

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO'S) ORDINANCE NO. 02-986A
URBAN GROWTH BOUNDARY TO ADD LAND)
FOR A ROAD IMPROVEMENT IN THE) Introduced by Presiding Officer Carl Hosticka
SHERWOOD AREA, EAST OF THE PACIFIC)
HIGHWAY AND NORTH OF THE TUALATIN)
SHERWOOD ROAD)
)

WHEREAS, transportation improvements that make areas work is part of the transportation priorities of the Metro Council; and

WHEREAS, the City of Sherwood has requested a road improvement in the Sherwood area, East of the Pacific Highway and North of the Tualatin-Sherwood Road; and

WHEREAS, this road alignment and extension of Adams road has the goal to relieve congestion; and

WHEREAS, the site requested is roughly 18 acres of prime Exclusive Farm Use land; and

WHEREAS, the Metro Council has determined that this road alignment meets the Special Identified Land Need requirements and should be brought into the Urban Growth Boundary; and

WHEREAS, Metro conducted five public workshops in locations around the region to provide information about alternative locations for expansion of the UGB and to receive comment about those alternatives; and

WHEREAS, Metro published, on August 25, 2002, notice of public hearings before the Council on the proposed decision in compliance with Metro Code 3.01.050; and

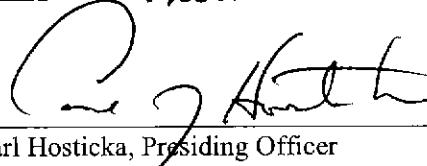
WHEREAS, Metro's Community Planning Committee and the Metro Council held public hearings on the proposed decision on October 1, 3, 10, 15, 22, 24 and 29 and November 21, 2002, and considered testimony prior to making this decision, now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro Council ordains that the Adams Road extension and road alignment and improvement East of Pacific Highway and North of the Tualatin-Sherwood Road are added to the UGB, more precisely identified and mapped in Exhibit A, attached and incorporated into this ordinance.
2. Inclusion of this road alignment within the UGB is subject to the conditions set forth in Exhibit B, attached and incorporated into this ordinance.
3. The Findings of Fact and Conclusions of Law in Exhibit C, attached and incorporated into this ordinance, explain how the record demonstrates that this action complies with state planning laws, the Regional Framework Plan and the Metro Code.

4. This ordinance is necessary for the immediate preservation of public health, safety and welfare because state law requires Metro to ensure that the region's UGB has an immediate need for this action.

ADOPTED by the Metro Council this 12th day of December 2002.



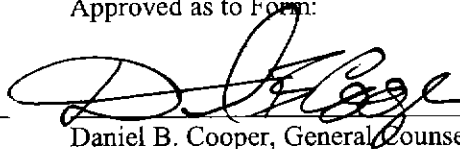
Carl Hosticka, Presiding Officer

ATTEST:



Recording Secretary

Approved as to Form:



Daniel B. Cooper, General Counsel

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4. This ordinance is necessary for the immediate preservation of public health, safety and welfare because state law requires Metro to ensure that the region's UGB has an immediate need for this action. ~~An emergency is therefore declared to exist, and this ordinance shall take effect on _____, 2003, pursuant to Metro Charter section 39(1).~~

ADOPTED by the Metro Council this ~~[insert date]~~ _____ day of ~~[insert month]~~ _____, 2002.

