



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, August 15, 2023

**Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon**

5:45 pm Work Session

7:00 pm City Council Regular Meeting

URA Board of Directors Meeting
(Following the regular Council meeting)

This meeting will be live streamed at
<https://www.youtube.com/user/CityofSherwood>



5:45 pm Work Session

1. **Police Department Policy Updates** (Ty Hanlon, Police Chief)
2. **Recap 2022-23 City Council Pillars, Goals & Objectives**
(Keith Campbell, City Manager)
3. **Discuss Family Justice Center Funding**
(Keith Campbell, City Manager)

7:00 PM REGULAR SESSION

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CONSENT AGENDA**
 - A. **Approval of August 1, 2023, City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
 - B. **Resolution 2023-064, Reappointing Winnie Parmar to the Sherwood Cultural Arts Commission**
(Chanda Hall, Arts Center Manager)
 - C. **Resolution 2023-065, Reappointing Nancy Taylor to the Sherwood Budget Committee**
(David Bodway, Finance Director)
 - D. **Resolution 2023-066, Declaring the Need to Acquire Real Property Interests to Construct and Thereafter Operate & Maintain SW Ice Age Drive through the Tonquin Employment Area**
(Jason Waters, City Engineer)
6. **CITIZEN COMMENTS**
7. **PRESENTATIONS**
 - A. **Recognition of Sherwood High School Students Academic Achievements**
(Tim Rosener, Mayor)
8. **PUBLIC HEARINGS**
 - A. **Ordinance 2023-008, Amending the Transportation System Plan to include the Highway 99W Pedestrian Bridge as a project** (Eric Rutledge, Community Development Director) *(First Reading)*
9. **CITY MANAGER REPORT**

AGENDA

SHERWOOD CITY COUNCIL August 15, 2023

5:45 pm Work Session

7:00 pm City Council Regular Session

**URA Board of Directors Meeting
(Following the regular Council Meeting)**

**Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140**

**This meeting will be live streamed at
<https://www.youtube.com/user/CityofSherwood>**

10. COUNCIL ANNOUNCEMENTS

11. ADJOURN

How to Provide Citizen Comments and Public Hearing Testimony: Citizen comments and public hearing testimony may be provided in person, in writing, or by telephone. Written comments must be submitted at least 24 hours in advance of the scheduled meeting start time by e-mail to Cityrecorder@Sherwoodoregon.gov and must clearly state either (1) that it is intended as a general Citizen Comment for this meeting or (2) if it is intended as testimony for a public hearing, the specific public hearing topic for which it is intended. To provide comment by phone during the live meeting, please e-mail or call the City Recorder at Cityrecorder@Sherwoodoregon.gov or 503-625-4246 at least 24 hours in advance of the meeting start time in order to receive the phone dial-in instructions. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.

How to Find out What's on the Council Schedule: City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, generally by the Thursday prior to a Council meeting. When possible, Council agendas are also posted at the Sherwood Library/City Hall and the Sherwood Post Office.

To Schedule a Presentation to the Council: If you would like to schedule a presentation to the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4240 or Cityrecorder@Sherwoodoregon.gov

ADA Accommodations: If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or Cityrecorder@Sherwoodoregon.gov at least 48 hours in advance of the scheduled meeting time.



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
August 1, 2023

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 7:03 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Councilors Kim Young, Doug Scott, Taylor Giles, Renee Brouse, and Dan Standke. Council President Keith Mays was absent.
3. **STAFF PRESENT:** City Manager Keith Campbell, City Attorney Ryan Adams, Community Development Director Eric Rutledge, Police Chief Ty Hanlon, City Engineer Jason Waters, Law Clerk Emma Gill, Finance Director David Bodway, and City Recorder Sylvia Murphy.

4. **APPROVAL OF AGENDA:**

MOTION: FROM COUNCILOR YOUNG TO APPROVE THE AGENDA. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCIL PRESIDENT MAYS WAS ABSENT).

5. **CONSENT AGENDA:**

- A. Approval of July 18, 2023, City Council Meeting Minutes
- B. Resolution 2023-061, Appointing Brandi Morton to the Sherwood Police Advisory Board
- C. Resolution 2023-063, Authorizing the City Manager to sign an amendment to existing Intergovernmental Agreement with Washington County for the Community Development Block Grant Program

MOTION: FROM COUNCILOR BROUSE TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCIL PRESIDENT MAYS WAS ABSENT).

Mayor Rosener addressed the next agenda item.

6. **CITIZEN COMMENTS:**

There were no citizen comments and Mayor Rosener addressed the next agenda item.

7. **PRESENTATIONS:**

A. Proclamation, Honoring Lee David Weislogel

Mayor Rosener read aloud the proclamation and stated that Lee David Weislogel was married to Elsa Jane for 64 years, he was a father, a grandfather and a great-grandfather, a veteran, and a dedicated public servant. He stated that Lee was born on October 2, 1937 in Gary, Indiana and peacefully passed away on July 7, 2023. Mayor Rosener stated that Lee generously gave his time and talents in his retirement years to enrich the Sherwood community as an elected official and held the following positions with the City of Sherwood: Interim City Manager, City Engineer, Public Works Director and Project and Emergency Management Coordinator. Mr. Weislogel volunteered countless hours to many Sherwood organizations, including the Sherwood Charter School, Sherwood Main Street Program, and the Sherwood Historical Society. He stated that Lee was also dedicated to his faith and gave richly of his time and resources to Christian youth groups and mission work, and served as an elder, counselor, and Chair at Good Samaritan Ministries and Sherwood Community Friends Church. Mayor Rosener stated that the community of Sherwood owed Lee a debt of gratitude for his contributions to the community over the years and was a primary reason Sherwood was a wonderful place to live today. He stated that the City of Sherwood and the Sherwood community wished to honor and celebrate the memory, public service and life of Lee David Weislogel and express their deepest gratitude for his dedication and service and extended their sincerest sympathy in his passing.

Mayor Rosener addressed the next agenda item and the City Recorder read aloud the public hearings statement.

