



ORDINANCE 2012-012

AN ORDINANCE APPROVING AN AMENDMENT TO THE TRANSPORTATION SYSTEM PLAN AND COMPREHENSIVE PLAN REGARDING THE FUNCTIONAL CLASSIFICATION OF CEDAR BROOK WAY

WHEREAS, The Transportation System Plan (TSP) is a 20 year planning document intended to be updated every 5-7 years; and

WHEREAS, Sherwood's TSP was adopted in 2005; and

WHEREAS, the City intends to begin a comprehensive update to the TSP in the next few years; and

WHEREAS, the City has determined that an amendment is needed prior to the next comprehensive update to the TSP in order to clear up discrepancies in the TSP regarding the functional classification and connectivity of Cedar Brook Way between Elwert Road and Handley Road; and

WHEREAS, the City contracted with DKS Associates to study several alternatives prior to proceeding with proposed amendments; and

WHEREAS, after an open house and input from the Planning Commission, staff proceeded with noticing and processing an amendment to: 1) change the functional classification of Cedar Brook Way from a local to collector status road; 2) clarify that the road will connect to Elwert from Handley; and 3) clarify that there would be one road access to Pacific Highway; and

WHEREAS, the proposed amendments were reviewed for compliance and consistency with the Comprehensive Plan, regional and state regulations and found to be fully compliant; and

WHEREAS, the proposed amendments were subject to full and proper notice and review and public hearings were held before the Planning Commission on August 14, 2012 and September 11, 2012; and

WHEREAS, the Planning Commission voted to forward a recommendation of approval to the City Council for the proposed TSP amendment; and

WHEREAS, the analysis and findings to support the Planning Commission recommendation are identified in the attached Exhibit 1, Staff Report to Planning Commission; and

WHEREAS, the City Council held a public hearing on October 2, 2012 and determined that the proposed amendment to the TSP and Comprehensive Plan met the applicable Comprehensive Plan criteria and continued to be consistent with regional and state standards.

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Findings. After full and due consideration of the proposed amendment, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearing, the Council adopts the findings of fact contained in Exhibit 1 finding that TSP and Comprehensive Plan shall be amended as documented in Exhibits 1-A, DKS Memo of proposed amendments dated July 10, 2012.

Section 2. Approval. The proposed amendments for TSP and Comprehensive Plan (PA) 12-03 identified in Exhibit 1-A is hereby **APPROVED**.

Section 3 - Manager Authorized. The Planning Department is hereby directed to take such action as may be necessary to document this amendment, including notice of adoption to DLCD.

Section 4 - Effective Date. This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 2nd day of October 2012.


Keith S. Mays, Mayor

Attest:


Sylvia Murphy, CMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Clark	✓	___
Langer	✓	___
Butterfield	✓	___
Folsom	✓	___
Henderson	✓	___
Grant	Absent	___
Mays	✓	___

CITY OF SHERWOOD

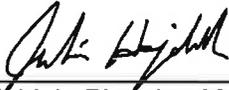
Date: August 7, 2012

Staff Report

PA 12-03 – Cedar Brook Way Transportation System Plan Amendment

To: SHERWOOD PLANNING COMMISSION

From: PLANNING DEPARTMENT



Julia Hajduk, Planning Manager

Proposal overview: This is a City initiated Transportation System Plan (TSP) and Comprehensive Plan amendment to change the functional classification of Cedar Brook Way from a local to a collector road connecting Elwert to Handley. This amendment also identifies one connection to Pacific Highway along this Cedar Brook Way extension, the ultimate location to be determined. The access location will be no greater than 990 feet from the Sunset and Meinecke intersections. This amendment would modify Figures 8-1, 8-7 and 8-8 of the TSP to reflect this change. Exhibit A is the proposed amended figures and Exhibit B is an analysis from DKS identifying several options for refinement and the impacts on nearby intersections.

I. OVERVIEW

- A. Applicant: This is a City initiated text amendment; therefore the applicant is the City of Sherwood.

- B. Location: There are small parts of Cedar Brook Way currently constructed northwest of Pacific Highway and ultimately, it would extend from its current location at Handley southwest to connect at Elwert in the vicinity of the Elks Lodge property.

- G. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission will make a recommendation to the City Council who will make the final decision. Any appeal of the City Council decision would go directly to the Oregon Land Use Board of Appeals.