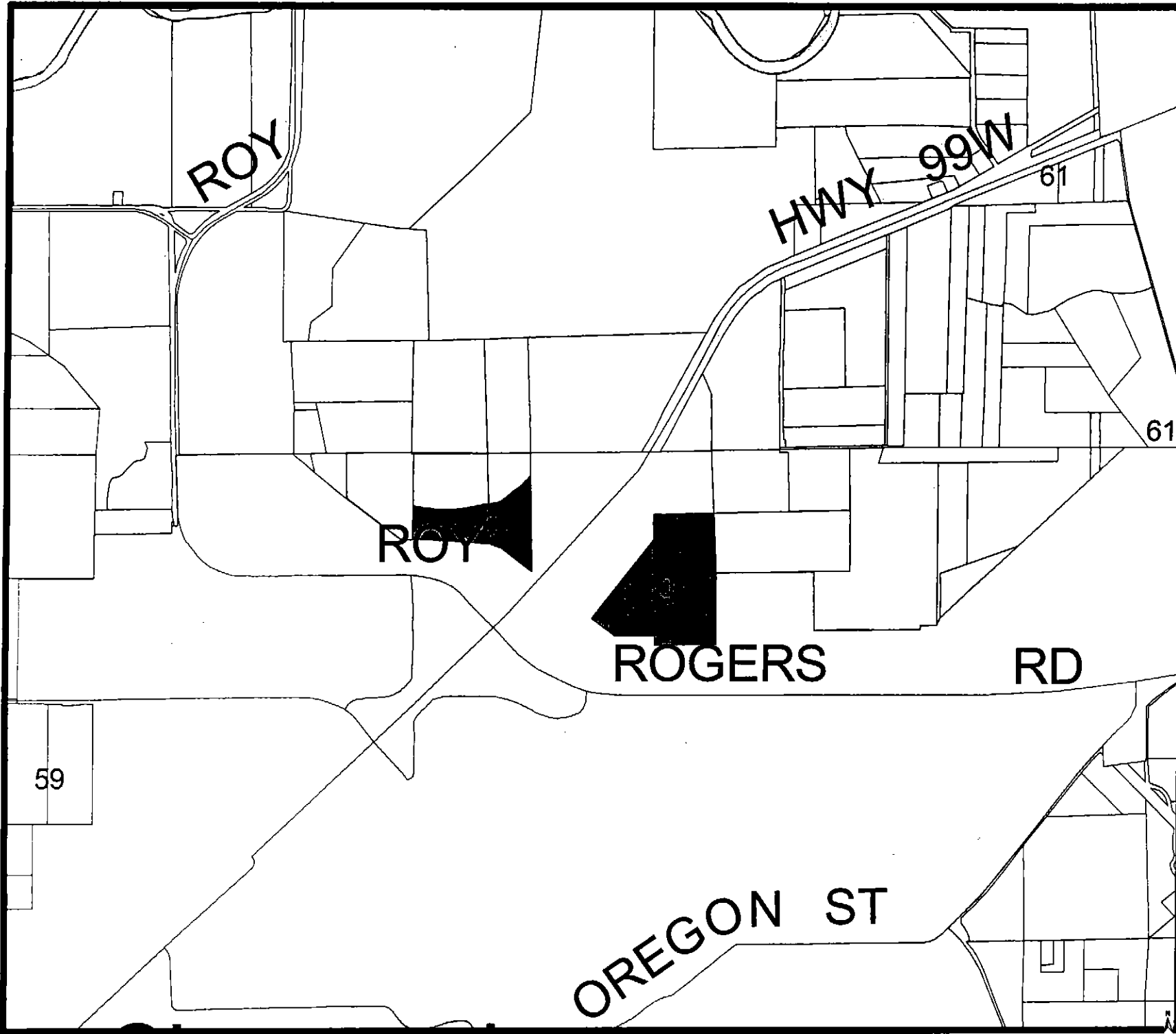
Carl Hosticka, Presiding Officer

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, General Counsel



REGIONAL LAND INFORMATION SYSTEM
UGB Expansion Areas
 Ordinance 02-986A
 December 5, 2002
 Exhibit A
 City of Sherwood

UGB Expansion Areas

Source:
 City of Sherwood
 Clark County
 Multnomah County
 Clackamas County
 1:50,000 Scale
 11/2002