8. PUBLIC HEARINGS:

A. Resolution 2023-062, Adjusting Solid Waste and Recycling Collection Rates

City Manager Keith Campbell presented the "Resolution 2023-062 Adjusting Solid Waste and Recycling Collection Rates" PowerPoint presentation (see record, Exhibit A) and reported that solid waste and recycling collection services in Sherwood were provided by Pride Disposal, a private company pursuant to a franchise issued under Sherwood Municipal Code Chapter 8.20. He recapped that Pride Disposal had submitted their annual report to the city in March 2023, which met the franchise requirements, and the city hired Bell & Associates to review the annual report. City Manager Campbell stated that Bell & Associates presented their review of the annual report to Council at the July 18th work session and Council was presented with information regarding the increased costs for collection and recycling, which included a Metro tipping fee increase that was effective July 1, 2023. He outlined that Council was presented with two options for the proposed rate increases. The first option was to raise rates by 4.95% beginning on September 1, 2023. The second option was to raise rates 9.84% starting January 1, 2024. Council asked for staff to bring back a resolution to raise the rates starting on September 1, 2023 as they felt this was the least impactful option to residents. City Manager Campbell noted that on August 1st, Bell & Associates had alerted the city that the Medical Waste Collection Rates in the draft resolution were incorrect, and Mr. Campbell presented a table of the corrected calculations (see record, Exhibit B). He recommended that if Council wished to adopt the proposed resolution, that they do so with the note to change the Medical Waste Collection Rates to reflect the 2023 rates instead. Councilor Standke asked for clarification on the roll cart collection rates for garbage and yard debris and Mr. Campbell explained. Councilor Standke asked if yard debris rates would be lower if more residents participated in the food scrap program. Mr. Campbell replied that he did not believe that doing so would have an impact on solid waste rates in Sherwood. Pride Disposal representative Eric Anderson came forward and explained that increasing the amount of food waste put into yard debris would not have an

impact on rates because the volume of the food waste was so low, roughly 2% of the total yard debris collected. Council discussed how residents may be able to move to a smaller sized roll cart if they put more of their food scraps into their yard debris, thereby reducing their garbage bill. Mayor Rosener opened the public hearing to receive public testimony on the proposed resolution. Hearing none, Mayor Rosener closed the public hearing and asked for discussion or a motion from Council. Councilor Scott explained that Council had chosen the September 1st rate increase date because they felt that a 4.95% increase on September 1st would be less impactful to residents compared to a 9.84% increase in January 2024. He commented that future additional rate increases were likely and explained that the significant driving force behind the need for the rate increases was due to Metro's fee increases.

MOTION: FROM COUNCILOR YOUNG TO ADOPT RESOLUTION 2023-062, ADJUSTING SOLID WASTE AND RECYCLING COLLECTION RATES WITH THE ADJUSTMENT OF UPDATING THE MEDICAL WASTE RATES TO THE 2023 RATES AS PRESENTED. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCIL PRESIDENT MAYS WAS ABSENT).

The City Recorder informed the city council and the audience that a copy of the amended resolution had been placed on the sign-in table for this meeting (see record, Exhibit C).

Record note: City Manager Keith Campbell emailed Council explaining the Medical Waste Collection Rates error and provided a table of the corrected Medical Waste Collection Rates for 2023 (see record, Exhibit D).

Mayor Rosener addressed the next agenda item.

9. CITY MANAGER REPORT:

City Manager Keith Campbell congratulated Police Chief Ty Hanlon on a successful National Night Out. He reported that Music on the Green had two more events for the summer and reported that Movies in the Park would begin on August 11th.

Mayor Rosener addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS:

Councilor Brouse reported that the Sherwood Rotary Club's annual wine festival would be held August 11-12th at the Center for the Arts. She reported that Brews for the Birds Beer & Music Festival would be held August 5th at Langer's Entertainment Center.

Councilor Standke reported that he attended the most recent Planning Commission meeting where they discussed the TSP update and the need to include the Highway 99W pedestrian bridge in the TSP update.

Councilor Young reported that she attended the Street of Dreams event. She reported on the Sherwood Foundation for the Arts recent production of "The Addams Family."

Councilor Giles reported that he attended the most recent Library Advisory Board meeting and encouraged people to participate in the library's summer programs.

Mayor Rosener gave his kudos to city staff for their participation in Metro's Urban Growth Report in preparation for a UGB expansion. He reported on recent and upcoming meetings for the WEA, WCCC, and Mayors Association. He reported that he was asked to participate in a 14-person committee to advise Metro on their Urban Growth Report. He reported that there was a possibility of a special legislative session in September.

11. ADJOURN:

Mayor Rosener adjourned the regular session at 7:30 pm and convened an executive session.

EXECUTIVE SESSION

1. **CALL TO ORDER:** The executive session was called to order at 7:37 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Councilors Kim Young, Doug Scott, Taylor Giles, Renee Brouse, and Dan Standke. Council President Keith Mays was absent.
3. **STAFF PRESENT:** City Manager Keith Campbell, City Attorney Ryan Adams, Community Development Director Eric Rutledge, and Law Clerk Emma Gill.

4. TOPICS:

A. ORS 192.660(2)(e) Real Property Transactions and ORS 192.660(2)(h) Legal Counsel.

5. ADJOURN:

The executive session was adjourned at 8:22 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Tim Rosener, Mayor

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Chanda Hall, Arts Center Manager
Through: Kristen Switzer, Community Services Director, and Keith D. Campbell, City Manager

SUBJECT: Resolution 2023-064, Reappointing Winnie Parmar to the Sherwood Cultural Arts Commission

Issue:

Should the City Council reappoint Winnie Parmar to the Sherwood Cultural Arts Commission?

Background:

Winnie Parmar has served in Position 1 on the Cultural Arts Commission since mid-2020. She has been a dedicated leader on the Arts Commission, even serving as Commission Chair, and she would like to extend her time. The Arts Commission currently has two vacancies. The Council Liaison to the Arts Commission, Keith Mays, Arts Center Manager Chanda Hall, and Vice-Chair Jennifer Casler unanimously recommend the reappointment of Winnie Parmar. The mayor has recommended this reappointment to Council. In accordance with City Council Rules of Procedure, all such appointments are subject to the approval of City Council by resolution.

