

CITY OF SHERWOOD
July 25, 2023

Planning Commission Recommendation: Highway 99W Pedestrian Bridge – TSP Update
Case File No: LU 2023-012 PA

The City of Sherwood Planning Commission (Commission) held a public hearing on application on July 25, 2023. The Commission heard presentations from City staff (applicant), followed by an opportunity for testimony from the public. No members of the public came forward for testimony.

The Commission recommended minor changes to the findings under SZCDC 16.80.030(B)(3). The findings have been updated to indicate that while the City currently owns the YMCA property, it is in contract to sell the property to the YMCA.

After considering all of the information in the record, the Commission unanimously approved the application based on the findings in the staff report dated July 18, 2023 with the minor revision described above.



Jean Simson, Planning Commission Chair

08/05/2023

Date

Proposal: The applicant (City of Sherwood) is proposing a minor Transportation System Plan (TSP) update to add the Hwy 99W Pedestrian Bridge as a pedestrian project to the plan. The bridge is proposed to span Hwy 99W at Sunset / Elwert and provide a safe crossing of the highway for active transportation users including bicyclists and pedestrian. The proposed update to the TSP includes adding the pedestrian bridge to Table 1 Fundable Transportation System Plan and Figure 12 Pedestrian Projects, in addition to other minor changes to the document to ensure consistency. The bridge is being funded by a \$3 million from the State of Oregon Lottery Funds as well as approximately \$17 million in City Urban Renewal Funds.

SECTION I. BACKGROUND

- A. Applicant:** City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140
- Staff Contact:** Eric Rutledge, Community Development Director
- B. Location:** Highway 99W and Elwert Rd. / Sunset Blvd. intersection
- C. Address:** N/A – TSP Update
- D. Parcel Size:** N/A – TSP Update
- E. Zoning:** N/A – TSP Update

F. Site Characteristics: The bridge will connect the Sherwood Family YMCA with the Sherwood High School, providing a grade separated crossing of Hwy 99W, Elwert Rd., and Kruger Rd. Both sites are developed with public / recreational uses and have existing vegetation and minor slopes along their respective rights-of-way.

G. Background: The Hwy 99W Pedestrian Bridge is a key City Council priority under Pillar 2 Infrastructure. The bridge is also identified as Project 5 in the 2021 Urban Renewal Plan. Highway 99W is a significant physical barrier and safety concern for active transportation in the city. The addition of Sherwood High School and other development on the west/north side of the highway has increased the need for a grade separated crossing. As Sherwood continues to grow to the south and to the west, the Hwy 99W and Sunset / Elwert intersection will become more centrally located within the city. The pedestrian bridge is expected to provide a centrally located and safe crossing of Hwy 99W for generations of Sherwood residents.

The following changes are proposed to the TSP:

- Add Project P51 (Hwy 99W Pedestrian Bridge) to Table 1: Fundable Transportation System
- Add Project P51 (Hwy 99W Pedestrian Bridge) to Figure 12: Pedestrian Projects
- Other updates to the document to ensure consistency (i.e. total cost estimates of the plan)

I. Review Type:

Applicant's Request	Review Type
Transportation System Plan Update	Type V review

J. Public Notice and Hearing: Notice of the application was provided in accordance with § 16.72.020 of the SZCDC. A public hearing is required before the Planning Commission and City Council.

K. Review Criteria:
 Sherwood Zoning and Community Development Code Chapter 16.80 Plan Amendments. Sherwood 2040 Comprehensive Plan themes: Strong Community, Culture, and Heritage; Coordinated and Connected Infrastructure. Metro Code 3.08 Regional Transportation Functional Plan. Statewide Planning Goals 1 and 12.

SECTION II. PUBLIC COMMENTS

No public comments were received as of the date of this report. Testimony will be accepted through the City Council hearings on the matter.

SECTION III. AGENCY COMMENTS

Notice was provided to affected agencies on June 30, 2023. Plan Amendment (PAPA) notice was provided to the Department of Land Conservation and Development (DLCD) on June 20, 2023.

The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Oregon Department of Transportation (ODOT): Marah Danielson, Senior Planner provided email correspondence on July 10, 2023, stating that the project has gone through multiple rounds of review with ODOT Region 1 Tech Center. The development review team did not have any additional comment beyond that already provided. Exhibit G.

