

TO: Planning Commission

1st Hearing Date: April 9, 2024

2nd Hearing Date: May 14, 2024

FROM:



Joy L. Chang
Interim Planning Manager

Proposal: On March 10, 2020, former Governor Kate Brown issued Executive Order 20-04, directing state agencies to reduce climate pollution. In July 2022, the Oregon Land Conservation and Development Commission (LCDC) adopted the Climate-Friendly and Equitable Communities (CFEC) rules to help meet state goals to reduce climate pollution, especially from transportation. The rules apply to urban metropolitan areas throughout Oregon. The City of Sherwood is proposing to adopt new CFEC regulations as mandated by the state. The proposed amendments include the following:

Reduction of Parking Mandates for Development Types (OAR 660-012-0430)

- Require no more than one parking space per unit in residential developments
- No parking requirements for residential care/training/treatment facilities
- No parking requirements for childcare, single-room occupancy housing, residential units smaller than 750 square feet, affordable housing, publicly supported housing, emergency and transitional shelters, and domestic violence shelters.

Parking Reform Near Transit Corridors (OAR 660-012-0440)

- Tri-Met Line 94, no parking requirements for lots or parcels within one-half mile of the transit corridor

Parking Reform in Climate Friendly Areas (OAR 660-012-0435)

- In the Sherwood Town Center Area, no parking requirements within the town center and on parcels of land within one-quarter mile distance of the Sherwood Town Center Area.

Electric Vehicle Charging (EV) (OAR 660-012-0410)

- New multi-family residential buildings with five or more residential dwelling units, and new mixed-use buildings with five or more residential dwelling units, will be required to install EV conduits to accommodate 40% of all vehicle parking spaces.
- Non-Residential Development under private ownership will be required to install EV conduits at no less than 20% of the vehicle parking spaces in the garage or parking area for the building.

Parking Regulation Improvements (OAR 660-012-0405)

- Preferential placement of carpool/vanpool parking
- Allow redevelopment of any portion of a parking lot for bike or transit uses
- Allow and encourage redevelopment of underutilized parking for other uses

- Allow and facilitate shared parking
- New parking lots more than ½ acre in size must install 40% tree canopy or solar panels, solar/wind fee-in lieu or green energy
- Adopt parking maximums in locations such as downtowns, regional or community center, and transit-oriented development

Reducing the Burden of Parking Mandates (OAR 660-012-0425)

- Garages and carports may not be required for residential developments
- Garage parking spaces shall count towards off-street parking mandates
- Provision of shared parking shall be allowed to meet parking mandates
- Required parking maybe provided off-site, within 2,000 feet pedestrian travel of a site
- Reduce parking mandates if providing solar panels or wind power capacity, car-sharing parking space, EV parking spaces, units that are fully accessible to people with mobility disabilities.

Fair Parking Policies (OAR 660-012-0445(1)(a)(B and D)

- Adopting Fair Parking Policies through unbundling parking spaces serving leased commercial developments
- A new 10% tax on the revenue from new commercial parking lots

A. Applicant: This is a city-initiated text amendment.

B. Location: City Wide

C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission is scheduled to consider the matter on April 9, 2024. At the close of this hearing, the Planning Commission will forward a recommendation to the City Council, who will consider the proposal and make the final recommendation whether to approve, modify, or deny the proposed language. The City Council public hearings are tentatively scheduled for May 21, 2024 and June 4, 2024. Any appeal of the City Council's final decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).

D. Public Notice and Hearing: Notice of the April 9, 2024, Planning Commission hearing and tentative May 21, 2024, City Council hearing on the proposed amendment were published in *The Times* on March 21 and April 4, 2024. Notice was also posted in five public locations around town and on the website on March 20, 2024. Notice to the Oregon Department of Land Conservation and Development (DLCD) was submitted on March 5, 2024, and notice to agencies was sent via email on March 20, 2024. A courtesy email notice was also sent to the CFEC email subscription listing on March 20, 2024.

E. Review Criteria: The required findings for Plan Amendments are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC).

F. Background: As previously stated, on March 10, 2020, former Governor Kate Brown issued Executive Order 20-04, directing state agencies to reduce climate pollution. In July 2022, the Oregon Land Conservation and Development Commission (LCDC) adopted the Climate-Friendly and Equitable Communities (CFEC) rules to help meet state goals to reduce climate pollution, especially from transportation. The Transportation Planning Rule (Oregon Administrative Rules 660-012), which requires local jurisdictions to balance land use and transportation planning, was significantly amendment (rules regarding parking).

The rules apply to urban metropolitan areas throughout Oregon. Some of the rules have been directly effective since January 1, 2023; others since March 31, 2023. Some rules required local action by June 30, 2023. DLCD approved and granted the City of Sherwood an alternative date of September 14, 2024, for implementation.

Amendments are made to Sherwood Municipal Code, where majority of the proposed amendments are made to Title 16 (Zoning and Community Development Code). Title 3 (Revenue and Finance) is also amended by adding a new chapter, Chapter 3.40 Commercial Parking Lot Local Tax. Finally, Title 5 (Business Licenses and Regulations) is amended by adding a new chapter, Chapter 5.36 Unbundled Parking for Commercial Uses. See Exhibits A and B.

Lawsuit The City of Sherwood and 12 other jurisdictions including Tualatin, Hillsboro, Happy Valley, and Oregon City have sued over the new rules. At issue is whether the LCDC exercised authority it did not have when codifying and mandating the rules.

On March 6, 2024, the Oregon Court of Appeals affirmed the overall validity of the 89 rules adopted by DLCD. The court ruled the DLCD has the authority to adopt these rules, except for one subsection within one rule. The court also affirmed the DLCD followed the correct procedures to adopt the rules, except for one subsection within one rule.

It is staff's understanding that the City of Sherwood along with other city jurisdictions will appeal the Oregon Court of Appeals ruling to the Oregon Supreme Court in May.

If the Oregon Supreme Court overturns the Oregon Court of Appeals ruling, the proposed CFEC amendments will be remanded. Staff will include language in the proposed ordinance that would state the following:

This ordinance number 2024-xxx shall be automatically repealed with immediate effect upon any of the following occurrences:

- a. A finding by a court of competent jurisdiction invalidating Executive Order number 20-04;
- b. Passage of a law that repeals or otherwise invalidates Executive Order number 20-04; or
- c. Retraction of Executive Order number 20-04 by the governor of the state of Oregon.

II. PUBLIC COMMENTS

As of this writing, one public comment was received from Phyllis Nasta (Exhibit C). Ms. Nasta critiques the mandates aimed at reducing parking and promoting transit use, arguing that while the intentions may be good, the approach is flawed. She highlights various challenges people face in their daily lives, such as childcare responsibilities, physical limitations, and weather conditions, which make limiting parking impractical and unfair. Instead of restricting parking, she suggests focusing on promoting electric vehicles and public transit. She also criticizes the potential consequences of limited parking, such as double parking and cluttered streets, and argue that such policies encroach on individual freedom and represent government overreach. Ms. Nasta also provided public testimony at the April 9, 2024 public hearing.

As previously mentioned, the proposed amendments are mandated by the State. Additional comments from the community are welcomed up to the close of the public hearing.

III. AGENCY COMMENTS

Notice to DLCD was sent on March 5, 2024, and an e-notice to Metro and agency partners was sent on March 20, 2024.

Staff received an email correspondence from DLCD, Ryan Marquardt, Land Use & Transportation Planner with the Planning Services Division of DLCD, dated April 2, 2024. He requested that additional amendments to the City's proposed CFEC regulations are required (Exhibit D). City staff met with DLCD staff to determine which amendments needed to be addressed. The proposed amendments have been updated accordingly.

One additional agency comment was received from Tri-Met, Michelle Wyffels, Senior Planner, Service Planning & Transit Development (Exhibit E) dated April 25, 2024. She states that parking reform near transit corridors will create larger demand for on-street parking. She requested that bus zones be installed to restrict curb access in bus stop areas, so buses can pull up to the curb to board and unload riders using mobility devices.

Per City Engineering and Public Works reviewed the request and stated that bus zone no parking requirement is currently not implemented throughout the city. The city will be updating the Transportation System Plan (TSP) starting in 2025. Through the TSP updated, under the Transit umbrella, staff will consider creating bus zones that may lead to bus zone with no parking signs.

IV. REQUIRED FINDINGS FOR PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are SZCDC §16.80.030.A and §16.80.030.C.

SZCDC 16.80.030 - Review Criteria

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

General Finding: The state mandated Climate Friendly and Equitable Communities (CFEC) rules were not identified by City Council, or the Planning Commission as required by Section 16.80.030.A. The rules are mandated by the state and the city has implemented the least impactful standards of all the CFEC alternatives. For example, the City chose not to implement the alternative that would have removed minimum parking standards citywide. While parking reform is required by the executive order, the City is implementing standards that are most aligned with community needs and desires.

Even though City Council or the Commission did not identify CFEC regulations as a need, the proposed amendments are still consistent with the intent of the adopted Sherwood

Comprehensive Plan and with all other provision of the Plan, TSP and the Community Development Code as reflected throughout this report.

Community Need

The CFEC regulations addresses various community needs by promoting sustainability and well-being. By reducing greenhouse gas emissions and promoting renewable energy sources, the proposed amendments will contribute to a healthier environment and cleaner air. The CFEC regulations also promote equitable access to transportation options and clean energy for all residents, regardless of socioeconomic status.

The proposal seeks to amend chapters of Title 16, Sherwood Zoning and Community Development Code (SZCDC), and adding new chapters to Title 3 (Revenue and Finance) and Title 5 (Business Licenses and Regulations), to implement the CFEC regulations.

These text amendments do not include changes to the goals and policies within the Sherwood 2040 Comprehensive Plan; the 2040 Comprehensive Plan, Coordinated and Connected Infrastructure, states the following:

Goal 5 Work with partner agencies to coordinate service delivery including but not limited to stormwater, water, electric, natural gas, broadband, and waste management.

POLICY 5.4 Collaborate with governmental and private agencies engaged in climate change and energy conservation efforts and seek ways to expand its role and influence in achieving more efficient use of energy resources by:

- *Developing and implementing an Energy Conservation Plan.*
- *Ensuring responsive development code and standards that reflect emerging trends for addressing energy and climate change challenges and opportunities.*

FINDING: The proposed amendments address climate change challenges and provides opportunities that can meet the needs of the Sherwood community while implementing the mandated legislation by the approved alternative deadline of September 14, 2024.

Consistency with the Comprehensive Plan

The adopted 2040 Comprehensive Plan, Coordinated and Connected Infrastructure and Governance and Growth Management, has specific goals and policies that are applicable to the proposed standards as discussed below:

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 1.7 Promote the development of new vehicle technology, such as electric charging stations, in existing development, new development, and redevelopment.

Goal 5 Work with partner agencies to coordinate service delivery including but not limited to stormwater, water, electric, natural gas, broadband, and waste management.

POLICY 5.4 Collaborate with governmental and private agencies engaged in climate change and energy conservation efforts and seek ways to expand its role and influence in achieving more efficient use of energy resources by:

- *Developing and implementing an Energy Conservation Plan.*
- *Ensuring responsive development code and standards that reflect emerging trends for addressing energy and climate change challenges and opportunities.*

Governance and Growth Management

Goal 7 Encourage land use patterns that locate land use activities in close proximity, reduce or shorten vehicle trips and encourage energy conservation through sustainable site planning, landscaping and construction practices.

POLICY 7.5 Advance resource efficiency in the built environment through the integration of energy-conserving features and innovative construction methods in new development, redevelopment and retrofits.

POLICY 7.6 Advance adaptive reuse when designing buildings and sites to respond to changing economic, environmental, and energy needs and conditions while remaining compatible with adjacent development and uses.

The proposed CFEC amendments are consistent with the 2040 Comprehensive Plan by implementing the mandated state regulations (collaboration with the DLCD). The CFEC amendments address energy and climate change challenges and provides opportunities by reducing or removing parking standards. The provisions provide options for green energy (solar panels or wind power) for reducing parking standards. The amendments also promote clean vehicle technology by requiring conduits for electric charging stations in multi-family, mixed-use, and private commercial developments. Furthermore, the mandated parking reform near transit corridor (within one-half mile of a transit corridor) and the Sherwood Town Center Area (within one-quarter mile of the town center) will not require parking encouraging energy conservation through reduced vehicle usage, promoting alternative transportation, and encouraging of energy-efficient urban design.

FINDING: Based on the above discussion, the proposed text amendments are consistent with the Sherwood 2040 Comprehensive Plan by reducing and/or eliminating parking regulations while promoting green technology.

Consistency with the City's Transportation System Plan

The proposed CFEC text amendments are not inconsistent with the City's Transportation System Plan. The proposal would not present any impacts to the existing City transportation system, the

Transportation System Plan, or how the City analyzes future transportation impacts. At the time of land use application submittal and review, transportation impacts are analyzed and addressed.

FINDING: The proposed text amendments are not inconsistent with the City's Transportation System Plan.

Consistency with other City Planning Documents

The proposed text amendments impact only the Title 3, Title 5, and Title 16 of the Municipal Code and do not impact any other City Planning documents. Therefore, the proposed text amendments are consistent with other City Planning documents.

FINDING: As noted above, the proposed text amendments is consistent with other City Planning documents since amendments are only to Title 3, Title 5, and Title 16.

Consistency with Oregon Statewide Planning Goals

Goal 1: Citizen Involvement

It is the purpose of this Goal to develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Response: There have been several public engagement activities that allowed citizen involvement. In-Person Public Open House, two in-person Open Houses last February that showcased the CFEC regulations. Both commercial and community members attended the open houses and provided input on the proposed CFEC amendments.

In addition to the above public engagement efforts, the Planning Commission, acting as the Advisory Committee for this project, have been working diligently on the implementation of the CFEC regulations. Since August 8, 2023, there has been three Planning Commission work sessions on CFEC regulations with opportunity for public involvement. Furthermore, Sherwood City Council held one work session briefing on CFEC regulations also with the opportunity for public involvement.

The City of Sherwood's legislative amendment and hearing process provides numerous opportunities for citizens to be involved in all phases of the planning process. The amendments have been developed with the opportunity for public involvement and have been noticed in accordance with Sherwood Zoning and Community Development Code Chapter 16.72, Procedures for Processing Development Permits.

FINDING: The Public Open Houses, Planning Commission and City Council's work sessions on the proposed amendments and the City's development code legislative process ensure the opportunity for public engagement.

Goal 2: Land Use Planning

It is the purpose of this Goal to establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate

factual base for such decisions and actions.

Response: The development of the proposed amendments has followed the City's established land use planning process and included public meetings, public outreach through information on the city's website, and opportunities for public comment. As stated above, the proposed CFEC amendments help meet state goals to reduce climate pollution, especially from transportation by reducing or eliminating parking standards. The state requires the local jurisdiction to implement CFEC regulations.

FINDING: As discussed above, the proposed text amendments are consistent with Goal 2 and addresses climate friendly regulations as required by the state.

Goal 3: Agricultural Lands

The purpose of this Goal is to identify farmland, designate it as such on the comprehensive plan map, and zone it exclusive farm use (EFU).

FINDING: This statewide land use goal is not applicable to the City of Sherwood.

Goal 4: Forest Lands

This Goal requires counties to identify forest land, designate it as such on the comprehensive plan map, and zone it consistently with state rules.

FINDING: This statewide land use goal is not applicable to the City of Sherwood.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

It is the purpose of this Goal to protect natural resources and conserve scenic and historic areas and open spaces.

FINDING: The proposed text amendments are not applicable to goals and policies in the City's Comprehensive Plan pertaining to the protection of natural resources and conservation of scenic and historic areas and open spaces.

Goal 6: Air, Water and Land Resources Quality

This Goal instructs local governments to consider the protection of air, water, and land resources from pollution and pollutants when developing comprehensive plans.

FINDING: The proposed text amendments are not applicable to goals and policies in the City's Comprehensive Plan pertaining to the protection of air, water, and land resources from pollution and pollutants.

Goal 7: Natural Hazards:

This Goal requires local comprehensive plans to address Oregon's natural hazards.

FINDING: The proposed text amendments are not applicable to identified natural hazards within the Sherwood community.

Goal 8: Recreational Needs

It is the purpose of this Goal to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities.

FINDING: The proposed text amendments are not applicable to recreational needs within the Sherwood community. The City has an adopted Parks and Recreation Master Plan.

Goal 9: Economic Development

The purpose of Goal 9 planning is to make sure cities and counties have enough land available to realize economic growth and development opportunities.

FINDING: The proposed text amendments would allow redevelopment of underutilized parking lots and creating the opportunity for additional development that support a better balance of jobs to housing within the City. Therefore, the proposed amendments meet the intent of Goal 9, Economic Development.

