action is necessary to assure that planning activities affecting land uses within the 2040 Employment Areas located inside the city limits of Sherwood

are coordinated with the comprehensive plan and land use regulations of its county and neighbor cities which protect the 2040 Employment areas in those jurisdictions; now, therefore,

BE IT RESOLVED:

1. That the City of Sherwood is hereby granted a compliance time extension for Titles 1, 2, 4, and 6 of the Urban Growth Management Functional Plan until June 15, 2000 based on its demonstration of good cause for failing to complete the requirements on time due to staff turnover and budget constraints.

2. That the time extension granted to the City of Sherwood is for Functional Plan Titles 1, 2, 4, and 6 and is subject to the actions required in Resolved 5, 6, and 7 herein which are necessary to assure that actions taken under Sherwood's existing plan conform to Title 4 of the Functional Plan during the time extension; and

3. That the Metro Council hereby determines that the City of Sherwood's planning activities are not coordinated with Washington County and its neighbor cities of Tualatin, Tigard and Beaverton concerning the requirements of Title 4 of the Urban Growth Management Functional Plan to protect 2040 Employment Areas from very large retail uses.

4. That a regional coordination action by Metro pursuant to ORS 195.025(1) and 268.385 is necessary to assure coordination of planning activities affecting land uses within the Employment Areas identified on the acknowledged 2040 Growth Concept Map which are located in the City of Sherwood until that city amends its comprehensive plan and land use regulations in a manner that complies with Title 4 of the Urban Growth Management Functional Plan in coordination with the cities of Tualatin, Tigard, Beaverton and Washington County.

5. That the City of Sherwood is hereby required to make a determination of compliance with Title 4 of the Urban Growth Management Functional Plan prior to consideration

of approval of any application for any retail use larger than 60,000 square feet of gross leasable area per building or business on land in Employment Areas identified on the acknowledged 2040 Growth Concept Map which are located in the City of Sherwood.

6. That the City of Sherwood is hereby required to obtain a demonstration of the adequacy of both current and planned transportation facilities for the proposed use and all planned land uses in the vicinity as required by title 4 in order to make a determination of compliance.

7. That the City of Sherwood is hereby required to deny any application for any retail use larger than 60,000 square feet of gross leasable area per building or business on land in Employment Areas identified on the acknowledged 2040 Growth Concept Map which are located in the City of Sherwood which do not demonstrate compliance with Metro Code 3.07.420(B).

ADOPTED by the Metro Council this ____ day of _____ 1999.

Rod Monroe, Presiding Officer

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

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kvw 10/25/99



October 20, 1999

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Marian Hull
METRO
600 Northeast Grand Avenue
Portland, Oregon 97232-2736

RE: City of Sherwood 2040 Compliance Program – Draft Revised Timelines.

Dear Marian:

We have reviewed comments received from Metro regarding our compliance report and capacity analysis (City of Sherwood's Compliance Report dated August 19, 1998). Based on our review and conversations with you and Lydia we have revised our scope of work and compliance schedule. Listed below is the tentative revised schedule and reformatted scope, together with the estimated completion dates for the various components of the work program.

While we are proceeding with the work tasks, the Planning Commission and City Council has not yet reviewed and approved the revised work program, schedule, and budget. Their review is scheduled for a joint work session on November 30, 1999. So, we will not be able to officially submit our program until the first week of December.

The City understands that this schedule fails to meet the compliance deadline of December 1999, as set by the Functional Plan. Therefore we are requesting an extension to June 15, 2000 in order to allow completion of the work program. However, regardless of the Metro Council's action on our request, we are proceeding with the scheduled work, to the extent our present budget allows.

As you know, the City of Sherwood is operating in a rapid growth environment with a severe shortage of staff. To assist with the compliance work, we have hired the firm of Ragsdale Koch Altman, LLC (RKA). Ben Altman of RKA has prepared the revised Work Program and schedule in coordination with city staff.

