

**ORDINANCE 2005-016**

**AN ORDINANCE ADOPTING THE WATER SYSTEM MASTER PLAN AS A COMPREHENSIVE PLAN ELEMENT OF THE SHERWOOD COMMUNITY DEVELOPMENT PLAN**

**WHEREAS**, the existing 1999 Water Master Plan, approved through Resolution 99-816, was not incorporated into the Comprehensive Plan (Part 2) and repealed prior water system plans, a new water system master plan was needed to manage existing and planned growth expected in the next twenty years;

**WHEREAS**, the City wishes to provide the citizens of Sherwood a safe, dependable and long term potable water supply that has adequate water quantity and quality to meet the needs of the City;

**WHEREAS**, consultant Murray, Smith and Associates (MSA) was authorized by the City of Sherwood to develop the Water System Master Plan under Resolution 2004-012;

**WHEREAS**, the Planning Commission and City Council has held numerous open houses, presentations, and work sessions open to the public;

**WHEREAS**, the City Council adopted Resolution 2005-057 on October 4, 2005 accepting the Water System Master Plan;

**WHEREAS**, the Sherwood Planning Commission conducted a public hearing on the proposed plan map amendment to Chapter 7 of the Comprehensive Plan (Part 2), referred to as File No. PA 05-01, on October 11, 2005, held a work session and an open house on March 8 and June 14, 2005, respectively, and recommended approval of the plan map amendment to the City Council on October 11, 2005;

**WHEREAS**, the Sherwood City Council conducted a work session and open house on April 5, 2005 and July 19, 2005 respectively, and a public hearing on the proposed plan map amendment on November 1, 2005;

**WHEREAS**, the Sherwood Zoning & Community Development Code Section 4.203.01 & 4.203.02 specifies the criteria to approve a change to the Comprehensive Plan Map and Text, and that the Sherwood City Council finds that the proposal complies based on the findings of fact recommended by the Planning Commission; and

**WHEREAS**, the Sherwood City Council has received the application materials, the City's planning staff report (PA 05-01), supporting documents, Water System Master Plan August 2005, the Planning Commission findings, and the Council reviewed the materials submitted, and the findings of fact of the proposal, and conducted a public hearing.

**NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:**

**Section 1. Commission Review & Public Hearings.** That the application for a Plan Map Amendment (File No. PA 05-01) to amend the Water System Master Plan Map and Chapter 7 of the Comprehensive Plan (Part 2), and adoption of said master plan as a technical appendix to the Comprehensive Plan (Part 2) was subject to full and proper review, and public hearings were held before the Planning Commission on October 11<sup>th</sup> and the City Council on November 1<sup>st</sup>.

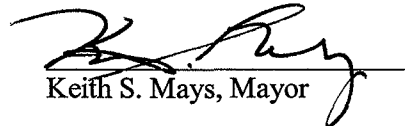
**Section 2. Findings.** That after full and due consideration of the application, multiple City Staff reports, the record, findings, and of the evidence presented at the public hearings, the Council finds that the proposed plan map amendment are appropriate to revise the Sherwood Community Development Plan (Part 2) and Comprehensive Plan & Map; and adopt a new Water System Master Plan consistent with state law, and therefore, the Council adopts the findings of fact contained in the staff reports and recommendation from Planning

Commission dated October, 11 2005, and as amended, if any, by the Council findings as stipulated in the Notice of Decision "Exhibit A".

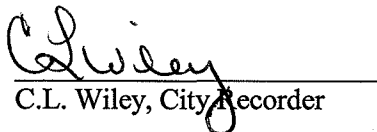
Section 3. Approval. That a request for a Plan Map Amendment is hereby **APPROVED** as stipulated in the Notice of Decision dated November 1, 2005; labeled "Exhibit A", and such amendments constitute changes to Chapter 7, System Plan Map "Exhibit C", and Water System Master Plan August 2005 "Exhibit B" attached to this ordinance.

Section 4. Manager Authorized. The Planning Supervisor is hereby directed to take such action as may be necessary to document this amendment.