Goal 10: Housing

The purpose of this Goal is to make sure that a community has adequate housing supply for the twenty-year planning period through a range of densities to choose from and serves people at a variety of income levels.

Response: The City has an approved 2019-2039 Housing Needs Analysis (HNA), Ordinance 2020-010, that meets the requirements of State Land Use Goal 10, Housing and its Administrative Rule 660-007.

The City's adopted HNA "demonstrates how the existing city zones provides for the needed housing types outline in ORS 197.303. The forecasted growth rate in the HNA 2019-2039 is 1.1% based on Metro's forecast. The HNA includes a Buildable Lands Inventory (BLI) for housing within Urban Growth Boundary. The BLI demonstrates that current land use designation provides an adequate short- and long-term land supply for housing development for meeting existing needs and 65% projected growth over the next 20-years. However, Sherwood has a deficit of land for 608 dwelling units."

The proposed text amendments will reduce and/or remove minimum off-street vehicle parking requirements throughout the city, which will make more housing developments physically and financially feasible. The amendments will also allow the development community to choose to provide less or no off-street parking (transit corridor), allowing for more flexibility of housing location, type, and density. The proposed amendments will not reduce the city's housing capacity of the Building Lands Inventory.

FINDING: The proposed amendments would not decrease the supply of needed housing within Sherwood. Furthermore, the proposed amendments will allow for flexibility with the development community by the reduction and/or elimination of off-street parking standards. Therefore, the proposed amendments meet the intent of Goal 10, Housing.

Goal 11: Public Facilities and Services

It is the purpose of this Goal to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

FINDING: The proposed amendments are consistent with the City’s Comprehensive Plan and, therefore, this goal.

Goal 12: Transportation

This Goal requires cities, counties, and the state to create a transportation system plan that considers all relevant modes of transportation: mass transit, air, water, rail, highway, bicycle and pedestrian.

FINDING: The City has an adopted Transportation System Plan (TSP), and the proposed amendments are applicable relative to parking regulations which are addressed later in this report under the Transportation Planning Rule (TPR). Based on the findings under the TPR, the proposed amendments are consistent with the TSP and therefore, this goal.

Goal 13: Energy

This Goal requires local governments to consider the effects of its comprehensive planning decision on energy consumption.

FINDING: The proposed amendments are consistent with the City’s Comprehensive Plan and, therefore, this goal.

Goal 14: Urbanization

The purpose of this goal is to ensure land inside a UGB, is considered urbanizable. A city must plan to include a twenty year supply of land for housing, employment, industry, open space and recreational needs. A UGB should also provide plans for transition from urban to rural land uses to avoid conflicts and encourage efficient use of the land to provide more livable, walkable, and densely built communities.

FINDING: The proposed amendments are consistent with the City’s Comprehensive Plan and, therefore, this goal.

The following State Land Use Goals are not applicable to this proposal:

Goal 15: Willamette River Greenway,

Goal 16: Estuarine Resources,

Goal 17: Coastal Shorelands,

Goal 18: Beaches and Dunes; and

Goal 19: Ocean Resources

Metro's Regional Framework Plan

The Functional Framework Plan Six Outcomes are statements adopted by the Metro Council that synthesize the 2040 Growth Concept and regional policies.

1. People live, work, and play in vibrant communities where their everyday needs are easily accessible.
2. Current and future residents benefit from the region's sustained economic competitiveness and prosperity.
3. People have safe and reliable transportation choices that enhance their quality of life.
4. The region is a leader in minimizing contributions to global warming.
5. Current and future generations enjoy clean air, clean water, and healthy ecosystems.
6. The benefits and burdens of growth and change are distributed equitably.

Response: The proposed amendments are consistent with the City's Comprehensive Plan; therefore, the amendment is consistent with the 2040 Growth Concept and regional policies.

SZCDC Review Criteria 16.80.030.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.**

The proposed amendments will not create a significant effect on the City's transportation system. Title 16 (SZCDC), Title 3 (Revenue and Finance), and Title 5 (Business Licenses and Regulations) are amended to address the CFEC parking regulations. The applicable Transportation Planning Rule OAR are addressed below.

Oregon Administrative Rules: Climate Friendly and Equitable Communities Rules

OAR 660-012-0405 Parking Regulation Improvements

- (1) **Cities and counties shall adopt land use regulations as provided in this section:**
 - (a) **Designated employee parking areas in new developments with more than 50 parking spaces shall provide preferential parking for carpools and vanpools;**
 - (b) **Property owners shall be allowed to redevelop any portion of existing off-street parking areas for bicycle-oriented and transit-oriented facilities, including bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, and similar facilities; and**
 - (c) **In applying subsections (a) and (b), land use regulations must allow property owners to go below existing mandated minimum parking supply, access for emergency vehicles must be retained, and adequate parking for truck loading should be considered.**
- (2) **Cities and counties shall adopt policies for on-street parking and land use regulations for off-street parking that allow and encourage the conversion of existing underused parking areas to other uses.**
- (3) **Cities and counties shall adopt policies and land use regulations that allow and facilitate shared parking.**

(4) Cities and counties shall adopt land use regulations for any new development that includes more than one-half acre of new off-street surface parking on a lot or parcel as provided below. The new surface parking area shall be measured based on the perimeter of all new off-street parking spaces, maneuvering lanes, and maneuvering areas, including driveways and drive aisles.

- (a) Developments not required to comply with OAR 330-135-0010 must provide a climate mitigation action. Climate mitigation actions shall include at least one of the following. Cities and counties are not required to offer all these options:**
- (A) Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new off-street parking space. Panels may be located anywhere on the property. The change to this paragraph sets \$1,500 as a floor, allowing cities and counties to index it for inflation, and clarifies it just applies to off-street parking spaces.**
 - (B) Payment of at least \$1,500 per new off-street parking space into a city or county fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose;**
 - (C) Tree canopy covering at least 40 percent of the new parking lot area at maturity but no more than 15 years after planting; or**
 - (D) A mixture of actions under paragraphs (A) through (C) the city or county deems to meet the purpose of this section.**
- (b) Developments must provide tree canopy. Developments shall provide either trees along driveways or a minimum of 30 percent tree canopy coverage over new parking areas. Developments are not required to provide trees along drive aisles. The tree spacing and species planted must be designed to maintain a continuous canopy except when interrupted by driveways, drive aisles, and other site design considerations. Developments providing 40 percent tree canopy to comply with paragraph (a)(C) comply with this subsection.**
- (c) Developments must provide pedestrian connections throughout the parking lot, connecting at minimum the following, except where not practical due to site-specific conditions:**
- (A) building entrances;**
 - (B) existing or planned pedestrian facilities in the adjacent public rights-of-way;**
 - (C) transit stops; and**
 - (D) accessible parking spaces.**
- (d) Development of a tree canopy plan under this section shall be done in coordination with the local electric utility, including pre-design, design, building and maintenance phases.**
- (e) In providing trees under subsections (a) and (b), the following standards shall be met. Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. Trees should be planted in continuous trenches where possible. The city or county shall have minimum standards for tree planting no lower than the 2021 American National Standards Institute A300 standards.**

(5) Cities and counties shall establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments.

Identified below are proposed amendments to Title 16 (SZCDC) that meets the requirements of OAR 660-012-0405 Parking Regulation Improvements:

- Preferential placement of carpool/vanpool parking

- Allow redevelopment of any portion of a parking lot for bike or transit uses
- Allow and encourage redevelopment of underutilized parking for other uses
- Allow and facilitate shared parking
- New parking lots more than ½ acre in size must install 40% tree canopy or solar panels, solar/wind fee-in lieu or green energy
- Adopt parking maximums in locations such as downtowns, regional or community center, and transit-oriented development

FINDING: As noted above and attached as Exhibit A and B, the proposed amendments in Title 16 (SZCDC) meet the requirements of OAR 660-012-0405 Parking Regulation Improvements. These standards are met.

OAR 660-012-0410 Electric Vehicle Charging

- (1) This rule applies to cities within a metropolitan area.
- (2) Cities shall ensure new development supports electric vehicle charging pursuant to amendments to the state building code adopted pursuant to ORS 455.417.
- (3) As authorized in ORS 455.417(4), for new multifamily residential buildings with five or more residential dwelling units, and new mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units, cities shall require the provision of electrical service capacity, as defined in ORS 455.417, to serve 40 percent of all vehicle parking spaces.

FINDING: The proposed amendments in Title 16 (SZCDC) Section 16.90.020.D.6 require electric vehicle charging infrastructure with new all-development or mixed-use buildings with five or more units to provide sufficient electrical service capacity as defined in ORS 455.417 to accommodate no less than 40 percent of vehicle parking spaces serving residential uses on site. Furthermore, ORS 455.417 requires private non-commercial development to provide sufficient electrical service capacity of at least 20 percent of vehicle parking spaces.

The proposed text amendments comply with OAR 660-12-0410 and ORS 455.417. This standard is met.

OAR 660-012-0425 Reducing the Burden of Parking Mandates

- (1) This rule applies to cities and counties that:
 - (a) Are within a metropolitan area; and
 - (b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.
- (2) Cities and counties shall adopt and enforce land use regulations as provided in this section:
 - (a) Garages and carports may not be required for residential developments;
 - (b) Garage parking spaces shall count towards off-street parking mandates;
 - (c) Provision of shared parking shall be allowed to meet parking mandates;
 - (d) Required parking spaces may be provided off-site, within 2,000 feet pedestrian travel of a site. If any non-loading parking is provided on site, all required parking for people with disabilities shall be on site. If all parking is off-site, parking for people with disabilities must be located within the shortest possible distance of an accessible entrance via an accessible path and no greater than 200 feet from that entrance;

- (e) Parking mandates shall be reduced by one off-street parking space for each three kilowatts of capacity in solar panels or wind power that will be provided in a development;
- (f) Parking mandates shall be reduced by one off-street parking space for each dedicated car-sharing parking space in a development. Dedicated car-sharing parking spaces shall count as spaces for parking mandates;
- (g) Parking mandates shall be reduced by two off-street parking spaces for every electric vehicle charging station provided in a development. Parking spaces that include electric vehicle charging while an automobile is parked shall count towards parking mandates; and
- (h) Parking mandates shall be reduced by one off-street parking space for every two units in a development above minimum requirements that are fully accessible to people with mobility disabilities.

(3) Any reductions under section (2) shall be cumulative and not capped.

Identified below are proposed amendments to Title 16 (SZCDC) that meets the requirements of OAR 660-012-0425 Reducing the Burden of Parking Mandates:

- Garages and carports may not be required for residential developments
- Garage parking spaces shall count towards off-street parking
- Provision of shared parking shall be allowed to meet parking
- Required parking maybe provided off-site, within 2,000 feet pedestrian travel of a site
- Reduce parking mandates if providing solar panels or wind power capacity, car-sharing parking space, EV parking spaces, units that are fully accessible to people with mobility disabilities.

FINDING: As noted above and attached as Exhibit A and B, the proposed amendments in Title 16 (SZCDC) meet the requirements of OAR 660-012-0425 Reducing the Burden of Parking Mandates. These standards are met.

OAR 660-012-0430 Reduction of Parking Mandates for Development Types

(1) This rule applies to cities and counties that:

- (a) Are within a metropolitan area; and
- (b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.

(2) Cities and counties may not require more than one parking space per unit in residential developments with more than one dwelling unit on a single legally-established property.

(3) Cities and counties may not enforce parking mandates for the following development or use types:

- (a) Facilities and homes designed to serve people with psychosocial, physical, intellectual or developmental disabilities, including but not limited to a: residential care facility, residential training facility, residential treatment facility, residential training home, residential treatment home, and conversion facility as defined in ORS 443.400;
- (b) Child care facility as defined in ORS 329A.250;
- (c) Single-room occupancy housing;
- (d) Residential units smaller than 750 square feet;
- (e) Affordable housing as defined in OAR 660-039-0010;

- (f) Publicly supported housing as defined in ORS 456.250;**
- (g) Emergency and transitional shelters for people experiencing homelessness; and**
- (h) Domestic violence shelters.**

Identified below are proposed amendments to Title 16 (SZCDC) that meets the requirements of OAR 660-012-0430 Reduction of Parking Mandates for Development Types:

- Require no more than one parking space per unit in residential developments
- No parking requirements for residential care/training/treatment facilities
- No parking requirements for childcare, single-room occupancy housing, residential units smaller than 750 square feet, affordable housing, publicly supported housing, emergency and transitional shelters, and domestic violence shelters.

FINDING: As noted above and attached in Exhibit A and B, the proposed amendments in Title 16 (SZCDC) meet the requirements of OAR 660-012-0430 Reduction of Parking Mandates for Development Types. These standards are met.

OAR 660-012-0435 Parking Reform in Climate Friendly Areas

(1) This rule applies to cities and counties that:

- (a) Are within a metropolitan area; and**
- (b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.**

(2) Cities and counties shall adopt land use regulations addressing parking mandates in climate-friendly areas as provided in OAR 660-012-0310. Cities and counties in Metro shall adopt land use regulations addressing parking mandates in Metro Region 2040 centers. In each such area, cities and counties shall either:

(a) Remove all parking mandates within the area and on parcels in its jurisdiction that include land within one-quarter mile distance of those areas; or

(b) Manage parking by:

- (A) Adopting a parking benefit district with paid on-street parking and some revenues dedicated to public improvements in the area;**
- (B) Adopting land use regulations requiring no more than one-half off-street parking space per dwelling unit in the area that is not a townhouse or rowhouse; and**
- (C) Adopting land use regulations without parking mandates for commercial developments.**

FINDING: The Metro Regional 2040 center for Sherwood is the Sherwood Town Center Area. Parking mandates within the area and on parcels within one-quarter mile distance of the area has been removed. The impacted properties are reflected in the proposed Map titled "City of Sherwood – CFEC Parking Delineated Area". Therefore, this standard is met.

OAR 660-012-0440 Parking Reform Near Transit Corridors

(1) This rule applies to cities and counties that:

- (a) Are within a metropolitan area; and**

(b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.

- (2) Cities and counties may not enforce parking mandates for developments on a lot or parcel that includes lands within three-quarters mile of rail transit stops.
- (3) Cities and counties may not enforce parking mandates for developments on a lot or parcel that includes lands within one-half mile of frequent transit corridors, including:
 - (a) Priority transit corridors designated under OAR 660-012-0710;
 - (b) Corridors with transit service arriving with a scheduled frequency of at least four times an hour during peak service; and
 - (c) If a community has no corridor qualifying under subsection (b), corridors with the most frequent transit service in the community if the scheduled frequency is at least once per hour during peak service.
- (4) Cities and counties may use either walking distance or straight-line distance in measuring distances in this rule.
- (5) In determining the extent of lands subject to subsection (3)(b) or (c), a city or county shall either:
 - (a) Evaluate current service frequencies on the date a land use application is submitted, provided the application remains valid for review pursuant to ORS 215.427 or ORS 227.178, or
 - (b) Adopt a map designating these lands based on service frequency on the date development codes implementing this rule are adopted. The city or county must update the map at least once per year from the date of adoption if services frequencies change and additional lands become subject to subsection (3)(b) or (c). The city or county must use subsection (5)(a) if additional lands are subject to subsections (3)(b) or (c) and the adopted map is more than one year old.

FINDING: The City of Sherwood does not have any rail transit stops. However, Tri-Met Line 94 is defined as a frequent service route under OAR 660-012-0440(3)(c). No parking is required for lots or parcels within one-half mile of this transit corridor. The city is utilizing walking distance in measuring distance in this rule. The impacted properties are reflected in the proposed Map titled "City of Sherwood – CFEC Parking Delineated Area". Therefore, this standard is met.

OAR 660-012-0445 Parking Management Alternative Approaches

- (1) In lieu of adopting land use regulations without parking mandates under OAR 660-012-0420, cities and counties shall select and implement either a fair parking policy approach as provided in subsection (a) or a reduced regulation parking management approach as provided in subsection (b).
 - (a) A fair parking policy approach shall include at least two of the following five provisions, including at least one provision from paragraphs (A) through (C):
 - (A) A requirement that parking spaces for each residential unit in multi-unit housing developments be unbundled parking upon lease creation, lease renewal, or sale. Cities and counties may exempt townhouse and rowhouse development from this requirement;

- (B) A requirement that parking spaces serving leased commercial developments be unbundled parking upon lease creation or renewal;
- (C) A requirement for employers of 50 or more employees who provide free or subsidized parking to their employees at the workplace provide a flexible commute benefit of \$50 per month or the fair market value of that parking, whichever is greater, to those employees eligible for that free or subsidized parking who regularly commute via other modes instead of using that parking;
- (D) A tax on the revenue from commercial parking lots collecting no less than 10 percent of income, with revenues dedicated to improving transportation alternatives to drive-alone travel; and
- (E) A reduction of parking mandates for new multi-unit housing development to no higher than one-half spaces per unit, including visitor parking.