Please review our program and provide any comments and recommendations. Any comments provided will be forwarded to the Planning Commission and Council as part of the program review and approval on November 30, 1999.

Sincerely,

Greg Turner
City Planner

2040 COMPLIANCE SCHEDULE AND TASK OUTLINE

- I. General Back Ground and Initial Public Engagement
 - A. Define Geographic Framework – Set context through a series of public workshops.
 1. What are the desired and defining physical characteristics of Sherwood?
 - a) What defines it now?
 - b) How should that change, if at all?
 2. What is the desired future for Old Town?
 - a) What is its look and feel?
 - b) What is the appropriate land use mix and densities?
 - c) What about access and circulation, to, from, and through?
 - d) What are the boundaries?
 3. What about the Six Corners Commercial area?
 - a) What is its look and feel?
 - b) What is the appropriate land use mix and densities?
 - c) What about access and circulation, to, from, and through?
 - d) What are the boundaries?
 4. What about the Industrial Areas?
 - a) What is its look and feel?
 - b) What is the appropriate land use mix and densities?
 - c) What about access and circulation, to, from, and through?
 - d) What are the boundaries?
 5. What about Residential Neighborhoods?
 - a) What is their look and feel?
 - b) How do they relate to the other use areas?
 - c) What about access and circulation, to, from, and through?
 - d) What are the boundaries?
 6. What about Open Spaces, including the Wild Life Refuge?
 - a) What is their look and feel?
 - b) How do they relate to the other use areas?
 - c) What about access and circulation, to, from, and through?
 - d) What are the boundaries?
 7. What about Connecting Corridors?
 - a) Green corridors?
 - b) Local corridors such as Sherwood Blvd, Oregon Street, Washington/Meinecke?
 - c) Major transportation links such as 99W and Tualatin/Sherwood Rd?
 8. Public Review Process.
 - a) Based on citizen workshops, staff prepares comparative match of Community Character to Metro 2040: 10-27-99 to 11-29-99.
 - b) Planning Commission Review: 12-7-99, 12-21-99, 1-4-2000, and 1-18-2000.
 - c) City Council briefing: 1-11-2000 and 1-25-2000.

- d) Draft Recommendations to Metro: 1-31-2000.
- B. Metro 2040 Design Types.
1. Based upon the conclusions from task set A, define the boundaries of the 2040 Design Types that fit Sherwood.
 - a) Town Center (Location?)
 - b) Main Street(s).
 - c) Corridors.
 - d) Green.
 - e) Transportation.
 - f) Employment Areas.
 - g) Industrial Areas.
 - h) Neighborhoods.
 - Inner.
 - Outer.
 2. Conclusion - Summary of Comprehensive Plan Policies and Map Issues.
 3. Public Review Process.
 - a) Based upon citizen workshops, staff prepares updated analysis and findings: 11-17-99 to 11-29-99.
 - b) Planning Commission review: 12-7-99, 12-21-99, 1-4-2000, and 1-18-2000
 - c) City Council briefing: 1-11-2000 and 1-25-2000.
 - d) Draft Recommendations to Metro: 1-31-2000.
- C. Refine and Reconcile vacant land inventory and population/employment allocations with Metro.
1. Refine methodology for vacant land capacity analysis per Metro's comments.
 2. Update the vacant land inventory and reconcile with Metro housing and employment allocations, including mixed-uses centers.
 3. Public Review Process.
 - a) Staff prepares updated analysis and findings: 10-18-99 to 11-26-99.
 - b) Planning Commission Review: 12-21-99 and 1-4-2000.
 - c) City Council briefing: 1-25-2000.
 - d) Draft Recommendations to Metro: 1-31-2000.
- D. Assess public facilities master plans to identify any significant service capacity limitations relative to supporting the projected growth.
1. Sewer (coord. USA).
 2. Water (C/C approved October '99 update).
 3. Storm (coord. USA).
 4. Parks (to C/C November '99 update).
 5. Assess draft Transportation System Plan (April '98) relative to Metro Title 6 design issues.
 - a) Street classifications.
 - b) Optional performance standards relative to congestion (Section 4.B).