**Duly passed by the City Council this 1<sup>st</sup> day of November 2005.**

  
Keith S. Mays, Mayor

ATTEST:

  
C.L. Wiley, City Recorder

|            | <u>AYE</u>                          | <u>NAY</u>               |
|------------|-------------------------------------|--------------------------|
| Luman      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| King       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Henderson  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Heironimus | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Grant      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Durrell    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Mays       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**EXHIBIT "A"**  
**NOTICE OF DECISION**

City of Sherwood

October 4, 2005

STAFF REPORT :

File No: PA 05-01 - Water System Master Plan

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**TO:** Planning Commission  
**FROM:** Kevin A. Cronin, AICP, Planning Supervisor  
Gene Thomas, PE, City Engineer

**RE:** Water System Master Plan initiated by the City Council on October 4, 2005.

**Signed:** \_\_\_\_\_  
Kevin A. Cronin, AICP

**I. BACKGROUND**

**A. Public Involvement**

The following work sessions, presentations, and public hearings for a new Water System Master Plan were advertised and held as described below. Individual electronic notice was sent to affected agencies on September 7, 2005.

**Water System Master Plan Meetings**

| Date        | Meeting Type                            | Audience  |
|-------------|---|---|
| March 8     | Work Session & Presentation (Exhibit B) | General Public & Planning Commission                                |
| April 5     | Work Session & Presentation             | General Public & City Council                                       |
| June 14     | Presentation & Regular Meeting          | Planning Commission<br>Cultural Arts Commission<br>Budget Committee |
| July 19     | Presentation                            | City Council  |
| September 6 | Public Hearing                          | City Council  |
| October 11  | Public Hearing                          | Planning Commission   |

As noted above, two separate presentations were provided to the Planning Commission and City Council. Murray Smith & Associates (MSA) presented a draft of the Water System Master Plan and the City of Wilsonville presented an overview of construction and operations of the Wilsonville Treatment Plant. On June 14, 2005 the Planning Commission adopted Resolution 2005-001 (Exhibit C) endorsing the Wilsonville Treatment Plant option.

On October 4, 2005 the City Council will hold a public hearing on Resolution 2005-057 (Exhibit D) to accept the Water System Master Plan. This action will authorize staff to initiate the plan amendment process to update the public facility element of the Comprehensive Plan (Part 2). In addition to general public involvement, the city requested comments from various public facility-related agencies, such as Tualatin Valley Water District. To date no formal comments have been

received. The Engineering Department and consultant prepared the master plan, presented the technical information, and coordinated comments from the City Council, Planning Commission, and other agencies. The Engineering Department will present the Water System Master Plan for approval during the public hearing. Finally, staff mailed 45-day notice to DLCD on March 1, 2005.

**B. Proposal**

1. The new Water System Master Plan (Exhibit A) (PA 05-01) is a plan map amendment to the original 1981 Comprehensive Plan. The new plan replaces the existing Water Service Plan Update completed and adopted in 1991 and referenced in the Sherwood Comprehensive Plan Part 2, Chapter 7. The new document will also replace a Water System Master Plan Update completed in 1999. The new plan will be a technical appendix to the Comprehensive Plan, similar to the Transportation System Plan that was adopted in March 2005. In addition, the plan map, which illustrates existing and future water facilities, will be replaced in Chapter 7. Staff did not receive direction on new or amended Comprehensive Plan text policies, therefore the existing policies and strategies are not proposed for amendments. However, the Planning Commission may consider new policies based on a policy discussion and deliberation. The following staff report does include findings for a plan map and text amendment thereby allowing future amendments while describing more thorough conclusions of law.