FINDINGS: The City has chosen to utilize the provisions of OAR 660-012-0445(1)(a)(B) adopting Fair Parking Policies through unbundling parking spaces serving leased commercial developments and OAR 660-012-0445(1)(a)(D), a new 10% tax on the revenue from new commercial parking lots within the City of Sherwood jurisdictional boundary.

To implement OAR 660-012-0445(1)(a)(B) - unbundling parking spaces serving leased commercial developments, staff proposed amendments to Title 5 – Business Licenses and Regulations by creating Chapter 5.36 Unbundled Parking for Commercial Leases. Off-street parking accessory to rented or leased commercial use spaces will not be required in any new rental or lease agreement. However, if parking is desired by the tenant, the fee for parking shall be listed as a separate line item within the lease or shall be subject to a separate rental or lease agreement. The minimum unbundled parking rate is no less than \$50 per space per month. Sherwood is a suburban community with no true parking space rate comparable.

Proposed amendments to Title 3 – Revenue and Finance, creates Chapter 3.40 Commercial Parking Lot Local Tax to implement OAR 660-012-0445(1)(a)(D). The proposed amendments create a new 10% tax on the revenue from new commercial parking lots within the City of Sherwood jurisdictional boundary. Currently, the city does not have a commercial parking lot, but once constructed the 10% tax revenue will be enforced.

Based on the above, these standards are met.

OVERALL FINDING: As discussed above, the proposed amendments are consistent with the Transportation Planning Rule and, therefore meet the City’s Transportation Systems Plan.

V. RECOMMENDATION

As proposed, the draft amendments to the Title 3 (Revenue and Finance), Title 5 (Business Licenses and Regulations), and Title 16 (Zoning and Community Development Code,) supports and meets the intent of City’s Comprehensive Plan, and all applicable state and regional criteria.

PLANNING COMMISSION ALTERNATIVES

1. Approve the findings in this staff report and recommend approval to City Council.
2. Modify the findings and approve the staff report as modified in compliance with all applicable criteria and recommend approval to City Council.
3. Modify the findings and deny the proposed amendments based on the Commission's findings, and recommend denial of the proposal to City Council; or
4. Continue the Public Hearing to a date certain if more information is needed.

STAFF RECOMMENDATION

Based on the above findings and applicable code criteria, staff recommends that the Planning Commission forward a recommendation of approval of the proposed text amendments to Title 3, Title 5, and Title 16 of the Municipal Code, Case File LU 2024-001 PA, to the Sherwood City Council.

VI. EXHIBITS

- A. Proposed Code Amendments (Track Changes and Commentary)
- B. Proposed Code Amendments (Clean Version)
- C. Testimony from Phyllis Nasta dated March 20, 2024
- D. DLDC Comments of April 2, 2024
- E. Tri-Met Comments of April 25, 2024

Title 16

ZONING AND COMMUNITY DEVELOPMENT CODE

Proposed Amendments

This document presents proposed code amendments. Underlined formatting indicates added text, while strikethrough formatting shows what text is deleted.

BLUE UNDERLINED = NEW TEXT TO BE ADOPTED

~~BLUE STRIKETHROUGH~~ = TEXT TO BE DELETED

The proposed amendments are organized by code chapter. Only those sections of the code that are proposed to be amended are included in the document.

Commentary

A discussion of the purpose of the proposed amendments and the direction provided to date from City staff and the Planning Commission have been added to this draft of amendments.

Furthermore, Department of Land Conservation and Development (DLCD) requested additional and clarifying CFEC amendments as of April 2, 2024. DLCD requested amendments have been incorporated.

Chapter 16.90 SITE PLANNING Commentary

Multi-family developments are reviewed through the Site Plan Review process under Chapter 16.90.

OAR 660-012-0410 New Electric Vehicle Charging regulations - New multi-family and multi-use development applications require 40% of spaces to have conduit (pipes) to serve electric vehicle charging. Furthermore, OAR 660-012-0410(2) requires 20% Electric Vehicle service capacity for Non-Residential Development under private ownership.

The Commercial Design Review Matrix provides points based on design criteria. One set of criteria relates to parking and loading areas, specifically number of parking spaces. Per OAR 660-12-0440 (parking reform near transit corridors) no parking mandates are allowed within $\frac{1}{2}$ mile of a qualified "frequent service" route under OAR 660-12-0440. Tri-Met's Line 94 qualifies as a frequent transit service. Footnote 7 on the Design Review Matrix was amended to add provisions for Climate Friendly and Equitable Communities frequent transit corridor.

Chapter 16.90 SITE PLANNING

16.90.020 Site Plan Review

A. Site Plan Review Required

Site Plan review is required prior to any substantial change to a site or use that is not subject to Residential Design Checklist or Residential Design Review, does not meet the criteria of a minor or major modification per 16.90.030, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use. Exemptions noted below.

Site Plan Review is required for the following development:

1. Multi-dwelling
2. Commercial
3. Industrial
4. Mixed-use

For the purposes of Section 16.90.020, the terms "substantial change" and "substantial alteration" mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

1. The activity alters the exterior appearance of a structure, building or property and is not considered a modification.
2. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial and is not considered a modification.
3. The activity involves non-conforming uses as defined in Chapter 16.48.
4. The activity constitutes a change in a City approved plan, per Section 16.90.020 and is not considered a modification.
5. The activity is subject to site plan review by other requirements of this Code.
6. The activity increases the size of the building by more than 100% (i.e. the building more than doubles in size), regardless of whether it would be considered a major or minor modification.

B. Exemption to Site Plan Requirement

1. Single Family detached and middle housing developments are exempt from Site Plan Review but are required to complete either a Residential Design Checklist or Residential Design Review per Chapter 16.89, unless otherwise noted.
2. Manufactured homes located on individual residential lots per Section 16.46.010, and including manufactured home parks.

C. Reserved

D. Required Findings

No site plan approval will be granted unless each of the following is found:

1. The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.

2. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.
3. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.
4. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.
5. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant must provide adequate information, such as a traffic impact analysis (TIA) or traffic counts, to demonstrate the level of impact to the surrounding transportation system. The developer is required to mitigate for impacts attributable to the project, pursuant to TIA requirements in Section 16.106.080 and rough proportionality requirements in Section 16.106.090. The determination of impact or effect and the scope of the impact study must be coordinated with the provider of the affected transportation facility.

6. Electric Vehicle Conduits

- a. For proposed multi-family residential or mixed-use developments - proposed multi-family residential buildings with five or more residential dwelling units and proposed mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units, shall provide sufficient electrical service capacity, as defined in ORS 455.417, to accommodate no less than 40 percent of all vehicle parking spaces. Dwelling units in townhouses are not included for purposes of determining the applicability of this regulation.
 - b. For proposed Non-Residential Development under private ownership – Each building for a proposed non-residential development, under private ownership, shall provide electrical service capacity at no less than 20 percent of the vehicle parking spaces in the garage or parking area for the building. Fractional numbers derived from a calculation of the vehicle parking spaces must be rounded up to the nearest whole number.
7. The proposed commercial, Multi-Family dwelling, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards include the following:
- a. Primary, front entrances are located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.
 - b. Buildings are located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
 - c. The architecture of buildings are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding are prohibited. Street facing elevations have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.
 - d. Multi-family development requires a minimum of 15 percent of the area of the primary building elevation adjacent to a public right-of-way to include windows and entrance doors, and for the

side building elevation, adjacent to a public right-of-way or public accessway, a minimum of 10 percent glazing of area is required.

- e. As an alternative to the standards in Section 16.90.020.D.6.a—d, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.a—d. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.

COMMERCIAL DESIGN REVIEW MATRIX

Design Criteria	Possible Points				
	0	1	2	3	4
Parking and Loading Areas (13 Total Points Possible; Minimum 7 Points Required)					
Location of Parking	Greater than 50 percent of required parking is located between any building and a public street	25—50 percent of required parking is located between any building and a public street	Less than 25 percent of required parking is located between any building and a public street	No parking is located between any building and a public street	—
Loading Areas	Visible from public street and not screened	Visible from public street and screened	Not visible from public street	—	—
Vegetation	At least one "landscaped" island every 13—15 parking spaces in a row	At least one "landscaped" island every 10—12 parking spaces in a row	At least one "landscaped" island every 8—9 parking spaces in a row	At least one "landscaped" island every 6—7 parking spaces in a row	—
Number of Parking Spaces ⁷	>120%	101—120%	100%	<100% (i.e. joint use or multiple reduction) (1 bonus)	—
Parking Surface	Impervious	Some pervious paving (10—25%)	Partially pervious paving (26—50%)	Mostly pervious paving (>50%)	—

Landscaping (24 Total Point Possible, Minimum 14 Points Required)

⁷Percent of minimum required. For development projects in the Climate Friendly and Equitable Communities frequent transit corridor, no parking is required therefore points are based on the percentage of stalls provided relative to the underlying parking standards.

Chapter 16.94 OFF-STREET PARKING AND LOADING Commentary

OAR 660-012-0430 reduced mandates for specific developments. City cannot mandate more than one (1) space per unit for residential developments with more than one (1) unit (e.g. multi-family units). There are also no parking requirements for small units, affordable units, childcare, facilities for people with disabilities, and shelters. Currently, the Community Development Code (CDC) does not require parking for the following uses: Boarding House, Day Care, and Nursing homes. Staff would consider these types of uses similar to specialized facilities and shelters. Furthermore, the CDC does not require parking for Accessory Dwelling Units; City's smallest housing units.

OAR 660-12-0440 (parking reform near transit corridors) no parking mandates allowed $\frac{1}{2}$ mile of a qualified "frequent service" route under OAR 660-12-0440. Tri-Met's Line 94 qualifies as a frequent transit service. Impacted properties are reflected on the map that will be adopted as part of the proposed amendments.

OAR 660-0435 (Climate Friendly Areas) no parking mandates within the Sherwood Town Center area and on parcels within one-quarter mile distance of the Sherwood Town Center. Impacted properties are reflected on the map that will be adopted as part of the proposed amendments.

OAR 660-012-0405 Parking Regulation Improvements

- Preferential placement of carpool/vanpool parking
- Allow redevelopment of any portion of a parking lot for bike or transit uses
- Allow and encourage redevelopment of underutilized parking for other uses
- Allow and facilitate shared parking
- New parking lots more than $\frac{1}{2}$ acre in size must install 40% tree canopy or solar panels, solar/wind fee-in lieu or green energy
- Adopt parking maximums in locations such as downtowns, regional or community center, and transit-oriented development

OAR 660-012-0425 Reducing the Burden of Parking Mandates

- Garages and carports may not be required for residential developments
- Garage parking spaces shall count towards off-street parking mandates
- Provision of shared parking shall be allowed to meet parking mandates
- Required parking maybe provided off-site, within 2,000 feet pedestrian travel of a site
- Reduce parking mandates if providing solar panels or wind power capacity, car-sharing parking space, EV parking spaces, units that are fully accessible to people with mobility disabilities.

OAR 660-012-0445 (1)(a)(B) Fair Pricing - Unbundled Parking

- Require unbundled parking for parking spaces serving leased commercial development.

Chapter 16.94 - OFF-STREET PARKING AND LOADING

16.94.010 General Requirements

A. Off-Street Parking Required

No site shall be used for the parking of vehicles until plans are approved providing for off-street parking and loading space as required by this Code. Any change in uses or structures that reduces the current off-street parking and loading spaces provided on site, or that increases the need for off-street parking or loading requirements shall be unlawful and a violation of this Code, unless additional off-street parking or loading areas are provided in accordance with Section 16.94.020, or unless a variance from the minimum or maximum parking standards is approved in accordance with Chapter 16.84 Variances.

B. Deferral of Improvements

Off-street parking and loading spaces shall be completed prior to the issuance of occupancy permits, unless the City determines that weather conditions, lack of available surfacing materials, or other circumstances beyond the control of the applicant make completion impossible. In such circumstances, security equal to one hundred twenty five (125) percent of the cost of the parking and loading area is provided the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the parking or loading area is not completed within one (1) year, the security may be used by the City to complete the installation.

C. Options for Reducing the Required Parking Spaces

1. Two (2) or more uses or, structures on multiple parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap, provided that satisfactory evidence is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use.
 - a. Within residential, commercial, institutional and public, or industrial zones, shared parking may be provided on lots that are within two thousand (2,000) five hundred (500) feet of the property line of the use to be served.
 - b. Shared parking is allowed if the application can show that the combined peak use is available by a parking study that demonstrates:
 - (1) There is a sufficient number of parking spaces to accommodate the requirements of the individual businesses; or
 - (2) That the peak hours of operation of such establishments do not overlap, and
 - (3) That an exclusive permanent easement over a delineated area has been granted for parking space use.
2. Mixed use projects are developments where a variety of uses occupies a development project or complex. For example, an eating establishment, professional office building and movie theater are all components of a mixed use site. It does not include a secondary use within a primary use such as an administrative office associated with a retail establishment. In mixed-use projects, the required minimum vehicle parking shall be determined using the following formula:
 - a. Primary use: i.e. that with the largest proportion of total floor area within the development at one hundred (100) percent of the minimum vehicle parking required for that use.
 - b. Secondary Use: i.e. that with the second largest percentage of total floor area within the development, at ninety (90) percent of the vehicle parking required for that use.
 - c. Subsequent use or uses, at eighty (80) percent of the vehicle parking required for that use.

3. Parking reduction is allowed with development that provides solar panels or wind power capacity, car-sharing parking spaces, electric-vehicle parking spaces, and housing units that are fully accessible to people with mobility disabilities as defined in Section 16.94.020.B(6).

D. Prohibited Uses

Required parking, loading and maneuvering areas shall not be used for long-term storage or sale of vehicles or other materials, and shall not be rented, leased or assigned to any person or organization not using or occupying the building or use served.

E. Location

1. Residential off-street parking spaces:

~~a. Shall be located on the same lot or development as the residential use.~~

a. Garages and carports are not required for residential developments.

b. If garages and carports are proposed, the garage and carport parking space(s) shall count as off-street parking.

c. Residential off-street parking spaces can be shared per Section 16.94.010.C.1.a.

d. If all proposed parking is off-site, off-site parking for people with disabilities must be located within the shortest possible distance of an accessible entrance via an accessible path and no greater than 200 feet from that entrance.

~~b. Shall not include garages or enclosed buildings with the exception of a parking structure in Multi-Family dwelling developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).~~

2. For other non-residential uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within ~~five hundred (500)~~ 2,000 feet of the use. The distance from the parking, area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.

3. Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to the side or rear of buildings where feasible.

a. ~~All~~ Any new development with ~~forty (40)~~ more than fifty (50) employees ~~or more~~ shall include preferential spaces for carpool/vanpool designation. Carpool and vanpool parking spaces shall be located closer to the main employee entrance than all other parking spaces with the exception of ADA parking spaces. Carpool/vanpool spaces shall be clearly marked as reserved for carpool/vanpool only.

b. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.

c. In applying subsections a and b above, access for emergency vehicles must be retained and adequate parking for truck loading should be considered.

4. Any new development that includes more than one-half acre of new off-street surface parking on a lot or parcel shall provide one of the provisions below. The new surface parking area shall be measured based on the perimeter of all new off-street spaces, maneuvering lanes, and maneuvering areas, including driveways and drive aisles.
 - a. Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new parking space. Panels may be located anywhere on the property. In lieu of installing solar panels on site, the developer may pay \$1,500 per new parking space in the development into a city fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose; or
 - b. Actions to comply with Green Energy Technology per OAR 330-135-0010; or
 - c. Tree canopy covering at least 40 percent of the new parking lot area at maturity but no more than 15 years after planting.
5. Any new development that includes more than one-half acre of new surface parking on a lot or parcel shall provide either trees along driveways or a minimum of 30 percent tree canopy coverage over parking areas. Developments are not required to provide trees along drive aisles. The tree spacing and species planted must be designed to maintain a continuous canopy, except when interrupted by driveways, drive aisles, and other site design considerations; and
6. Provisions under subsections 4 and 5 above, the following shall apply:
 - a. Development of a tree canopy plan shall be done in coordination with the local electric utility, including pre-design, design, building, and maintenance phases.
 - b. Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. Trees should be planted in continuous trenches where possible. The minimum standards for planting and tree care no lower than the current American National Standards Institute A300 standards.
7. Conversion and redevelopment of underutilized parking areas for other uses is allowed.

The City may allow the development of underused parking areas for uses permitted in the applicable zone. Underutilized shall mean any portion of the parking area that remains mostly vacant throughout most of the year (excluding special events or peak periods). A study shall accompany any request for site plan review Land Use applications. The study shall demonstrate, to the satisfaction of the City, that the elimination of the existing parking will have no detrimental effects, that cannot be mitigated by the applicant, on the property or surrounding properties. This includes, but is not limited to, the possibility that the elimination of parking areas may shift the need for parking onto neighboring properties or cause any other negative impacts to surrounding properties.
8. Any new development that includes more than one-half acre of new off-street surface parking on a lot or parcel shall meet pedestrian walkway standards per Section 16.96.020 or 16.96.030.

