



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, August 6, 2024

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

7:00 pm City Council Regular Meeting

City Council Executive Session
(Pursuant to ORS 192.660(2)(e), Real Property Transactions)
(Following the 7:00 pm regular Council Meeting)

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



7:00 PM REGULAR SESSION

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. CONSENT AGENDA

- A. Approval of July 16, 2024, City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
- B. Resolution 2024-056, Reappoint Amanda Bryan to Sherwood Library Advisory Board** (Adrienne Doman Calkins, Library Manager)
- C. Resolution 2024-057, Reappoint Elizabeth “Fritz” Kaliszewski to the Sherwood Library Advisory Board** (Adrienne Doman Calkins, Library Manager)
- D. Resolution 2024-058, Reappoint Zana Mays to the Sherwood Senior Advisory Board** (Maiya Martin Burbank, Senior Center Manager)
- E. Resolution 2024-059, Authorizing the City Manager to Enter into an Intergovernmental Agreement with the Oregon Department of Consumer and Business Services for ePermit System and Services** (Scott McKie, Building Official)
- F. Resolution 2024-061, Approving an Employment Agreement with Craig Sheldon to Serve as City Manager** (Sebastian Tapia, Interim City Attorney)

6. CITIZEN COMMENTS

7. PRESENTATIONS

- A. Recognition of Eagle Scout Award Recipient** (Tim Rosener, Mayor)

8. NEW BUSINESS

- A. Resolution 2024-054, Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment regarding Council Compensation for Expenses Incurred while Conducting the City’s Business** (Sebastian Tapia, Interim City Attorney)
- B. Resolution 2024-060, Declaring the need to regulate and preserve on-street parking in response to state mandated Climate Friendly and Equitable Community Regulations** (Joy Chang, Senior Planner)

9. PUBLIC HEARINGS

AGENDA

SHERWOOD CITY COUNCIL August 6, 2024

7:00 pm City Council Regular Session

City Council Executive Session
(ORS 192.660(2)(e), Real Property Transactions)
(Following the 7:00 pm Regular Council Meeting)

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

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

- A. Ordinance 2024-002, Amending sections of the Sherwood Zoning and Community Development Code, and adopting Chapters 3.40 and 5.36 of the Sherwood Municipal Code for Climate-Friendly and Equitable Communities Rules (*Second Reading*)**
(Joy Chang, Senior Planner)

10. CITY MANAGER REPORT

11. COUNCIL ANNOUNCEMENTS

12. ADJOURN to COUNCIL EXECUTIVE SESSION

- A. ORS 192.660(2)(e), Real Property Transactions** (Sebastian Tapia, Interim City Attorney)

13. ADJOURN

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

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

To Schedule a Presentation to the Council: If you would like to schedule a presentation to the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or Cityrecorder@Sherwoodoregon.gov

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



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
July 16, 2024

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 6:00 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Taylor Giles, Renee Brouse, Dan Standke, and Doug Scott. Councilor Keith Mays was absent.
3. **STAFF PRESENT:** Interim City Attorney Sebastian Tapia, City Manager Pro Tem Craig Sheldon, and Community Development Director Eric Rutledge.

3. **TOPICS:**

A. ORS 192.660(2)(e), Real Property Transactions

4. **ADJOURN:**

Mayor Rosener adjourned the executive session at 6:25 pm and convened a work session.

WORK SESSION

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 6:30 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Keith Mays, Taylor Giles, Renee Brouse, Doug Scott, and Dan Standke.
4. **STAFF PRESENT:** City Manager Pro Tem Craig Sheldon, Interim City Attorney Sebastian Tapia, Community Development Director Eric Rutledge, Public Works Utility Manager Rich Sattler, IT Manager Richard McCord, Law Clerk Jeremy Zerkle, HR Director Lydia McEvoy, City Engineer Jason Waters, Senior Planner Joy Chang, Economic Development Manager Bruce Coleman, Police Chief Ty Hanlon, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.