SECTION IV. TSP AMENDMENT REQUIRED FINDINGS

SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE

Title 16 - Zoning and Community Development Code

Division II. – Land Use and Development

Chapter 16.72 – Procedures for Processing Development Permits

16.72.010 – Generally

A. Classification

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all ministerial, administrative, and quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

5. Type V

The following legislative actions shall be subject to a Type V review process:

- a. Plan Map Amendments.**
- b. Plan Text Amendments.**
- c. Planned Unit Development — Preliminary Development Plan and Overlay District.**

ANALYSIS: The TSP amendment is being processed as a Type V legislative decision in accordance with the section above.

FINDING: This standard is met.

B. Hearing and Appeal Authority

1. The Hearing and Appeal Authorities shall be as follows:

The Type V Hearing Authority is the City Council, upon recommendation from the Planning Commission and the Appeal Authority is the Land Use Board of Appeals (LUBA).

ANALYSIS: City Council is the hearing authority on this application. A recommendation will be made to City Council by the Planning Commission.

FINDING: This standard is met.

Division III. – Planning Procedures

Chapter 16.80 – Plan Amendment Procedures

16.80.020 - Amendment Procedures

16.80.030 - Review Criteria

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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.**

ANALYSIS: The pedestrian bridge project is consistent with the goals and policies of the Comprehensive Plan and Transportation System Plan as discussed in the applicable sections below.

FINDING: This criterion is met.

- 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.**

ANALYSIS: Highway 99W and acts as a significant physical barrier separating the east and west sides of Sherwood. The highway is used by regional commuters to and from work, wine country visitors for leisure and recreation, and for the daily trips of Sherwood residents. The high volume of traffic and speed of the vehicles presents an ongoing safety and livability challenge.

As Sherwood continues to grow to the west and south, providing safe crossings of the highway for bicyclists and pedestrians will become increasingly important. The Hwy 99W Pedestrian Bridge will provide a grade separated crossing of the highway at the Sunset / Elwert intersection. This location was chosen due to its proximity to the new Sherwood High School and high volume of students and families that cross the highway at this location. As the Brookman area fills out with new development, this intersection will become more centrally located within the city.

The proposed pedestrian bridge will be the first grade separated crossing of the highway in city limits and will fill a strong need within the community. The bridge provides a significant “public good” that will serve generations of Sherwood residents.

FINDING: This criterion is met.

- 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.**

ANALYSIS: The pedestrian bridge is timely given the pattern of development in the area and surrounding land uses. The bridge will connect the new Sherwood High School with the YMCA site currently owned by the City. The City is currently in contract to sell the YMCA property to the YMCA. This intersection of Sherwood will be transformed from a high volume intersection for cars to one with art and open space that is welcoming to bicyclists and pedestrians. As city boundary continues to expand to the south and west, this intersection will become more centrally located in the city.

FINDING: This criterion is met.

- 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.**

ANALYSIS: As discussed above, this location was specifically chosen based on the existing and future land uses. The bridge will connect Sherwood High School to the YMCA with easy access from the Woodhaven neighborhood and larger Sunset Blvd. corridor. A 100% feasibility study has been completed that demonstrates the project is feasible given the location and size of the properties involved.

FINDING: This criterion is met.

C. Transportation Planning Rule Consistency

- 1. The applicant shall demonstrate consistency with the Transportation Planning Rule, specifically by addressing whether the proposed amendment creates a significant effect on the transportation system pursuant to OAR 660-012-0060. If required, a Traffic Impact Analysis (TIA) shall be prepared pursuant to Section 16.106.080.**

ANALYSIS: The last major Transportation System Plan update for Sherwood occurred in 2014. The plan is consistent with state and regional policies, such as the Oregon Transportation Planning Rule (TPR), Metro's Regional Transportation Plan (RTP), Metro's Regional Transportation Functional Plan (RTFP), and the Washington County TSP. The proposed addition of the pedestrian bridge is aligned with the goals and policies of the City, County, Metro, and ODOT system plans. Reducing vehicle miles traveled and improving pedestrian safety and connectivity is a key policy for all documents. The proposed pedestrian bridge will not increase vehicular traffic for any facilities located in the City or within ODOT's jurisdiction and is not expected to have a significant impact per the Transportation Planning Rule.

FINDING: This criterion is met.

SHERWOOD 2040 COMPREHENSIVE PLAN

Theme – Strong Community, Culture, and Heritage

Goal 3 – Foster a culture of collaboration and partnership between residents, community groups, businesses, service providers and government.

Policy 3.3 – Coordinate with school districts on acquisition, siting, facility planning, and development of facilities.

ANALYSIS: The proposed pedestrian bridge will serve Sherwood School District students as well as the general public. The bridge ramp on the west side of Hwy 99W will be located on school property and has been coordinated with the district.

FINDING: This policy is met.

Policy 3.4 – Support the development of a public art program that invests in community-driven art projects and enriches the public realm for the benefit and enjoyment of the community.