Financial Impacts:

There are no financial impacts from this proposed action.

Recommendation:

Staff respectfully recommends City Council's adoption of Resolution 2023-064, reappointing Winnie Parmar to the Sherwood Cultural Arts Commission.



RESOLUTION 2023-064

REAPPOINTING WINNIE PARMAR TO THE SHERWOOD CULTURAL ARTS COMMISSION

WHEREAS, Winnie Parmar currently holds Position 1 on the Cultural Arts Commission; and

WHEREAS, her term expired on June 30, 2023 and she is seeking reappointment; and

WHEREAS, the Mayor has recommended to City Council that Winnie Parmar be reappointed; and

WHEREAS, in accordance with Council Rules of Procedure, all such appointments are subject to the approval of the City Council by resolution.

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

Section 1. The Sherwood City Council hereby reappoints Winnie Parmar to Position 1 of the Cultural Arts Commission for a term expiring at the end of June 2026.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 15th day of August, 2023.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: David Bodway, Finance Director
Through: Keith D. Campbell, City Manager

SUBJECT: Resolution 2023-065, Reappointing Nancy Taylor to the Sherwood Budget Committee

Issue:

Shall the City Council reappoint Nancy Taylor to the Sherwood Budget Committee?

Background:

A vacancy exists in Position 7 on the Sherwood Budget Committee. Nancy Taylor's term expired on June 30, 2023. The mayor has recommended this reappointment to Council. In accordance with City Council Rules of Procedure, all such appointments are subject to the approval of City Council by resolution.

Note: Position numbers were established with the adoption of Resolution 2019-066 for the purpose of managing terms.

Financial Impacts:

There are no additional financial impacts as a result of approval of this resolution.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2023-065, reappointing Nancy Taylor to the Sherwood Budget Committee.



RESOLUTION 2023-065

REAPPOINTING NANCY TAYLOR TO THE SHERWOOD BUDGET COMMITTEE

WHEREAS, a vacancy exists within Position 7 on the Sherwood Budget Committee; and

WHEREAS, Nancy Taylor's term expired on June 30, 2023; and

WHEREAS, the Mayor has recommended to Council that Nancy Taylor be reappointed; and

WHEREAS, in accordance with Council Rules of Procedure, all such appointments are subject to the approval of the City Council by resolution.

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

Section 1. The Sherwood City Council hereby reappoints Nancy Taylor to Position 7 of the Sherwood Budget Committee for a term expiring at the end of June 2026.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 15th of August, 2023.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Jason Waters P.E., City Engineer

Through: Craig Sheldon, Public Works Director, Keith D. Campbell, City Manager, and Ryan Adams, City Attorney

SUBJECT: Resolution 2023-066, Declaring the Need to Acquire Real Property Interests to Construct and Thereafter Operate & Maintain SW Ice Age Drive through the Tonquin Employment Area

Issue:

Should the City Council declare the need to acquire certain interests in the properties along the corridor to construct, operate, and maintain SW Ice Age Drive between SW Oregon Street and SW 124th Avenue?

Background:

Note: ROW Resolution 2023-016 was previously adopted on February 21st, 2023 with a total of nine (9) impacted properties listed and two (2) additional properties will be impacted on the opposite (northwest) side of SW Oregon St. to help accommodate a new traffic signal and acquire temporary construction easements, specifically tax lots 102 (21389 SW Oregon St.) and tax lot 201 (21433 SW Oregon St.). The remainder of this Staff Report remains unchanged from the February 21st, 2023 Staff Report beyond the adding of the 2 additional tax lots to the list of impacted properties.

General Information on Eminent Domain Proceedings

In order for cities to initiate eminent domain proceedings for public uses and projects, the City Council must first formally declare there to be a need for the acquisitions and describe the purpose for which they are required. The Resolution must also identify each of the properties where acquisitions are needed.

State law requires that this authorization take place prior to entering negotiations to acquire the needed property interests. As noted in the Resolution, staff will pursue condemnation only if those negotiations fail or the City has not otherwise secured interests in specific properties listed in this resolution.

Project Background and Status

Overall, the design team anticipates the SW Ice Age Drive Improvements Project could impact up to 9 different properties, not including power & gas line easements in the area owned by BPA and Kinder Morgan (not including #8 BPA and #9 Kinder Morgan properties on list), and the interests to be acquired from these 9 properties include temporary construction easements (TCEs), public utility easements (PUEs), stormwater easements, and right-of-way (ROW).

Now that the road alignment has been set and the design contract is expected to be awarded, the next steps is to declare publicly the need to acquire the public right-of-way and easement for the roadway. Overall, the ROW acquisition phase is anticipated to take 4-6 months from the adoption of this resolution.

Financial Impacts:

There are no direct financial impacts resulting from the adoption of this resolution. This resolution allows ROW agents to begin the process to negotiate settlements based on fair market value as determined by certified appraisal or determinations of just compensation (i.e. Administrative Valuations) and lays the groundwork for eminent domain proceedings in the event those become necessary. Funds to settle all ROW acquisitions have been accounted for in the design project budget and these assumptions are re-evaluated each year based on market trends and the most current design plans, and updated in the adopted City Budget.

Recommendation:

City staff respectfully recommends City Council adopt Resolution 2023-066, Declaring the Need to Acquire Real Property Interests to Construct and Thereafter Operate & Maintain SW Ice Age Drive Through the Tonquin Employment Area.