F. Marking

All parking, loading or maneuvering areas shall be clearly marked and painted. All interior drives and access aisles shall be clearly marked and signed to show the direction of flow and maintain vehicular and pedestrian safety.

G. Surface and Drainage

1. All parking and loading areas shall be improved with a permanent hard surface such as asphalt, concrete or a durable pervious surface. Use of pervious paving material is encouraged and preferred where appropriate considering soils, location, anticipated vehicle usage and other pertinent factors.
2. Parking and loading areas shall include storm water drainage facilities approved by the City Engineer or Building Official.

H. Repairs

Parking and loading areas shall be kept clean and in good repair. Breaks in paved surfaces shall be repaired. Broken or splintered wheel stops shall be replaced. Painted parking space boundaries and directional symbols shall be maintained in a readable condition.

I. Parking and Loading Plan

An off-street parking and loading plan, drawn to scale, shall accompany requests for building permits or site plan approvals. A parking and loading plan is not required for all residential housing types, except for Multi-family, on residential lots in a recorded subdivision. The plan shall show but not be limited to:

1. Delineation of individual parking and loading spaces and dimensions.
2. Circulation areas necessary to serve parking and loading spaces.
3. Location of accesses to streets, alleys and properties to be served, and any curb cuts.
4. Landscaping as required by Chapter 16.92.
5. Grading and drainage facilities.
6. Signing and bumper guard specifications.
7. Bicycle parking facilities as specified in Section 16.94.020.C.
8. Parking lots more than one (1) acre in size shall provide street-like features including curbs, sidewalks, and street trees or planting strips.

J. Parking Districts

The City may establish a parking district (i.e., permits or signage) in residential areas in order to protect residential areas from spillover parking generated by adjacent commercial, employment or mixed-use areas, or other uses that generate a high demand for parking. The district request shall be made to the City Manager, who will forward a recommendation to the City Council for a decision.

- K. Structured parking and on-street parking are exempt from the parking space maximums in Section 16.94.020.A.

L. Commercial Uses

Parking spaces for rented or leased commercial uses shall be unbundled per Title 5.36.

(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2000-2001, § 3; Ord. 2000-2001, § 3; Ord. 86-851, § 3)

16.94.020 Off-Street Parking Standards

A. Generally

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off - street parking and loading

requirements for a use not specifically listed in this Section based upon the requirements of comparable uses. [Per OAR 660-012-0440 Parking Reform Near Transit Corridors no off-street parking is required for developments on a lot or parcel that includes lands within one-half \(1/2\) mile of a frequent transit corridor. Per OAR 660-012-0435 Climate Friendly Areas, no off-street parking is required within the Sherwood Town Center and one-quarter mile of the area \(see CFEC Parking Delineated Area Map\).](#)

Table 1: ~~Minimum and Maximum~~ Parking Standards for lots or parcels not within the CFEC Parking Delineated Area

(Metro spaces are based on 1 per 1,000 sq ft of gross leasable area; ADU standards are per OAR Division 46

	Minimum Parking Standard	Maximum Permitted Parking Zone A ¹	Maximum Permitted Parking Zone B ²
Accessory Dwelling Unit	None	None	None
Single-Family detached and manufactured home on lot ³	1 per dwelling unit	None	None
Duplex	1 space per dwelling unit (total of 2 per duplex)	None	None
Triplex			
• Lot area less than 3,000 SF	1 space total	None	None
• Lot area equal to or greater than 3,000 SF and less than 5,000 SF	2 spaces total	None	None
• Lot area equal to or greater than 5,000 SF	3 spaces total	None	None
Quadplex			
• Lot area less than 3,000 SF	1 space total	None	None
• Lot area equal to or greater than 3,000 SF and less than 5,000 SF	2 spaces total	None	None
• Lot area equal to or greater than 5,000 SF and less than 7,000 SF	3 spaces total	None	None
• Lot area equal to or greater than 7,000 SF	4 spaces total	None	None
Townhome	1 space per unit	None	None
Cottage Cluster	1 space per unit	None	None
Multi-Family dwelling ⁴	1 per unit under 500-sf 1.25 per 1 bdr 1.5 per 2 bdr 1.75 per 3 bdr	None	None
Hotel or motel	1 per room	None	None
Boarding house	None	None	None
General retail or personal service	4.1 (244 sf)	5.1	6.2
Vehicle sales, nursery	4.1	5.1	6.2
Furniture/appliance store	4.1	5.1	6.2
Tennis racquetball court	1.0	1.3	1.5

Golf course	None	None	None
Sports club/recreation facility	4.3 (233 sf)	5.4	6.5
General office	2.7 (370 sf)	3.4	4.1
Bank with drive-thru	4.3 (233 sf)	5.4	6.5
Eating or drinking establishment	15.3 (65 sf)	19.1	23.0
Fast food drive-thru	9.9 (101 sf)	12.4	14.9
Movie theater	0.3 per seat	0.4	0.5
Day care-Child Care Facility as defined in ORS 329A.250	None	None	None
Elementary and junior high	None	None	None
High school and college	0.2 per student + teacher	0.3	0.3
Places of worship	0.5 per seat	0.6	0.8
Nursing home	None	None	None
Library	None	None	None
Single-room occupancy housing	None	None	None
Residential units smaller than 750 square feet	None	None	None
Affordable Units as defined in OAR 660-039-0010	None	None	None
Facilities for people with disabilities as defined in ORS 443.400	None	None	None
Public supported housing as defined in ORS 456.250	None	None	None
Domestic Violence, Emergency and Transitional Shelters	None	None	None
Industrial	1.6	None	None
Warehouse (gross square feet; parking ratios apply to warehouses 150,000 gsf or greater)	0.3	0.4	0.5

¹ Parking Zone A reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone A areas include those parcels that are located within one-quarter (¼) mile walking distance of bus transit stops, one-half (½) mile walking distance of light rail station platforms, or both, or that have a greater than twenty-minute peak hour transit service.

² Parking Zone B reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone B areas include those parcels that are located at a distance greater than one-quarter (¼) mile walking distance of bus transit stops, one-half (½) mile walking distance of light rail station platforms, or both.

³ If the street on which the house has direct access does not permit on-street parking or is less than twenty-eight (28) feet wide, two (2) off-street parking spaces are required per single-family-detached dwelling (includes a

manufactured home on an individual lot) if the abutting street is twenty-eight (28) feet or wider, one (1) standard (9 ft. x 20 ft.) parking space is required.

⁴ Visitor parking in residential developments: Multi-Family dwelling units with more than ten (10) required parking spaces shall provide an additional fifteen (15) percent of the required number of parking spaces for the use of guests of the residents of the development. The spaces shall be centrally located or distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.

B. Dimensional and General Configuration Standards

1. Dimensions For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five (25) percent of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.
2. Layout

Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicle turning and maneuvering. Groups of more than four (4) parking spaces shall be served by a driveway so as to minimize backing movements or other maneuvering within a street, other than an alley. All parking areas shall meet the minimum standards shown in the following table and diagram.

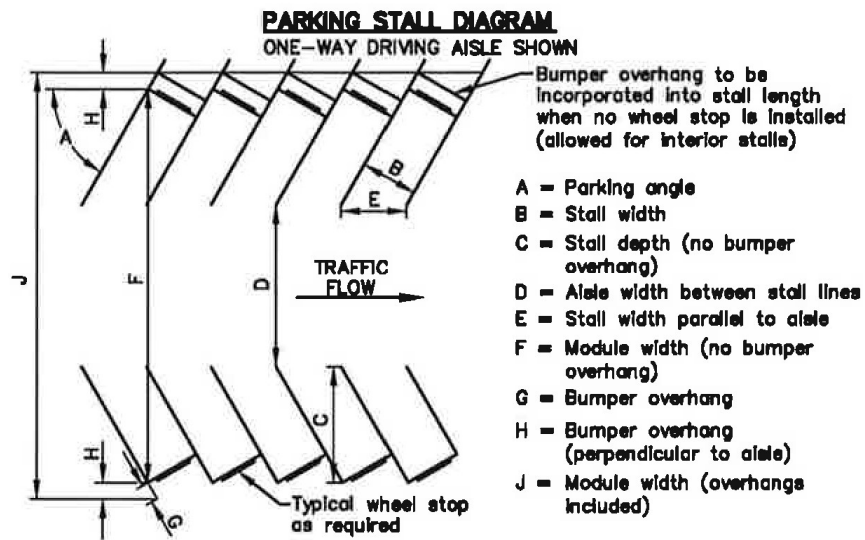


Table 2: Minimum Parking Dimension Requirements

One-Way Driving Aisle (Dimensions in Feet)

A	B	C	D	E	F	G	H	J
45°	8.0	16.5	13.0	11.3	46.0	3.0	2.5	51.0
	9.0	18.5	12.0	12.7	49.0	3.0	2.5	54.0
60°	8.0	17.0	18.0	9.2	52.0	3.0	2.5	57.0
	9.0	19.5	16.0	10.4	55.0	3.0	2.5	60.0
75°	8.0	16.5	26.0	8.3	59.0	3.0	3.0	65.0
	9.0	19.0	23.0	9.3	61.0	3.0	3.0	67.0
90°	8.0	18.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	20.0	24.0	9.0	58.0	3.0	3.0	64.0

Table 3: Two-Way Driving Aisle
(Dimensions in Feet)

A	B	C	D	E	F	G	H	J
45°	8.0	16.5	24.0	11.3	57.0	3.0	2.5	62.0
	9.0	18.5	24.0	12.7	61.0	3.0	2.5	66.0
60°	8.0	17.0	24.0	9.2	58.0	3.0	2.5	63.0
	9.0	19.5	24.0	10.4	63.0	3.0	2.5	68.0
75°	8.0	16.5	26.0	8.3	59.0	3.0	3.0	65.0
	9.0	19.0	24.0	9.3	62.0	3.0	3.0	68.0
90°	8.0	18.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	20.0	24.0	9.0	58.0	3.0	3.0	64.0

3. Wheel Stops

- a. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high, located three (3) feet back from the front of the parking stall as shown in the above diagram.
- b. Wheel stops adjacent to landscaping, bio-swales or water quality facilities shall be designed to allow storm water runoff.
- c. The paved portion of the parking stall length may be reduced by three (3) feet if replaced with three (3) feet of low lying landscape or hardscape in lieu of a wheel stop; however, a curb is still required. In other words, the traditional three-foot vehicle overhang from a wheel stop may be low-lying landscaping rather than an impervious surface.

4. Service Drives

Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers, and shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points fifteen (15) feet from their intersection.

5. Credit for On-Street Parking

- a. On-Street Parking Credit. Except for residential uses, the amount of off-street parking required shall be reduced by one (1) off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards.
- b. The following constitutes an on-street parking space:
 - (1) Parallel parking, each twenty-four (24) feet of uninterrupted curb;
 - (2) Forty-five (45)/sixty (60) degree diagonal, each with ten (10) feet of curb;
 - (3) Ninety (90) degree (perpendicular) parking, each with eight (8) feet of curb;
 - (4) Curb space must be connected to the lot which contains the use;
 - (5) Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and;
 - (6) On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

6. Reduction in Required Parking Spaces

- a. Developments utilizing Engineered storm water bio-swales or those adjacent to environmentally constrained or sensitive areas may reduce the amount of required parking spaces by ten (10) percent when twenty-five (25) through forty-nine (49) parking spaces are required, fifteen (15) percent when fifty (50) and seventy-four (74) parking spaces are required and twenty (20) percent when more than seventy-five (75) parking spaces are required, provided the area that would have been used for parking is maintained as a habitat area or is generally adjacent to an environmentally sensitive or constrained area.
- b. Solar Panels or Wind Power - developments utilizing solar panels or wind power may reduce the amount of required parking spaces by one (1) parking space when three kilowatts of capacity in solar panels or wind power is proposed to be provided in a development.
- c. Car-Sharing – developments utilizing car-sharing parking may reduce the amount of required parking spaces by one (1) off-street parking space for each dedicated car-sharing parking space in a development. Dedicated car-sharing parking spaces shall count as spaces for parking mandates.
- d. Electric Vehicle Charging Station – developments that provide electric vehicle charging station may reduce the amount of required parking spaces by two (2) off-street parking spaces for every electric vehicle charging station provided in a development. Parking spaces that include electric vehicle charging while an automobile is parked shall count towards parking mandates.
- e. Fully Accessible Parking – developments utilizing this provision may reduce one (1) off-street parking space for every two units in a development above minimum requirements that are fully accessible to people with mobility disabilities.
- f. Any reductions under Section 16.94.020.B.6 (a-e) above, shall be cumulative and not capped.

7. Parking Location and Shared Parking

Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable.

C. Bicycle Parking Facilities

1. General Provisions

- a. **Applicability.** Bicycle parking spaces shall be provided for new development, changes of use, and major renovations, defined as construction valued at twenty-five (25) percent or more of the assessed value of the existing structure.
- b. **Types of Spaces.** Bicycle parking facilities shall be provided in terms of short-term bicycle parking and long-term bicycle parking. Short-term bicycle parking is intended to encourage customers and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Long-term bicycle parking provides employees, students, residents, commuters, and others who generally stay at a site for at least several hours a weather-protected place to park bicycles.
- c. **Minimum Number of Spaces.** The required total minimum number of bicycle parking spaces for each use category is shown in Table 4, Minimum Required Bicycle Parking Spaces.
- d. **Minimum Number of Long-term Spaces.** If a development is required to provide eight (8) or more required bicycle parking spaces in Table 4, at least twenty-five (25) percent shall be provided as long-term bicycle with a minimum of one (1) long-term bicycle parking space.
- e. **Multiple Uses.** When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.

2. Location and Design.

a. General Provisions

- (1) Each space must be at least two (2) feet by six (6) feet in area, be accessible without moving another bicycle, and provide enough space between the rack and any obstructions to use the space properly.
- (2) There must be an aisle at least five (5) feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.
- (3) Lighting. Bicycle parking shall be at least as well lit as vehicle parking for security.
- (4) Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- (5) Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" or staple design is appropriate. Alternative, creative designs are strongly encouraged.
- (6) Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

b. Short-term Bicycle Parking

- (1) Provide lockers or racks that meet the standards of this section.
- (2) Locate inside or outside the building within thirty (30) feet of the main entrance to the building or at least as close as the nearest vehicle parking space, whichever is closer.

c. Long-term Bicycle Parking

- (1) Provide racks, storage rooms, or lockers in areas that are secure or monitored (e.g., visible to employees or customers or monitored by security guards).
- (2) Locate the outside bicycle parking spaces within one hundred (100) feet of the entrance that will be accessed by the intended users.
- (3) All of the spaces shall be covered.

d. Covered Parking (Weather Protection)

- (1) When required, covered bicycle parking shall be provided in one (1) of the following ways: inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.
- (2) Where required covered bicycle parking is not within a building or locker, the cover must be permanent and designed to protect the bicycle from rainfall and provide seven-foot minimum overhead clearance.
- (3) Where required bicycle parking is provided in lockers, the lockers shall be securely anchored.

Table 4: Minimum Required Bicycle Parking Spaces

Use Categories	Minimum Required Spaces
Residential Categories	
Household living	Multi-dwelling — 2 or 1 per 10 auto spaces. All other residential structure types — None
Group living	1 per 20 auto spaces
Commercial Categories	

Retail sales/service office	2 or 1 per 20 auto spaces, whichever is greater
Drive-up vehicle servicing	None
Vehicle repair	None
Commercial parking facilities, commercial, outdoor recreation, major event entertainment	4 or 1 per 20 auto spaces, whichever is greater
Self-service storage	None
Industrial Categories	
Industrial	2 or 1 per 40 spaces, whichever is greater
Public and Institutional Categories	
Park and ride facilities	2 or 1 per 20 auto spaces
Community service essential service providers parks and open areas	2 or 1 per 20 auto spaces, whichever is greater
Schools	High schools — 4 per classroom
	Middle schools — 2 per classroom
	Grade schools — 2 per 4th & 5th grade classroom
Colleges, medical centers, religious institutions, daycare uses	2 or 1 per 20 auto spaces whichever is greater

(Ord. No. 2022-004 , § 2, 6-13-2022; Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2018-007, § 2, 10-2-2018; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2005-009 § 8; Ord. 2000-2001 § 3; Ord. 86-851 § 3)

16.94.030 Off-Street Loading Standards

A. Minimum Standards

1. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, or other public meeting place, which is designed to accommodate more than twenty five (25) persons at one time.
2. The minimum loading area for non-residential uses shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet.
3. Multiple uses on the same parcel or adjacent parcels may utilize the same loading area if it is shown in the development application that the uses will not have substantially overlapping delivery times.
4. The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:
 - a. Twenty thousand (20,000) to fifty (50,000) sq. ft. - five hundred (500) sq. ft.
 - b. Fifty (50,000) sq. ft. or more - seven hundred fifty (750) sq. ft.

