

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 737

AN ORDINANCE ADOPTING AMENDMENTS TO THE TEXT OF THE SHERWOOD COMMUNITY DEVELOPMENT PLAN (PART 2 COMPREHENSIVE PLAN) WITH RESPECT TO URBAN GROWTH AREAS, AND SETTING EFFECTIVE DATE.

WHEREAS, the Sherwood Comprehensive plan has been enacted by the city (Ordinance No. 726, August 27, 1980); and

WHEREAS, plan text amendment proceedings were initiated (PTA-81-02) by the Planning Commission to consider proposed amendments to simplify policies and procedures for review of actions to convert urbanizeable lands to urban uses, and a public hearing was held by the Planning Commission on the proposed amendments on March 17, 1981, the proposed amendments and staff recommendations all being set forth in the attached Staff Report as Exhibit A hereto, dated March 9, 1981; and

WHEREAS, the Planning Commission heard the matter after due and legal notice and has made its recommendations to the City Council by memorandum dated March 19, 1981, marked Exhibit B, hereto attached; and

WHEREAS, the City Council, after due and legal notice, held a public hearing on the proposed amendments at its meeting of March 25, 1981, whereat the Staff Report and the recommendation of the Planning Commission were received, discussed and adopted by the Council; and

WHEREAS, the City Council finds that the text amendments hereafter set forth are reasonable and necessary to clarify the language, meaning, procedures, and purposes of the Comprehensive Plan, will facilitate expeditious review of actions to convert urbanizeable lands to urban uses; that the public interest is best served by passage of the amendments, and that the amendments, being in the nature of clarification of wording and policies relating to administration of the plan, do not involve significant substantive modifications having an impact on the considerations listed in ORS 215.055 which the council has reviewed in light of the proposed amendments;

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1. Section III.F. of the Community Development Plan (Comprehensive Plan Part 2) is hereby amended to read as follows:

F. GROWTH MANAGEMENT POLICY

The following policies and strategies are established for the management of urban growth in the Planning Area.

1. Growth Areas

Consistent with regional and state policy which calls for the establishment of a phased growth policy, the City has determined future land requirements for growth to the years 1985 and 2000. The City further has established a need for policies and standards defining areas to meet these short-range and long-range requirements.

Two phased growth areas are used in the Plan. The Urban Growth Area (UGA) defines urban land needs to the year 2000. The Immediate Growth Area (IGA) defines urban land needs to the year 1985. The Future Urban Area is the area between the Immediate Growth Area and the Urban Growth Boundary.

a. Urban Growth Area Policies

The Sherwood Urban Growth Area (UGA) is defined as the area west of Cipole Road included within the regionally adopted urban Growth Boundary (UGB).

- Policy 1 - The City will periodically review and propose to the Metropolitan Service District (MSD) appropriate revisions to the Urban Growth Area (UGA) in conformance with applicable MSD Policies and procedures and the need to accommodate urban growth to the year 2000.
- Policy 2 - Changes in the Urban Growth Area may be proposed by the City, County, special districts, and individuals in conformance with City, County and Metropolitan Service District procedures for amendment of their respective Comprehensive Plans.
- Policy 3 - The City will review and comment on all proposals before MSD to establish or to revise the Sherwood Urban Growth Area for conformance with the Sherwood Comprehensive Plan. Specifically, the City review will consider if the proposal addresses the following criteria:
- 1) Demonstrated need to accommodate urban population growth requirements to the year 2000 consistent with LCDC goals;
 - 2) Need for housing, employment opportunities, and livability;
 - 3) Orderly and economic provision of public facilities and services;
 - 4) Maximum efficiency of land uses within and on the fringe of the existing urban area;
 - 5) Environmental, energy, economic and social consequences;
 - 6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and
 - 7) Compatibility of the proposed urban uses with nearby agricultural activities.

b. Immediate Growth Area Policies

The Immediate Growth Area is defined as the area within the city limits of the City of Sherwood.