- c) Assess current parking ratios compared to Metro's minimum and maximum criteria.
 - d) Note: Full State TPR compliance review may occur at a separate time.
 - 6. Assess City's current growth management policy framework to determine appropriate revisions, to address current UGB/City Limits versus Urban Reserves.
 - 7. Public Review Process.
 - a) Staff prepares updated analysis and findings: 10-18-99 to 11-26-99.
 - b) Planning Commission Review: 12-21-99 to 1-4-2000.
 - c) City Council briefing: 1-25-2000.
 - d) Draft Recommendations to Metro: 1-31-2000.
- II. Comprehensive Plan and Code Amendment Package.
 - A. Amendment of City's Comprehensive Plan.
 - 1. Chapter 3 – Growth Management (Title 1).
 - a) Update the text and policies of the City's Comprehensive Plan to reflect the new planning horizon of 20 years.
 - (1) Growth assumptions:
 - (a) population allocation
 - (b) employment allocation
 - 2. Chapter 4 - Land Use (Title 1).
 - a) Establish minimum residential densities particularly for high density districts.
 - b) Develop a policy to prohibit Big Box retail uses in identified Industrial and Employment areas.
 - c) Develop a mixed-use policy, which permits limited multi-family housing in certain commercial areas, particularly in the Old Town area.
 - d) Amend City's Comprehensive Plan Map to identify the boundaries of the applicable 2040 Growth Concept design types.
 - 3. Chapter 5 – Environmental Resources (Title 3).
 - a) Develop policies to implement contextual framework identified for Corridors and Title 3.
 - (1) Review and adopt USA Title 3 package (Dec. '99).
 - (2) Refine policies as needed to acknowledge and protect open spaces, stream corridors, and the wild life refuge, including new maps.
 - b) Evaluate flood management policies for appropriate updates, including coordination with Washington County on possible FEMA, Firm Map updates.
 - 4. Chapter 6 – Transportation (Title 6).
 - a) Evaluate whether optional Level of Service Standard (Title 6, Section 4.B) is needed for the designated Town Center.

- b) Revise transportation policies in Chapter 6 to include a reference to the design elements and performance standards in the Functional Plan.
 - c) Incorporate a new policy in Chapter 6 to recognize the Transportation Planning Rule and 2040 Growth Concept, which calls for more compact urban development.
 - d) Develop a policy commitment to review and amend parking regulations, if necessary, to meet the Regional Parking Ratios Table and parking Maximum Map.
5. Chapter 7 - Community Facilities and Services (Title 1).
- a) Identify any necessary amendments to City's adopted master plans (sewer, water, drainage) to assure that public facilities can be provided to accommodate the planned housing and employment capacity within the planning period.
 - b) Identify appropriate Code amendments as necessary to assure continued coordination between development and public facilities and services.
6. Public Review Process - Comparative match of Community Character to Metro 2040 Concepts and Design Types.
- a) Based on prior citizen workshops and Commission hearings, staff prepared recommended amendments: 12-7-99 to 1-17-2000.
 - b) Citizen Review Workshops (3): 1-26-2000, 2-2-2000, and 2-9-2000.
 - c) Planning Commission Review: 3-7-2000, 3-21-2000, and 4-4-2000.
 - d) City Council briefing: 4-25-2000.
 - e) Draft Recommendations to Metro: 4-28-2000.
 - f) City Council Adoption 5-9-2000 and 5-23-2000.
- B. Amendment of City's Zoning Code relative to applicable Titles of Metro Growth Management Functional Plan.
- Title 1. Requirements for housing and Employment Accommodation.
- a) Develop minimum density standards based on 80% of the maximum number of dwelling units per net acre permitted by the zoning designation.
 - b) Add a purpose statement specifying requirement of allowing partitioning or subdividing land inside the UGB where existing lot sizes are two or more times that of minimum lot size of the zone - Sherwood appears to already comply with this requirement.
 - c) Develop amendment to allow at least one accessory dwelling unit within any detached single family dwelling unit within all of the residential districts.
 - d) Select approach to identifying redevelopable lands to complete the capacity estimate. The City needs to analyze the Old Town area and Main Street areas and develop an approach

to identifying the redevelopable lands. The City will then be able to complete the capacity analysis.