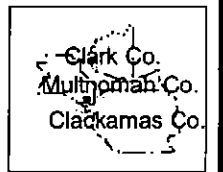


Exhibit B to Ordinance No. 02-986A
Conditions

1. The city or county with land use planning responsibility for a study included in the UGB shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan section 3.07.1120 for the area.
2. The city or county with land use planning responsibility for an area brought into the UGB shall apply the 2040 Growth concept design types shown on Exhibit C of this ordinance to the planning required by Title 11 for the study area.
3. The city or county with land use planning responsibility for an area included in the UGB shall apply interim protection standards in Metro Code Title 11, UGMFP, section 3.07.110, to the study area.
4. No urbanization shall occur in this area until the actual alignment of the Adams Road Extension has been determined and adopted in the City of Sherwood TSP.
5. In the application of statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) to Title 11 planning, the city shall comply with those provisions of Title 3 of the UGMFP acknowledged by the Land Conservation and Development Commission ("LCDC") to comply with Goal 5. If LCDC has not acknowledged those provisions of Title 3 intended to comply with Goal 5 within four years following the effective date of this ordinance the city shall consider any inventory of regionally significant Goal 5 resources adopted by resolution of the Metro Council in the county's Goal 5 process.

**Exhibit C to Ordinance No. 02-986A
Findings of Facts, Conclusions of Law**

I. General Findings for Task 2 Decision

The Metro Council made findings of facts and conclusions of law in Ordinance No. 02-969B related to (A) coordination with local governments, (B) Citizen Involvement, (C) Need For Land, (D) Alternatives: Increase the Capacity of the UGB, (E) Alternatives: Expand the UGB, (F) Water Quality, (G) Areas Subject to Natural Disasters and Hazards, and (H) Economic Development. Those findings establish the need to accommodate approximately 43,400 dwelling units for housing in the Metro region and are incorporated here by this reference. The Council finds that the shortfall in housing units also indicates a need for adequate transportation facilities inside the Urban Growth Boundary (“UGB”) to serve not only residents that will occupy expansion areas, but also residents inside the existing UGB.

II. Specific Findings

These findings address ORS 197.298:Goal 5; Goal 11; Goal 12; Goal 14, Factors 3 through 7; Metro Code 3.01.020(b)(3) through (7) and 3.01.020(d); Metro RFP Policies and Regional Transportation Plan Policies 2.0, 3.0, 4.0 and 14.0.

Livability Need

Goal 14, Factor 2, and Metro Code 3.02.020(2)(B), may serve as an independent basis for need (separate and apart from the quantitative population analysis in Factor 1) in deciding whether to amend the UGB. The four criteria addressing livability are addressed below.

- (i) factually define the livability need, including its basis in adopted local, regional, state or federal policy;”

The city has identified a specific livability need related to transportation. The problem that needs resolution is excessive traffic congestion at the intersection of Tualatin-Sherwood Road and Highway 99W. Currently, city residents have limited options for accessing and using the town center area in Sherwood. Most local trips must use Highway 99W to access services in the center. As discussed below, the section of state highway in question is operating below its mobility standard. This occurs, in part, because there are limited opportunities to access center services on roads other than Highway 99W. The city, and Metro Council, consider this condition to be adversely affecting the livability of the City of Sherwood and the 2040 Growth Concept designated town center.

The identified need corresponds to several regional policies set forth in the Regional Framework Plan (“RFP”). Chapter 2 Transportation, policy 2.2 requires Metro to “ensure the identified function, capacity and level of service of transportation facilities are consistent with applicable regional land use and transportation policies as well as adjacent land use patterns.” The City of Sherwood contains a designated town center that is intended to provide convenient services to residents of the area, and enable the city to concentrate housing, commercial and retail development in one area that promotes a compact urban form. The current configuration of roads near the town center is not achieving this policy.

RFP policies related to section 2.4 System Objectives state that, “Specific needs, associated with ensuring access to jobs, housing, cultural and recreational opportunities and shopping within and among those centers, should be assessed and met through a combination of intensifying land uses and increasing

transportation system capacity so as to mitigate negative impacts on environmental quality and where and how people live, work and play.” The Council finds that the information provided by the city, and the Oregon Department of Transportation discussed below demonstrates that this policy is not being realized under the city's current transportation facility configuration.

- (ii) factually demonstrate how the livability need can best be remedied through a change in the location of the UGB.”

The current UGB creates a near island of non-urban land near the town in an area where intensive urban uses are occurring. The Home Depot retail store is located to the north, consistent with local and regional policies, draws customers from Sherwood and nearby cities. Highway 99W itself is a major state facility that provides the most direct route for travelers moving between the Portland metropolitan region and coastal cities to the south. The highway is also a major freight corridor. Most of the development in and near the town center is occurring on the eastside of Highway 99W and a significant proportion of trips originate from locations east on Tualatin-Sherwood Road. These factors show that both the livability problem and its solution are located near the intersection of Tualatin-Sherwood Road and Highway 99W.