RESOLUTION 2023-066

DECLARING THE NEED TO ACQUIRE REAL PROPERTY INTERESTS TO CONSTRUCT AND THEREAFTER OPERATE & MAINTAIN SW ICE AGE DRIVE THROUGH THE TONQUIN EMPLOYMENT AREA

WHEREAS, the Sherwood City Charter confers upon the City, a local municipal corporation, the authority to acquire real property, and interests therein, for all public purposes, including the establishment of public rights-of-way and easements for roadways and utilities; and

WHEREAS, the City is additionally authorized by ORS 223.005 & 223.105 to acquire, by condemnation if necessary, real property interests within or without its corporate limits for the construction, operation and maintenance of public or municipal uses, including transportation facilities and utility infrastructure as well as other similar or complementary public uses, for the benefit and use of the people of the City; and

WHEREAS, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Uniform Act") outlines the requirements for property acquisition on federally funded projects, including a requirement for local municipalities to declare publicly, by resolution, the need to acquire interests in specific real properties in order to institute eminent domain proceedings and file for condemnation if settlement cannot be reached with a property owner; and

WHEREAS, the SW Ice Age Drive Improvements will establish a new collector street running east-west through the industrial lands in the Tonquin Employment Area (TEA) per the City's Transportation System Plan (TSP Project D20), including the utility infrastructure within the public right-of-way, and multi-modal transportation facilities through the corridor in compliance with the Americans with Disabilities Act of 1990; and

WHEREAS, this resolution declares the need to acquire property interests across the entire SW Ice Age Drive corridor between SW Oregon Street and SW 124th Avenue and includes a list of properties, by Tax lot ID, impacted by the proposed alignment; and

WHEREAS, the Sherwood City Council deems it necessary and in the public interest to acquire real property interests, specifically right-of-way, public utility easements, stormwater easements, and temporary construction easements, in the properties along the road corridor as identified in Exhibits A, B, and C, attached hereto and incorporated herein by reference, for the purpose of constructing, owning, operating, and maintaining the infrastructure installed by the SW Ice Age Drive Improvements Project between SW Oregon Street and SW 124th Avenue; and

WHEREAS, it appears that the proposed use, improvement, or project as described above is planned or located in a manner which will be most compatible with the greatest public good and the least private injury; and

WHEREAS, the City anticipates commencing use of the above-described property within ten years of the date of adoption of this Resolution.

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

Section 1. The Sherwood City Council hereby finds and declares that it is necessary and in the public interest that the City acquire right-of-way, public utility easements, stormwater easements, and temporary construction easements in the properties described in Exhibits A, B, and C, attached hereto and incorporated herein by reference, for the purpose of installing, operating, and maintaining transportation and utility infrastructure within the SW Ice Age Drive, which is a public or municipal use for the general benefit and use of the people of the City, as authorized by the City Charter and ORS 223.005-105.

Section 2. The Sherwood City Council further finds and declares that the proposed use described above is necessary and that the proposed use, improvement, or project described herein is planned, designed, and located, and will be constructed, in a manner that will be most compatible with the greatest public benefit and the least private injury or damage.

Section 3. The Sherwood City Council further finds and declares that the City anticipates commencing use of the above-described property within ten years of the date of adoption of this Resolution.

Section 4. The Sherwood City Council hereby authorizes the Sherwood City Manager, his designees, and the City Attorney, and his designees, to attempt to reach agreement with the owners and other persons with interest in the real property interests described herein as to the compensation to be paid for the acquisition of the property interests. In the event that no satisfactory agreement or settlement can be reached with such owners and interest holders, the City Attorney, or designee, is hereby directed and authorized to commence with condemnation and prosecute to final determination such proceedings as may be necessary to acquire the real property and interests therein. Upon the filing of such proceeding, including the advance deposit of the amount estimated to be the just compensation with the clerk of the circuit court, possession of the real property and interests therein may be taken immediately to the extent provided by law.

Section 5. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 15th day of August 2023.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Exhibit A (List of Properties Anticipated be Impacted by the SW Ice Age Drive Improvements Project)

Exhibit to the ROW resolution to be adopted by City Council on August 15, 2023

See Exhibit B and Exhibit C for Taxlot Maps

List of Impacted Properties by Taxlot ID

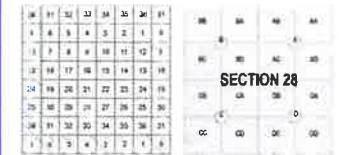
1. 2s128C700
2. 2s128C600
3. 2s128D602
4. 2s128D600
5. 2s128D800
6. 2s128D700
7. 2s128D1200
8. 2s128D1300 (Bonneville Power Administration)
9. Kinder-Morgan (gas line easement deed holder on aforementioned properties)
10. 2S128C000102 (21389 SW Oregon St, 3.18 Acres) Traffic Signal
11. 2S128C000201 (21433 SW Oregon St, 7.68 Acres) Traffic Signal

End of List of Impacted Properties

SCALE 1"=200'