The purpose of the plan map amendment is to update the existing distribution and supply infrastructure inventory, plan for new capital improvements for the next twenty year planning period as required by Goal 11 of the statewide land use planning program, the Public Facility Planning Rule (OAR 660-011), other applicable state regulations such as for Public Water Systems (OAR 333-061), and provide a technical resource for policy-making, capital financing, and require exactions as part of land use decisions. The Water System Master Plan includes the following chapters:

| Chapter | Title  |
|---------|--|
| 1       | Introduction                                 |
| 2       | Existing Water System                        |
| 3       | Land Use and Water Requirements              |
| 4       | Planning & Analysis Criteria                 |
| 5       | Water System Analysis                        |
| 6       | Recommendations and Capital Improvement Plan |
| 7       | Financial Evaluation                         |

The required findings will reference the existing policies in Chapter 7 of the Comprehensive Plan (Part 2) and the applicable criteria in the City of Sherwood Zoning & Community Development Code (SZCDC) (Part 3) with *italics*.

## II. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

The City shall find that the following criterion is met by the proposed amendment:

### **Section 4.203.01 Text Amendment Review Criteria**

*“An amendment to the text of the Comprehensive Plan shall be based upon the need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the Comprehensive Plan, and with all other provisions of the Plan and Code, and with any applicable State or City statutes and regulations.”*

- A. The City of Sherwood has not significantly amended the Water System Plan since it was updated in 1999. As a result of the demand for new housing, commercial space, and to a lesser extent industrial uses, requests for water connections and services has increased for residential and employment customers. The City determined a new plan was necessary to adequately manage future growth and provide a viable, long term, and adequate water supply and distribution service.
- B. Based on a draft Water System Master Plan dated March 2005, and various technical reports prepared for the City of Sherwood by MSA, the City has determined that there is (1) a lack of new supply and distribution infrastructure either connected, available, or planned, (2) a limited number of capital improvements planned and financed, and (3) land use policies that need to be balanced among various competing real estate markets to facilitate economic development, growth management, and livability goals. In view of all these interests, the City still is required to meet applicable OAR requirements for conservation, public facility planning, and public health.
- C. The City finds that in order to prevent a shortage of potable water in the next 5 years, and to plan for at least the next 20 year planning period, while preserving land values and the ability to meet existing customer demands for all new development within the existing Sherwood Urban Growth Boundary (UGB), recent and future Metro UGB expansion areas, and to assure capital improvements are made commensurate with the impact of development, there is a need for a new “Water System Master Plan.” The City finds that the new plan meets the policy objectives in the Comprehensive Plan Part 2 Chapter 7 and the technical needs of a highest quality distribution and supply system that adequately serves current and future residents and development without causing failure of the water system and at the least cost to ratepayers.
- D. The City finds that the proposed Water System Master Plan complies with existing Comprehensive Plan Part 2, Chapter 7 – Community Facilities and Services Element policies as follows:

*To insure the provision of quality community services and facilities of a type, level and location which is adequate to support existing development and which encourages efficient and orderly growth at the least public cost.*

## OBJECTIVES

1. *Develop and implement policies and plans to provide the following public facilities and services; public safety fire protection, sanitary facilities, water supply, governmental services, health services, energy and communication services, and recreation facilities.*

**Finding:** The Water System Master Plan identifies a long term water supply and distribution system based on anticipated need over the 20-year planning period, utilizing current wells and a future connection with the Wilsonville Treatment Plan or continued relationship with the City of Portland via Bull Run Reservoir. The Planning Commission adopted Resolution 2005-001 on June 14, 2005 that endorsed the Wilsonville Treatment Plant option. This policy objective is met.

2. *Establish service areas and service area policies so as to provide the appropriate kinds and levels of services and facilities to existing and future urban areas.*

**Finding:** Based on the existing inventory (Chapter 1) and projected land uses and population growth (Chapter 3) the proposed plan identifies a service area as well as deficiencies in the system (Chapter 4& 5) to meet future demand, and recommendations to correct deficiencies are included (Chapter 6). The 2002 Metro UGB expansion areas are included in the proposed plan. This policy objective is met.