- Policy 4 - The City will periodically review and propose to Washington County appropriate revisions to the Immediate Growth Area (IGA) in conformance with county policies and procedures and consistent with the need to accomodate urban growth to the year 1985. Urban growth needs shall be determined based on the assumptions contained in Section C above.
- Policy 5 - Changes in the Immediate Growth Area may be proposed by the City, County, special districts or individuals in conformance with City policies and procedures for the review of annexation requests and County procedures for amendment of its comprehensive plan.
- Policy 6 - The City will coordinate with Washington County policies and procedures governing the conversion of urbanizable land to urban land. Such policies shall be included in the Washington County-Sherwood Urban Planning Area Agreement (UPAA). Specifically, the City will consider whether proposals to annex to the City include lands which meet one or more of the following criteria:
- 1) Land contiguous to the City limits needed to extend facilities or services to areas within the City limits.
 - 2) Unincorporated lands suitable, available and necessary to accomodate Urban Growth until 1985.
 - 3) Lands where urban services are available or are programmed for the immediate future.
 - 4) Conservation of a needed amount of open space.
 - 5) Land where existing man-made conditions indicate a pre-existing commitment to urban development.
- Policy 7 - All new development must have access to adequate urban public sewer and water service.

c. Future Urban Area Policies (County "Urban Intermediate")

The area outside of the Immediate Growth Area and within the Urban Growth Area shall be subject to the following policies.

- Policy 8 - No new lots shall be created that contain less than ten acres. Development of existing lots

of record and newly created lots of ten or more acres shall be limited to single family dwellings, agricultural use, and necessary public uses and semi-public uses.

Policy 9 - Urban sanitary sewer and water service shall not be extended to the Future Urban Area with the following exceptions:

- 1) Where an immediate demonstrable threat to the public health exists, as a direct result of the lack of the service in question.
- 2) Where urban services are required by a public facility which by the nature of its service, the size and location of its service area, or by virtue of special siting requirements cannot be met by sites within the Immediate Growth Area.

Policy 10 - New private septic tanks and water wells shall be allowed only for permitted uses on existing lots of record and new lots of ten or more acres in size.

d. Mapping of Urban Growth Areas

The Immediate Growth Area and the Urban Growth Area are depicted on the Plan Map in Section IV. The definition of the growth areas is based on the detailed analysis in Section III Background Data and Analysis and the assumptions in Subsection C. above. Changes in the boundaries must meet criteria contained in Policies 3 and 6 above. In the location of growth boundary lines the following considerations shall be used:

- 1) Creeks with narrow flood plains, due to their barrier effect and defineability.
- 2) The edge of a wide flood plain, due to its limiting effect on urban land use. This criteria may be unsuitable if the flood plain is in agricultural use.
- 3) Railroad tracks, due to their barrier effect, especially where road or highway crossings are involved.
- 4) Power lines, due to defineability.
- 5) Roads, due to defineability and barrier effect, but unsuitable with respect to service provision.
- 6) Rear property lines, due to defineability and service provision, but having limited barrier effect
- 7) Specified setbacks from roadways or other established public facility or service locations which would best utilize a service district.

Chapter 2 Section 2.05 Community Development Plan

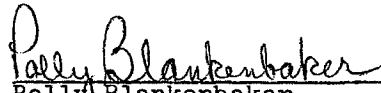
2.15 DESIGNATION OF ANNEXED AREA

Areas annexed to the City shall retain the Washington County zone classification existing at the time the property was annexed until the City designates the area consistent with the Comprehensive Plan Map.

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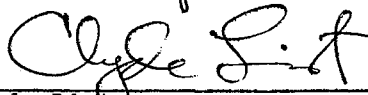
Section 2. This ordinance shall be effective on the 30th day after its enactment by the City Council and approval by the mayor.

ENACTED: By unanimous vote of the council this 27 day of May, 1981, after being read in caption three times.



Polly Blankenbaker
Recorder, City of Sherwood

APPROVED: By the Mayor this 27 day of May, 1981.



Clyde List
Mayor, City of Sherwood

Exhibit A

STAFF REPORT

March 9, 1981

CITY CASE NO: PTA-81-02
SUBJECT: Planning Commission Initiated Amendments to the Text of the Sherwood Community Development Code and Community Development Plan Designed to Simplify The Policies and Procedures for the Review of Actions to Convert Urbanizable Lands to Urban Uses Consistent with the Sherwood Comprehensive Plan.

APPLICABLE STANDARDS FOR REVIEW: Chapter 1 Section 3.00 Community Development Code; Procedures and Criteria for the Amendment of the Text of the Comprehensive Plan (see attached required findings.)