FOR ASSESSMENT
PURPOSES ONLY
DO NOT RELY ON
FOR ANY OTHER USE

FUTURE
TRAFFIC
SIGNAL
HERE

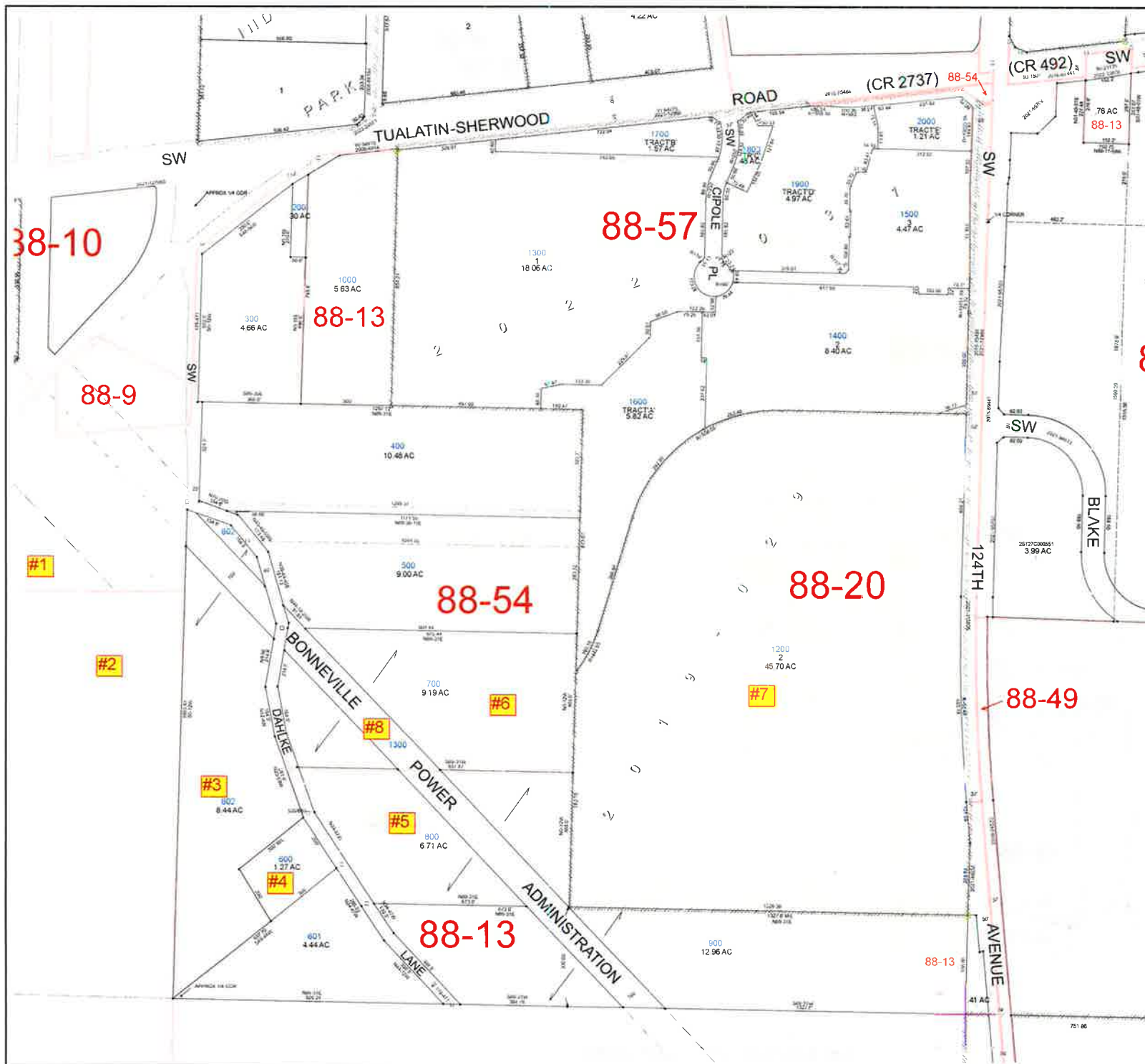


Cancel ed Taxlots For: 2S128D
101, 105, 1100



**FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE**

SHERWOOD
2S128D





19

TO: Sherwood City Council

FROM: Eric Rutledge, Community Development Director

Through: Keith D. Campbell, City Manager and Ryan Adams, City Attorney

SUBJECT: Ordinance 2023-008, Amending the Transportation System Plan to include the Highway 99W Pedestrian Bridge as a project

Issue:

Shall the City Council adopt Ordinance 2023-008, amending the Transportation System Plan to include the Highway 99W Pedestrian Bridge?

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 pedestrians. 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 \$4 million from the State of Oregon Lottery Funds as well as Urban Renewal Funds.

Planning Commission Recommendation:

The Sherwood Planning Commission (Commission) held a public hearing on the application on July 25, 2023. The Commission unanimously recommended approval with minor changes to the findings. Full Commission findings are included as Attachment 2.

Planning Commission Comments and Recommendations:

The Commission also provided the following comments and recommendations on the pedestrian bridge project which do not directly relate application approval criteria. The comments are intended as general project feedback only:

- Recommendation to add staircase on south side of bridge with access to Elwert or Kruger closer to Highway 99 to better serve properties other than the high school
- Recommendation to widen the existing sidewalk on Sunset Blvd. to provide safer access to bridge from Woodhaven neighborhood
- Recommendation to delineate bike / ped lanes at approaches and on bridge
- Recommendation to install conduit for call boxes with initial bridge construction
- Recommendation to have the bridge lighting be "dark sky" compliant for wildlife

- Concern that parents may stop on Sunset Blvd. to drop kids off at bridge ramp on east side of highway
- Concern about length of the bridge and safety if an incident occurs mid-span

Financial Impacts:

Adding the pedestrian bridge as a project to the TSP will not have a direct financial impact. Project funding includes the Sherwood Urban Renewal Agency and State of Oregon Lottery Funds.

Alternatives:

Approve, modify, or deny the application based on the Planning Commission Recommendation to City Council (Attachment 2).

Recommendation:

Staff respectfully recommends approval of Ordinance 2023-008, Amending the Transportation System Plan to include the Highway 99W Pedestrian Bridge as a project.

Exhibits / Attachments:

Attachment 1: Draft Ordinance 2023-008

Attachment 2: Planning Commission Recommendation to City Council

Attachment 3: Exhibits to Planning Commission Recommendation to City Council

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

...

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



TECHNICAL MEMORANDUM

DATE: June 30, 2023

TO: Eric Rutledge | City of Sherwood

FROM: Garth Appanaitis, PE | DKS Associates

SUBJECT: Sherwood Pedestrian Bridge TSP Edits



Project #23xxx-xxx

This memorandum summarizes the inclusion of the OR 99W pedestrian bridge project in the Sherwood Transportation System Plan (TSP)¹. The TSP identifies planned transportation projects in Sherwood and was adopted in 2014.

Following the adoption of the TSP, additional planning for future growth in the Sherwood West area has occurred and the new Sherwood High School was constructed north of OR 99W. These planning processes brought additional focus on the concerns and needs for improving safe crossings of the OR 99W corridor. These efforts have led to the identification of a pedestrian bridge over OR 99W in the vicinity of Sunset Boulevard.

OR 99W bisects the community and is a barrier for safe and convenient travel between each side of the City. The need for improved crossings of OR 99W has been previously identified through prior planning efforts, including the Sherwood Town Center Plan² and Sherwood TSP. The identified pedestrian bridge is consistent with the intent of the TSP to provide for a more connected system that allows for choice of modes.

A pedestrian crossing study that considered crossing needs and opportunities was conducted in 2019. The study and findings were presented during a City Council worksession.

Funding for bridge design and construction (\$20 million) has been secured through State Lottery Funds and the Urban Renewal Agency (URA). Since these are new funding sources that were not included in the TSP projections, the inclusion of the pedestrian bridge project would not impact other planned improvements identified in the TSP and the plan would remain financially constrained.