3. *Coordinate public facility and service plans with established growth management policy as a means to achieve orderly growth.*

**Finding:** Based on growth management policies in Chapter 3 of the Comprehensive Plan (Part 2), and Goal 11 of the Statewide Land Use Planning system, the City cannot extend water service outside city limits and therefore the UGB as well (Policy 9, p 8). In addition, the City shall not initiate or encourage extension of urban facilities outside the regional UGB (Policy 11, p 9). Finally, the City shall adopt urban facilities plans that identify line and sizing locations in regional UGB expansion areas (Policy 12, p 9). Area 48, a light industrial area brought into the regional UGB in December 2004, is not included in this proposal. The Water System Master Plan (and contract) was initiated in February 2004 (Resolution 2004-012) prior to Metro's decision. An amendment to the Water System Master Plan will be required when the concept plan for Area 48 is developed. Notwithstanding this UGB area, the proposal does not change these strict growth management policies, and complies with long range planning criteria for 2002 UGB expansions. The new plan (Chapter 6) has recommended locations and sizes of lines for recent UGB areas as well as any vacant land in the current UGB. This policy objective is met.

4. *Coordinate public facility and service provision with future land use policy as a means to provide an appropriate mix of residential, industrial and commercial uses.*

**Finding:** The proposal outlines various long term water supply options to meet demand for the next twenty year planning period. A clean and available supply of water is crucial to attracting a mix of residential and non-residential uses. Therefore, a key to economic development is to maintain an adequate supply (capacity) and the highest water quality to facilitate the sustainable development of a balanced employment and tax base. Future UGB expansion areas 54-55 & 59 include a mix of residential and some commercial. Area 48, a 300+ acre light industrial area, will provide a long term source of employment land, but as noted earlier will require further study. The City has applied for a grant from DLCD to conduct a Goal 9 inventory and analysis. Once adopted, amendments to this master plan

may be needed depending on the type of target industries and employers that Sherwood wants to expand and recruit. Overall, however, the proposal will help to achieve an appropriate balance of future land uses. This policy objective is met.

5. *Develop and implement a five-year capital improvements and service plan for City services which prioritizes and schedules major new improvements and services and identifies funding sources.*

**Finding:** Chapter 6 identifies rough cost estimates, appropriate line sizes and distribution facilities as part of a capital improvement plan for the next 20 year planning period exceeding the 5 year minimum. Chapter 7 identifies existing finances and recommends revenue sources to implement the CIP. Subsequent to adoption, the funding and revenue strategies will be folded into next fiscal year budgeting process. This policy objective is met.

6. *The City will comply with the MSD Regional Solid Waste Plan, and has entered into an intergovernmental agreement with Washington County to comply with the County's Solid Waste and Yard Debris Reduction Plan, 1990.*

**Finding:** This policy objective does not apply.

7. *Based on the Sewer, Water and Transportation Plan updates in 1989 and 1990, the City shall prepare a prioritized list of capital improvement projects to those systems and determine funding sources to make the improvements by the end of 1991.*

**Finding:** Each of the above public facility master plans have been updated since the last major update in 1991. Therefore, this policy objective is outdated and does not apply. **Staff recommends deletion.**

8. *It shall be the policy of the City to seek the provision of a wide range of public facilities and services concurrent with urban growth. The City will make an effort to seek funding mechanisms to achieve concurrency.*

**Finding:** The proposed plan identifies funding sources to finance improvements to the water system over the next twenty year planning period. Although concurrency is not required by the state, the City has investigated and implemented the use of SDCs and connection fees to fund public improvements while private development finances and builds a proportional share based on the impacts approved through a land use application.

This policy objective is met.

- E. The City finds that the proposed Water System Master Plan complies with applicable requirements of the state Public Facilities Planning Rule (OAR 660-11):

The proposed plan complies with the following requirements:

- *An inventory and general assessment of the condition of all the significant public facility systems which support the land uses designated in the acknowledged comprehensive plan;*

- *A list of the significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. Public facility project descriptions or specifications of these projects as necessary;*
- *Rough cost estimates of each public facility project;*
- *A map or written description of each public facility project's general location or service area;*
- *Policy statement(s) or urban growth management agreement identifying the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated;*
- *An estimate of when each facility project will be needed; and*
- *A discussion of the provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility project or system.*

**Finding:** The above sections provide guidance on the technical issues that need to be addressed in a public facility plan and who (City) has responsibility over the plan. The above plan text findings describe the requirements of this OAR section. This standard is met.

