

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 04-1046
ORDINANCE NO. 02-969B IN ORDER TO)
CHANGE A CONDITION ON ADDITION OF)
STUDY AREA 59 (SHERWOOD) TO THE) Introduced by Councilor McLain
UGB; AND DECLARING AN EMERGENCY)

WHEREAS, the Metro Council adopted Ordinance No. 02-969B, For The Purpose Of Amending The Metro Urban Growth Boundary, The Regional Framework Plan And The Metro Code In Order To Increase The Capacity Of The Boundary To Accommodate Population Growth To The Year 2022, on December 5, 2002, to add land to the urban growth boundary (“UGB”) as part of Task 2 of periodic review; and

WHEREAS, among the land added to the UGB by Ordinance No. 02-969B was a portion of Study Area 59, adjacent to and west of the City of Sherwood; and

WHEREAS, the Council applied the “Inner Neighborhood” 2040 Growth Concept design type to the added portion of Study Area 59, as show on Exhibit N; and

WHEREAS, in response to a need for land for one or more public schools in the Sherwood School District, the Council placed a condition on the added portion of Study Area 59 that limited development to “public facilities and other development necessary and accessory to public school use ... ”; and

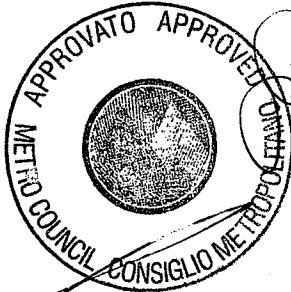
WHEREAS, further review of public school needs by the Sherwood School District and further coordination among the district, Washington County, and the City of Sherwood indicate that the District does not need the entire portion of the added part of Study Area 59 for school facilities; now, therefore THE METRO COUNCIL ORDAINS AS FOLLOWS:

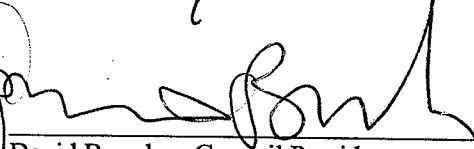
1. Condition 2 in Section H [Study Area 59 (partial)] of Exhibit M to Ordinance No. 02-969B is amended to read as follows:

The county or the city, in coordination with the Sherwood School District, shall, in the Title 11 plan, determine a location and size for one or more sites for public school facilities in the portion of Study Area 59 included within the UGB by this ordinance, and shall adopt provisions in its comprehensive plan and zoning regulations to provide the opportunity to site one or more public school facilities consistent with the Title 11 plan.

2. The Findings of Fact and Conclusions of Law in Exhibit A, attached and incorporated into this ordinance, explain how this amendment complies with state law and the Regional Framework Plan.
3. This ordinance is necessary for the immediate preservation of public health, safety and welfare because modification of the subject condition is a pre-requisite to adoption of an ordinance by Washington County to place interim limitations on uses of the area while planning pursuant to Title 11, and a county charter provision limits the time for consideration of such ordinances. An emergency is therefore declared to exist, and this ordinance shall take effect upon adoption pursuant to Metro Charter section 39(1).

ADOPTED by the Metro Council this 25th day of March 2004.





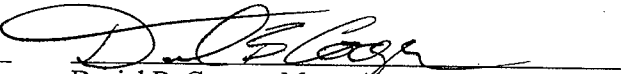
David Bragdon, Council President

ATTEST:

Approved as to Form:



Christina Billington, Recording Secretary



Daniel B. Cooper, Metro Attorney

**Exhibit A to Ordinance No. 04-1046
Findings of Fact and Conclusions of Law**

I. Overview

Ordinance No.04-1046 amends Ordinance No. 02-969B (FOR THE PURPOSE OF AMENDING THE URBAN GROWTH BOUNDARY, THE REGIONAL FRAMEWORK PLAN AND THE METRO CODE IN ORDER TO INCREASE THE CAPACITY OF THE BOUNDARY TO ACCOMMODATE POPULATION GROWTH TO THE YEAR 2022) to revise Condition H.2 of Exhibit M of that ordinance, affecting the portion of Study Area 59 added to the UGB, west of the City of Sherwood. The original condition limited development to public school facilities. The revised condition requires the county or city, in coordination with the Sherwood School District, to determine a location for one or more public school facilities in the area, pursuant to Title 11 of the Urban Growth Management Functional Plan. The effect of the change is to allow the portion of the area not needed for public school facilities to urbanize in a manner otherwise allowed by Ordinance No. 02-969B and local law.

II. Statewide Planning Laws

Statewide Planning Goal 1 – Citizen Involvement: The Council followed its customary procedure for enactment of ordinances, including public notification, consideration by the Metropolitan Policy Advisory Committee, and a public hearing before the Council on March 25, 2004. This process complies with Metro’s public involvement policy and with Goal 1

Statewide Planning Goal 2 – Land Use Planning: The Council undertook amendment of Condition H.2 in response to comments from the school district and local governments. This process fulfilled the coordination requirements of Goal 2.