3. **TOPICS:**

A. Update on UGB Expansion

Community Development Director Eric Rutledge presented the "Sherwood West UGB Expansion Work Session" PowerPoint presentation (see record, Exhibit A) and recapped that the city had submitted its

application for the full 1,300 acres to Metro in April and staff had provided a presentation to Metro Council and committees in May. He reported that in July, the draft Urban Growth Report (UGR) was released, and the comment period was opened. Mr. Rutledge outlined that the city had been conducting stakeholder meetings with public service providers, developers, CWS, property owners, etc. and commented that the meetings had resulted in useful feedback. He reported that in August, the Metro COO would release their recommendation on the city's UGB expansion proposal. In September, MPAC (Metro Policy Advisory Committee) and CORE (Committee on Racial Equity) would provide a recommendation on the city's proposal to the Metro Council. In October, the Metro Council would give direction on their intended decision, the first public hearing would be held in November, and the final public hearing would be held in December. Mayor Rosener provided an overview of the local groups, businesses, and organizations that had been included in the stakeholder meetings and explained they included 1000 Friends of Oregon and local wineries. Community Development Director Rutledge added that feedback had also been received from regional groups that included the Oregon Farm Bureau and other equity-oriented groups to give a well-rounded regional review of the proposal. Councilor Giles asked when the deadline was to pull the city's application and Mr. Rutledge replied that the deadline would likely be in October 2024 and explained that there would be multiple opportunities between now and October for staff and Council to discuss Metro's possible conditions of approval. Councilor Mays commented that if Metro put unfavorable conditions of approval on their proposal, he was willing to pull the application. Councilor Scott and Mayor Rosener commented that the decision to pull the application should be made prior to the application being approved with conditions from Metro. Mayor Rosener commented that the purpose of this work session was to discuss the possible conditions of approval Metro may place on the city's application. Community Development Director Rutledge explained that the UGR was a supply and demand analysis that showed growth projections and scenarios, the results of which showed that there was a range of need for housing and employment land over the next 20 years. He outlined the draft UGR had been published and the comment period was open from now through August. He read aloud from the report and stated that "Metro council has latitude to determine there is a need to add the Sherwood West urban reserve to the UGB or take other measures to encourage redevelopment." Mr. Rutledge reported that Metro had the authority to place conditions of approval on the city's UGB expansion application and outlined the potential conditions of approval on page 4 of the presentation. He outlined that the potential conditions of approval included conditions on residential land including housing density, housing type, and housing affordability. Possible conditions on employment land included 50-acre minimum lot sizes in the north district. Councilor Scott referred to Metro's comments regarding employment land lot size and said that he felt that Metro meant to protect the larger lots. Mr. Rutledge replied that the north district did not have any parcels over 50-acres, so it would require assembly to get to 50-acres. Councilor Scott and Councilor Giles voiced that this aligned with what Council had wanted for the north district. Discussion occurred regarding if 50-acres was too large for the area and the need for there to be flexibility within the plan. Mayor Rosener spoke on the UGR and explained that the report was constrained by state law and the figures within the report were based on gross assumptions and did not account for some important factors. He stated that it was important not to overly rely on these reports when making decisions. Councilor Scott commented that Metro studies reviewed the Metro region as a whole and did not take into consideration individual factors of the cities within the region. Mayor Rosener spoke on the analytics for the lot sizes used in the UGR and explained that there were three lot sizes for the zoning, and the largest lot size Metro considered was 2,500 sqft and above. He voiced that this overestimated the capacity for the region to absorb new people within the current boundary. Council President Young and Councilor Scott explained that Metro had emphasized that when reviewed as a whole, there was no need for industrial land, but when large lots were segmented out, there was a huge need, and commented that Sherwood West included industrial land. Community Development Director Rutledge recapped that the last potential condition of approval for the city's application was public engagement with specific requirements for outreach during the comprehensive planning process. He provided an overview of the "Residential Land