- H. Public Notice and Hearing: Notice of the August 14th Planning Commission hearing on the proposed amendment was published in The Times on 8/2/12 and 8/9/12 and in the August edition of the Archer. Notice was also posted in 5 public locations around town and on the web site on 7/24/12. While this is a legislative amendment, courtesy notice was mailed to immediately affected property owners on 7/25/12.

- I. Review Criteria:
The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC). In addition, the amendment must be consistent with Goals 1, 2 and 12 of the Statewide Planning Goals and Chapter 6 of the Comprehensive Plan.

J. Background:

The TSP was updated in 2005. Since that time, there have been five amendments; four for concept plan areas where changes and a fifth amendment to change the functional classification of Columbia Street (related to Cannery project) from a collector to a local street. The City is planning to begin a comprehensive update of the TSP next year; however the City has determined that several issues need to be addressed sooner to help facilitate development and public infrastructure improvement. Specifically there are conflicts within the TSP related to Cedar Brook Way. It appears the road is designated a local street and the local street connectivity map shows a connection to Elwert; however, the road is identified as a 3 lane road which is generally characteristic of a higher classification road. In addition, the connection to an Arterial (Elwert and Pacific Highway) can only be made by a collector road or higher functional classification, thus creating conflicts between the classification and the connectivity and design for the road. This conflict has created uncertainty for potential developers.

In addition, the City has obtained property at the northwest corner of the Kruger/Elwert intersection to help facilitate the realignment of that intersection. This realignment is identified on the Washington County MSTIP3d list, indicating it will be funded within the next 5 years. It is anticipated that funding for the design and construction of the realignment will be identified in the near future. If that occurs, it would be most efficient and cost effective to identify and provide for a stub connection of Cedar Brook Way off of Elwert at that time. However, as the road is currently identified as a local street, the connection would not be permitted, per County standards.

II. PUBLIC COMMENTS

The City posted notices in five locations around the city and provided courtesy mailed notice to directly related property owners in the vicinity of the road extension. Notice was also published in the Times on August 2nd and 9th and in the August Archer. As of the date of this report, no comments have been provided other than what was provided at the Planning Commission work session held on June 26, 2012 prior to formally initiating the Plan Amendment.

III. AGENCY/DEPARTMENTAL COMMENTS

The City requested comments from affected agencies. All original documents are contained in the planning file and are a part of the official record on this case. The following information briefly summarizes those comments:

- The Department of Land Conservation and Development (DLCD) provided comments recommending that the City look at its Collector Street standards to ensure that they meet the current needs of the City.

Staff Response: The City plans on beginning an update to the TSP to fully evaluate the transportation system within the next year. In the meantime, as noted within this report, we believe that the amendment will better meet the needs of the City and the intent of the existing TSP policies. We believe that this amendment addresses a conflict and error in the existing TSP that did not clearly identify the connection as a collector.

- Oregon Department of Transportation provided a letter which is attached as Exhibit C stating that they are generally supportive of local street connectivity and that they have determined this amendment will have no significant impacts to the state highway facilities.
- Sherwood Engineering Department has been a partner in the review and processing of this proposal and therefore has not provided formal additional comments.

Washington County, Metro, Clean Water Services, Tualatin Valley Fire and Rescue (TVF&R), Kinder Morgan, Pride Disposal, Bonneville Power Administration, The Sherwood Building Department, Portland General Electric, Northwest Natural Gas, and Raindrops to Refuge were provided the opportunity to comment on this application but did not provide written or verbal comments.

IV. APPLICABLE DEVELOPMENT CODE CRITERIA

16.80.030 – Review Criteria

A. Text Amendment

An amendment to the text of the Comprehensive Plan shall be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the adopted Sherwood Comprehensive Plan, and with all other provisions of the Plan, the Transportation System Plan and this Code, and with any applicable State or City statutes and regulations, including this Section.

The amendment is needed because the existing TSP is not clear regarding the intended status of Cedar Brook Way. The road is identified as a 3 lane road (figure 8-7) which is typically the dimensions of a neighborhood route or larger; however as a local street, it would not be eligible for SDC and TDT credits. This has led to uncertainty from property owners and potential developers in the area regarding whether the road is eligible for SDC and TDT credits. The amendment to clarify the functional classification of Cedar Brook Way as a collector street is consistent with Chapter 6, Section C, Table 1 by aligning the classification to reflect the actual use of the Street. Table 1 states that:

- Collector Streets - Provide both access and circulation within and between residential and commercial/industrial areas. Collectors differ from arterials in that they provide more of a citywide circulation function and do not require as extensive control of access (compared to arterial). Serve residential neighborhoods, distributing trips from the neighborhood and local street system. Collectors are typically greater than 0.5 to 1.0 miles in length.
- Local Streets - Sole function of providing access to immediate adjacent land. Service to "through traffic movement" on local street is deliberately discouraged by design.