Statewide Planning Goal 3 – Agricultural Lands: Because this ordinance applies only to territory within Metro’s urban growth boundary, Goal 3 does not apply.

Statewide Planning Goal 4 – Forest Lands: Because this ordinance applies only to territory within Metro’s urban growth boundary, Goal 4 does not apply.

Statewide Planning Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces: This ordinance revises a condition on the urbanization of that portion of Study Area 59 included in the UGB on December 5, 2002. The revision expands the uses allowed in the area (from public school facilities only to residential use as well). Washington County or the City of Sherwood will be responsible for comprehensive planning for the area, pursuant to Title 11 of the Urban Growth Management Functional Plan. The city or county will be responsible for applying Goal 5 at the time either amends its comprehensive plan and land use regulations to allow urbanization of the area. For the reasons stated in Exhibit P to Ordinance No. 02-969B, this ordinance complies with Goal 5

Statewide Planning Goal 6 – Air, Land and Water Resources Quality: This ordinance revises a condition on the urbanization of that portion of Study Area 59 included in the UGB on December 5, 2002. The revision expands the uses allowed in the area (from public school facilities only to residential use as well). Washington County or the City of Sherwood will be responsible for comprehensive planning for the area, pursuant to Title 11 of the Urban Growth Management Functional Plan. The city or county will be responsible for applying Goal 6 at the time either amends its comprehensive plan and land use regulations to allow urbanization of the area. For the reasons stated in Exhibit P to Ordinance No. 02-969B, this ordinance complies with Goal 6.

Statewide Planning Goal 7 – Areas Subject to Natural Disasters and Hazards: This ordinance revises a condition on the urbanization of that portion of Study Area 59 included in the UGB on December 5, 2002. The revision expands the uses allowed in the area (from public school facilities only to residential use as well). Washington County or the City of Sherwood will be responsible for comprehensive planning for the area, pursuant to Title 11 of the Urban Growth Management Functional Plan. The city or county will be responsible for applying Goal 7 at the time either amends its comprehensive plan and land use regulations to allow urbanization of the area. For the reasons stated in Exhibit P to Ordinance No. 02-969B, this ordinance complies with Goal 7.

Statewide Planning Goal 8 – Recreational Needs: This ordinance revises a condition on the urbanization of that portion of Study Area 59 included in the UGB on December 5, 2002. The revision expands the uses allowed in the area (from public school facilities only to residential use as well). Washington County or the City of Sherwood will be responsible for comprehensive planning for the area, pursuant to Title 11 of the Urban Growth Management Functional Plan. The city or county will be responsible for applying Goal 8 at the time either amends its comprehensive plan and land use regulations to allow urbanization of the area. For the reasons stated in Exhibit P to Ordinance No. 02-969B, this ordinance complies with Goal 8.

Statewide Planning Goal 9 – Economic Development: This ordinance revises a condition on the urbanization of that portion of Study Area 59 included in the UGB on December 5, 2002. The revision expands the uses allowed in the area (from public school facilities only to residential use as well). Washington County or the City of Sherwood will be responsible for comprehensive planning for the area, pursuant to Title 11 of the Urban Growth Management Functional Plan. The city or county will be responsible for applying Goal 9 at the time either amends its comprehensive plan and land use regulations to allow urbanization of the area. For the reasons stated in Exhibit P to Ordinance No. 02-969B, this ordinance complies with Goal 9.

Statewide Planning Goal 10 – Housing: This ordinance revises a condition on the urbanization of that portion of Study Area 59 included in the UGB on December 5, 2002. The revision expands the uses allowed in the area to include residential use as well public school facilities. The revision, therefore, will make it more likely that the region will meet its housing needs. Washington County or the City of Sherwood will be responsible for comprehensive planning for the area, pursuant to Title 11 of the Urban Growth Management Functional Plan. The city or county will be responsible for applying Goal 10 at the time either amends its comprehensive plan and land use regulations to allow urbanization of the area. For the reasons stated in Exhibit P to

Ordinance No. 02-969B and because the revision to the condition makes the area available for residential use, this ordinance complies with Goal 10.

Statewide Planning Goal 11 – Public Facilities and Services: This ordinance revises a condition on the urbanization of that portion of Study Area 59 included in the UGB on December 5, 2002. The revision expands the uses allowed in the area (from public school facilities only to residential use as well). Washington County or the City of Sherwood will be responsible for comprehensive planning for the area, pursuant to Title 11 of the Urban Growth Management Functional Plan. The city or county will be responsible for applying Goal 11 at the time either amends its comprehensive plan and land use regulations to allow urbanization of the area. For the reasons stated in Exhibit P to Ordinance No. 02-969B, this ordinance complies with Goal 11.