FINDINGS

I. City Actions Converting Future Urban Areas to Immediate Urban Areas

1. Background

Since the adoption of the Sherwood Comprehensive Plan in September, 1980, the City has processed several requests for annexation to the City by lands located outside of the City's Immediate Growth Boundary. At about the same time, the City entered into an Urban Planning Area Agreement (UPAA) with Washington County which stipulated that the City would follow the County Plan Amendment procedure when processing annexation requests in the County designated "Future Urban" areas. City-County coordination was, in part, aimed at simplifying the review process and reducing the time required to bring City supported annexation requests before the Metropolitan Boundary Commission.

2. ~~Section III.F.b.~~ Policy 5 requires that applicants requesting the annexation of land outside of the City's Immediate Growth Boundary must also obtain an amendment of the City's Immediate Growth Boundary before being eligible to obtain City approval for their annexation request. The City requirement for a separate plan amendment at its level unnecessarily duplicates the County procedure. The process of annexing future urbanizable land is further protracted in the Portland Metropolitan Area by the fact that neither the City nor the County have final authority to approve boundary changes.

3. Even with recently negotiated provisions in the City-County UPAA expediting the review process an annexation request is likely to take up to 4-5 months to be processed.

4. The standards for review of amendments of the Immediate Growth Boundary contained in Section III.F,b Policy 6 are almost identical to those applied to the review of annexation requests. The review of County "future urban" annexation requests at the City level need only consider the Goal 14 factors bearing on inclusion of additional lands within the City.
5. Whereas the City has used a "boundary" approach to defining lands needed to accommodate growth needs to the year 1985 (five year needs), the approach is inflexible as compared to a "policies and standards" approach to lands seeking annexation to the City.

II. City Action Redesignating Recently Annexed Lands from County Zoning to City Plan Designations.

1. Background

Chapter 2 Section 2.05 of the Community Development Code requires that recently annexed lands shall retain the County zoning until the City initiates a Plan Amendment procedure to designate those lands consistent with the Comprehensive Plan Map. In the past this action was necessary since the City had no plan map designation for the unincorporated lands within the Sherwood Urban Area. In these cases a rezoning decision had to be made by the City which followed the quasi-judicial zone change procedure.

2. Since the newly adopted Comprehensive Plan does give unincorporated lands a planned land use designation, the additional code provision requiring a plan amendment procedure (Chapter 2 Section 2.05) is not necessary, unless a change in the existing Plan Map designation for the annexed area is proposed.
3. The designation of the annexed property consistent with the Plan can most appropriately be done as a part of the ordinance ratifying an approved boundary change.

STAFF RECOMMENDATION

Based on the above findings, the staff recommends that Section III.F. of the Community Development Plan and Chapter 2 Section 2.05 of the Community Development Code be amended as follows:

Note: Deleted language is indicated as follows:
~~Deleted language.~~
Added language is indicated as follows:
Added language.

SECTION III.F. Community Development Code

F. GROWTH MANAGEMENT POLICY

The following policies and strategies are established for the management of urban growth in the Planning Area.

1. Growth Boundaries Areas

Consistent with regional and state policy which call for the establishment of a phased growth policy, the City has determined future land requirements for growth to the year 1985 and 2000. The City further has established a need for ~~a-growth-boundary-to-circumscribe-the-areas-selected~~ policies and standards defining areas to meet these short range and long range requirements.

Two ~~growth-boundaries~~ phased growth areas are used in the Plan. The Urban Growth Boundary Area (UGBA) defines urban land needs to the year 2000. The Immediate Growth Boundary Area (IGBA) defines urban land needs to the year 1985. ~~The Immediate-Urban-Area-is-the-area-within-the-Immediate Growth-Boundary-and~~ The Future Urban Area is the area between the Immediate Growth Boundary Area and the Urban Growth Boundary.

a. Urban Growth Boundary Area Policies

The Sherwood Urban Growth Area (UGA) is defined as the area west of Cipole Rd. included within the regionally adopted Urban Growth Boundary (UGB)

Policy 1 - The City will periodically review and propose to the Metropolitan Service District (MSD) appropriate revisions to the Urban Growth Boundary Area (UGBA) in conformance with applicable MSD Policies and procedures and the need to accommodate urban growth to the year 2000.

Policy 2 - Changes in the Urban Growth Boundary Area may be proposed by the City, County, special districts, and individuals in conformance with City, County and Metropolitan Service District procedures for amendment of their respective Comprehensive Plans.