The expansion area is owned by Portland General Electric in two tax lots. The route of the Adams Avenue extension would not disrupt PGE's use of its properties which contain utility facilities. Potential routes that would connect further to the north would effect more tax lots and, therefore would be more costly to undertake. More importantly, connections between Tualatin-Sherwood Road and Highway 99W located further to the north would be unlikely encourage drivers to use it instead the existing intersection. The expansion approved in this ordinance will serve both the Home Depot customers and provide a convenient alternative to the Tualatin-Sherwood Road, Highway 99W intersection. For these reasons, the Council finds that the livability needs can best be remedied by the expansion approved in Ordinance No. 02-986.

- (iii) identify both positive and negative aspects of the proposed UGB amendment on both the livability need and on other aspects of livability;”

The positive aspects of the transportation system improvements are identified above. The negative aspects of the UGB amendment include: loss of some EFU zoned land, potentially a slight impact on farm operations east of the expansion area, some intrusion of urban impacts on PGE's utility facility.

- (iv) demonstrate that, on balance, the net result of addressing the livability need by amending the UGB will be positive.”

Like many other cities on the west side of the region, Sherwood is surrounded mostly by farmland. Urban expansion into these areas always brings some level of negative impact to farming. However, the Council finds that this expansion is likely to decrease overall impacts on farming as compared to the current UGB because it will eliminate the near island of resource land adjacent to the city. The new UGB provides a clearer demarcation between urban and rural uses. In addition, the expansion area and associated transportation improvements will not force a change in the use of PGE's land which is anticipated to remain in its current use after the Adams Avenue extension is completed, Therefore, on balance, the Council finds that the UGB amendment will be positive.

Alternatives

Metro completed a region wide alternative sites analysis which is discussed and appended to Ordinance No. 02-969B as Appendix A. That discussion is incorporated here by this reference.

Notwithstanding the region wide alternatives analysis, the Council finds that that there is a specific identified land need for urban land to provide a transportation route and related facilities in a more efficient manner through the City of Sherwood consistent with ORS 197.298(3)(a). In addition, the Council finds that providing the needed transportation facility will maximize efficient use of land within the existing UGB by providing services (transportation) to those lands consistent with ORS 197.298(3)(c).

Specific Identified Land Need

The “Livability” need discussion above is incorporated here by this reference. The Council finds that there is a need for a collector arterial between Sherwood/Tualatin Road and Highway 99W to relieve traffic congestion at the main intersection of Sherwood/Tualatin Road slightly to the west. Information provided by the city in a September 12, 2002 letter from Planning Director Dave Wechner, shows that area added to the UGB is the most feasible location for a road to relieve traffic congestion at the main intersection. The Oregon Department of Transportation supports this finding in an October 15, 2002 letter from Planning Manager, Leo Huff. He states:

“As a statewide highway, OR 99W provides important inter-urban and inter-regional mobility. The intersection of Tualatin –Sherwood Rd. and OR 99W is currently operating beyond the mobility standard. As development continues to occur, there is increasing pressure on the operation of the intersection.

* * *

The proposed alignment for the Adams Avenue extension requires an adjustment to the urban growth boundary. The land is needed for a collector arterial connecting the major roadways of OR 99W and Tualatin-Sherwood Road. No other property could be used for this purpose.”

The Council finds that this evidence demonstrates that specific land is needed in a specific location in the City of Sherwood to fulfill the identified specific land need.

Maximum Efficiency of Land Uses

ORS 197.298(3)(c) allows local governments to add land to the UGB without regard to the priorities in ORS 197.298(1) when the land is necessary to maximize the efficiency of higher priority lands. The Metro Council reads this statute to primarily promote efficient urban land use. Allowing lower priority lands to also urbanize at the same time as higher priority lands is the mechanism that supports that policy. The Council concludes that providing services to existing urban land already inside a UGB is entirely consistent with the purpose of the statute. Therefore, the Council also concludes that interpreting the term “higher priority lands” in ORS 197.298(3)(c) to include existing urban lands is consistent with the statute.