– Concept Plan Comparison” charts on page 5 of the presentation. He recapped that Frog Pond in Wilsonville had an average net density of 6.9 units per acre, Sherwood West had an average net density of 9.2, Cooper Mountain in Beaverton had an average net density of 11.2, and River Terrace 2.0 in Tigard had an average net density of 13.5. Mr. Rutledge commented that these numbers were general but accurate enough for discussion purposes. He outlined that Frog Pond was approved at 100% Single Family; Sherwood West offered 57% Single Family, 18% Middle Housing, and 25% Multifamily; Cooper Mountain offered 55% Single Family, 26% Middle Housing, and 19% Multifamily; and River Terrace 2.0 was approved without any specific unit breakdown. Community Development Director Rutledge provided residential land density examples on pages 6-7 of the presentation. He explained that net density removed roads, rights-of-way, environmental constraints, and potentially parks. Mr. Rutledge recapped that 7 units per acre resulted in an average lot size of 6,222 sqft per unit, 10 units per acre resulted in an average lot size of 4,356 sqft per unit, 12-13 units per acre resulted in an average lot size of 3,350 sqft per unit, and 18 units per acre resulted in an average lot size of 2,420 per unit. He noted that 12-13 units per acre resulted in apartment units and some Middle Housing and 18 units per acre resulted in Multifamily type housing. He commented that he had heard that Metro was likely to propose a 13-18 unit per acre condition. Councilor Giles stated that a higher density requirement would not put people on the path to home ownership and spoke on the lack of a major transportation hub and the lack of the necessary infrastructure to support that level of density. He stated that he wanted to get creative on how to provide housing for young families and residents who wished to age in place in Sherwood and discussion occurred. Councilor Scott commented that an average of 18 units per acre for Sherwood West “did not match the reality of what was possible here from a transportation perspective.” Community Development Director Rutledge provided an overview of the Sherwood West densities chart on page 8 of the presentation and explained that approximately 1,200 additional units were needed to achieve a net density between 12-13 units per acre for residential land. Councilor Scott commented that another option was to change the acreage mix of the housing types then stated that either scenario was a “non-starter” for him. He spoke on his experience serving on the CAC for Sherwood West and stated they had spent a large amount of time getting to a 9.2 average density and expressed that he would prefer to pull the application than move forward with 11 or more units per acre. Mayor Rosener commented that there should be aspirational conditions versus mandates and stated that if the city were to change the amount of land, it had to be based more on a number per acre average if a compromise could be reached. Mayor Rosener asked for Council feedback regarding density. Councilor Mays stated that he supported a density range that included aspirational figures. He spoke on master planning and stated that some housing types required mass transit, and the city did not control mass transit and without mass transit available, it severely impacted the opportunity. Councilor Brouse stated she would be supportive of more middle housing/affordable housing and commented that in order to get to the density Metro wanted, Metro needed to get Sherwood more transportation and infrastructure. Councilor Standke commented that it seemed that Metro wanted to create an urban area in the suburbs, which was not what Sherwood wanted to be. Council President Young stated that she did not want to “Portland-ize” Sherwood and expressed her frustrations with the amount of time and effort that had gone into the application to ensure different types of housing were represented. She stated that the Sherwood community would be extremely upset if Metro’s proposed density was used. Councilor Giles stated that if Metro’s proposed density was used, it would actually diminish the housing variety because it would all be apartments. He spoke on his desire to provide Sherwood residents with the opportunity to continue to live in their communities throughout different life stages by offering housing variety and discussion occurred. Councilor Scott voiced that it was “nonsensical” to think a city like Sherwood could have the type of housing density as cities near transit corridors like inner Portland or inner Hillsboro. Economic Development Manager Bruce Coleman stated that it was not a given that Metro would require a 50-acre minimum for industrial land. He referred to the map on page 9 of the presentation and spoke on the need for both larger and smaller plots of industrial land. He stated that 50+ acres was possible in the north district of Sherwood West and commented that there were significant economic benefits to the city and the region by

utilizing the larger lots. He explained that he saw the opportunity for larger parcel sizes east of Elwert and spoke on the opportunities for master planning and campuses. He stated that if there was a 50-acre minimum condition it would require private assembly and voiced that private assembling was likely to be challenging. He continued that if there was a minimum lot size, the east side would be slower to develop because of the smaller lot sizes and spoke on the likely impacts of slower development such as increased construction costs and lease rates. Councilor Mays stated that he preferred this option for moving forward versus other potential mandates. Councilor Scott commented that he wanted flexibility within the plan and stated that if each lot was developed individually, he would view that as a “massive failure.” He voiced that he would welcome assistance from Metro to encourage larger development without the conditions being so inflexible that the area remained undeveloped, and discussion occurred. Mayor Rosener asked for Council feedback and Council President Young stated that she would like flexibility within the conditions. Councilor Standke stated that this was much easier to go along with than the density conditions. Councilor Brouse stated she agreed. Community Development Director Rutledge recapped the upcoming timeline and reported that the city should have a clear direction from Metro regarding potential conditions for the city’s UGB expansion application soon.

Record note: Prior to the meeting, Community Development Director Eric Rutledge provided Council with a copy of the Conditions of Approval for the 2018 expansions in King City, Tigard, Beaverton, and Wilsonville and UGB Expansion – Decision Making Timeline (see record, Exhibit B).

4. ADJOURN:

Mayor Rosener adjourned the work session at 7:22 pm and convened a regular session.

REGULAR SESSION

- 1. CALL TO ORDER:** Mayor Tim Rosener called the meeting to order at 7:25 pm.
- 2. COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Keith Mays, Taylor Giles, Renee Brouse, Doug Scott, and Dan Standke.
- 3. STAFF PRESENT:** City Manager Pro Tem Craig Sheldon, Interim City Attorney Sebastian Tapia, Community Development Director Eric Rutledge, Public Works Utility Manager Rich Sattler, IT Manager Richard McCord, Law Clerk Jeremy Zerkle, HR Director Lydia McEvoy, City Engineer Jason Waters, Senior Planner Joy Chang, Economic Development Manager Bruce Coleman, Police Chief Ty Hanlon, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.