F. Continued

Policy 3 - The City will review and comment on all proposals before MSD to establish or to revise the Sherwood Urban Growth Boundary Area for conformance with the Sherwood Comprehensive Plan. Specifically, the City review will consider if the proposal addresses the following criteria:

- 1) Demonstrated need to accommodate urban population growth requirements to the year 2000 consistent with LCDC goals;
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- 6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,
- 7) Compatibility of the proposed urban uses with nearby agricultural activities.

b. Immediate Growth Boundary Area Policies

The Immediate Growth Area is defined as the area within the City Limits of the City of Sherwood.

Policy 4 - The City will periodically review and propose to Washington County appropriate revisions to the Immediate Growth Boundary Area (IGBA) in conformance with County policies and procedures and consistent with the need to accommodate urban growth to the year 1985. Urban growth needs shall be determined based on the assumptions contained in Section C above.

F. Continued

- Policy 5 - Changes in the Immediate Growth Boundary Area may be proposed by the City, County, special districts or individuals in conformance with City policies and procedures for the review of annexation requests and County procedures for amendment of ~~their~~ its respective Comprehensive plans.
- Policy 6 - The City will coordinate with Washington County policies and procedures governing the conversion of urbanizable land to urban land. Such policies shall be included in the Washington County-Sherwood Urban Planning Area Agreement (UPAA). Specifically, the City will consider whether proposals to ~~amend the Immediate-Growth-Boundary~~ annex to the City include lands which meet one or more of the following criteria:
- 1) ~~Land within existing City limits or~~ Land contiguous to the City limits needed to extend facilities or services to areas within the City limits.
 - 2) Unincorporated lands suitable, available and necessary to accommodate Urban Growth until 1985.
 - 3) Lands where urban services are available or are programmed for the immediate future.
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c. Future Urban Area Policies (County "Urban Intermediate")

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Policy 9 - Urban sanitary sewer and water service shall not be extended to the Future Urban Area with the following exceptions:

- 1) Where an immediate demonstrable threat to the public health exists, as a direct result of the lack of the service in question.
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Policy 10 - New private septic tanks and water wells shall be allowed only for permitted uses on existing lots of record and new lots of ten (10) or more acres in size.

d. Mapping of Urban Growth Boundaries Areas

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but having limited

- 7) Specified setbacks from roadways or other established public facility or service locations which would best utilize a service district.

Chapter 2 Section 2.05 Community Development Plan

2.05 DESIGNATION OF ANNEXED AREA

Areas annexed to the City shall retain the Washington County zone classification existing at the time the property was annexed until the City designates the area consistent with the Comprehensive Plan Map. ~~and provisions of Section II.F. of the Community Development Plan for making Plan Map Amendments.~~



Exhibit B

P.O. Box 167
Sherwood, Oregon 97140
625-5522 625-5523

March 19, 1981

MEMORANDUM

TO: City Council
FROM: Planning Commission
Gene Stewart, Chairman

Re: PTA-81-02
Planning Commission Initiated Amendments to the Text of the Community Development Plan Designed to Simplify Policies and Procedures for Review of Actions to Convert Urbanizable Lands to Urban Uses.

On March 3, 1981, the Planning Commission directed the staff to prepare recommended amendments to Section III F of the Community Development Plan which would eliminate the need to amend the Immediate Growth Boundary prior to consideration of annexation requests in the County designated future urban area.

On March 17, 1981, following a public hearing the Commission decided to adopt the findings and recommendations contained in the attached staff report dated March 9, 1981. In adopting the staff report, the Commission recommends to the Council that they adopt language to eliminate the Immediate Growth Boundary in favor of a set of standards and criteria to be applied to an annexation request. The practical effect of the amendments would be to establish the current City limits as the Immediate Growth Area. By so doing the City would theoretically support the annexation of suitable lands upon property owner request which met the Immediate Growth Area criteria.

Pursuant to the Washington County/Sherwood Urban Planning Area Agreement (UPAA) the City would continue to forward requests for annexation in the County designated "future Urban Area" to the County for a Plan Amendment review prior to submission of the City supported requests to the Boundary Commission for final action.

Since the recommended amendments would eliminate the need for amendment to the Immediate Growth Boundary and the City currently has no fee for annexation review, the Commission also recommends that the Council Amend Chapter 1 Section 5.01 by adding a new sub section 5.01 K establishing a fee for annexation review.