¹ Sherwood Transportation System Plan, adopted June 2014,
<https://www.sherwoodoregon.gov/engineering/page/transportation-system-plan-tsp>

² <https://www.sherwoodoregon.gov/planning/page/sherwood-town-center-plan>

SUMMARY OF EDITS

The following edits to the TSP would improve consistency to incorporate the pedestrian bridge project. Additional minor edits may be required to address resulting scrivener errors.

SECTION 5

- Page 25: Revise narrative to clarify 52 pedestrian projects with total cost of \$35.9 million
- Page 26: Revise narrative reference to 113 solutions totaling \$370 million worth of investments - \$129 million of which is assumed to be city funded.
- Page 26 (Figure 7): Revise chart of project expenses to increase portion of pedestrian expense

SECTION 6

- Page 29: Revise narrative to reference \$129 million cost for all solutions.
- Page 29: Revise reference to Sherwood's available funds for transportation projects and the funding estimate (referred to as "projected funding") to \$80 million.
- Page 30: Revise reference for ped/bike identified projects to \$43 million and total project cost of \$129 million.
- Page 30: Revise the reference of the projected funding estimate to \$80 million.
- Page 30 (Figure 8): Update share of pedestrian and bicycle in \$80 million (was \$60 million) funding scenario.

SECTION 7

- Page 33: Revise reference of the funds the City is projected to have up to \$80 million.
- Page 35: Revise reference to nearly \$80 million worth of investments included in the Projected Fundable Plan.
- Page 35: Revise percentage of pedestrian improvements to 54 percent in context and Figure 10. Also update motor vehicle improvements to 25 percent, biking improvements to 16 percent, and transit improvements to 5 percent.
- Page 39 (Table 1): Incorporate Highway 99W Pedestrian Crossing project details as P51 (or other non-conflicting reference number) into Table 1.
- Page 42 (Figure 12): Add Highway 99W Pedestrian Crossing project location as P51 (or other non-conflicting reference number)

Add project P51 - Hwy 99W Pedestrian Bridge to be funded through Lottery and URA funds

Table 1: The Fundable Transportation System

Project #	Project Name	Project Details	Priority
Projects with Committed Funding			
D13	Tualatin-Sherwood Improvements – Phase 1	Widen Tualatin-Sherwood Road/Roy Rogers Road between Borchers Drive and Baler Way to five lanes. Includes intersection modifications at Highway 99W, the Sherwood Market Center, and at Baler Way.	(Funded Through MSTIP)
D19	124th Avenue Extension	Extend 124th Avenue as an arterial from Tualatin-Sherwood Road to Tonquin Road.	(Funded Through MSTIP)
D22	Kruger/Elwert Intersection Safety Improvement	Realign Elwert Road to provide more storage at Highway 99W, and realign the Kruger Road intersection to the Cedarbrook extension as a single lane roundabout.	(Funded Through MSTIP)
P13	Ice Age Tonquin Trail Segment 8	Implement Tonquin Trail Segment 8 improvements from immediately north of Park Street to immediately south of Highway 99W.	(Funded through Metro regional flex funds)
Motor Vehicle Projects (See Figure 11)			
D3	Oregon Street Intersection Improvements at Murdock and Tonquin	Install a roundabout at the Tonquin Road/Oregon Street intersection with dual westbound through lanes and a single eastbound through/right lane. Consider creating a "Dumbbell Roundabout" with the Oregon/Murdock roundabout by disallowing the west circulating lane at Oregon/Tonquin and disallowing the east circulating lane at Oregon/Murdock. Add a second westbound approach lane to the Murdock Road Oregon Street roundabout for separated westbound left and westbound through lanes. Keep three lanes on the bridge structure.	Short-Term
D4	Elwert Road Improvements	Upgrade Elwert Road (from Highway 99W to Edy Road) to a three lane arterial with bike lanes and sidewalks. This project may be phased with D30 for design and construction purposes.	Medium-Term
D6	Edy Road Improvements	Upgrade Edy Road (from Borchers Drive to City Limits) to a three lane collector with bike lanes and sidewalks.	Medium-Term
D7	Ladd Hill Road Improvements	Upgrade Ladd Hill Road (from Sunset Boulevard to the Urban Growth Boundary) to a three arterial with bike lanes and sidewalks.	Medium-Term
D8	Oregon Street Improvements	Upgrade Oregon Street (from Murdock Road to the railroad crossing) to a three lane collector with sidewalks on south side and a shared-use path on the north side (part of the Ice Age Tonquin Trail).	Medium-Term
D12	Extension of Langer Farms Parkway at 99W	Extend Langer Farms Parkway from 99W west as a collector road.	Medium-Term
D14	Highway 99W/Brookman Traffic Signal and Realignment	Realign Brookman Road to intersect with Highway 99W approximately 1/4 mile north of its existing intersection; This alignment would provide future separation from the Southern Arterial connection at Highway 99W and would improve safety and driver expectancy for the intersection on the highway by moving it within the urbanized context (within future urbanized area of Brookman Concept Plan area). This improvement includes a traffic signal at the realigned intersection with a westbound left and southbound right turn lane, and a grade separated railroad crossing. All traffic signals on the state highway system would need to be approved by the state traffic engineer and design coordination with ODOT would be	Medium-Term