The area between Tualatin-Sherwood Road and Highway 99W is surrounded on three sides by the existing UGB. The edges of the UGB are fairly close together as is shown on the map attached to the September 12, 2002 letter from Planning Director Dave Wechner. A Home Depot retail store has been approved for the area immediately north of the expansion area. That development is conditioned to provide signalized access to Highway 99W via a driveway that will connect to the Adams Avenue

extension. The expansion area connects two parts of the UGB in Sherwood that are functionally disconnected from a transportation perspective except for the already overburdened intersection of Tualatin-Sherwood Road and Highway 99W. The Council concludes that connecting those portions of the UGB and providing land for the Adams Avenue Extension maximizes land uses inside the UGB consistent with ORS 197.298(3)(c).

Orderly Services

The Metro Council considered the provision of services for the land need identified in Sherwood. The UGB amendment in this area requires no water, sewer, or stormwater facilities. Once built the road will be self sufficient. Since PGE intends to continue its present use as a utility facility, services that would typically be needed for housing or commercial development are not required.

Efficiency

The Council considered whether the UGB expansion in Sherwood would maximize the efficiency of the UGB in that area. The Council finds that efficiency of the urban area in Sherwood and the town center will be enhanced with the Adams Avenue extension. The Council's findings on "livability" need above and "specific identified land need" below are incorporated here by this reference.

Consequences

The environmental, energy, social and economic consequences of expanding the UGB in Sherwood were considered. No adverse environmental impacts were identified. Environmental benefits include protection of a creek and riparian area on the west side of Highway 99W as the boundary line was adjusted to conform to the route of the creek. The economic and social benefits are positive as the Council concluded above in identifying a livability need for the UGB amendment. Energy consequences are generally positive based reducing congestion at the intersection of Tualatin-Sherwood Road and Highway 99W.

Compatibility

Agricultural uses occur in the vicinity of the expansion area. The lands immediately north and east of the expansion area are EFU lands that are generally in row crop production. Like other UGB expansion areas that the Council has considered, there may be traffic impacts that affect farming operations as a result of the expansion. However, the Council finds that the amended UGB in Sherwood is likely to better protect farmland to the north and east from future urban development by limiting that farmland's exposure to urban uses. The amendment functions to square off a corner of the UGB that currently creates close to an island of resource land in the urban area. In addition, by conforming the boundary line to the route of the creek to the west of Highway 99W the Council finds that farmland will be better protected. The future road extension of Teal Road will create a hard edge that protects the creek and farmland, and due to the topography of that area, which slopes away from the creek to the west, impacts from urban uses are unlikely to affect farming operations. For these reasons, the Council finds that the UGB amendment will be compatible with nearby agricultural uses and activities.

Transportation

Metro has responsibility to ensure that its Task 2 decision for the City of Sherwood does not significantly affect a transportation facility or allow uses that are inconsistent with the identified function, capacity and performance standards of transportation facilities. Metro fulfills this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits Washington County and the city from

upzoning land from land divisions into resulting lots or parcels smaller than 20 acres in the area until it revises its comprehensive plans and zoning ordinances to authorize urbanization of land Metro brings into the UGB; and (2) requires the county or city to develop conceptual transportation plans and urban growth diagrams with the general locations of arterial, collector and essential local streets for the area.

The Council also finds that this action necessary to provide adequate transportation facilities to support the areas within the City of Sherwood. The expansion assures a compact urban form within the existing Boundary and will reduce traffic impacts related to Highway 99W.

Regional Framework Plan

The Council has applied conditions in Exhibit B to this ordinance to ensure that RFP policies can be meet as urbanization occurs. The conditions reference Title 11 of the Urban Growth Management Functional Plan which requires the city to plan for concentration of housing that will support and efficient arrangement of public facilities and services, including transportation. The Council's findings showing a livability need for the extension of Adams Avenue identify additional RFP policies that are related to this expansion. Those findings are incorporated here by this reference.