B. Separation of Areas

Any area to be used for the maneuvering of delivery vehicles and the unloading or loading of materials shall be separated from designated off-street parking areas and designed to prevent the encroachment of delivery vehicles onto off-street parking areas or public streets. Off-street parking areas used to fulfill the requirements of this Chapter shall not be used for loading and unloading operations.

C. Exceptions and Adjustments.

The review authority, through Site Plan Review, may approve loading areas within a street right-of-way in the Old Town Overlay District when all of the following conditions are met:

1. Short in duration (i.e., less than one (1) hour);

2. Infrequent (less than three (3) operations occur daily between 5:00 a.m. and 12:00 a.m. or all operations occur between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);
3. Does not unreasonably obstruct traffic; [or] Does not obstruct traffic during peak traffic hours;
4. Does not obstruct a primary emergency response route; and
5. Is acceptable to the applicable roadway authority.

(Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2009-005, § 2, 6-2-2009; Ord. 86-851, § 3)

Chapter 16.140 - PARKS, TREES, AND OPEN SPACES Commentary

OAR 660-012-0405 Parking Regulation Improvements

- Development standards for new surface parking lots more than $\frac{1}{2}$ acre in size

Chapter 16.140 - PARKS, TREES AND OPEN SPACES

16.140.010 Purpose

This Chapter is intended to assure the provision of a system of public and private recreation and open space areas and facilities consistent with this Code and applicable portions of the City's adopted Comprehensive Plan. The standards of this section do not supersede the open space requirements of a Planned Unit Development, found in Chapter 16.40 - Planned Unit Development (PUD).

(Ord. No. 2023-002 , § 2, 3-7-2023; Ord. No. 2011-009, § 2, 7-19-2011; Ord. 2006-021; 91-922, § 3)

16.140.070 Trees on Property Subject to Certain Land Use Applications

A. Generally

The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of trees and woodlands within the City. This Section is intended to help protect the scenic beauty of the City; to retain a livable environment through the beneficial effect of trees on air pollution, heat and glare, sound, water quality, and surface water and erosion control; to encourage the retention and planting of tree species native to the Willamette Valley and Western Oregon; to provide an attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time.

D. Retention requirements

1. Trees may be considered for removal to accommodate the development including buildings, parking, walkways, grading etc., provided the development satisfies of D.2 or D.3, below.
2. Required Tree Canopy - All Residential Developments subject to Type II—IV land use review.

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of canopy for each tree. The expected mature canopy is counted for each tree regardless of an overlap of multiple tree canopies.

The canopy requirement can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist or other qualified professional shall provide the estimated tree canopy of the proposed trees to the planning department for review.

3. Required Tree Canopy - Non-Residential and Multi-Family Dwelling Developments

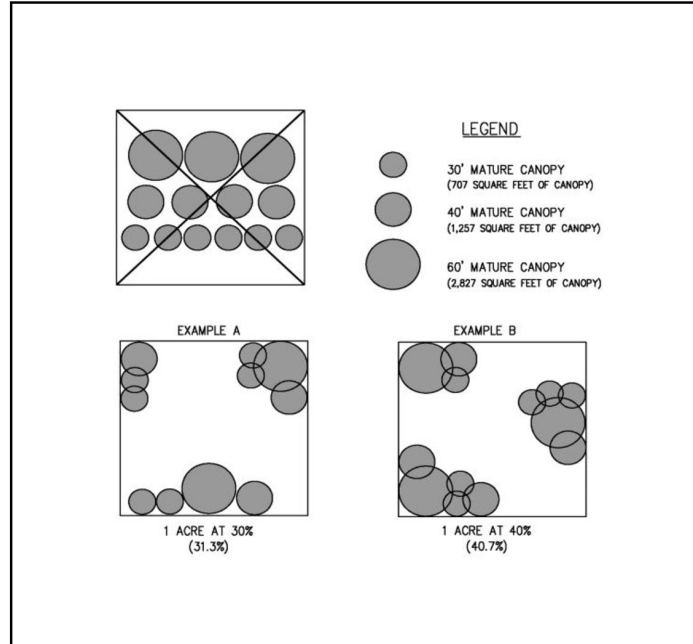
a. Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.

b. The canopy requirement can be achieved by retaining existing trees or planting new trees. Required landscaping trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the required canopy cover. A certified arborist or other qualified professional shall provide an

estimated tree canopy for all proposed trees to the planning department for review as a part of the land use review process.

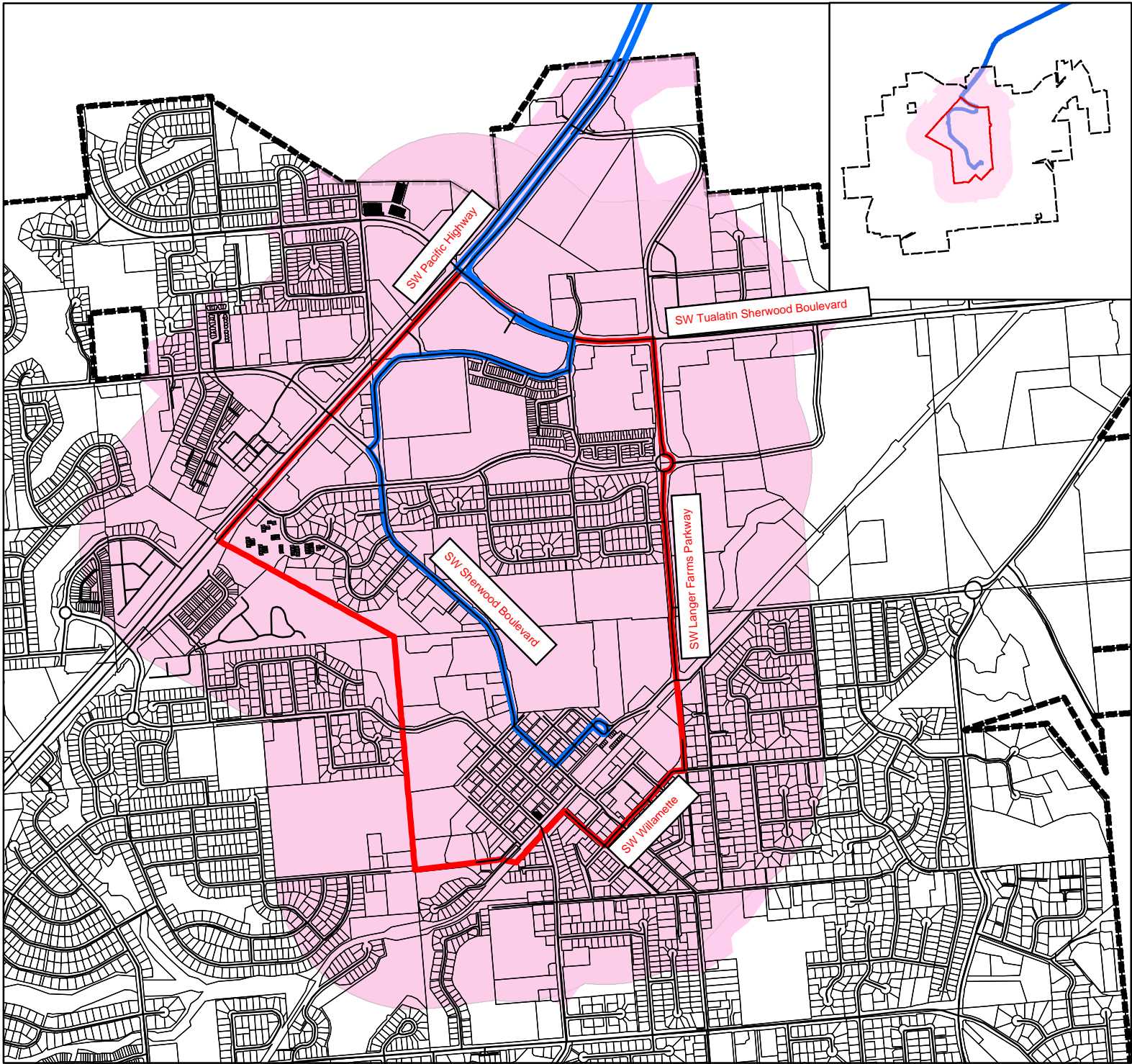
c. Development standards for new surface parking lots more than half (½) acre in size, see Section 16.94 Parking and Loading.

	Residential (single family detached and middle housing developments) subject to Residential Design Checklist or Type I review	Residential (single family detached and middle housing developments) subject to Type II—IV review	Old Town & Infill developments	Commercial, Industrial, Institutional Public and Multi-Family dwelling
Canopy Requirement	N/A	40%	N/A	30%
Counted Toward the Canopy Requirement				
Street trees included in canopy requirement	N/A	Yes	N/A	No
Landscaping requirements included in canopy requirement	N/A	N/A	N/A	Yes
Existing trees onsite	N/A	Yes x2	N/A	Yes x2
Planting new trees onsite	N/A	Yes	N/A	Yes
<p>Mature Canopy in Square Feet Equation πr^2 or $(3.14159 * \text{radius}^2)$ (This is the calculation to measure the square footage of a circle.</p> <p>The Mature Canopy is given in diameter. In gardening and horticulture reference books, therefore to get the radius you must divide the diameter in half.</p>				
<p>Canopy Calculation Example: Pin Oak Mature canopy = 35' $(3.14159 * 17.5^2) = 962$ square feet</p>				








City of Sherwood CFEC Parking Delineated Area

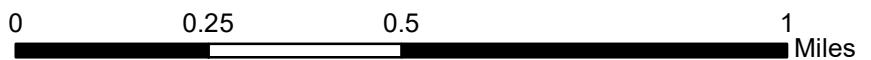
Exhibit A



Per Oregon Administrative Rules: 660-012-0440 & 660-012-0435

Legend

-  CFEC Parking Mandates
-  Sherwood Taxlots
-  Sherwood City Limits
-  Sherwood Town Center Plan Area
-  TriMet Route (Line 94)



N



Proposed Amendments to Title 3 – REVENUE AND FINANCE, new Chapter 3.40 COMMERCIAL PARKING LOT LOCAL TAX to implement the Climate Friendly & Equitable Communities statutes.

Title 3 – REVENUE AND FINANCE
Chapter 3.40 COMMERCIAL PARKING LOT LOCAL TAX

Chapter 3.40 COMMERCIAL PARKING LOT LOCAL TAX

3.40.010 Purpose

- A. The purpose of this chapter is to impose a tax on commercial parking lots in the City of Sherwood.
- B. The commercial parking lot tax imposed by this chapter follows OAR 660-012-0445(1)(a)(D).

3.40.020 Definitions.

The definitions contained in Chapter 3.40 of the Sherwood Municipal Code shall be fully applicable to this chapter except as may be expressly stated to the contrary herein. The following additional definitions shall apply throughout this chapter:

- A. "Commercial parking business" means the ownership, lease, operation, or management of a commercial parking lot in which fees are charged for the act or privilege of parking motor vehicles.
- B. "Commercial parking lot" means a standalone, covered, or uncovered area used for the purpose of parking motor vehicles for a fee. Parking associated with a retail or personal service use in the same development.
- C. "Parking tax" means the commercial parking tax imposed by this chapter.
- D. "City Manager" means the City Manager of the City of Sherwood, or his or her designee.

3.40.030 Parking tax imposed

- A. Pursuant to OAR 660-012-0445(1)(a)(D), there is imposed on every person a tax for the act or privilege of parking a motor vehicle in a commercial parking lot within the City that is operated by a commercial parking business. The privilege of parking includes the right to park, whether or not the right is exercised.
- B. The amount of the parking tax shall be equal to the parking fee multiplied by the parking tax rate. Effective July 1, 2024, the parking tax rate is imposed at ten percent (0.10).

3.40.040 Measure of Tax: Parking Fee.

- A. The measure of the parking tax is the parking fee. Parking fee means the fee paid or due for the act or privilege of parking a motor vehicle in a commercial parking lot.

- B. It shall be conclusively presumed that the posted parking prices do not include the parking tax unless all the following conditions are met:
1. The fee is advertised as including the tax or that the commercial parking business is paying the tax;
 2. The words "tax included" are stated immediately following the advertised or posted prices in print size at least half as large as the advertised or posted prices print size; and
 3. All advertised or posted parking prices and the words "tax included" are stated in the same medium, whether oral or visual, and if oral, in substantially the same inflection and volume. If these conditions are satisfied, then price lists, reader boards, and other price information mediums need not show separately the parking fee and the actual amount of commercial parking tax being collected.

3.40.050 Exemptions from the Parking Tax.

The following are exempt from the parking tax:

- A. General retail and commercial service parking lots associated with a development that has received land use approval.
- B. Mini-warehousing or self-storage

3.40.060 Collection and Remittance Of Tax.

A commercial parking business or person acting on its behalf shall collect the amount of the parking tax from the person paying the parking fee at the time payment is made. The parking tax shall be stated separately from the parking fee on all instruments evidencing the parking fee. The presumption is not overcome by any oral or written agreement between the parties.

The person receiving payment of the parking fee shall remit the parking tax to the City Manager quarterly (April 15th, July 15th, October 15th, and January 15th). The parking tax shall be deemed held in trust by the person required to collect the same until remitted to the City Manager. Any person who fails to collect the parking tax, or who collects the parking tax but fails to remit the parking tax to the City Manager, shall be liable to the City for the amount of such tax. The commercial parking business or person acting on its behalf who fails to remit the full amount of the tax imposed and due by this chapter prior to delinquency shall pay a late payment penalty of ten percent of the amount of the portion of the tax that is unpaid as of the delinquency date, which penalty is owed in addition to the amount of the tax due.

Such person shall, unless the remittance is made as required in this section, be guilty of a violation of this chapter whether such failure be the result of the person's own act or the result of acts or conditions beyond its control.

3.40.070 Use Of Revenues.

The proceeds of the tax imposed herein shall be used for transportation alternatives to drive-alone travel including active transportation options in accordance with OAR 660-012-0445(1)(a)(D). To the extent permitted by applicable law the City may issue bonds, notes, or other evidence of indebtedness payable wholly or in part from the parking tax and may pledge and may apply such tax to the payment of principal of, interest on, and premium (if any) on such bonds, notes, or other evidence of indebtedness and to the payment of costs associated with them.

3.40.080 Receipts To Transportation Fund.

All receipts from the parking tax shall be placed in and segregated within the Transportation Fund. These receipts may be temporarily deposited or invested in such manner as may be lawful for the investment of City money and interest and other earnings shall be deposited in the Transportation Fund.

Proposed Amendments to Title 5 - BUSINESS LICENSES AND REGULATIONS, new Chapter 5.36 UNBUNDLED PARKING FOR COMMERCIAL LEASES to implement the Climate Friendly & Equitable Communities statutes.

Title 5 – BUSINESS LICENSES AND REGULATIONS
Chapter 5.36 UNBUNDLED PARKING FOR COMMERCIAL LEASES

Chapter 5.36 UNBUNDLED PARKING FOR COMMERCIAL LEASES

5.36.010 Parking for rented or leased commercial uses.

A. Parking for commercial uses

1. Unless commercial uses are listed as exempt in subsection 5.36.010.A.2, off-street parking accessory to rented or leased commercial use spaces shall not be required in any new rental or lease agreement. If parking is desired by the tenant, the fee for parking shall be listed as a separate line item within the lease or shall be subject to a separate rental or lease agreement.

2. Exempt uses include:

- a. Hotel and motels**
- b. Motor vehicle sales and services**
- c. Truck and bus yards**
- d. Mini-warehousing or self/auto storage**
- e. Vehicle fueling stations or car wash facilities**

3. Market Rates for Comparable Local Off-Street Parking - the minimum unbundled parking rates shall be no less than \$50 per space per month.

Title 16

ZONING AND COMMUNITY DEVELOPMENT CODE

The proposed amendments are organized by code chapter. Only those sections of the code that are proposed to be amended are included in the document.

Chapter 16.90 SITE PLANNING

16.90.020 Site Plan Review

A. Site Plan Review Required

Site Plan review is required prior to any substantial change to a site or use that is not subject to Residential Design Checklist or Residential Design Review, does not meet the criteria of a minor or major modification per 16.90.030, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use. Exemptions noted below.