ANALYSIS: The pedestrian bridge will feature public art that enriches the public realm for the benefit and enjoyment of the community. Public art is planned as the base of each ramp, as well as on the bridge itself. Colored lights will be used at night to create an inspiring and aesthetic bridge. The bridge will be visible from Hwy 99W and from the high school during football and other games.

FINDING: This policy is met.

Theme – Coordinated and Connected Infrastructure

Goal 1 Plan and implement a transportation system that is forward-looking, responsive and innovative to maximize capacity and ensure safety, efficiency and retention of Sherwood’s livability and small-town character

Policy 1.1 – Develop, implement, and regularly update the City’s TSP

Policy 1.3 – Promote access and utilization of a multi-modal transportation system

Policy 1.4 Encourage complementary infrastructure for bicycles and pedestrian facilities providing a diverse range of transportation choices for city residents

ANALYSIS: The proposed pedestrian bridge is closely aligned with the goals and policies of coordinated and connected infrastructure. The bridge will provide a critical grade separated crossing of Hwy 99W for bicyclists, pedestrians, and other active transportation users. The bridge is expected to reduce vehicle miles traveled within the city and region by allowing students the ability to walk or bike to Sherwood High School on a daily basis from the east side of the city. The bridge will also promote recreational walking, running, and biking by reducing the safety concern of crossing Highway 99W.

FINDING: This policy is met.

Goal 2 Create and enhance safe and viable transportation options for travel between destinations locally and regionally with particular attention to connecting the areas of Sherwood east and west of Highway 99W, Old Town, and the Tualatin National Wildlife Refuge.

Policy 2.4 – Ensure safe and convenient transportation access across Highway 99W for all modes of travel.

ANALYSIS: The pedestrian bridge is a significant public investment intended to directly address the above referenced goal and policy. The proposed bridge will be the first grade separated crossing of the highway for pedestrians and bicyclists.

FINDING: This policy is met.

METRO CODE

Chapter 3.08 of the Metro Code addresses requirements for local transportation system plans through the Regional Transportation Functional Plan. Section 3.08.130 addresses pedestrian system design and requires a plan that provides for an “interconnected network of pedestrian routes within and through the city or county”.

ANALYSIS: The last major Transportation System Plan update for Sherwood occurred in 2014. The plan is consistent with state and regional policies, such as the Oregon Transportation Planning Rule (TPR), Metro’s Regional Transportation Plan (RTP), Metro’s Regional Transportation Functional Plan (RTFP), and the Washington County TSP. The proposed addition of the pedestrian bridge is aligned with the goals and policies of the City, County, Metro, and ODOT system plan. Reducing vehicle miles traveled and improving pedestrian safety and connectivity is a key policy for all documents. The proposed pedestrian bridge will not increase vehicular traffic for any facilities located in the City or region.

FINDING: This policy is met.

STATE OF OREGON LAND USE PLANNING GOALS

The applicable Statewide Planning Goals include Goals 1 and 12.

Goal 1: Citizen Involvement. Calls for "the opportunity for citizens to be involved in all phases of the planning process."

ANALYSIS: 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 meets Goal 1. The application is being discussed and decided by the City Council after a public hearing and recommendation from Planning Commission.

FINDING: This policy is met.

Goal 12: Transportation. Requires cities, counties and the state to create a transportation system plan that takes into account all relevant modes of transportation: mass transit, air, water, rail, highway, bicycle and pedestrian.

ANALYSIS: The City’s Transportation Consultant, DKS Associates, has provided a memo with findings for the Transportation System Plan. The memo indicates the proposed bridge is consistent with the TSP and will not impact the financially constrained project list. The bridge will be funded through new funding sources that were not identified in the 2014 TSP update. The bridge will be funded by Oregon Lottery funds as well as City Urban Renewal Funds.

FINDING: This policy is met.

Based upon review of the submittal information, review of the code, and public / agency comments, Planning Commission finds that the proposed TSP Amendment complies with the applicable criteria and policies of the Comprehensive Plan as well as Metro and State policies.

Therefore, Planning Commission recommends **APPROVAL** of **LU 2022-013 Highway 99W Pedestrian Bridge TSP Update**.

EXHIBITS

Exhibit A. – DKS Associates: TSP Compliance Memo

Exhibit B. – Proposed update to Table 1 Fundable Transportation System

Exhibit C. – Proposed update to Figure 12 Pedestrian Projects

Exhibit D. – Bridge Renderings

Exhibit E. – Land Use Form

Exhibit F. – Applicant Narrative

Exhibit G. – ODOT Comments