Figure 12

Pedestrian Projects

Add project P51 as fundable transportation project

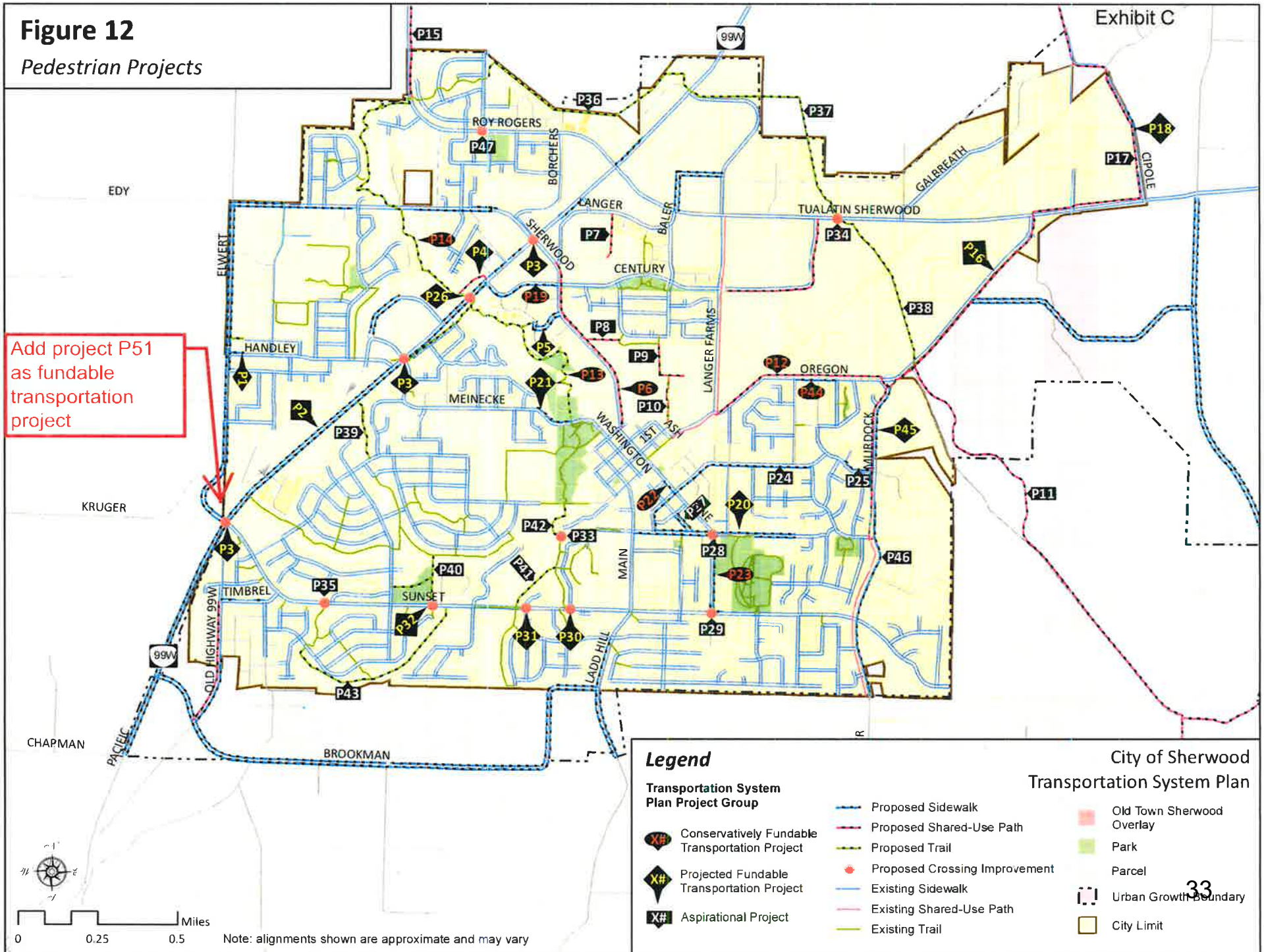




Exhibit D

2cm = 20ft N

kpff
architectural applications
a2
GREENWORKS
City of Sherwood
Oregon

Sherwood HWY 99W
Pedestrian Bridge
6/19/2023







Home of the Tualatin River National Wildlife Refuge

Case No. LU2023-012 PA
 Fee 6444.61
 Receipt # Intercity
 Date 06.27.23
 TYPE V

City of Sherwood

Application for Land Use Action

Type of Land Use Action Requested: (check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Conditional Use |
| <input checked="" type="checkbox"/> Plan Amendment (Proposed Zone _____) | <input type="checkbox"/> Partition (# of lots _____) |
| <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Subdivision (# of lots _____) |
| <input type="checkbox"/> Site Plan (square footage of building and parking area) | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Variance (list standards to be varied in description) | |

By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at www.sherwoodoregon.gov. Click on Government/Finance/Fee Schedule.

Owner/Applicant Information:

Applicant: City of Sherwood Phone: 503-925-2308
 Applicant Address: 22560 SW Pine St. Email: planning@sherwoodoregon.gov
 Owner: n/a (TSP update) Phone: _____
 Owner Address: n/a Email: _____
 Contact for Additional Information: Eric Rutledge, Community Development Director

Property Information:

Street Location: n/a (TSP Update)
 Tax Lot and Map No: _____
 Existing Structures/Use: _____
 Existing Plan/Zone Designation: _____
 Size of Property(ies) _____

Proposed Action:

Purpose and Description of Proposed Action:

An amendment is proposed to the City's 2016 Transportation System to add the Hwy 99W Pedestrian Bridge as a project in the TSP. The proposed update includes adding the pedestrian bridge to Table 1 Fundable Transportation System Plan and Figure 12 Pedestrian Projects, as well as other minor changes to the document to ensure consistency. The Highway 99W Pedestrian Bridge is City-led project and is intended to provide a safe crossing of Hwy 99 at Sunset / Elwert.

Proposed Use: _____

Proposed No. of Phases (one year each): _____

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.


Applicant's Signature

July 27th 2022
Date


Owner's Signature

July 27th 2022
Date

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

- ☐ **3 Copies of Application Form*** completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- ☐ **Copy of Deed** to verify ownership, easements, etc.
- ☐ **At least 3 folded sets of plans***
- ☐ **At least 3 copies** of narrative addressing application criteria*
- ☐ **Fee** (along with calculations utilized to determine fee if applicable)
- ☐ **Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

LU 2023-012 PA

Project Narrative – Transportation System Plan Update HIGHWAY 99W PEDESTRIAN BRIDGE



Submittal Date: 6/23/23

LU 2023-012 PA

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Executive Summary

i. Introduction:

This land use application is for a minor Transportation System Plan (TSP) update to add the Hwy 99W Pedestrian Bridge as a pedestrian project. The bridge is proposed to span Hwy 99W at Sunset / Elwert and provide a safe crossing of the highway for active transportation users. 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.

ii. Background Information:

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)

iii. Decision Criteria

The following code sections and other regulatory requirements apply to the proposed Plan Amendment – Zone Change.