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HIGHWAY AND NORTH OF THE TUALATIN)
SHERWOOD ROAD AND DECLARING AN)
EMERGENCY)

ORDINANCE NO. 02- 986
Introduced by Presiding Officer Carl Hosticka

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ADOPTED by the Metro Council this [insert date] day of [insert month] , 2002.

Carl Hosticka, Presiding Officer

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, General Counsel

STAFF REPORT

CONSIDERATION OF ORDINANCE 02-986 FOR THE
PURPOSE OF AMENDING METRO'S URBAN GROWTH
BOUNDARY TO ADD LAND FOR A ROAD IMPROVEMENT IN
THE SHERWOOD AREA, EAST OF THE PACIFIC HIGHWAY
AND NORTH OF THE TUALATIN SHERWOOD ROAD AND
DECLARING AN EMERGENCY

Date: November 25, 2002

Prepared by: Michael Morrissey

PROPOSED ACTION

Adoption of Ordinance 02-986 to amend the urban growth boundary to bring land in the Sherwood area into the urban growth boundary to facilitate a needed road connection as allowed under ORS 197.298(3). The proposed amendment area is shown on Exhibit A.

BACKGROUND

The City of Sherwood has been one of the fastest growing cities in Oregon over the last 10 years. The proposed alignment of the Adams Avenue extension, as a road connection, is needed to help relieve traffic congestion at the intersection of Tualatin-Sherwood Road and Pacific Highway 99W. This small area is surrounded on three sides by the City, but it is outside the urban growth boundary hindering the function of the local transportation system. The Adams Avenue extension is a connection that is included in the City's Draft Transportation Plan.

ANALYSIS/INFORMATION

A total of 17.88 acres of land is needed to extend the road and make the needed connection to the traffic light at 99W. Of this acreage, 8.10 acres are occupied by an electrical substation, which has no present or future potential for agriculture, despite the zoning designation. The City of Sherwood argues that the requirements of ORS 197.298(3) allow for lower priority land to be included within the UGB if one or more of three criteria are satisfied:

- (1) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;
- (2) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or
- (3) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.

The City finds in regards to criteria (1) that the land requested for inclusion is situated between parcels that are within the UGB already, and should be considered despite the presence of higher priority land elsewhere near the city, as other land would not be located in the unique position of the subject parcel. The land need is for a collector arterial – designed to connect major roadways, and the primary factor behind considering this parcel is its geographic position - not a comparison to other lands with different soil categories or agricultural potential. Despite a higher priority, other land could not possibly provide the connection.

Further, the City argues that in regard to criteria (3), the efficiency sought for development of land uses requires that the two separate portions of the UGB be connected. The lower priority

lands proposed for inclusion are to connect “higher priority” lands – which includes those already within the UGB. Industrial-zoned parcels along 99W and Tualatin-Sherwood Road are not likely to develop without a more efficient flow of traffic that would be provided with the extension of Adams Avenue; therefore, the maximum efficiency of land can be achieved in the existing urban growth boundary.

Suggested Conditions

That the City of Sherwood follow Metro's Title 11 Concept Planning requirements and adopt the 2040 design type for the area as show in Exhibit C. Also that no urbanization can occur until the actual road alignment determined and adopted in the City's TSP.

