

City of Sherwood, Oregon
Ordinance No. 2000-1105

AN ORDINANCE IMPLEMENTING THE CITY OF SHERWOOD HIGHWAY 99W CAPACITY IMPROVEMENT FUNDING (CIF) PROGRAM AND DECLARING AN EMERGENCY

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

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

WHEREAS, the city's TIF does not include needed improvements to Highway 99W; and

WHEREAS, the city desires to prevent failure of Highway 99W by insuring the capacity of the highway is increased in an orderly, fair and objective manner as new development occurs.

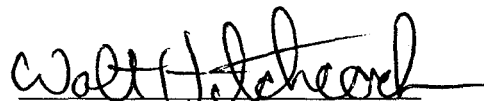
NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. The City of Sherwood hereby adopts the Highway 99W Capacity Improvement Funding (CIF) Program attached hereto as Exhibit "A"

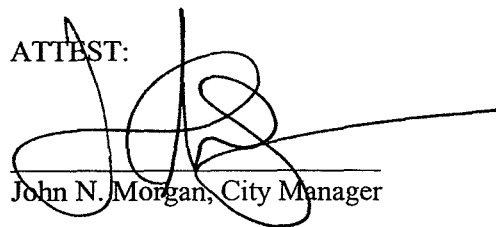
Section 2. That after full and due consideration of the staff report, record, findings, and of the evidence presented at the public hearing, the Council adopts the findings of fact contained in the staff report.

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 | <u>✓</u> | _____ |
| Fox | <u>✓</u> | _____ |
| Krause | <u>✓</u> | _____ |
| Cottle | <u>✓</u> | _____ |
| Hitchcock | <u>✓</u> | _____ |

**CITY OF SHERWOOD
HIGHWAY 99W CAPACITY IMPROVEMENT FUNDING (CIF) PROGRAM**

I. PURPOSE

The purpose of this chapter is to:

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

II. APPLICABILITY

- A. The provisions of this chapter apply to the following requests:
 1. Site plan and design review applications;
 2. Conditional use permits applications; and
 3. Building permits for non-residential projects.
- B. The following types of projects and activities are specifically excluded from the provisions of this chapter:
 1. Residential projects;
 2. Churches;
 3. Elementary, middle, and high schools;
 4. Changes in use that do not significantly increase the number of trips generated by the current use;
 5. Projects in the downtown area;
 6. Industrial projects generated less than eight (8) net trips per acre; and
 7. Projects possessing a valid Trip Allocation Certificate.

III. DEFINITIONS

- A. "*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.

- B. *"Downtown Area"* means the area within the Old Town Overlay Zone as defined in Sherwood's Zoning Code.
- C. *"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).
- D. *"ITE Manual"* means the latest edition of the publication titled "Trip Generation" by the Institute of Transportation Engineers.
- E. *"Level of Service (LOS) Standard"* means Level of Service "E" on Highway 99W in Sherwood through the year 2020.
- F. *"Mitigation"* means improvements to the transportation system that result in no loss in capacity or decrease in the Level of Service on Highway 99W after net trips from the regulated activity are added to the corridor.
- G. *"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.
- H. *"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.
- I. *"Regulated Activity"* means projects or activities specified in the Applicability section as regulated by this chapter.

IV. MITIGATION DETERMINATION

A. Purpose

The Mitigation Determination is intended to define the improvements to the transportation system that are needed to insure no loss in capacity or decrease in the Level of Service on Highway 99W after net trips from the regulated activity are added to the corridor.

B. Timing

Applicants for regulated activities shall apply for and receive a mitigation determination prior to issuance of a building permit.

C. Application Format

At a minimum, the application for a Mitigation Determination shall contain all the following information:

1. The type and location of the regulated activity;
2. A tax map clearly identifying the parcel(s) involved in the regulated activity;
3. Size of all proposed buildings and size of site;
4. Site plan drawing, to scale, of the proposed regulated activity; and
5. Copies of any traffic studies done for the regulated activity.

D. Review Procedures

1. Upon receiving the application for a Mitigation Determination, the City Engineer will calculate the net trips from the regulated activity according to the ITE Manual. If the ITE Manual does not provide an adequate evaluation of the

proposed regulated activity, the City Engineer may utilize other information including analysis from similar sites and activities.

2. Upon completion of the review, the City Engineer will issue a letter describing the Mitigation requirements for the regulated activity.

V. MITIGATION IMPLEMENTATION

- A. Engineering construction plans for required mitigation measures shall be submitted and approved in conjunction with other required construction plans for the regulated activity.
- B. Mitigation measures shall be implemented in tandem with construction work associated with the regulated activity and must be completed prior to the award of any required occupancy permit for the regulated activity.
- C. Mitigation measures may be bonded for if, in the opinion of the City Engineer, completion of the mitigation measures is not possible due to weather, permitting problems, or other constraints that could not be fully anticipated by the applicant.

VI. OTHER PROVISIONS

- A. In addition to the mitigation required under this chapter, other improvements to transportation facilities may be required by the city, county, Oregon Department of Transportation or other agencies to address other transportation issues that this chapter does not address.
- B. Appeals**

Appeals of a determination by the City Engineer under this chapter shall be requested in writing and filed with the City Engineer within ten (10) days of receipt of the determination by the applicant. The appeal shall be handled in an identical fashion to the Type III process as specified in Section 1.104 of the Sherwood Comprehensive Plan-Part 3 and as adopted as Ordinance 99-1079 of the Sherwood Municipal Code. The fee for an appeal shall be the same fee as that for an appeal of "Other Land Uses".