4. APPROVAL OF AGENDA:

MOTION: FROM COUNCIL PRESIDENT YOUNG TO APPROVE THE AGENDA. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 7:0; ALL MEMBERS VOTED IN FAVOR.

Mayor Rosener addressed the next agenda item.

5. CONSENT AGENDA:

A. Approval of June 18, 2024, City Council Meeting Minutes

B. Resolution 2024-049, Appointing Jay Walmsley to the Sherwood Planning Commission

- C. Resolution 2024-050, Appointing Joe Tillotson to the Sherwood Planning Commission
- D. Resolution 2024-051, Reappointing Steve Munsterman to the Sherwood Parks and Recreation Advisory Board
- E. Resolution 2024-052, Appointing James Booker to the Sherwood Parks & Recreation Advisory Board
- F. Resolution 2024-053, Appointing Tara Khodadadian to the Sherwood Parks & Recreation Advisory Board
- G. Resolution 2024-055, Appointing Barbara Leitzinger to the Sherwood Parks & Recreation Advisory Board

MOTION: FROM COUNCILOR BROUSE TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCILOR MAYS. MOTION PASSED 7:0; ALL MEMBERS VOTED IN FAVOR.

Mayor Rosener addressed the next agenda item.

6. CITIZEN COMMENT:

Sherwood resident Mark Long came forward and stated he was concerned about property taxes and quality of life. He referred to Day Road and stated that it was within Washington County and spoke on the poor condition of the road. He asked that the city look into getting the road fixed. He stated he was also concerned about 124th Avenue and spoke on the heavy amount of traffic utilizing the road. He stated traffic congestion issues in the area affected one's quality of life. He referred to Costco redeveloping the old movie theater lot and spoke on the proposed parking structure and the impact to local roadways and traffic. He stated that Sherwood did not need a Costco and that the revenue generated from having a Costco was not worth the impact it would have on the quality of life within the city.

Sherwood resident Jim Claus came forward and stated he was starting the procedure on exhausting administrative remedies. He spoke on the City Attorney and the URA and stated that the city had violated the State Constitution. He spoke on development, compromised position, and the requirement of a road to be constructed. He stated that this resulted in the buyer withdrawing their offer. He spoke on the statute of limitations and fraud. He stated that he would disseminate information. He spoke on the Oregon Supreme Court and record retention and stated that the city was committing waste, fraud, and the abuse of public money. He spoke on the 14th Amendment and civil rights violations.

Sherwood resident Susan Claus came forward and provided a map handout of Ice Age Trail to the Tualatin River Wildlife Refuge (see record). She referred to the original Ice Age Trail from 2012 and stated that Ice Age Trail went from Wilsonville, went through Sherwood, and connected in Tualatin. She stated that Sherwood was responsible for Sherwood's portion of the trail in that the city connected to the trail which provided local access. She stated that in 2012, the trail went up Tonquin Road, but the trail had been changed in the newest Parks Master Plan to follow 124th Avenue. She stated that this was a fundamental change to the city's Metro-guided pathway that connected Sherwood to Wilsonville. She stated that she and Jim Claus had donated land for this specific project and explained that Tonquin Road was low ground which was accessible to more people versus the higher elevation of having the trail come off Oregon Street. She stated that this project was a "crown jewel" for the city and the region and the changes to the trail affected the walkability of the trail. She asked that the city review this issue and that the city work with the US Fish and Wildlife Service. She referred to the request to speak forms and stated that there was no way to indicate that a citizen wished to provide public comment during a URA meeting.

Mayor Rosener addressed the next agenda item.

7. NEW BUSINESS:

A. Resolution 2024-054, Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment regarding Council Compensation for Expenses Incurred while Conducting the City's Business