APPLICABLE REVIEW CRITERIA

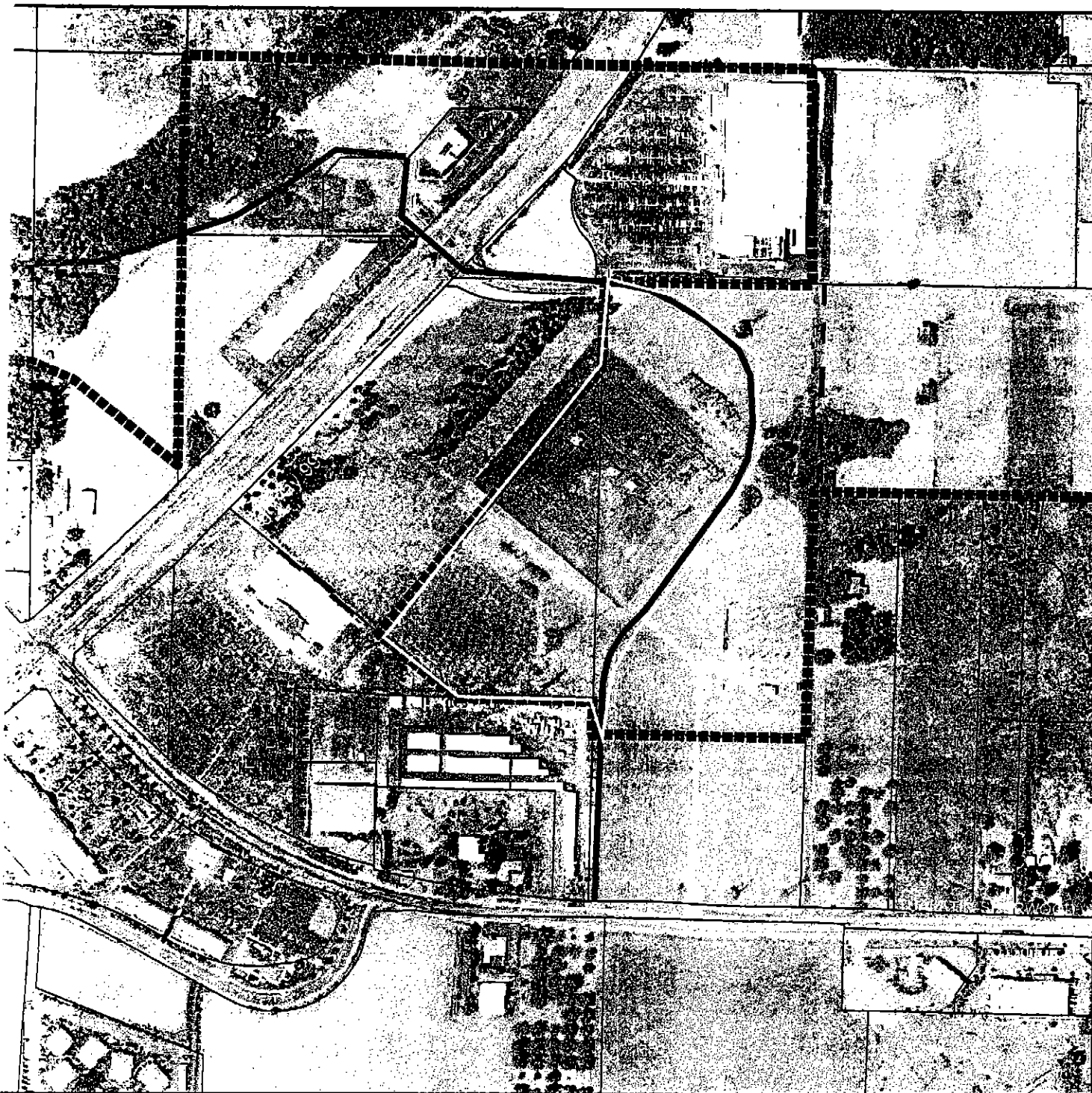
The standards applicable to a legislative amendment to the UGB are set out in ORS 197.298, Statewide Planning Goals 2 and 14 and Metro code Section 3.01.

BUDGET IMPACT

There is no budget impact form adopting this ordinance.

EXECUTIVE OFFICER'S RECOMMENDATION




The Executive Officer did not consider the City of Sherwood's request in his recommendation.