As demonstrated in the DKS memo, this road connection will provide for more than local trips because it provides an alternative to 99W and the ability to avoid the Sunset and Meinecke intersections. As envisioned, the road would be about .5 miles in length between Elwert and Handley (Cedar Brook Way is already a collector from Handley to Meinecke/99W), consistent with the collector. In addition, the anticipated traffic is within the range of a collector at 2000 vehicles per day.

The amendment is consistent with Chapter 6 of the comprehensive Plan as discussed further in this report under Section V.

The amendment is consistent with the intent of the TSP. As noted earlier, the TSP is not clear regarding the actual intent of Cedar Brook Way but it is clear that the plan was that it would be designed to be larger than a

traditional local street as demonstrated on figure 8-7 and 8-4 (there is no 3 lane local street figure). In addition, the TSP at figure 8-8 shows connections of this road to Elwert, however as a County Arterial, it can only be accessed via a collector level street or higher. Is it clear throughout the TSP that increase connectivity, especially in this area, is desired. The DKS memo demonstrates that traffic operations are improved with the increased connectivity, which can only be accomplished with the collector level road. Alternatively, the TSP could be amended to remove the connections to Elwert and the confirm that the status was a local street; however that negatively impacts the traffic operations and provided limited access options for the properties along the highway that are affected by this road connection.

FINDING: As discussed above, the change is consistent with the intent of the collector road and is consistent with the applicable comprehensive plan goals and policies.

B. Map Amendment

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

- 1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.**
- 2. 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.**
- 3. 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.**
- 4. 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.**

The applicable elements of the above standard are 1 and 3. As discussed in the section below, the proposed amendment is consistent with the comprehensive plan and TSP policy regarding the definition of the functional classification.

Regarding "3", the amendment is timely because it will reduce existing uncertainty which could help the properties develop or re-develop. In addition, the re-alignment of the Kruger/Elwert intersection is anticipated to be funded in the near future at which point it will be necessary to determine definitively whether this will be a collector road connecting to Elwert. If it is not a collector road, according to County standards, a road connection in this vicinity would not be possible which would significantly impact the ability of the properties, especially the property directly east of Elwert, to develop.

FINDING: As discussed above the proposed amendment is consistent with the TSP and comprehensive plan elements.

C. Transportation Planning Rule Consistency

1. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.

2. "Significant" means that the transportation facility would change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification, allow types of land use, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility, or would reduce the level of service of the facility below the minimum level identified on the Transportation System Plan.

3. Per OAR 660-12-0060, Amendments to the Comprehensive Plan or changes to land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

- a. Limiting allowed uses to be consistent with the planned function of the transportation facility.**
- b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses.**
- c. Altering land use designations, densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes.**

The analysis by DKS included as Exhibit B demonstrates that the scenario to connect Elwert to Handley via a collector road, which this amendment does, provides the least negative impact to the existing intersections at full build-out. Therefore, this amendment will make the transportation system better than full build-out if the amendment were not approved. Changing the functional classification of Cedar Brook Way to a collector roadway is appropriate based on traffic circulation and function. In addition, as previously noted, while technically this action will amend the TSP, it actually clarifies conflicting elements of the TSP regarding connectivity and design. For all of these reasons noted, this amendment is consistent with the TPR.

The City sent notice of this proposed functional classification modification to the State Department of Land Conservation and Development (DLCD), the Oregon Department of Transportation (ODOT) and Washington County.

FINDING: As noted above, while the proposed amendment would change the transportation system plan, the result would have no negative impact on the transportation system. The amendment would allow a road to be built consistent with its actual intended function.

V. APPLICABLE COMPREHENSIVE PLAN POLICIES

B. GOALS, POLICIES, AND STRATEGIES

Goal 1: Provide a supportive transportation network to the land use plan that provides opportunities for transportation choices and the use of alternative modes serving all neighborhoods and businesses.