Site Plan Review is required for the following development:

1. Multi-dwelling
2. Commercial
3. Industrial
4. Mixed-use

For the purposes of Section 16.90.020, the terms "substantial change" and "substantial alteration" mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

1. The activity alters the exterior appearance of a structure, building or property and is not considered a modification.
2. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial and is not considered a modification.
3. The activity involves non-conforming uses as defined in Chapter 16.48.
4. The activity constitutes a change in a City approved plan, per Section 16.90.020 and is not considered a modification.
5. The activity is subject to site plan review by other requirements of this Code.
6. The activity increases the size of the building by more than 100% (i.e. the building more than doubles in size), regardless of whether it would be considered a major or minor modification.

B. Exemption to Site Plan Requirement

1. Single Family detached and middle housing developments are exempt from Site Plan Review but are required to complete either a Residential Design Checklist or Residential Design Review per Chapter 16.89, unless otherwise noted.
2. Manufactured homes located on individual residential lots per Section 16.46.010, and including manufactured home parks.

C. Reserved

D. Required Findings

No site plan approval will be granted unless each of the following is found:

1. The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.

2. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.
3. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.
4. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.
5. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant must provide adequate information, such as a traffic impact analysis (TIA) or traffic counts, to demonstrate the level of impact to the surrounding transportation system. The developer is required to mitigate for impacts attributable to the project, pursuant to TIA requirements in Section 16.106.080 and rough proportionality requirements in Section 16.106.090. The determination of impact or effect and the scope of the impact study must be coordinated with the provider of the affected transportation facility.
6. Electric Vehicle Conduits
 - a. For proposed multi-family residential or mixed-use developments - proposed multi-family residential buildings with five or more residential dwelling units and proposed mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units, shall provide sufficient electrical service capacity, as defined in ORS 455.417, to accommodate no less than 40 percent of all vehicle parking spaces. Dwelling units in townhouses are not included for purposes of determining the applicability of this regulation.
 - b. For proposed Non-Residential Development under private ownership – Each building for a proposed non-residential development, under private ownership, shall provide electrical service capacity at no less than 20 percent of the vehicle parking spaces in the garage or parking area for the building. Fractional numbers derived from a calculation of the vehicle parking spaces must be rounded up to the nearest whole number.
7. The proposed commercial, Multi-Family dwelling, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards include the following:
 - a. Primary, front entrances are located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.
 - b. Buildings are located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
 - c. The architecture of buildings are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding are prohibited. Street facing elevations have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.
 - d. Multi-family development requires a minimum of 15 percent of the area of the primary building elevation adjacent to a public right-of-way to include windows and entrance doors, and for the

side building elevation, adjacent to a public right-of-way or public accessway, a minimum of 10 percent glazing of area is required.

- e. As an alternative to the standards in Section 16.90.020.D.6.a—d, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.a—d. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.

COMMERCIAL DESIGN REVIEW MATRIX

Design Criteria	Possible Points				
	0	1	2	3	4
Parking and Loading Areas (13 Total Points Possible; Minimum 7 Points Required)					
Location of Parking	Greater than 50 percent of required parking is located between any building and a public street	25—50 percent of required parking is located between any building and a public street	Less than 25 percent of required parking is located between any building and a public street	No parking is located between any building and a public street	—
Loading Areas	Visible from public street and not screened	Visible from public street and screened	Not visible from public street	—	—
Vegetation	At least one "landscaped" island every 13—15 parking spaces in a row	At least one "landscaped" island every 10—12 parking spaces in a row	At least one "landscaped" island every 8—9 parking spaces in a row	At least one "landscaped" island every 6—7 parking spaces in a row	—
Number of Parking Spaces ⁷	>120%	101—120%	100%	<100% (i.e. joint use or multiple reduction) (1 bonus)	—
Parking Surface	Impervious	Some pervious paving (10—25%)	Partially pervious paving (26—50%)	Mostly pervious paving (>50%)	—

Landscaping (24 Total Point Possible, Minimum 14 Points Required)

⁷Percent of minimum required. For development projects in the Climate Friendly and Equitable Communities frequent transit corridor, no parking is required therefore points are based on the percentage of stalls provided relative to the underlying parking standards.

Chapter 16.94 - OFF-STREET PARKING AND LOADING

16.94.010 General Requirements

A. Off-Street Parking Required

No site shall be used for the parking of vehicles until plans are approved providing for off-street parking and loading space as required by this Code. Any change in uses or structures that reduces the current off-street parking and loading spaces provided on site, or that increases the need for off-street parking or loading requirements shall be unlawful and a violation of this Code, unless additional off-street parking or loading areas are provided in accordance with Section 16.94.020, or unless a variance from the minimum or maximum parking standards is approved in accordance with Chapter 16.84 Variances.

B. Deferral of Improvements

Off-street parking and loading spaces shall be completed prior to the issuance of occupancy permits, unless the City determines that weather conditions, lack of available surfacing materials, or other circumstances beyond the control of the applicant make completion impossible. In such circumstances, security equal to one hundred twenty five (125) percent of the cost of the parking and loading area is provided the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the parking or loading area is not completed within one (1) year, the security may be used by the City to complete the installation.

C. Options for Reducing the Required Parking Spaces

1. Two (2) or more uses or, structures on multiple parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap, provided that satisfactory evidence is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use.
 - a. Within residential, commercial, institutional and public, or industrial zones, shared parking may be provided on lots that are within two thousand (2,000) feet of the property line of the use to be served.
 - b. Shared parking is allowed if the application can show that the combined peak use is available by a parking study that demonstrates:
 - (1) There is a sufficient number of parking spaces to accommodate the requirements of the individual businesses; or
 - (2) That the peak hours of operation of such establishments do not overlap, and
 - (3) That an exclusive permanent easement over a delineated area has been granted for parking space use.
2. Mixed use projects are developments where a variety of uses occupies a development project or complex. For example, an eating establishment, professional office building and movie theater are all components of a mixed use site. It does not include a secondary use within a primary use such as an administrative office associated with a retail establishment. In mixed-use projects, the required minimum vehicle parking shall be determined using the following formula:
 - a. Primary use: i.e. that with the largest proportion of total floor area within the development at one hundred (100) percent of the minimum vehicle parking required for that use.
 - b. Secondary Use: i.e. that with the second largest percentage of total floor area within the development, at ninety (90) percent of the vehicle parking required for that use.
 - c. Subsequent use or uses, at eighty (80) percent of the vehicle parking required for that use.

3. Parking reduction is allowed with development that provides solar panels or wind power capacity, car-sharing parking spaces, electric-vehicle parking spaces, and housing units that are fully accessible to people with mobility disabilities as defined in Section 16.94.020.B(6).

D. Prohibited Uses

Required parking, loading and maneuvering areas shall not be used for long-term storage or sale of vehicles or other materials, and shall not be rented, leased or assigned to any person or organization not using or occupying the building or use served.

E. Location

1. Residential off-street parking spaces:
 - a. Garages and carports are not required for residential developments.
 - b. If garages and carports are proposed, the garage and carport parking space(s) shall count as off-street parking.
 - c. Residential off-street parking spaces can be shared per Section 16.94.010.C.1.a.
 - d. If all proposed parking is off-site, off-site parking for people with disabilities must be located within the shortest possible distance of an accessible entrance via an accessible path and no greater than 200 feet from that entrance.
2. For other non-residential uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within 2,000 feet of the use. The distance from the parking, area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.
3. Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to the side or rear of buildings where feasible.
 - a. Any new development with more than fifty (50) employees shall include preferential spaces for carpool/vanpool designation. Carpool and vanpool parking spaces shall be located closer to the main employee entrance than all other parking spaces with the exception of ADA parking spaces. Carpool/vanpool spaces shall be clearly marked as reserved for carpool/vanpool only.
 - b. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.
 - c. In applying subsections a and b above, access for emergency vehicles must be retained and adequate parking for truck loading should be considered.
4. Any new development that includes more than one-half acre of new off-street surface parking on a lot or parcel shall provide one of the provisions below. The new surface parking area shall be measured based on the perimeter of all new off-street spaces, maneuvering lanes, and maneuvering areas, including driveways and drive aisles.

- a. Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new parking space. Panels may be located anywhere on the property. In lieu of installing solar panels on site, the developer may pay \$1,500 per new parking space in the development into a city fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose; or
 - b. Actions to comply with Green Energy Technology per OAR 330-135-0010; or
 - c. Tree canopy covering at least 40 percent of the new parking lot area at maturity but no more than 15 years after planting.
5. Any new development that includes more than one-half acre of new surface parking on a lot or parcel shall provide either trees along driveways or a minimum of 30 percent tree canopy coverage over parking areas. Developments are not required to provide trees along drive aisles. The tree spacing and species planted must be designed to maintain a continuous canopy, except when interrupted by driveways, drive aisles, and other site design considerations; and
6. Provisions under subsections 4 and 5 above, the following shall apply:
- a. Development of a tree canopy plan shall be done in coordination with the local electric utility, including pre-design, design, building, and maintenance phases.
 - b. Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. Trees should be planted in continuous trenches where possible. The minimum standards for planting and tree care no lower than the current American National Standards Institute A300 standards.
7. Conversion and redevelopment of underutilized parking areas for other uses is allowed.
- The City may allow the development of underused parking areas for uses permitted in the applicable zone. Underutilized shall mean any portion of the parking area that remains mostly vacant throughout most of the year (excluding special events or peak periods). A study shall accompany any request for site plan review Land Use applications. The study shall demonstrate, to the satisfaction of the City, that the elimination of the existing parking will have no detrimental effects, that cannot be mitigated by the applicant, on the property or sounding properties. This includes, but is not limited to, the possibility that the elimination of parking areas may shift the need for parking onto neighboring properties or cause any other negative impacts to surrounding properties.
8. Any new development that includes more than one-half acre of new off-street surface parking on a lot or parcel shall meet pedestrian walkway standards per Section 16.96.020 or 16.96.030.

F. Marking

All parking, loading or maneuvering areas shall be clearly marked and painted. All interior drives and access aisles shall be clearly marked and signed to show the direction of flow and maintain vehicular and pedestrian safety.

G. Surface and Drainage

1. All parking and loading areas shall be improved with a permanent hard surface such as asphalt, concrete or a durable pervious surface. Use of pervious paving material is encouraged and preferred where appropriate considering soils, location, anticipated vehicle usage and other pertinent factors.
2. Parking and loading areas shall include storm water drainage facilities approved by the City Engineer or Building Official.

H. Repairs

Parking and loading areas shall be kept clean and in good repair. Breaks in paved surfaces shall be repaired. Broken or splintered wheel stops shall be replaced. Painted parking space boundaries and directional symbols shall be maintained in a readable condition.

I. Parking and Loading Plan

An off-street parking and loading plan, drawn to scale, shall accompany requests for building permits or site plan approvals. A parking and loading plan is not required for all residential housing types, except for Multi-family, on residential lots in a recorded subdivision. The plan shall show but not be limited to:

1. Delineation of individual parking and loading spaces and dimensions.
2. Circulation areas necessary to serve parking and loading spaces.
3. Location of accesses to streets, alleys and properties to be served, and any curb cuts.
4. Landscaping as required by Chapter 16.92.
5. Grading and drainage facilities.
6. Signing and bumper guard specifications.
7. Bicycle parking facilities as specified in Section 16.94.020.C.
8. Parking lots more than one (1) acre in size shall provide street-like features including curbs, sidewalks, and street trees or planting strips.

J. Parking Districts

The City may establish a parking district (i.e., permits or signage) in residential areas in order to protect residential areas from spillover parking generated by adjacent commercial, employment or mixed-use areas, or other uses that generate a high demand for parking. The district request shall be made to the City Manager, who will forward a recommendation to the City Council for a decision.

K. Structured parking and on-street parking are exempt from the parking space maximums in Section 16.94.020.A.

L. Commercial Uses

Parking spaces for rented or leased commercial uses shall be unbundled per Title 5.36.

(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2000-2001, § 3; Ord. 2000-2001, § 3; Ord. 86-851, § 3)

16.94.020 Off-Street Parking Standards

A. Generally

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off - street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses. Per OAR 660-012-0440 Parking Reform Near Transit Corridors no off-street parking is required for developments on a lot or parcel that includes lands within one-half (1/2) mile of a frequent transit corridor. Per OAR 660-012-0435 Climate Friendly Areas, no off-street parking is required within the Sherwood Town Center and one-quarter mile of the area (see CFEC Parking Delineated Area Map).

**Table 1: Parking Standards for lots or parcels not within the CFEC Parking Delineated Area
(Metro spaces are based on 1 per 1,000 sq ft of gross leasable area; ADU standards are per OAR Division 46)**

	Minimum Parking Standard	Maximum Permitted Parking Zone A ¹	Maximum Permitted Parking Zone B ²
Accessory Dwelling Unit	None	None	None
Single-Family detached and manufactured home on lot ³	1 per dwelling unit	None	None
Duplex	1 space per dwelling unit (total of 2 per duplex)	None	None
Triplex			
• Lot area less than 3,000 SF	1 space total	None	None
• Lot area equal to or greater than 3,000 SF and less than 5,000 SF	2 spaces total	None	None
• Lot area equal to or greater than 5,000 SF	3 spaces total	None	None
Quadplex			
• Lot area less than 3,000 SF	1 space total	None	None
• Lot area equal to or greater than 3,000 SF and less than 5,000 SF	2 spaces total	None	None
• Lot area equal to or greater than 5,000 SF and less than 7,000 SF	3 spaces total	None	None
• Lot area equal to or greater than 7,000 SF	4 spaces total	None	None
Townhome	1 space per unit	None	None
Cottage Cluster	1 space per unit	None	None
Multi-Family dwelling ⁴	1 per unit	None	None
Hotel or motel	1 per room	None	None
Boarding house	None	None	None
General retail or personal service	4.1 (244 sf)	5.1	6.2
Vehicle sales, nursery	4.1	5.1	6.2
Furniture/appliance store	4.1	5.1	6.2
Tennis racquetball court	1.0	1.3	1.5
Golf course	None	None	None
Sports club/recreation facility	4.3 (233 sf)	5.4	6.5
General office	2.7 (370 sf)	3.4	4.1
Bank with drive-thru	4.3 (233 sf)	5.4	6.5
Eating or drinking establishment	15.3 (65 sf)	19.1	23.0
Fast food drive-thru	9.9 (101 sf)	12.4	14.9
Movie theater	0.3 per seat	0.4	0.5
Child Care Facility as defined in ORS 329A.250	None	None	None

Elementary and junior high	None	None	None
High school and college	0.2 per student + teacher	0.3	0.3
Places of worship	0.5 per seat	0.6	0.8
Nursing home	None	None	None
Library	None	None	None
Single-room occupancy housing	None	None	None
Residential units smaller than 750 square feet	None	None	None
Affordable Units as defined in OAR 660-039-0010	None	None	None
Facilities for people with disabilities as defined in ORS 443.400	None	None	None
Public supported housing as defined in ORS 456.250	None	None	None
Domestic Violence, Emergency and Transitional Shelters	None	None	None
Industrial	1.6	None	None
Warehouse (gross square feet; parking ratios apply to warehouses 150,000 gsf or greater)	0.3	0.4	0.5

¹ Parking Zone A reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone A areas include those parcels that are located within one-quarter (¼) mile walking distance of bus transit stops, one-half (½) mile walking distance of light rail station platforms, or both, or that have a greater than twenty-minute peak hour transit service.

² Parking Zone B reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone B areas include those parcels that are located at a distance greater than one-quarter (¼) mile walking distance of bus transit stops, one-half (½) mile walking distance of light rail station platforms, or both.

³ If the street on which the house has direct access does not permit on-street parking or is less than twenty-eight (28) feet wide, two (2) off-street parking spaces are required per single-family-detached dwelling (includes a manufactured home on an individual lot) if the abutting street is twenty-eight (28) feet or wider, one (1) standard (9 ft. x 20 ft.) parking space is required.

⁴ Visitor parking in residential developments: Multi-Family dwelling units with more than ten (10) required parking spaces shall provide an additional fifteen (15) percent of the required number of parking spaces for the use of guests of the residents of the development. The spaces shall be centrally located or distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.

B. Dimensional and General Configuration Standards

1. Dimensions For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five (25) percent of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.

2. Layout

Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicle turning and maneuvering. Groups of more than four (4) parking spaces shall be served by a driveway so as to minimize backing movements or other maneuvering within a street, other than an alley. All parking areas shall meet the minimum standards shown in the following table and diagram.