Proposed Roads Outside UGB Sherwood, OR



Area of Interest

-  Adams Road Extension
-  Teal Road Extension
-  Urban Growth Boundary

UGB Expansion Proposed


Total 17.88 Acres

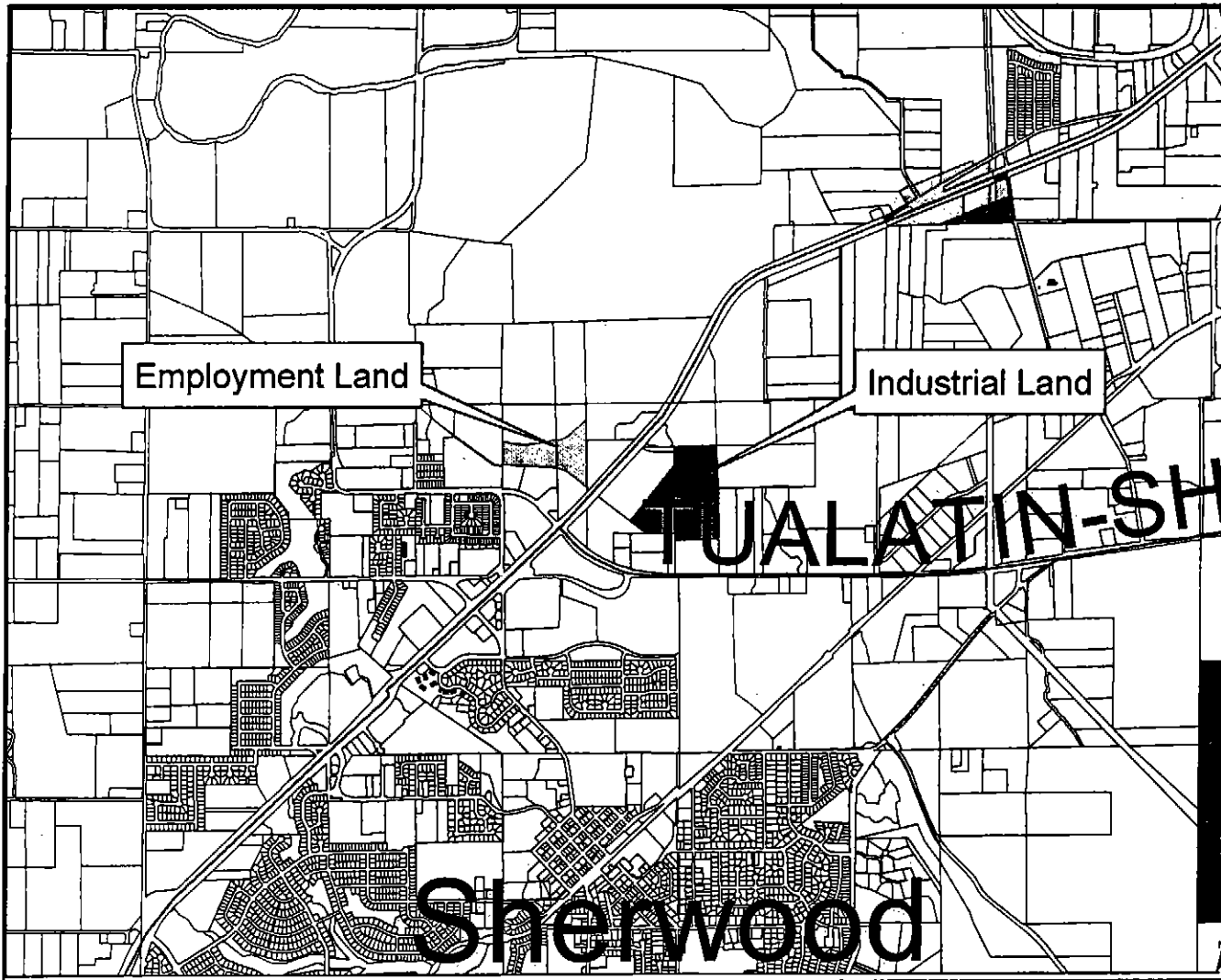
Portion that is used
as substation 8.10 Acres



Photo Taken
July 2001

Map Created September 2002

200
 Feet



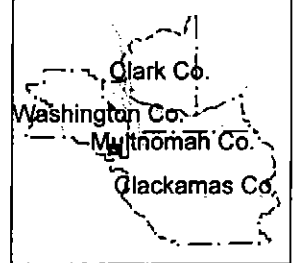
2040 Growth Concept Map

ORDINANCE 02-986A
ATTACHMENT 1

- Design Types**
- Industrial
 - Regionally Significant Industrial Areas (Proposed)
 - Employment
 - Inner Neighborhood
 - Outer Neighborhood
 - Town Center
 - Corridor
 - Current UGB

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1 inch equals 0.5 miles
0 0.050.1 0.2



Location Map

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