

City of Sherwood, Oregon
Ordinance No. 2000-1104

AN ORDINANCE IMPLEMENTING THE CITY OF SHERWOOD HIGHWAY 99W CAPACITY ALLOCATION PROGRAM (CAP) AND DECLARING AN EMERGENCY

WHEREAS, Highway 99W is the city's primary transportation corridor; and

WHEREAS, under existing regulations and funding programs, Highway 99W will fail prior to build-out in Sherwood; and

WHEREAS, the city wishes to prevent failure of Highway 99W by insuring the capacity of the highway is increased in an orderly, fair and objective manner; and

WHEREAS, the city wishes to prevent failure of Highway 99W by discouraging uses that produce an inordinate number of vehicles trips per acre that will overload Highway 99W.

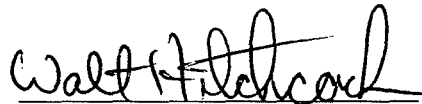
NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. The City of Sherwood hereby adopts the Highway 99W Capacity Allocation Program attached hereto as Exhibit "A" and as represented in the amendments to the Sherwood Comprehensive Plan Part 3 Zoning Code Amendments described in the City Staff Report for PA00-07.

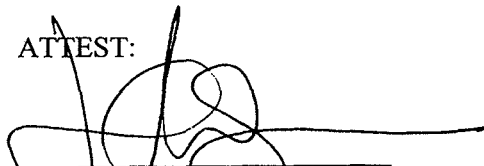
Section 2. That after full and due consideration of the application, the City Staff report PA00-07, the record, findings, and of the evidence presented at the public hearing, the Council adopts the findings of fact contained in the staff report.

Section 3. In order to protect the interest of public health, safety, and welfare, by ensuring Highway 99W capacity is not decreased before this program can be implemented, an emergency is hereby declared to exist and this Ordinance shall become effective upon its passage by the Council and approval by the Mayor.

Duly passed by the City Council this 5th day of December, 2000.


Walt Hitchcock, Mayor

ATTEST:


John N. Morgan, City Manager

	AYE	NAY
Whiteman	<input checked="" type="checkbox"/>	_____
Fox	<input checked="" type="checkbox"/>	_____
Krause	<input checked="" type="checkbox"/>	_____
Cottle	<input checked="" type="checkbox"/>	_____
Hitchcock	<input checked="" type="checkbox"/>	_____

6.307 HIGHWAY 99W CAPACITY ALLOCATION PROGRAM (CAP)

A. Purpose

The purpose of the Highway 99W Capacity Allocation Program is to:

1. Prevent failure of Highway 99W through Sherwood;
2. Preserve capacity on Highway 99W over the next 20 years for new development within Sherwood;
3. Preserve land values in Sherwood by preventing failure of one of the city's key transportation links;
4. Insure improvements to Highway 99W and adjacent primary roadways are constructed at the time development occurs; and
5. Minimize the regulatory burden on developments that have minimal impact on Highway 99W.

B. Exclusions

The following types of projects and activities are specifically excluded from the provisions of this program:

1. Churches;
2. Elementary, middle, and high schools; and
3. Changes in use that do not increase the number of trips generated by the current use.

C. Definitions

1. "*Base Application*" means the site plan or conditional use application which invokes the provisions of this chapter.
2. "*Capacity*" means the maximum number of peak hour vehicle trips that Highway 99W through Sherwood may accommodate at the Level of Service Standard assuming full build-out of all land zoned for residential and industrial development in Sherwood.
3. "*Full Access Intersections*" means the following intersections on Highway 99W in Sherwood: Sunset, Meinecke, Edy/N. Sherwood, Tualatin-Sherwood/Scholls-Sherwood (Roy Rogers Road), and Home Depot (Adams Street).
4. "*ITE Manual*" means the latest edition of the publication titled "Trip Generation" by the Institute of Transportation Engineers.
5. "*Level of Service (LOS) Standard*" means the lowest acceptable level of service on a transportation corridor within Sherwood as stated in the Standard Requirements section.

6. *"Mitigation"* means improvements to the transportation system that increase or enhance capacity.
7. *"Net Trips"* means the number of trips generated by a regulated activity during the p.m. peak hours. Net trips equal new trips, diverted trips, and trips from existing activities on a site that will remain. Net trips do not include: pass-by trips, internal trips, trips from existing facilities that will be removed, and trips reduced due to implementation of transportation demand strategies.
8. *"Peak Hour"* means a consecutive sixty (60) minute period during the twelve (12) p.m. hours of an average day, which experience the highest sum of traffic volumes on a roadway.
9. *"Regulated Activity"* means project(s) or activities proposed in the base application.
10. *"Site Trip Limit"* means the trip limit multiplied by the acreage of the site containing the regulated activity.
11. *"Trip Allocation Certificate"* means a certificate or letter from the City Engineer specifying that a regulated activity meets the trip limit and specifying any required mitigation.
12. *"Trip Analysis"* means a study or report that specifies the net trips from a regulated activity and analyzes the trip distribution and assignment from the activity.
13. *"Trip Limit"* means the maximum number of trips per acre from regulated activities that can be accommodated without violating the LOS standard.