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.

SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE

Title 16 - Zoning and Community Development Code

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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.*

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

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).

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

Division III. – Planning Procedures

Chapter 16.80 – Plan Amendment Procedures

16.80.020 - Amendment Procedures

16.80.030 - Review Criteria

...

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.*

Response: 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.

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.*

Response: 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.

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.*

Response: 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 owned by the City. 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.

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.*

Response: 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.

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.*

Response: 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 within ODOT's jurisdiction and is not expected to have a significant impact per the Transportation Planning Rule.

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.

Response: 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.

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.

Response: 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.

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

Response: 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.

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.

Response: 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.

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".

Response: 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.

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."

Response: 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.

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.

Response: 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.

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

From: [DANIELSON Marah B](#)
To: [Eric Rutledge](#)
Cc: [TAYAR Abraham](#); [BRUMLEY Seth A](#); [GONZALEZ-GABRIEL Melissa](#); [RUSSELL John](#)
Subject: RE: LU 2022-012 PA - TSP Update for Pedestrian Bridge
Date: Monday, July 10, 2023 5:31:33 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Hi Eric,

I thanks for sending the land use notice for the ISP update for the pedestrian bridge. Based on the information our team has gathered it looks like the design of the project is well underway and has gone through multiple rounds of plan review with the ODOT R1 Tech Center. This indicates that the ODOT permitting process is underway and that ODOT has provided technical comments regarding all elements of the pedestrian bridge project. Therefore, our Development Review Team has no comments regarding the TSP update except that it is necessary prior to constructing the project.

I had not intended to submit formal comments. Please let me know if the city would like formal comments from ODOT for this land use review.

Sincerely,

Marah Danielson, Senior Planner

Development Review Program

Oregon Department of Transportation, Region 1

Marah.b.danielson@odot.oregon.gov

503.731.8258

Please note: This email, related attachments and any response may be subject to public disclosure under state law.

From: Eric Rutledge <RutledgeE@SherwoodOregon.gov>
Sent: Friday, June 30, 2023 11:57 AM
To: Eric Rutledge <RutledgeE@SherwoodOregon.gov>
Subject: LU 2022-012 PA - TSP Update for Pedestrian Bridge

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hi Agency Partners:

The City of Sherwood Planning Department is requesting agency comments on the following land use application: **(LU 2023-012 TSP Update for Pedestrian Bridge):**

- **Proposal:** An amendment is proposed to the City's 2014 Transportation System (TSP) to add the Hwy 99W Pedestrian Bridge as a project in the TSP. The proposed update includes adding the pedestrian bridge to Table 1 Fundable Transportation System Plan and Figure 12 Pedestrian Projects, as well as other minor changes to the document to ensure consistency.

The Highway 99W Pedestrian Bridge is City-led project and is intended to provide a safe crossing of Hwy 99 at Sunset / Elwert.

- **Location:** No site address
- **Comment Deadline:** July 14, 2023 for consideration in the staff report
- **Hearing Date:** July 25, 2023 (Planning Commission) and August 15 / September 5 (Planning Commission)
- **Applicable code criteria:** Sherwood Zoning and Community Development Code - Chapter 16.72 Procedures for Processing Development Permits; Chapter 16.80 Plan Amendments. Sherwood 2040 Comprehensive Plan – Strong Community, Culture, and Heritage; Coordinated and Connected Infrastructure. Metro Code – 3.08 Regional Transportation Functional Plan. Statewide Planning Goals 1 and 12
- **Application materials:** See attachment

Eric Rutledge
City of Sherwood
Community Development Director
rutledgee@sherwoodoregon.gov
Desk 503.625.4242
Work Cell 971.979.2315

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ORDINANCE 2023-008

AMENDING THE TRANSPORTATION SYSTEM PLAN TO INCLUDE THE HIGHWAY 99W PEDESTRIAN BRIDGE AS A PROJECT

WHEREAS, Highway 99W runs through the City of Sherwood, creating a significant physical barrier and safety issue for pedestrians and bicyclists between Sherwood East and West; and

WHEREAS, Sherwood High School was constructed in 2018 along SW Elwert Road, creating increased demand for pedestrian and bicycle crossing of the highway; and

WHEREAS, a new pedestrian bridge (Highway 99W Pedestrian Bridge) is proposed to span the highway at the SW Sunset Blvd. / SW Elwert Rd. intersection to provide a grade separated crossing and ensure bicycle and pedestrian safety; and

WHEREAS, the pedestrian bridge is listed as a project in the 2021 Urban Renewal Plan; and

WHEREAS, The State of Oregon has committed \$4 million in State Lottery Funds for the project; and

WHEREAS, The City has worked with the Oregon Department of Transportation Region 1 Technical Center on the design of the bridge; and

WHEREAS, The Sherwood Planning Commission held a public hearing on the Transportation System Plan update on July 25, 2023 and unanimously recommended approval; and

WHEREAS, the Sherwood City Council has received and reviewed the land use record prepared before the Planning Commission, and, after considering the applicable standards, the City Council determined that the proposal meets the required criteria for approval.

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

Section 1. Review and Public Hearings. The application was subject to full and proper review required by SZCDC § 16.72 and public hearings were held before the Planning Commission on July 25, 2023 and the City Council on August 15, 2023 and September 5, 2023.

Section 2. Findings. After full and due consideration of the application, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearings, the City Council finds that the Transportation System Plan update meets the applicable criteria in the Sherwood Zoning and Community Development Code, Metro, and State of Oregon policies. The findings of fact relied upon by the City are attached to the City Council Staff Report as Attachments 2-3.

Section 3. Approval.

- A. The above-described Transportation System Plan update is **APPROVED**
- B. The Transportation System Plan shall be updated to reflect the Highway 99W Pedestrian Bridge as a project

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 5th of September 2023.

Tim Rosener, Mayor

Date

Attest:

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Standke	_____	_____
Giles	_____	_____
Scott	_____	_____
Young	_____	_____
Brouse	_____	_____
Mays	_____	_____
Rosener	_____	_____