Interim City Attorney Sebastian Tapia explained that this resolution was in response to the Charter Review Committee's recommendation concerning Section 37 of the Charter. He outlined that currently, Section 37 stipulated that there was to be no compensation but there could be reimbursement when conducting city business. He stated that this was a minor change which aligned Council reimbursement to be consistent with city employee policies. Councilor Scott asked for more information and Mr. Tapia explained that it applied the same standards which include mileage, per diem, and allowed Councilors to utilize mileage accounts that city employees were also allowed to have. Council President Young added that Councilors received zero compensation as Council was a volunteer position and explained that sometimes it was necessary for Councilors to use their personal credit cards, which typically had reward programs associated with them. She explained that those rewards were considered a form of compensation, and this Charter amendment would clean up the language in Section 37, allowing Councilors to keep those rewards. Mayor Rosener stated that under state law, state and city employees were able to keep those rewards, and this would bring Council into alignment with that standard. Mr. Tapia clarified that for all intents and purposes it met the current usage, but made it very clear and aligned with the current policy for city employees. Councilor Giles explained that this change would actually save the city money by allowing Councilors to use their own discounts when making city-related purchases. Council President Young stated that she did not think the explanatory statement properly described the issue. Interim City Attorney Tapia replied that explanatory statements had a word limit, so they needed to be kept fairly brief, but he could work to add more context. Mayor Rosener stated he wanted it to be clear to the voters that City Council remained a volunteer position, and that this change was simply a language clean up to bring the City Charter in alignment with state statute. He asked if this resolution could be tabled until the next City Council meeting to allow staff time to add clarifying language to the explanatory statement. The City Recorder stated that while there was limited time to rework the statement, there should be enough time for staff to do so. Council asked that the proposed resolution be tabled to allow the City Recorder to consult the elections calendar.

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

8. PUBLIC HEARINGS:

A. Ordinance 2024-002, Amending sections of the Sherwood Zoning and Community Development Code, and adopting Chapters 3.40 and 5.36 of the Sherwood Municipal Code for Climate-Friendly and Equitable Communities rules (*First Reading*)

Senior Planner Joy Chang presented the "Climate-Friendly and Equitable Communities" PowerPoint presentation (see record, Exhibit C) and explained that these were state-mandated changes. She provided background information and stated that Executive Order 20-04 directed 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. She stated that the rules applied to urban metropolitan areas

throughout Oregon and the City of Sherwood was mandated to apply the CFEC rules. She reported that the city had implemented the least impactful standards of all of the CFEC alternatives. Ms. Chang outlined that the city, along with 12 other jurisdictions including Tualatin, Hillsboro, Happy Valley, and Oregon City have sued over the new rules and stated that the issue was 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 LCDC. She reported that the city and co-petitioners were seeking review of this decision by the Oregon Supreme Court, and if successful, the CFEC rules could be found invalid. Ms. Chang outlined that the draft ordinance contained language that would automatically repeal it with immediate effect under specific circumstances. She provided an overview of the CFEC rules on page 3 of the presentation and reported that the City of Sherwood was granted an alternative date of implementation of September 14, 2024. She addressed the proposed amendment of Reduction of Parking Mandates for Development Types (OAR 660-012-0430) and explained that this would require no more than one parking space per unit in residential developments; no parking requirements for residential care/training/treatment facilities; and no parking requirements for childcare, single-room occupancy housing, residential units smaller than 750 sqft, affordable housing, publicly supported housing, emergency and transitional shelters, and domestic violence shelters. She addressed the proposed amendment of Parking Reform Near Transit Corridors (OAR 660-012-0440) and explained that there would be no parking requirements for lots or parcels within one-half mile of the transit corridor and noted that TriMet's 94 Line was considered "frequent transit" by the state. Senior Planner Chang addressed the proposed amendment of Parking Reform in Climate Friendly Areas (OAR 660-012-0435) and explained that Sherwood's town center area and parcels of land within a quarter mile of the town center area would also have no parking requirements. She explained that the pink area on the map on page 5 of the presentation represented the affected area of this rule, the blue line reflected Line 94, and the red outline delineated the town center. She noted that developers were still able to build parking if they chose to, but the CFEC rules made it so providing parking was not required. Ms. Chang addressed the proposed amendment of Electric Vehicle Charging (EV) (OAR 660-012-0410) and explained that new multi-family residential buildings with five or more residential dwelling units, and new mixed-use buildings with five or more residential dwelling units would be required to install EV conduits to accommodate 40% of all vehicle parking spaces while non-residential development under private ownership would 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. She explained that staff were incorporating these changes into the city's building code since the city was already making changes related to conduits for EVs. She addressed the proposed amendment of Parking Regulation Improvements (OAR 660-012-0405) and explained that the mandate required preferential placement of carpool/vanpool parking; it allowed redevelopment of any portion of a parking lot for bike or transit uses; it allowed and encouraged redevelopment of underutilized parking for other uses; it allowed and facilitated 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; and the adoption of parking maximums in locations such as downtowns, regional or community center, and transit-oriented development. Ms. Chang addressed the proposed amendment of Reducing the Burden of Parking Mandates (OAR 660-012-0425) and outlined this mandated that 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 may be provided off-site, within 2,000 feet of pedestrian travel of a site; and reduced parking mandates if solar panels or wind power capacity was provided, car-sharing parking space, EV parking spaces, units that were fully accessible to people with mobility issues. She addressed the proposed amendment of Fair Parking Policies (OAR 660-012-0445(1)(a)) and explained that Council had reviewed the available choices and chose to adopt fair parking policies through unbundling parking spaces serving leased commercial developments and added a new 10% tax on the revenue from new commercial parking lots. Senior Planner Chang clarified that the city did not currently have any commercial parking lots within the city, but this rule would go into effect should one be constructed.