D. Standard Requirements

1. All regulated activities shall acquire a Trip Allocation Certificate prior to approval of their base application. Lack of a Trip Allocation Certificate shall be the basis for denial of a base application.
2. A Trip Analysis is required for all regulated activities prior to being considered for a Trip Allocation Certificate.
3. The Level of Service Standard for Highway 99W through Sherwood through the year 2020 is "E".
4. The trip limit for a regulated activity shall be forty-three (43) net trips per acre.
5. Mitigation shall not be required for regulated activities occurring on land zoned General Industrial (GI) or Light Industrial (LI) when the activity produces less than eight (8) net trips per acre.

E. Trip Analysis

1. Purpose

The first step in the process of seeking a Trip Allocation Certificate is preparation of a Trip Analysis by the applicant for the regulated activity. The purpose of the Trip Analysis is to evaluate whether the net trips from a regulated activity exceed the site trip limit.

2. Timing

The Trip Analysis shall be submitted with the relevant base application. Base applications without a Trip Analysis shall be deemed incomplete.

3. Format

At a minimum, the Trip Analysis shall contain all the following information:

- a. The type and location of the regulated activity;
- b. A tax map clearly identifying the parcel(s) involved in the Trip Analysis;
- c. Square footage used to estimate trips, in accordance with methods outlined in the ITE Manual;
- d. Description of the type of activity, especially as it corresponds to activities described in the ITE Manual;
- e. Copy of the ITE Manual page used to estimate trips;
- f. Acreage of the site containing the regulated activity calculated to two (2) decimal points.
- g. Trip distributions and assignments from the regulated activity to all full access intersections impacted by ten (10) or more trips from the regulated activity with identification of the method used to distribute trips from the site.
- h. Copies of any other studies utilized in the Trip Analysis;
- i. Summary of the net trips generated by the regulated activity in comparison to the site trip limit.
- j. Signature and stamp of a professional engineer, registered in the State of Oregon, with expertise in traffic or transportation engineering, who prepared the analysis.

4. Methods

- a. The Trip Analysis and trip generation for an activity shall be based on the ITE Manual.
- b. If a trip generation for the proposed use is not available in the ITE Manual or the applicant wishes to dispute the findings in the ITE Manual, the trip generation calculation may be based on an analysis of trips from five (5) sites with the same type of activity as that proposed.

5. Modification of Trip Analysis Requirements

The City Engineer may waive, in writing, some of the requirements of the Trip Analysis if:

- a. The proposed regulated activity is part of a previously approved Trip Allocation Certificate that meets the requirements of this chapter and the applicant demonstrates, to the satisfaction of the City Engineer, that the applicable provisions of the previously approved Trip Allocation Certificate shall be met; or
- b. The City Engineer determines, upon receipt of a letter of request from the applicant, that less information is required to accomplish the purposes of this chapter.

F. Trip Allocation Certificate

1. General

- a. Trip Allocation Certificates shall be issued by the City Engineer
- b. Trip Allocation Certificates shall be valid for the same period as the land use or other city approval for the regulated activity.
- c. The City Engineer may invalidate a Trip Allocation Certificate when, in the City Engineer's judgement, the Trip Analysis that formed the basis for award of the Trip Allocation Certificate no longer accurately reflects the activity proposed under the base application.

2. Approval Criteria

- a. Upon receipt of a Trip Analysis, the City Engineer shall review the analysis. The Trip Analysis shall meet both of the following criteria to justify issuance of a Trip Allocation Certificate for the regulated activity:
 - i. Adequacy of analysis; and
 - ii. Projected net trips less than the site trip limit.
- b. Adequacy of analysis
The City Engineer shall judge this criterion based on the following factors:
 - i. Adherence to the Trip Analysis format and methods described in this chapter;
 - ii. Appropriate use of data and assumptions; and
 - iii. Completeness of the Trip Analysis.

3. Mitigation

- a. The Trip Allocation Certificate shall specify required mitigation measures for the regulated activity.
- b. Mitigation measures shall include improvements to Highway 99W and nearby transportation corridors that, in the judgement of the City Engineer, are needed to meet the LOS Standard and provide capacity for the regulated activity.
- c. Engineering construction plans for required mitigation measures shall be submitted and approved in conjunction with other required construction plans for the regulated activity.
- d. Mitigation measures shall be implemented in tandem with construction work associated with the regulated activity.
- e. Failure to implement required mitigation measures shall be grounds for revoking the regulated activity's base application approval.

G. Other Provisions

1. Acreage Calculation for a Regulated Activity

- a. Acreage calculations used to calculate net trips per acre in the Trip Analysis must use the entire area of the tax lot(s) containing the regulated activity, less 100-year flood plain area, in accordance with FIRM map for Sherwood.

- b. If the site contains existing uses, the net trips generated by these uses shall be included in the calculation of net trips generated from the site.
2. Partial Development of a Site
- a. If a regulated activity utilizes a portion of a vacant tax lot, such that the site could be further developed in the future, the applicant shall identify the potential uses for the vacant portion and reserve trips for that portion of the site in accordance with the uses identified. These reserve trips shall be included in the calculation of the net trips generated from the site.
 - b. The Trip Allocation Certificate shall not be issued if the proposed future uses of the vacant area and the reserve trips are unrealistic in the opinion of the City Engineer.