e) Review residential zones to look for opportunities to increase housing capacity to meet the 2017 housing targets.

f) Consider methods of increasing housing and jobs in Town Center, Employment Areas and along Corridors.

2. Title 2. Regional Parking Policy.

a) The completion of these items would coincide with the completion of the City's Transportation System Plan.

(1) Establish process for considering variances when a development application is received which may result in approval of construction of parking spaces either in excess of the maximum parking ratios or less than the minimum parking ratios.

(2) In mixed use areas, provide blended parking ratios to account for cross-patronage and shared parking benefits

(3) Establish maximum parking ratios per Table 2 of the Functional Plan.

(4) Revise minimum parking standards in Code to coincide with Table 2, Regional Parking Ratios Title 2, Section 2.A.1.

(5) Count adjacent on-street parking spaces, nearby public parking and shared parking toward minimum standard.

(6) Rewrite Section 5.301.02 of the City's Zoning Code to read: "Two or more uses, structures or parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap...".

(7) Amend Section 5.301.04 of the City's Zoning Code to read, "When several uses occupy a single structure or parcel of land, the total requirements for off-street parking...shall be the sum of the requirements for the several uses computed separately with a reduction of 10-25% to account for cross-patronage of adjacent businesses or services."

(8) Relative to storm water management measures in parking areas, consider alternatives to hard, impermeable surface treatments for infrequently utilized parking areas, and on-site water retention in large parking lots.

3. Title 3. Water Quality, Flood Management and Fish and Wildlife Conservation.

a) Coordinate compliance package through Unified Sewerage Agency (USA).

- (1) Adopt a balanced cut and fill for any development occurring within the floodplain.
 - (a) Amend Flood plain regulations to include 1996 flood inundation areas.
 - (2) Require erosion and sediment control for all new development regardless of size or location of site.
 - (3) Provide protection for steep slopes within Water Quality Resource Areas defined by Title 3, including provisions for increasing riparian vegetation cover along Water Quality Resource Areas.
 - (4) Prohibit new uses of uncontained areas of hazardous materials of hazardous materials defined by DEQ in the Water Quality and Flood Management Areas.
- b) Develop code amendment to flood plain regulations to account to FEMA map revision process (CLOMR & LOMR).
4. Title 4. Retail in Employment Areas.
 - a) Prohibit retail uses larger than 60,000 square feet of gross leasable area per building or business from the OC, LI and GI zones. Request change to Title 4 map to remove employment designation for rail district property.
 5. Title 5. Neighboring Cities and Rural Reserves.
 - a) Develop Code language to reflect Title 5 requirements to recognize and protect Green corridors.
 6. Title 6 – Regional Accessibility.
 - a) The completion of these items would coincide with the completion of the City’s Transportation System Plan.
 - (1) Sherwood Boulevard from Gleneagle Drive to Oregon Street and Oregon Street from Sherwood boulevard to Lincoln Street have been designated on Metro’s Boulevard design map as Main Streets. The Transportation System Plan as well as the Comprehensive Plan should contain consideration of the design treatments listed in Title 6, Section 2B (1-9) for the two Main Streets.
 - (2) In the Comprehensive Plan, Part 2 Chapter 6C Policies 2-6 reference Title 6, Section 2B (1-9).
 - (3) In the Comprehensive Plan, Part 2 Chapter 6D 2(a) and Policy 11 should reference portions of Title 6, Section 2B (1-9).
 - (4) Revise Section 6.304.01 and 6.304.02 of Zoning Code to contain a reference of Title 6, Section 2B (1-9).
 - (5) Design Standards for Street Connectivity - The City will decide through the Transportation System Plan process whether to comply with Title 6 Section 3A (Design option) or Section 3B (Performance option).