She provided an overview of Chapter 5.36 Unbundled Parking for Commercial Uses on page 10 of the presentation and noted that the city would ask that the property owners with commercial leases have a \$50 minimum parking rate per space per month. She outlined the Fair Pricing Municipal Code Amendments Parking Reform B – New Tax Revenue for Commercial Parking Lots on page 11 of the presentation and clarified that these amendments were for standalone parking lots that rented out parking spaces on a daily/monthly/annual basis. She explained that the rates would be based on gross income and would be collected on a quarterly basis. She provided an overview of the applicable criteria for a plan amendment on page 12 of the presentation and reported the criteria had been met. She provided an overview of the public engagement staff had conducted and reported it included two open houses, two presentations to the Sherwood Chamber of Commerce, various social media postings, and the necessary land use hearing public noticing requirements. Senior Planner Chang explained that the Planning Commission was the Project Advisory Committee (PAC) for this project and the PAC had held three work sessions and City Council had held a work session to discuss the topic. She clarified that public involvement had been permitted at each PAC and City Council meetings on the topic. Ms. Chang reported that staff had received a new comment from TriMet that stated that parking reform near transit corridors would create larger demand for on-street parking and requested that bus zones be installed to restrict curb access in bus stop areas, so buses could pull up to the curb to board and unload riders using mobility devices. Ms. Chang reported that this comment had been routed to the City Engineer and Public Works to review the request and stated that bus zone “no parking” requirements were currently not implemented throughout the city. She stated that in 2025, the city would update the Transportation System Plan (TSP), and through the updated TSP, staff would consider creating bus zones that may lead to “no parking” signage within bus zones. She reported that staff had also received testimony from the DLCD which requested additional amendments to the city’s proposed CFEC regulations. She reported that city staff met with DLCD staff to determine which amendments needed to be addressed and the proposed amendments had been updated accordingly and were included in the Council meeting packet. Ms. Chang reported that staff received one email correspondence from Phyllis Nasta wherein Ms. Nasta critiqued the mandates aimed at reducing parking and promoting transit use. She argued that while the intentions may be good, the approach was flawed, and she highlighted various challenges people faced in their daily lives which made limiting parking impractical and unfair. She suggested that instead of restricting parking, there should be a focus on promoting electric vehicles and public transit. She also criticized the potential consequences of limited parking, such as double parking, cluttered streets, and argued that such policies encroached on individual freedom and represented government overreach. Mayor Rosener commented that Council and the city had been tracking this issue for several years and stated that the “one-size-fits-all” idea for how communities dealt with parking and housing did not work for cities like Sherwood. He stated that Council endeavored to choose the least impactful mandates to implement within the city. Councilor Giles stated that people would need to drive less if amenities such as grocery stores were closer to where people lived. He referred to EV conduit and asked if it would be possible to require that new houses be built with 220-volt 50-amp outlets. Senior Planner Chang explained that it could be addressed by the building code, but it was not a part of the CFEC mandates.

Mayor Rosener opened the public hearing and asked for public comment on the proposed ordinance. Sherwood resident Mark Long came forward and stated that these mandates were “ludicrous” and would “choke our city.” He spoke on how Sherwood was a rural town and how it wanted to remain a rural town. He stated that these rules would only work in a city in which less than 50% of its residents’ owned cars and stated that Sherwood was not that place. He stated that the state was hoping to force cities to pay penalties for noncompliance and the mandates would make it harder for businesses to develop. Hearing no more public comments, Mayor Rosener closed the public hearing and asked for questions or discussion from Council. Councilor Mays referred to the CFEC mandates and commented that “largely, we have no choice.” He thanked the Planning Commission and city staff for the amount of time and effort they had put into doing