Policy 1 – The City will ensure that public roads and streets are planned to provide safe, convenient, efficient and economic movement of persons, goods and services between and within the major land use activities. Existing rights of way shall be classified and improved and new streets built based on the type, origin, destination and volume of current and future traffic.

Policy 2 – Through traffic shall be provided with routes that do not congest local streets and impact residential areas. Outside traffic destined for Sherwood business and industrial areas shall have convenient and efficient access to commercial and industrial areas without the need to use residential streets.

Policy 3 – Local traffic routes within Sherwood shall be planned to provide convenient circulation between home, school, work, recreation and shopping. Convenient access to major out-of-town routes shall be provided from all areas of the city.

FINDING: The amendment and future extension of Cedar Brook Way will provide for connections to residences and commercial activities within causing congestion on local streets and without requiring additional trips onto the already congested arterial street simply for service within this area. The amendment is consistent with these policies.

Goal 2: Develop a transportation system that is consistent with the City’s adopted comprehensive land use plan and with the adopted plans of state, local, and regional jurisdictions.

Policy 5 – The City shall adopt a street classification system that is compatible with Washington County Functional Classification System for areas inside the Washington County

FINDING: The amendment is not inconsistent with the County TSP and would result in a transportation system (in regards to connectivity) that is more consistent with the existing TSP by ensuring that a connection to Elwert road, a County arterial, is possible.

Goal 3: Establish a clear and objective set of transportation design and development regulations that addresses all elements of the city transportation system and that promote access to and utilization of a multi-modal transportation system.

Policy 1 – The City of Sherwood shall adopt requirements for land development that mitigate the adverse traffic impacts and ensure all new development contributes a fair share toward on-site and off-site transportation system improvement remedies.

Policy 2 – The City of Sherwood shall require dedication of land for future streets when development is approved. The property developer shall be required to make full street improvements for their portion of the street commensurate with the proportional benefit that the improvement provides the development.

Policy 4 – The City of Sherwood shall adopt a uniform set of design guidelines that provide one or more typical cross section associated with each functional street classification. For example, the City may allow for a standard roadway cross-section and a boulevard cross section for arterial and collector streets.

Policy 5 – The City shall adopt roadway design guidelines and standards that ensure sufficient right-of-way is provided for necessary roadway, bikeway, and pedestrian improvements.

FINDING: The City has already implemented these policies and the amendment does not change this. The amendment does remove conflicts within the existing TSP regarding lane numbers, connectivity and classification which ensures that the City can better implement these policies when development is proposed.

VI. APPLICABLE STATEWIDE PLANNING GOALS

Goal 1 (Citizen Involvement)

FINDING: Staff utilized the public notice requirements of the Code to notify the public of this proposed plan amendment. The City's public notice requirements have been found to comply with Goal 1 and, therefore, this proposal meets Goal 1. In addition, the City hosted an open house prior to beginning the formal plan amendment process to get input and feedback on potential amendments and held a work session with the Planning Commission on June 26, 2012 for further discussion. At the work session, the Planning Commission allowed the public to speak on the potential amendments prior to providing staff with feedback on proceeding with the public notice for the amendment.

Goal 2 (Land Use Planning)

FINDING: The proposed amendment, as demonstrated in this report is processed in compliance with the local, regional and state requirements.

Goal 3 (Agricultural Lands)

Goal 4 (Forest Lands)

Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces)

Goal 6 (Air, Water and Land Resources Quality)

Goal 7 (Areas Subject to Natural Hazards)

Goal 8 (Recreational Needs)

Goal 9 (Economic Development)

Goal 10 (Housing)

Goal 11 (Public Facilities and Services)

FINDING: The Statewide Planning Goals 3-11 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

Goal 12 (Transportation)

FINDING: As discussed earlier in this report, the proposed amendment is consistent with the "Transportation Planning Rule" which implements Goal 12.

Goal 13 (Energy Conservation)

Goal 14 (Urbanization)

Goal 15 (Willamette River Greenway)

Goal 16 (Estuarine Resources)

Goal 17 (Coastal Shorelands)

Goal 18 (Beaches and Dunes)

Goal 19 (Ocean Resources)

FINDING: The Statewide Planning Goals 13-19 do not specifically apply to this proposed plan amendment; however, the proposal does not conflict with the stated goals.