b) Title 6, Section 4.A. Alternative Mode Analysis - The City shall establish mode split targets for the 2040 design types, which will be used to guide transportation system improvements.

c) Title 6, Section 4.B. Motor Vehicle Congestion Analysis - The City may establish optional performance standards and deficiency thresholds intended to identify transportation needs through multi-modal system-level planning.

d) Title 6, Section 4.C. Transportation System Analysis - The City shall establish the process to identify appropriate recommended solutions to address those needs identified through multi-modal system level planning.

e) Title 6, Section 4.D. Congestion Analysis Outside of Mixed Use Areas - Addresses congestion and capacity issues that result from the implementation of the functional plan. In Sherwood, these provisions would apply (a) areas outside the town center boundaries, and (b) the Town Center area, if the City elects not to use the alternative congestion standards contained in Section 4.B of the Functional Plan.

7. Public Review Process - Comparative Match of Community Character to Metro 2040 Concepts and Design Types.

a) Based on prior citizen workshops and Commission hearings, staff prepared recommended amendments 12-7-99 to 1-17-2000.

b) Citizen review Workshops (3) 1-26-2000, 2-2-2000 and 2-9-2000.

c) Planning Commission Review 3-7-2000, 3-21-2000, and 4-4-2000.

d) City Council briefing: 4-25-2000.

e) Draft Recommendations to Metro 4-28-2000.

8. City Council Adoption 5-9-2000 and 5-23-2000.

C. Title 7. Affordable Housing.

1. This Title deals with affordable housing and is currently advisory. No action is required by the City at this time. There is no specific work program task focused on this issue. However, any policy direction that may emerge from the public review process will be incorporated into the amendment package.

D. Title 8. Compliance Procedures.

1. Draft copies of the various elements will be forwarded to Metro for review and comment as noted in to above schedule. Formal notice of adoption, of proposed amendments to comprehensive plan provisions or implementing ordinances, shall be provided to METRO at the same time notice is provided to DLCD, as required by their administrative procedures. The notice shall include the city's analysis demonstrating that the proposed amendments are in substantial compliance with the 2040 Functional Plan, and shall address any requested exceptions.

STAFF REPORT

*CONSIDERATION OF RESOLUTION NO. 99-2857 GRANTING A
FUNCTIONAL PLAN IMPLEMENTATION TIME EXTENSION TO
THE CITY OF SHERWOOD AND ASSURING COORDINATION
BETWEEN THE CITIES OF SHERWOOD, TUALATIN,
BEAVERTON, AND TIGARD AND WASHINGTON COUNTY*

Date: October 26, 1999

**Presented by: Mary Weber
Prepared by: Mary Weber**

PROPOSED ACTION

Adoption of Resolution No. 99-2857 granting a timeline extension to the Functional Plan compliance deadline for the City of Sherwood.

BACKGROUND AND ANALYSIS

Metro Code 3.07.820.C (Title 8 of the Functional Plan) provides that Metro Council may grant time extensions to Functional Plan requirements if a jurisdiction can demonstrate "substantial progress or proof of good cause for failing to complete the requirements on time."

Compliance Progress

Metro Council granted the City of Sherwood a time extension for Functional Plan compliance in Resolution No. 99-2755. Due to budget constraints and staff turnover, the City has been unable to complete any of the work tasks identified in its first Functional Plan time extension. All implementation tasks were due to be implemented by September 30, 1999. The City is now out of compliance with Titles 1, 2, 4, 5 and 6 of the Functional Plan. Sherwood understands the urgency of completing Functional Plan compliance and has hired a consultant to draft code changes and to manage the public involvement process needed to implement the changes.