what was required. Councilor Mays asked that City Council consider, with the assistance of the Planning Commission and city staff, adopting legislation which outlined Sherwood's community expectations for parking within the 2024 city limits regardless of state law. He spoke on Sherwood West and how these mandates would be included in the master planning process for that area, but the largest impact from this legislation would be seen in the existing community. He stated he wanted the city to do whatever it could to "minimize the harm" of the proposed ordinance and spoke on establishing community standards that the city hoped developers would choose to follow. He continued that should developers choose not to follow those standards, the city would alert the developers there was an ordinance in place which directed staff to immediately begin the process of creating an on-street parking zone. He explained that this was needed so that developers could not assume that they would be able to redevelop their land with the expectation that they could displace cars onto Sherwood streets. Councilor Scott stated that he would vote in favor of this ordinance because the alternative was "more onerous" in which worse rules would be forced upon the city. He spoke on the CFEC mandates and expressed his displeasure for the process in which the new rules were mandated and the continued need for the separation between branches of government. He stated that the CFEC mandates were legislation, not administrative rules and they were an "afront to our society and our system of government that this is allowed." He spoke on how it was a mistake to force cities, regardless of their regional location, into a one-size-fits-all solution and stated that it was a "misguided attempt to homogenize everything" when doing so was an impossible goal. Councilor Standke explained that the Planning Commission discussed the need to create parking recommendations for developers to be aware of. He spoke on how ADA parking would be wiped out within Sherwood's town center area due to some of the CFEC mandates. Councilor Standke stated that he was voting in favor of the ordinance because the alternative was "much worse." Councilor Brouse asked Senior Planner Chang regarding ADA parking and Senior Planner Chang replied that if a developer decided not to provide any parking, then no ADA parking would be required. Councilor Brouse commented that "we're going backwards in rights" and stated that she agreed with Councilor Scott's comments. Councilor Giles stated he agreed with Councilor Scott's comments and said he was trying to avoid a worse alternative. He spoke on the goal of reducing the use of vehicles and stated that making that a possibility in Sherwood was a goal that would require many years of work to achieve. Council President Young stated that this was "state overreach at its best" and referred to a previous work session with the DLCD in which Council explained Sherwood's high reliance on vehicles based on its demographics and resident's need to travel outside the city for work. Mayor Rosener spoke on the previous work session with the DLCD in which Council was told that developers knew best regarding the need to provide parking. Mayor Rosener commented that in his experience, developers were out to make as much money as possible and they had little regard for how their development would impact the city. He referred to HB 2001 and the Governor's recent housing bill and spoke on the issues both had caused communities. He stated that he wanted the community to know that the city was spending a lot of energy in Salem working with the LOC and other groups to "fight this type of preemption of local control." Councilor Scott commented that people would come to regret these decisions in 10-20 years because of the negative impacts it will have on their communities and referred to HB 2001 and CFEC mandates. Mayor Rosener commented that there was still time to change the trajectory and that the city would continue to try and work with the state. Councilor Mays reiterated his desire for Council to pass legislation which outlined Sherwood's community expectations for parking within the 2024 city limits regardless of state law. Mayor Rosener stated that the second hearing on this ordinance would be held at the August 6th City Council meeting.

Mayor Rosener addressed tabled Resolution 2024-054.

Resolution 2024-054 – Continued

The City Recorder reported that there was sufficient time to allow staff to add additional information to the explanatory statement and to bring the resolution back to Council at their August 6th meeting. She explained that Council needed to approve the ballot title and explanatory statement and file the document with the City Clerk by August 16th.

Mayor Rosener addressed the next agenda item.

9. CITY MANAGER REPORT:

City Manager Pro Tem Craig Sheldon reported that street light painting in downtown would begin next week. He reported that the Robin Hood Festival would be held this coming weekend. He reported staff would put out an RFP for the TSP update by the end of next week.

Interim City Attorney Sebastian Tapia introduced the city's summer Law Clerk Jeremy Zerkle and reported that Jeremy attended law school in San Francisco. Council welcomed Mr. Zerkle.

Mayor Rosener addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS:

Councilor Standke reported he attended the most recent Planning Commission meeting where they discussed annexation policy. He welcomed the newly appointed Planning Commission members.

Councilor Scott reported that the Parks and Recreation Advisory Board did not meet in July. He reported that he, Assistant City Manager Kristen Switzer, and Chair David Scheirman conducted interviews to fill the Parks and Recreation Advisory Board vacancies.

Councilor Mays reported that the Cultural Arts Commission and WRWC did not meet in July.

Councilor Brouse reported that she had no meetings this week. She reported that August 6th was National Night Out. She reported that the Rotary Sherwood Wine Festival had been rescheduled to November 2nd.

Councilor Giles reported that the Sherwood School District had not met since their last meeting. He reported that the Library Advisory Board would meet on July 17th and provided an overview of upcoming library and Arts Center events.