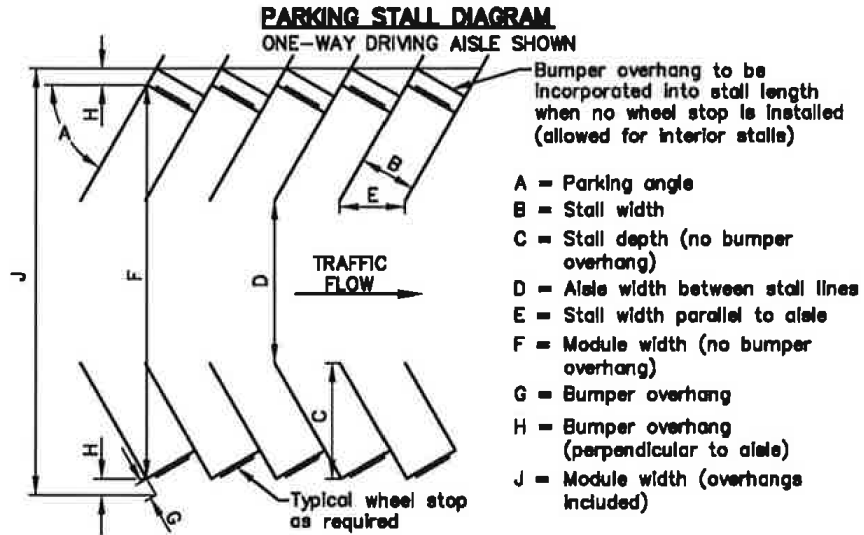


Table 2: Minimum Parking Dimension Requirements
One-Way Driving Aisle (Dimensions in Feet)

A	B	C	D	E	F	G	H	J
45°	8.0	16.5	13.0	11.3	46.0	3.0	2.5	51.0
	9.0	18.5	12.0	12.7	49.0	3.0	2.5	54.0
60°	8.0	17.0	18.0	9.2	52.0	3.0	2.5	57.0
	9.0	19.5	16.0	10.4	55.0	3.0	2.5	60.0
75°	8.0	16.5	26.0	8.3	59.0	3.0	3.0	65.0
	9.0	19.0	23.0	9.3	61.0	3.0	3.0	67.0
90°	8.0	18.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	20.0	24.0	9.0	58.0	3.0	3.0	64.0

Table 3: Two-Way Driving Aisle
(Dimensions in Feet)

A	B	C	D	E	F	G	H	J
45°	8.0	16.5	24.0	11.3	57.0	3.0	2.5	62.0
	9.0	18.5	24.0	12.7	61.0	3.0	2.5	66.0
60°	8.0	17.0	24.0	9.2	58.0	3.0	2.5	63.0
	9.0	19.5	24.0	10.4	63.0	3.0	2.5	68.0
75°	8.0	16.5	26.0	8.3	59.0	3.0	3.0	65.0
	9.0	19.0	24.0	9.3	62.0	3.0	3.0	68.0
90°	8.0	18.0	26.0	8.0	56.0	3.0	3.0	62.0
	9.0	20.0	24.0	9.0	58.0	3.0	3.0	64.0

3. Wheel Stops

- a. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high, located three (3) feet back from the front of the parking stall as shown in the above diagram.
- b. Wheel stops adjacent to landscaping, bio-swales or water quality facilities shall be designed to allow storm water runoff.
- c. The paved portion of the parking stall length may be reduced by three (3) feet if replaced with three (3) feet of low lying landscape or hardscape in lieu of a wheel stop; however, a curb is still required. In other words, the traditional three-foot vehicle overhang from a wheel stop may be low-lying landscaping rather than an impervious surface.

4. Service Drives

Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers, and shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points fifteen (15) feet from their intersection.

5. Credit for On-Street Parking

- a. On-Street Parking Credit. Except for residential uses, the amount of off-street parking required shall be reduced by one (1) off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards.
- b. The following constitutes an on-street parking space:
 - (1) Parallel parking, each twenty-four (24) feet of uninterrupted curb;
 - (2) Forty-five (45)/sixty (60) degree diagonal, each with ten (10) feet of curb;
 - (3) Ninety (90) degree (perpendicular) parking, each with eight (8) feet of curb;
 - (4) Curb space must be connected to the lot which contains the use;
 - (5) Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and;
 - (6) On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

6. Reduction in Required Parking Spaces

- a. Developments utilizing Engineered storm water bio-swales or those adjacent to environmentally constrained or sensitive areas may reduce the amount of required parking spaces by ten (10) percent when twenty-five (25) through forty-nine (49) parking spaces are required, fifteen (15) percent when fifty (50) and seventy-four (74) parking spaces are required and twenty (20) percent when more than seventy-five (75) parking spaces are required, provided the area that would have been used for parking is maintained as a habitat area or is generally adjacent to an environmentally sensitive or constrained area.
- b. Solar Panels or Wind Power - developments utilizing solar panels or wind power may reduce the amount of required parking spaces by one (1) parking space when three kilowatts of capacity in solar panels or wind power is proposed to be provided in a development.

- c. Car-Sharing – developments utilizing car-sharing parking may reduce the amount of required parking spaces by one (1) off-street parking space for each dedicated car-sharing parking space in a development. Dedicated car-sharing parking spaces shall count as spaces for parking mandates.
- d. Electric Vehicle Charging Station – developments that provide electric vehicle charging station may reduce the amount of required parking spaces by two (2) off-street parking spaces for every electric vehicle charging station provided in a development. Parking spaces that include electric vehicle charging while an automobile is parked shall count towards parking mandates.
- e. Fully Accessible Parking – developments utilizing this provision may reduce one (1) off-street parking space for every two units in a development above minimum requirements that are fully accessible to people with mobility disabilities.
- f. Any reductions under Section 16.94.020.B.6 (a-e) above, shall be cumulative and not capped.

7. Parking Location and Shared Parking

Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable.

C. Bicycle Parking Facilities

1. General Provisions

- a. Applicability. Bicycle parking spaces shall be provided for new development, changes of use, and major renovations, defined as construction valued at twenty-five (25) percent or more of the assessed value of the existing structure.
- b. Types of Spaces. Bicycle parking facilities shall be provided in terms of short-term bicycle parking and long-term bicycle parking. Short-term bicycle parking is intended to encourage customers and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Long-term bicycle parking provides employees, students, residents, commuters, and others who generally stay at a site for at least several hours a weather-protected place to park bicycles.
- c. Minimum Number of Spaces. The required total minimum number of bicycle parking spaces for each use category is shown in Table 4, Minimum Required Bicycle Parking Spaces.
- d. Minimum Number of Long-term Spaces. If a development is required to provide eight (8) or more required bicycle parking spaces in Table 4, at least twenty-five (25) percent shall be provided as long-term bicycle with a minimum of one (1) long-term bicycle parking space.
- e. Multiple Uses. When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.

2. Location and Design.

a. General Provisions

- (1) Each space must be at least two (2) feet by six (6) feet in area, be accessible without moving another bicycle, and provide enough space between the rack and any obstructions to use the space properly.
- (2) There must be an aisle at least five (5) feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way.
- (3) Lighting. Bicycle parking shall be at least as well lit as vehicle parking for security.

- (4) Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
 - (5) Bicycle parking in the Old Town Overlay District can be located on the sidewalk within the right-of-way. A standard inverted "U shaped" or staple design is appropriate. Alternative, creative designs are strongly encouraged.
 - (6) Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.
- b. Short-term Bicycle Parking
- (1) Provide lockers or racks that meet the standards of this section.
 - (2) Locate inside or outside the building within thirty (30) feet of the main entrance to the building or at least as close as the nearest vehicle parking space, whichever is closer.
- c. Long-term Bicycle Parking
- (1) Provide racks, storage rooms, or lockers in areas that are secure or monitored (e.g., visible to employees or customers or monitored by security guards).
 - (2) Locate the outside bicycle parking spaces within one hundred (100) feet of the entrance that will be accessed by the intended users.
 - (3) All of the spaces shall be covered.
- d. Covered Parking (Weather Protection)
- (1) When required, covered bicycle parking shall be provided in one (1) of the following ways: inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.
 - (2) Where required covered bicycle parking is not within a building or locker, the cover must be permanent and designed to protect the bicycle from rainfall and provide seven-foot minimum overhead clearance.
 - (3) Where required bicycle parking is provided in lockers, the lockers shall be securely anchored.

Table 4: Minimum Required Bicycle Parking Spaces

Use Categories	Minimum Required Spaces
Residential Categories	
Household living	Multi-dwelling — 2 or 1 per 10 auto spaces. All other residential structure types — None
Group living	1 per 20 auto spaces
Commercial Categories	
Retail sales/service office	2 or 1 per 20 auto spaces, whichever is greater
Drive-up vehicle servicing	None
Vehicle repair	None
Commercial parking facilities, commercial, outdoor recreation, major event entertainment	4 or 1 per 20 auto spaces, whichever is greater
Self-service storage	None
Industrial Categories	
Industrial	2 or 1 per 40 spaces, whichever is greater
Public and Institutional Categories	
Park and ride facilities	2 or 1 per 20 auto spaces

Community service essential service providers parks and open areas	2 or 1 per 20 auto spaces, whichever is greater
Schools	High schools — 4 per classroom
	Middle schools — 2 per classroom
	Grade schools — 2 per 4th & 5th grade classroom
Colleges, medical centers, religious institutions, daycare uses	2 or 1 per 20 auto spaces whichever is greater

(Ord. No. 2022-004 , § 2, 6-13-2022; Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2018-007, § 2, 10-2-2018; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 2005-009 § 8; Ord. 2000-2001 § 3; Ord. 86-851 § 3)

16.94.030 Off-Street Loading Standards

A. Minimum Standards

1. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, or other public meeting place, which is designed to accommodate more than twenty five (25) persons at one time.
2. The minimum loading area for non-residential uses shall not be less than ten (10) feet in width by twenty-five (25) feet in length and shall have an unobstructed height of fourteen (14) feet.
3. Multiple uses on the same parcel or adjacent parcels may utilize the same loading area if it is shown in the development application that the uses will not have substantially overlapping delivery times.
4. The following additional minimum loading space is required for buildings in excess of twenty thousand (20,000) square feet of gross floor area:
 - a. Twenty thousand (20,000) to fifty (50,000) sq. ft. - five hundred (500) sq. ft.
 - b. Fifty (50,000) sq. ft. or more - seven hundred fifty (750) sq. ft.

B. Separation of Areas

Any area to be used for the maneuvering of delivery vehicles and the unloading or loading of materials shall be separated from designated off-street parking areas and designed to prevent the encroachment of delivery vehicles onto off-street parking areas or public streets. Off-street parking areas used to fulfill the requirements of this Chapter shall not be used for loading and unloading operations.

C. Exceptions and Adjustments.

The review authority, through Site Plan Review, may approve loading areas within a street right-of-way in the Old Town Overlay District when all of the following conditions are met:

1. Short in duration (i.e., less than one (1) hour);
2. Infrequent (less than three (3) operations occur daily between 5:00 a.m. and 12:00 a.m. or all operations occur between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);
3. Does not unreasonably obstruct traffic; [or] Does not obstruct traffic during peak traffic hours;
4. Does not obstruct a primary emergency response route; and
5. Is acceptable to the applicable roadway authority.

(Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2009-005, § 2, 6-2-2009; Ord. 86-851, § 3)

Chapter 16.140 - PARKS, TREES AND OPEN SPACES

16.140.010 Purpose

This Chapter is intended to assure the provision of a system of public and private recreation and open space areas and facilities consistent with this Code and applicable portions of the City's adopted Comprehensive Plan. The standards of this section do not supersede the open space requirements of a Planned Unit Development, found in Chapter 16.40 - Planned Unit Development (PUD).

(Ord. No. 2023-002 , § 2, 3-7-2023; Ord. No. 2011-009, § 2, 7-19-2011; Ord. 2006-021; 91-922, § 3)

16.140.070 Trees on Property Subject to Certain Land Use Applications

A. Generally

The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of trees and woodlands within the City. This Section is intended to help protect the scenic beauty of the City; to retain a livable environment through the beneficial effect of trees on air pollution, heat and glare, sound, water quality, and surface water and erosion control; to encourage the retention and planting of tree species native to the Willamette Valley and Western Oregon; to provide an attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time.

D. Retention requirements

1. Trees may be considered for removal to accommodate the development including buildings, parking, walkways, grading etc., provided the development satisfies of D.2 or D.3, below.
2. Required Tree Canopy - All Residential Developments subject to Type II—IV land use review.

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of canopy for each tree. The expected mature canopy is counted for each tree regardless of an overlap of multiple tree canopies.

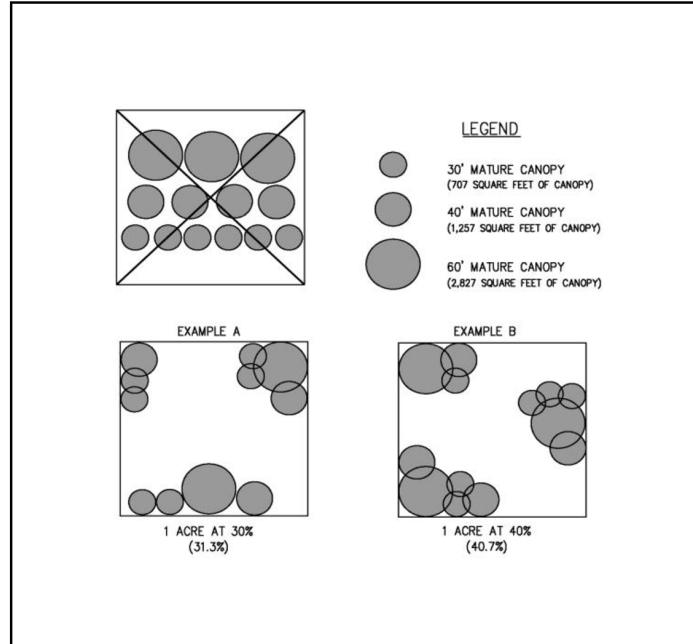
The canopy requirement can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist or other qualified professional shall provide the estimated tree canopy of the proposed trees to the planning department for review.

3. Required Tree Canopy - Non-Residential and Multi-Family Dwelling Developments
 - a. Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.
 - b. The canopy requirement can be achieved by retaining existing trees or planting new trees. Required landscaping trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the required canopy cover. A certified arborist or other qualified professional shall provide an

estimated tree canopy for all proposed trees to the planning department for review as a part of the land use review process.

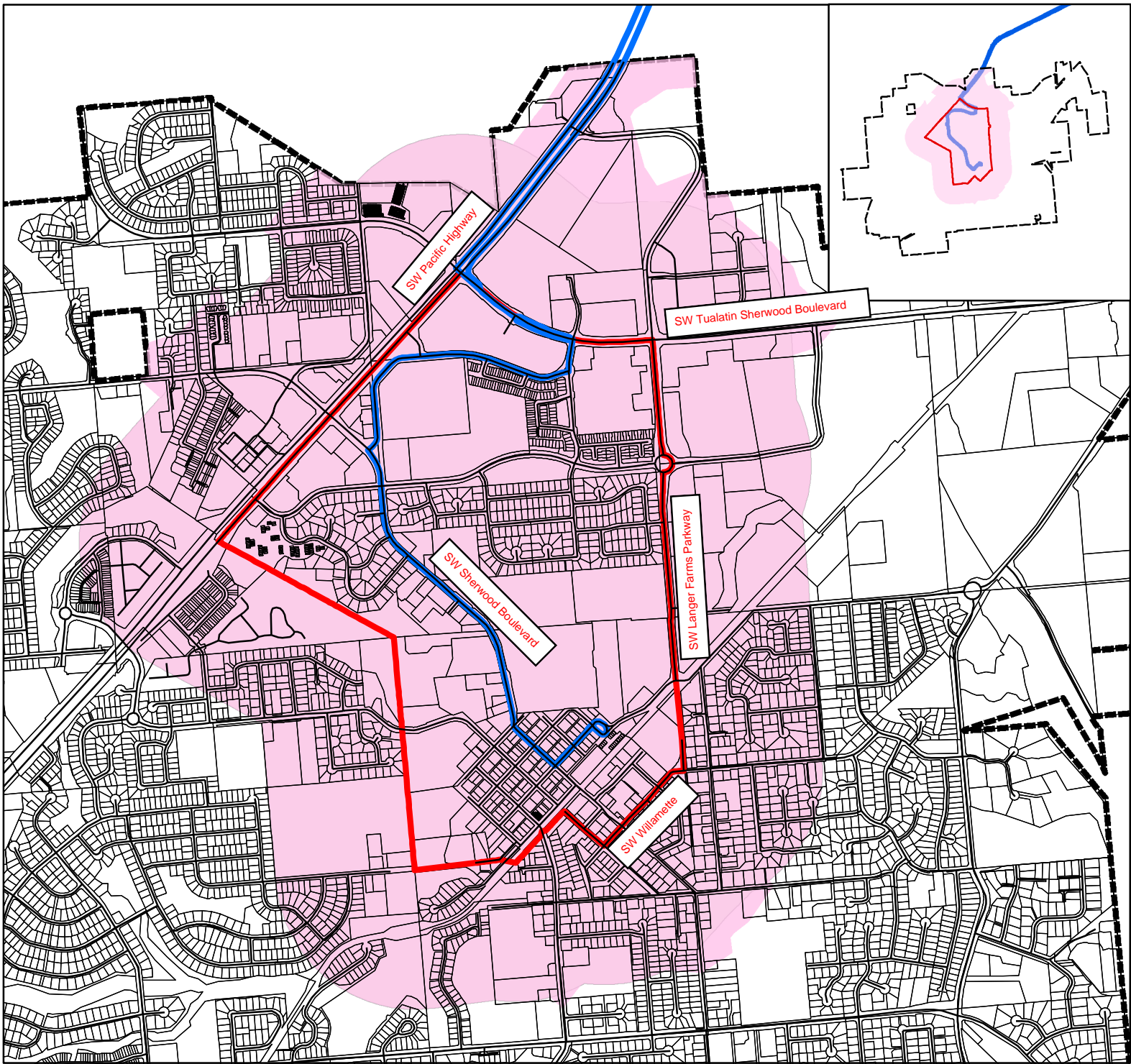
- c. Development standards for new surface parking lots more than half (½) acre in size, see Section 16.94 Parking and Loading.