Prior work completed by City and Metro staff shows that Sherwood will meet its employment targets, but may not meet its housing targets under existing zoning. The City will explore methods to increase housing capacity as a part of its compliance work.

Functional Plan Work Remaining

Sherwood needs to address the following Functional Plan requirements:

- Adopt plan and code changes needed to implement parking minimums and maximums and develop a procedure to provide parking data to Metro annually as required in Metro Code 3.07.220 (Title 2).
- Adopt language to implement the street design and connectivity requirements of Metro Code Sections 3.07.620 and 3.07.630 (Title 6) respectively.
- Amend the zoning code to adopt minimum density standards of 80% of the maximum number of dwelling units per net acre permitted in the zoning designation as required by Metro Code 3.07.120.A (Title 1).
- Develop code language to reflect Metro Code 3.01.510 (Title 5) neighbor cities and rural reserve requirements.

- Amend the zoning code to allow at least one accessory dwelling unit within any detached single family unit in all of the residential districts as required by Metro Code 3.01.120.C (Title 1).
- Review residential zones to determine opportunities to increase housing capacity to meet Functional Plan targets as required by Metro Code 3.07.150.D (Title 1).
- Finalize capacity analysis as required by Metro Code 3.07.150 (Title 1).
- Consider methods to increase housing and jobs in the town center, employment areas and along corridors as needed to meet targets as required in Metro Code 3.07.150.D (Title 1).
- Adopt code changes to restrict retail uses in employment and industrial areas as required in Metro Code 3.07.420 (Title 4).
- Amend comprehensive plan to include a map showing the boundaries of 2040 design types as required by Metro Code 3.07.130 (Title 1).
- Review public facilities plans to assure that public facilities can support calculated capacities as required by Metro Code 3.07.150 (Title 1).

Extension Requested

The City has requested an extension of the Functional Plan deadline to June 15, 2000. Sherwood has submitted the following timeline to draft, review and adopt the code changes needed to implement Functional Plan provisions.

Work Task	Completed By
Draft Code Changes	January 17, 2000
Conduct Citizen Workshops (3 total)	February 9, 2000
Planning Commission Review (scheduled for 3 meetings)	April 4, 2000
City Council Briefing (1 meeting)	April 25, 2000
Draft Recommendations to Metro	April 28, 2000
City Council Hearing and Adoption (2 meetings)	May 23, 2000

BUDGET IMPACT

Adoption of this resolution has no budget impact.

EXECUTIVE OFFICER'S RECOMMENDATION

Grant the City of Sherwood a Functional Plan implementation time extension to June 15, 2000 subject to the conditions of the extension and the regional coordination action prescribed in this resolution. See the attached memo from Larry Shaw for a description of the regional coordination action. Any further requests for time extensions or requests for Functional Plan exceptions made by Sherwood would be determined as delineated in Metro Code 3.07.820, Sections B and C.

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METRO

TO: Metro Council
Mike Burton, Executive Officer

FROM: *ll*
Larry Shaw, Senior Assistant Counsel

DATE: October 26, 1999

RE: Sherwood Functional Plan Extension and Conditions

Effect of Functional Plan Extensions

Metro's Urban Growth Management Functional Plan, adopted in November, 1996, exercised functional plan authority to "require cities and counties . . . to make changes in any plan to assure that the plan and any actions taken under it conform to the district's functional plan . . ." ORS 268.390(4). The Functional Plan requires changes in city and county comprehensive plans to the extent necessary to achieve Functional Plan performance standards by February, 1999.

Time extensions have been granted into late 1999 for many requirements, longer for a few requirements. The lack of an extension for any requirement for any city and county puts that jurisdiction in violation of that Functional Plan requirement.

For new developments that would violate a Functional Plan requirement which need a comprehensive plan or zone change under the city or county's existing plans, Metro enforcement would be straightforward. Metro would point out the violation during the local hearing on needed local change, put the Functional Plan (regional law) in the record and successfully appeal to LUBA for violation of regional law if the plan or zone change were adopted.