Statewide Planning Goal 12 – Transportation: This ordinance revises a condition on the urbanization of that portion of Study Area 59 included in the UGB on December 5, 2002. The revision expands the uses allowed in the area (from public school facilities only to residential use as well). Washington County or the City of Sherwood will be responsible for comprehensive planning for the area, pursuant to Title 11 of the Urban Growth Management Functional Plan. The city or county will be responsible for applying Goal 12 at the time either amends its comprehensive plan and land use regulations to allow urbanization of the area. For the reasons stated in Exhibit P to Ordinance No. 02-969B, this ordinance complies with Goal 12.

Statewide Planning Goal 13 – Energy Conservation: This ordinance revises a condition on the urbanization of that portion of Study Area 59 included in the UGB on December 5, 2002. The revision expands the uses allowed in the area (from public school facilities only to residential use as well). Washington County or the City of Sherwood will be responsible for comprehensive planning for the area, pursuant to Title 11 of the Urban Growth Management Functional Plan. The city or county will be responsible for applying Goal 13 at the time either amends its comprehensive plan and land use regulations to allow urbanization of the area. For the reasons stated in Exhibit P to Ordinance No. 02-969B, this ordinance complies with Goal 13.

Statewide Planning Goal 14 – Urbanization: This ordinance revises a condition on the urbanization of that portion of Study Area 59 included in the UGB on December 5, 2002. The revision expands the uses allowed in the area to include residential use as well public school facilities. The revision, therefore, will make it more likely that the region will meet its housing needs. Because the revision makes the area available for a wider range of uses, included needed housing, the revision enhances an orderly and efficient transition from rural to urban land use. The ordinance complies with Goal 14.

Statewide Planning Goal 15 – Willamette River Greenway: This does not address or affect uses within the Willamette River Greenway. Hence, Goal 15 does not apply to this ordinance.

III. Regional Framework Plan

Policy 1.1 – Urban Form: This policy calls for a compact urban form and affordable housing choices. Revision of Condition H.2 will allow this area to accommodate residential development that would otherwise have been accommodated elsewhere, perhaps on land added to the UGB.

Policy 1.3 – Affordable Housing: This policy seeks opportunities for a wide range of housing opportunities. Revision of Condition H.2 will allow this area to accommodate residential development, providing housing opportunities that would otherwise not have been available.

Policy 1.6 – Growth Management: This policy calls for efficient management of urban land, among other things. For the same reasons stated under Statewide Planning Goal 14 and RFP Policy 1.1, these revisions will encourage the evolution of an efficient urban growth form, and comply with Policy 1.6.

Policy 1.14 – School Siting: This policy calls for coordination with local governments, including school districts, to ensure that the UGB includes a sufficient supply of sites for school facility needs. The revision to Condition H.2 will improve coordination among these units of local government and still ensure a supply of land for school facilities in Study Area 59.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 04-1046, FOR THE PURPOSE OF AMENDING ORDINANCE 02-969B IN ORDER TO CHANGE A CONDITION ON ADDITION OF STUDY AREA 59 (SHERWOOD) TO THE UGB; AND DECLARING AN EMERGENCY

Date: March 18, 2004

Prepared by: Ray Valone,
Dick Benner

BACKGROUND

In December 2002, the Council adopted Ordinance No. 02-969B to expand the Urban Growth Boundary. This ordinance included an 85-acre portion of former Study Area 59, located northwest of Sherwood. Condition of Addition 2 of the ordinance required the city or county “to limit development in this portion of Study Area 59 to public school facilities and other development necessary and accessory to public school use.” As written, this condition would dedicate and limit the entire 85-acre area to public school facilities. Proposed Ordinance 04-1046 would correct this condition to require that the county or city work with the Sherwood School District to determine a location and size for one or more sites for public school facilities within the 85-acre area.

The Washington County Board of Commissioners (BOC) is scheduled to hold a hearing on March 17 to authorize changes to a previous proposed ordinance that would implement a new zoning district within the areas added to the UGB in 2002. This ordinance would codify the restrictions in Title 11 (section 3.07.1110, Interim Protection) and incorporate the Council’s conditions of addition for all these areas. If the BOC authorizes the changes, it could vote to approve the ordinance in April. For this reason, Ordinance 04-1046 includes an emergency provision in order to complete the changes for Area 59 before the BOC takes action to adopt its ordinance.

ANALYSIS/INFORMATION

1. Known Opposition

No known opposition.

2. Legal Antecedents

This action would amend existing Ordinance 02-969B.

3. Anticipated Effects

If adopted, Ordinance No. 04-1046 would require Washington County or the city of Sherwood, as part of the Title 11 planning process, to determine a location and size for public school facilities within Area 59, and not dedicate the entire area to school facilities.

4. Budget Impacts

There is no cost to implement the proposed ordinance.

RECOMMENDED ACTION

Staff recommends that the Council adopt Ordinance No. 04-1046.