VII. RECOMMENDATION

Based on a review of the applicable code provisions, agency comments and staff review, staff finds that the Plan Amendment is consistent with the applicable criteria and therefore, staff **recommends that the Planning Commission forward a recommendation of APPROVAL** of PA 12-03 – Cedar Brook Way TSP amendment, Handley to Elwert Road.

VIII. EXHIBITS

- A. Proposed amendments identified in July 10, 2012 DKS memo
- B. Memo from DKS dated June 28, 2012
- C. ODOT letter dated August 6, 2012

End of Report



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MEMORANDUM (DRAFT)

DATE: July 10, 2012

TO: Bob Galati, City of Sherwood

FROM: Carl Springer, PE; John Bosket, PE; Garth Appanaitis

SUBJECT: Sherwood Transportation System Plan Clarifications for Elwert Road Connection P#12051-000

The purpose of this memorandum is to summarize the modifications to the City of Sherwood Transportation System Plan (TSP) needed to clarify the future street network north of Highway 99W between Elwert Road and Cedar Brook Way. Recent documentation¹ summarized the analysis of several connectivity concepts for the area. The following TSP clarifications are proposed as a result of this analysis and feedback received from agency staff and the public².

The following modifications would be needed to figures in Chapter 8 to address the proposed clarifications:

- Figure 8-1: Functional Class Map
 - *Extension of collector road from Cedar Brook Way to Elwert Road with intermediate connection to Highway 99W.*
 - *Add the following note for the potential Highway 99W access: A potential Hwy99W access point is located within the limits of the access zone (990' or greater from both Sunset Boulevard and Meinecke Road provides approximately 2000' of flexibility for access placement) as delineated in the prior study. The actual location will be based on transportation design standards and will take place when development occurs.*



¹ Memorandum: Sherwood TSP Connectivity Refinement – Elwert Road to Cedar Brook Way, prepared by DKS Associates, June 28, 2012.

² Open House: Thursday May 31, 2012, 5:00-6:00 PM at Sherwood Police Facility Community Room.



Figure 8-7: Streets Where ROW is Planned for More Than Two Lanes

- *Modify the designation of the new facility as a 2-lane facility.*
- *Indicate the new intersection with Elwert Road would be an arterial-collector intersection and may include widening for turn pockets within 500 feet of the intersection.*
- *Add the following note for the potential Highway 99W access: A potential Hwy99W access point is located within the limits of the access zone (990' or greater from both Sunset Boulevard and Meinecke Road provides approximately 2000' of flexibility for access placement) as delineated in the prior study. The actual location will be based on transportation design standards and will take place when development occurs.*

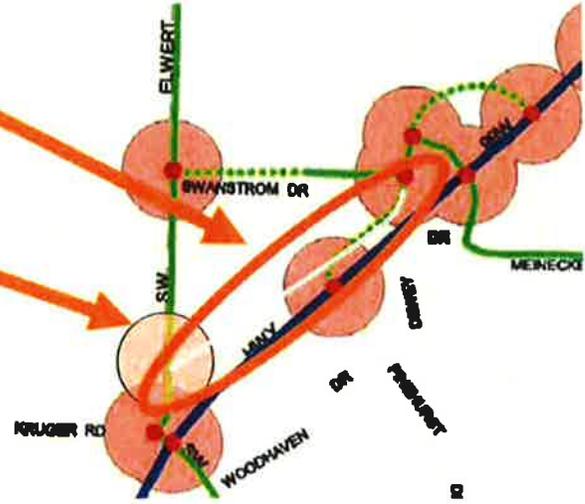


Figure 8-8: Local Street Connectivity

- *Retain arrow showing local street connection to Bushong Terrace*
- *Replace (overlay) four arrows on map indicating the local street connections with the proposed collector. Arrows to replace include:*
 - 1) *connection to Elwert Road,*
 - 2) *swooping connection from Elwert Road to Bushong Terrace*
 - 3) *connection to Hwy 99W, Kruger Rd, and*
 - 4) *Connection to Cedar Brook Way.*



Sherwood TSP Clarifications for Elwert Road Connection

July 10, 2012

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- *Add the following note for the potential Highway 99W access: A potential Hwy99W access point is located within the limits of the access zone (990' or greater from both Sunset Boulevard and Meinecke Road provides approximately 2000' of flexibility for access placement) as delineated in the prior study. The actual location will be based on transportation design standards and will take place when development occurs.*