**0045: Adoption and Amendment Procedures for Public Facility Plans**

- *The governing body of the city or county responsible for development of the public facility plan shall adopt the plan as a supporting document to the jurisdiction's comprehensive plan and shall also adopt as part of the comprehensive plan:*
  - (a) *The list of public facility project titles, excluding (if the jurisdiction so chooses) the descriptions or specifications of those projects;*
  - (b) *A map or written description of the public facility projects' locations or service areas as specified in sections (2) and (3) of this rule; and*
  - (c) *The policy(ies) or urban growth management agreement designating the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated.*

**Finding:** The proposed plan complies with the above requirements for service information, maps, locations, and descriptions of each capital project. The City has an active Intergovernmental Agreement (IGA) (Resolution 2000-902) with the Tualatin Valley Water District (TVWD) to administer day-to-day operations of water service in Sherwood as well as a long-term supply. This standard is met.



## **Section 4.203.02 Map Amendment Review Criteria**

*An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the Comprehensive Plan and this Code, and that:*

*A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.*

**Finding:** Although the standard is intended to address zone changes to the Sherwood Plan and Zone Map, the request is to update the Comprehensive Plan Map (Part 2) for water, including an inventory and future service locations. The “Existing Water System” inventory map (Figure VII-4 Chapter 7, p 16), the “Improvements to Supply Systems” map (Figure VII-5, Chapter 7, p 22), and the “Major Water System Extension” map (Figure VII-6, Chapter 7, p 24) were adopted in 1991 as part of periodic review of the Comprehensive Plan. A new combination map (“System Plan Map” Appendix C) that illustrates existing and planned water facilities is included in this update. The new map was evaluated using the existing inventory from 1999 as a measurement, does not propose new policies, other than a new water supply, and the implementation strategies are consistent with regional and state policy. The proposal does not include any new zoning designations. Based on the above analysis and findings, the standard is met.

*B. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.*

**Finding:** The proposed plan map does not propose changes in use or zones. The proposed Comprehensive Plan Map amendment updates inventories and plans future water facilities to better serve residents and businesses. It also clarifies policy goals and objectives for the future supply and distribution of water. This standard does not apply.

*C. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.*

**Finding:** Clearly, the proposed plan map is timely given the last update was completed in 1999 and the population increased by 2,500 new residents over the last five years<sup>1</sup>. The proposal outlines the need for new water facilities and plans for improvements over a twenty year period to meet anticipated demand and serve businesses and residents more effectively and efficiently given available funding and resources. This standard is met.

*D. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.*

**Finding:** The request does not change the underlying zones. This criterion does not apply.

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<sup>1</sup> Census 2000: 11,791 / PSU 2004: 14,190  
Ordinance 2005-016  
November 1, 2005  
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### III. RECOMMENDATION

Based on the above findings of fact, staff recommends approval of the plan map amendment (PA 05-01) subject to the following conditions:

1. Replace existing references to the existing 1990 Water Service Plan Update (Resolution 88-407) that were incorporated into the Sherwood Community Plan, Part 2, Chapter 7 (Ordinance 91-922) with the new plan map ("Plate 1") and develop an implementing ordinance codifying the provisions for a City Council hearing and review.
2. Replace all existing water plan maps with new maps contained in the Water System Master Plan and clearly mark with new adoption dates.
3. Upon Council approval send a "Notice of Adoption" to DLCD within five calendar days and a Notice of Decision to interested parties who requested such.
4. Direct staff to replace existing copies of 1999 Water System Master Plan with new versions, upload an electronic version to the city website subject to addressing security concerns, and provide a new copy to the Sherwood Library for reference.
5. After a new Economic Development Element is adopted, evaluate the Water System Master Plan and propose amendments to facilitate economic development conditions to site target industries.

#### Exhibits:

- A. City of Sherwood Water System Master Plan, dated August 2005
- B. Draft Water System Master Plan Presentation to City of Sherwood Planning Commission dated March 8, 2005
- C. Planning Commission Resolution 2005-001 dated June 14, 2005
- D. City Council Resolution 2005-057 dated October 4, 2005