	Residential (single family detached and middle housing developments) subject to Residential Design Checklist or Type I review	Residential (single family detached and middle housing developments) subject to Type II—IV review	Old Town & Infill developments	Commercial, Industrial, Institutional Public and Multi-Family dwelling
Canopy Requirement	N/A	40%	N/A	30%
Counted Toward the Canopy Requirement				
Street trees included in canopy requirement	N/A	Yes	N/A	No
Landscaping requirements included in canopy requirement	N/A	N/A	N/A	Yes
Existing trees onsite	N/A	Yes x2	N/A	Yes x2
Planting new trees onsite	N/A	Yes	N/A	Yes
<p>Mature Canopy in Square Feet Equation πr^2 or $(3.14159 * \text{radius}^2)$ (This is the calculation to measure the square footage of a circle.</p> <p>The Mature Canopy is given in diameter. In gardening and horticulture reference books, therefore to get the radius you must divide the diameter in half.</p>				
<p>Canopy Calculation Example: Pin Oak Mature canopy = 35'</p> <p>$(3.14159 * 17.5^2) = 962$ square feet</p>				








City of Sherwood CFEC Parking Delineated Area

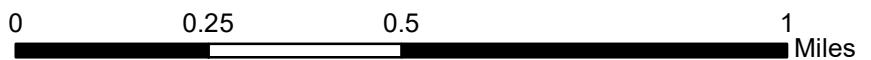
Exhibit B



Per Oregon Administrative Rules: 660-012-0440 & 660-012-0435

Legend

-  CFEC Parking Mandates
-  Sherwood Taxlots
-  Sherwood City Limits
-  Sherwood Town Center Plan Area
-  TriMet Route (Line 94)



N



Proposed Amendments to Title 3 – REVENUE AND FINANCE, new Chapter 3.40 COMMERCIAL PARKING LOT LOCAL TAX to implement the Climate Friendly & Equitable Communities statutes.

Title 3 – REVENUE AND FINANCE
Chapter 3.40 COMMERCIAL PARKING LOT LOCAL TAX

Chapter 3.40 COMMERCIAL PARKING LOT LOCAL TAX

3.40.010 Purpose

- A. The purpose of this chapter is to impose a tax on commercial parking lots in the City of Sherwood.
- B. The commercial parking lot tax imposed by this chapter follows OAR 660-012-0445(1)(a)(D).

3.40.020 Definitions.

The definitions contained in Chapter 3.40 of the Sherwood Municipal Code shall be fully applicable to this chapter except as may be expressly stated to the contrary herein. The following additional definitions shall apply throughout this chapter:

- A. "Commercial parking business" means the ownership, lease, operation, or management of a commercial parking lot in which fees are charged for the act or privilege of parking motor vehicles.
- B. "Commercial parking lot" means a standalone, covered, or uncovered area used for the purpose of parking motor vehicles for a fee. Parking associated with a retail or personal service use in the same development.
- C. "Parking tax" means the commercial parking tax imposed by this chapter.
- D. "City Manager" means the City Manager of the City of Sherwood, or his or her designee.

3.40.030 Parking tax imposed

- A. Pursuant to OAR 660-012-0445(1)(a)(D), there is imposed on every person a tax for the act or privilege of parking a motor vehicle in a commercial parking lot within the City that is operated by a commercial parking business. The privilege of parking includes the right to park, whether or not the right is exercised.
- B. The amount of the parking tax shall be equal to the parking fee multiplied by the parking tax rate. Effective July 1, 2024, the parking tax rate is imposed at ten percent (0.10).

3.40.040 Measure of Tax: Parking Fee.

- A. The measure of the parking tax is the parking fee. Parking fee means the fee paid or due for the act or privilege of parking a motor vehicle in a commercial parking lot.

- B. It shall be conclusively presumed that the posted parking prices do not include the parking tax unless all the following conditions are met:
1. The fee is advertised as including the tax or that the commercial parking business is paying the tax;
 2. The words "tax included" are stated immediately following the advertised or posted prices in print size at least half as large as the advertised or posted prices print size; and
 3. All advertised or posted parking prices and the words "tax included" are stated in the same medium, whether oral or visual, and if oral, in substantially the same inflection and volume. If these conditions are satisfied, then price lists, reader boards, and other price information mediums need not show separately the parking fee and the actual amount of commercial parking tax being collected.

3.40.050 Exemptions from the Parking Tax.

The following are exempt from the parking tax:

- A. General retail and commercial service parking lots associated with a development that has received land use approval.
- B. Mini-warehousing or self-storage

3.40.060 Collection and Remittance Of Tax.

A commercial parking business or person acting on its behalf shall collect the amount of the parking tax from the person paying the parking fee at the time payment is made. The parking tax shall be stated separately from the parking fee on all instruments evidencing the parking fee. The presumption is not overcome by any oral or written agreement between the parties.

The person receiving payment of the parking fee shall remit the parking tax to the City Manager quarterly (April 15th, July 15th, October 15th, and January 15th). The parking tax shall be deemed held in trust by the person required to collect the same until remitted to the City Manager. Any person who fails to collect the parking tax, or who collects the parking tax but fails to remit the parking tax to the City Manager, shall be liable to the City for the amount of such tax. The commercial parking business or person acting on its behalf who fails to remit the full amount of the tax imposed and due by this chapter prior to delinquency shall pay a late payment penalty of ten percent of the amount of the portion of the tax that is unpaid as of the delinquency date, which penalty is owed in addition to the amount of the tax due.

Such person shall, unless the remittance is made as required in this section, be guilty of a violation of this chapter whether such failure be the result of the person's own act or the result of acts or conditions beyond its control.

3.40.070 Use Of Revenues.

The proceeds of the tax imposed herein shall be used for transportation alternatives to drive-alone travel including active transportation options in accordance with OAR 660-012-0445(1)(a)(D). To the extent permitted by applicable law the City may issue bonds, notes, or other evidence of indebtedness payable wholly or in part from the parking tax and may pledge and may apply such tax to the payment of principal of, interest on, and premium (if any) on such bonds, notes, or other evidence of indebtedness and to the payment of costs associated with them.

3.40.080 Receipts To Transportation Fund.

All receipts from the parking tax shall be placed in and segregated within the Transportation Fund. These receipts may be temporarily deposited or invested in such manner as may be lawful for the investment of City money and interest and other earnings shall be deposited in the Transportation Fund.

Proposed Amendments to Title 5 - BUSINESS LICENSES AND REGULATIONS, new Chapter 5.36 UNBUNDLED PARKING FOR COMMERCIAL LEASES to implement the Climate Friendly & Equitable Communities statutes.

Title 5 – BUSINESS LICENSES AND REGULATIONS
Chapter 5.36 UNBUNDLED PARKING FOR COMMERCIAL LEASES

Chapter 5.36 UNBUNDLED PARKING FOR COMMERCIAL LEASES

5.36.010 Parking for rented or leased commercial uses.

A. Parking for commercial uses

1. Unless commercial uses are listed as exempt in subsection 5.36.010.A.2, off-street parking accessory to rented or leased commercial use spaces shall not be required in any new rental or lease agreement. If parking is desired by the tenant, the fee for parking shall be listed as a separate line item within the lease or shall be subject to a separate rental or lease agreement.
2. Exempt uses include:
 - a. Hotel and motels
 - b. Motor vehicle sales and services
 - c. Truck and bus yards
 - d. Mini-warehousing or self/auto storage
 - e. Vehicle fueling stations or car wash facilities
3. Market Rates for Comparable Local Off-Street Parking - the minimum unbundled parking rates shall be no less than \$50 per space per month.

Joy Chang

From: Phyllis Nasta <phyllisnasta@yahoo.com>
Sent: Wednesday, March 20, 2024 12:31 PM
To: Joy Chang
Subject: Re parking regs

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.

The intention of the mandates to reduce parking and increase transit use is well meaning but the method is not sensible. When you think about real people and their needs, how can you possibly limit their ability to park near their home or office or while dropping off kids at day care?

People have to navigate many issues in life: Wrangling infants and toddlers while holding shopping bags and diaper bags and baby equipment. People may be injured, using temporary wheelchairs or walkers, or may just be in pain from illnesses, and can't walk far. Older people may be limited in how much they can walk. When it's icy or slippery outside, people can't safely walk far. to get to their car or to transit. The list goes on and on. The answer to reducing car emissions is not to deprive people of parking, but to increase use of electric vehicles and public transit. I see what happens when there is only one parking spot per house and what happens is that people double park, park on grass, or ask neighbors to use their driveway if available. It just makes for more clutter of cars, not less. And it's not fair to mandate it. If builders want to limit space, so be it, and let them compete for buyers. The policies outlined to reduce parking are wrong headed. Our lives are increasingly controlled by the government and this just seems completely out of line.

Thank you

*Phyllis Nasta LPC LMT
520 203-4968
phyllisnasta.abmp.com*

From: [MARQUARDT Ryan * DLCD](#)
To: [Joy Chang](#)
Cc: [KELLY Laura * DLCD](#); [MANVEL Evan * DLCD](#)
Subject: DLCD comments on Sherwood code amendments, CFEC Parking reform (Casefile #LU 2024-001 PA)
Date: Tuesday, April 2, 2024 8:55:25 AM
Attachments: [image001.jpg](#)

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.

Hello Joy,

Thanks for submitting Sherwood's CFEC parking amendments for DLCD review. Staff appreciates the work the city has done to implement these new rules.

There are some rules for which additional amendments or further explanation may be needed.

- 660-012-0405(1)(a) [carpool/vanpool parking] – current code has a carpool/vanpool applicability threshold of 40 employees. This needs to be adjusted to 50 spaces.
- 660-012-0405(3) [shared parking] – Amendments are needed to allow residential development to utilize shared parking. DLCD staff also strongly recommends removing the requirement for a parking study to approve shared parking.
- 660-012-0405(4) [standards for large parking lots] – DLCD staff recommends codifying the measurement description from this rule to determine the ½ acre threshold.
- 660-012-0405(4)(c) [walkway standards for large parking lots] – we did not see these standards included in the proposed amendments. I did a quick search of the development code and didn't see that these standards are already part of existing regulations.
- 660-12-0410(2) [20% EV requirement for private commercial] – DLCD staff recommends citing ORS 455.417 in development code to highlight the building code requirement that 20% of EV spaces in private commercial development need to have EV conduit.
- 660-012-0410(3) [40% EV requirement for development with 5+ units] – amendments say 40% of parking spaces serving residential spaces. This needs to be revised to say 40% of all the development's spaces.
- 660-012-0425(2)(a) [no carport/garage requirement allowed] – existing code at 16.46.010.B.6 requires a garage for manufactured homes. This regulation is not allowed. Staff also notes that several manufactured home regulations in 16.46.010.B may be in conflict with ORS 197.478 if they are not standards applied to site-built homes (3/12 roof pitch, 1,000 sq ft size minimum, etc.).
- 660-012-0425(2)(c) [shared parking can meet mandates] – shared parking needs to be allowed for residential housing.
- 660-012-0425(2)(d) [allow off-site parking] – DLCD staff suggests revising the code (16.94.010.C) to more closely match rules text. Amendments are also needed to allow residential parking to be located off-site.
- 660-012-0425(3) [no cap on reductions] – DLCD staff suggests clarifying there are no cumulative limits to parking reductions in 16.94.020.B.6
- 660-012-0430 [no mandates for certain development types] – DLCD staff did not find

references to most of the uses listed in this rule. Sherwood's code at 16.94.010.A says review authority can determine mandates for unlisted uses. The code needs to provide a safe harbor for the uses listed in 660-012-0430 to ensure that parking mandates cannot be applied.

- 660-012-0435 [no mandates in Metro 2040 center] – the amendments need to codify the parking reform rules in 660-012-0435 in Sherwood's adopted town center area. DLCD staff can discuss this topic further in detail upon request.
- 660-012-0445(1)(a) [fair parking policy approach; commercial parking tax] – the definition in 3.40.020.B say exclusive use of motor vehicle parking. DLCD staff would like to see the term 'exclusive' removed. A commercial parking lot still exists as a use even if it is a secondary use on the property and/or the area may be used for some other purpose during the year. There also appears to be an erroneous OAR citation in 3.40.030.A.

Two other miscellaneous notes:

- I found the placement of the transit corridor text at the heading of 16.94.010.E.1.b confusing. It makes it seem like the regulations in the subsections that follow only apply in those corridors. Just an observation and not necessary to address if others don't see an issue.
- 660-012-0405(2) [conversion of off-street parking] – has city staff discussed how this allowance will be implemented? What is considered 'underutilized'? Will conversion of any quantity of spaces be allowed, or does it have to stay above minimum parking requirements?

DLCD staff is available to discuss the amendments and CFEC rules further and answer any questions you may have. Please let me know if I've overlooked something in the existing code or proposed amendments that addresses the items listed above. We can provide an official comment letter for the application casefile upon request.

Sincerely,
Ryan



Ryan Marquardt, AICP

Land Use & Transportation Planner| Planning Services Division

Pronouns: He/Him

Oregon Department of Land Conservation and Development

635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540

Cell: 971-375-5659 | Main: 503-373-0050

ryan.marquardt@dlcd.oregon.gov | www.oregon.gov/LCD

Joy Chang

From: Wyffels, Michelle <WyffelsM@trimet.org>
Sent: Thursday, April 25, 2024 7:28 AM
To: Joy Chang
Subject: RE: Request for Comments - Climate Friendly & Equitable Communities Regulations, LU 2024-001 PA
Attachments: We sent you safe versions of your files; LU 2024-001 PA Public Notice-FINAL.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Joy-
 I am responding regarding Parking Reform Near Transit Corridors.

Removing parking requirements for lots and parcels adjacent to Line 94 will create larger demand for on-street parking. This change needs to be coupled by support from the City of Sherwood to install bus zones to restrict curb access in bus stop areas to buses. When cars are parked in bus stop areas, buses are not able to pull up to the curb to board and unload riders using mobility devices. This is an ADA issue.

This includes bus stops in high parking demand areas.

Thank you for the chance to comment,



Michelle Wyffels she/her
 Senior Planner
 Service Planning & Transit Development
 Phone 503.962.2180
 Email wyffelsm@trimet.org

From: Joy Chang <ChangJ@SherwoodOregon.gov>
Sent: Wednesday, March 20, 2024 11:35 AM
To: Ryan.Winfree@nwnatural.com; henry.english@pgn.com; Travis.Smallwood@pgn.com; Jose.Marquez@pgn.com; humphreysj@CleanWaterServices.org; spieringm@CleanWaterServices.org; LUComments@cleanwaterservices.org; kmenroachmentspacific@kindermorgan.com; kTabscott@pridedisposal.com; raindrops2refuge@gmail.com; eva_kristofik@fws.gov; mwerner@gwrr.com; dxsmith@bpa.gov; ierose@sherwood.k12.or.us; gbennett@sherwood.k12.or.us; Engelmann, Jessica <engelmaj@trimet.org>; Baldwin, Ben <BaldwinB@trimet.org>; Development Review <Development_Review@TriMet.org>; landusenotifications@oregonmetro.gov; ruth.e.price@odot.oregon.gov; Jill.M.HENDRICKSON@odot.state.or.us; ODOT_R1_DevRev@odot.state.or.us; Naomi_Vogel@co.washington.or.us; stephen_roberts@co.washington.or.us; Theresa_Cherniak@co.washington.or.us; Bryan_Robb@co.washington.or.us; Arn, Jason S. <Jason.Arn@tvfr.com>; Brad Crawford <CrawfordB@SherwoodOregon.gov>; Richard Sattler <SattlerR@SherwoodOregon.gov>; Jason Waters <WatersJ@SherwoodOregon.gov>; Craig Christensen <ChristensenC@SherwoodOregon.gov>; Craig Sheldon