However, if no time extension for Functional Plan compliance is in place and no action has been taken to change existing zoning code that directly violates a Functional Plan requirement, there is no proposed city or county plan or zone change to appeal. An application for development approvable under existing zoning could be filed. That is an application for a permit that the city or county must approve if the existing zoning code is met.

TO: Metro Council
Mike Burton, Executive Officer

October 26, 1999
Page 2

Sherwood "Big Box Retail" In 2040 Employment Area – Title 4

The City of Sherwood received a time extension to September 30, 1999, for most Titles of the Functional Plan. The city has not adopted changes to its plan and zoning for any Title, including Title 4 limits on big box retail in 2040 Employment Areas. A request for further extension was received October 21, 1999.

A large retailer has indicated interest in a new store in Sherwood's 2040 Employment Area. A development application may be allowable by Conditional Use Permit (CUP) under existing zoning while violating Title 4. No plan change or zoning amendment has been proposed for this development. Therefore, there is no new plan or code action for Metro to appeal for violation of the applicable regional law, Title 4 of the Functional Plan. The permit application would be appealable only for violation of the existing CUP standards.

Time Extension Conditions Concept

An alternative way of exercising regional coordination authority (discussed below) is to grant further time extensions with conditions based on how these "second round" time extensions coordinate with surrounding comprehensive plans. As more cities and counties complete their Functional Plan implementation work, incomplete work by neighbors may affect them. Sherwood is a prime example for Title 4 implementation. Sherwood's lack of Title 4 required plan provisions may be affected by other jurisdictions, like Tualatin, which have those provisions in place. Tigard, Tualatin, Beaverton (in 2 of 3 districts) and Washington County have changed their plans to prohibit Big Box retail in Employment Areas.

Metro Council approval of extensions could include an exercise of regional coordination authority to require a determination of Functional Plan compliance and denial of permits which would violate the Functional Plan. Such new requirements of a city or county could be in the form of conditions of approval of the time extensions as a further exercise of functional plan authority in ORS 268.390(4).

Regional Coordination Action - ORS 197.025(1)

Metro's regional coordination authority in ORS 195.025(1) and 268.385 is not limited by statutory words. A 1994 case stated Metro's authority to assure coordination among 27 city and county plans in broad terms. The facts of that case were limited to three (3) adopted comprehensive plan provisions which actually did conflict. Metro required a new plan provision for all three. Use of coordination authority here could be identifying a conflict between Sherwood's lack of Title 4 required plan provisions and other jurisdictions, like Tualatin, which have those provisions in place. Tigard, Tualatin, Beaverton and Washington County have changed their plans to prohibit Big Box retail in Employment Areas.

The use of a regional coordination action for a particular city or subregion is not an amendment to RUGGO, 2040 Growth Concept, Regional Framework Plan or Functional Plan ordinances. Therefore, a Metro Council action can be by resolution at any Metro Council

TO: Metro Council
Mike Burton, Executive Officer

October 26, 1999
Page 3

meeting. The action would state all the special circumstances, including potential applications under current city code that will violate Title 4 because Sherwood has not yet amended its Code. The action could be the same as the conditions discussed above: require (1) Sherwood to make a determination of whether Functional Plan requirements would be violated and (2) that any permit applications which would violate the Functional Plan be denied.

Conclusion

Sherwood's request for a further time extension can be addressed based on the staff report on the reasons for it. That extension for Titles 1, 2, 4, and 6 can include extension conditions to assure coordination among comprehensive plans of Sherwood, Tigard, Tualatin, Beaverton and Washington County. For such action to be effective at protecting Sherwood's 2040 Employment Areas from big box retail development during the extension, the city must be required to take actions at the permit process level. This would be the first such action taken by Metro. It would be based on both Metro's functional plan authority at ORS 268.390(4) and its regional coordination authority at ORS 195.025(1) and 268.385.

LSS/sm/kj/kww

Cc: Dan Cooper
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