Council President Young reported she attended the most recent CDBG meeting and reported on an upcoming CDBG projects tour. She reported she attended the WCCC meeting. She reported she would attend the upcoming Police Advisory Board meeting where they would review policies. She provided an overview of upcoming local events.

Mayor Rosener reported that he attended the Metro urban growth stakeholder group meeting and MPAC meeting. He spoke on the upcoming Robin Hood Festival parade. He reported that the Portland Winterhawks had entered into an operating agreement with the Sherwood Ice Arena and were working towards purchasing the arena.

Councilor Mays referred to the citizen comments regarding Day Road and stated that Day Road was owned and maintained by the City of Wilsonville and explained it had previously been a Washington County road.

11. ADJOURN:

Mayor Rosener adjourned the regular session at 8:45 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Tim Rosener, Mayor

TO: Sherwood City Council

FROM: Adrienne Doman Calkins, Library Manager
Through: Kristen Switzer, Assistant City Manager and Craig Sheldon, City Manager Pro Tem

SUBJECT: Resolution 2024-056, Reappointing Amanda Bryan to the Sherwood Library Advisory Board

Issue:

Should the City Council reappoint Amanda Bryan to the Sherwood Library Advisory Board?

Background:

Amanda Bryan served in position 5 until the term expiration in June 2024. Amanda is seeking reappointment.

The Library Manager Adrienne Doman Calkins, Chair Sean Garland, and City Council Liaison Taylor Giles recommended to Mayor Rosener that Amanda should be reappointed to fill position 5 on the Library Advisory Board, with the expiration of June 2028. Library Advisory Board member terms are for four years, per the municipal code and ORS 357.465. The mayor has recommended this appointment to Council. In accordance with City Council Rules of Procedure, all such appointments are subject to the approval of City Council by resolution.

Financial Impacts:

There are no financial impacts from this proposed action.

Recommendation:

Staff respectfully recommends City Council's adoption of Resolution 2024-056, reappointing Amanda Bryan to the Sherwood Library Advisory Board.



RESOLUTION 2024-056

REAPPOINTING AMANDA BRYAN TO THE SHERWOOD LIBRARY ADVISORY BOARD

WHEREAS, a vacancy exists on the Library Advisory Board due to term expiration in June 2024; and

WHEREAS, Amanda Bryan held the position and is seeking reappointment; and

WHEREAS, the City advertised the vacancy on the City website, Sherwood Public Library website, social media, print publications, and onsite at the Library; and

WHEREAS, the staff liaison to the Board, Board Chair, and City Council Liaison recommended to the Mayor that Amanda Bryan be reappointed to fill the vacancy; and

WHEREAS, the Mayor has recommended to City Council that Amanda Bryan be reappointed; and

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

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

Section 1. The Sherwood City Council hereby reappoints Amanda Bryan to position 5 of the Sherwood Library Advisory Board for a term expiring at the end of June 2028.

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

Duly passed by the City Council this 6th of August 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Adrienne Doman Calkins, Library Manager

Through: Kristen Switzer, Assistant City Manager and Craig Sheldon, City Manager Pro Tem

SUBJECT: Resolution 2024-057, Reappointing Elizabeth “Fritz” Kaliszewski to the Sherwood Library Advisory Board

Issue:

Should the City Council reappoint Elizabeth “Fritz” Kaliszewski to the Sherwood Library Advisory Board as the rural representative?

Background:

Elizabeth “Fritz” Kaliszewski served as the rural representative in position 4 until the term expiration in June 2024. Fritz is seeking reappointment.

The Library Manager Adrienne Doman Calkins, Board Chair Sean Garland, and City Council Liaison Taylor Giles recommended to Mayor Rosener that Fritz be reappointed to fill position 4 on the Library Advisory Board, with the expiration of June 2028. Library Advisory Board member terms are for four years, per the municipal code and ORS 357.465. The mayor has recommended this appointment to Council. In accordance with City Council Rules of Procedure, all such appointments are subject to the approval of City Council by resolution.

Financial Impacts:

There are no financial impacts from this proposed action.

Recommendation:

Staff respectfully recommends City Council’s adoption of Resolution 2024-057, reappointing Elizabeth “Fritz” Kaliszewski to the Sherwood Library Advisory Board.



RESOLUTION 2024-057

REAPPOINTING ELIZABETH “FRITZ” KALISZEWSKI TO THE SHERWOOD LIBRARY ADVISORY BOARD

WHEREAS, a vacancy exists on the Library Advisory Board due to term expiration in June 2024; and

WHEREAS, Elizabeth “Fritz” Kaliszewski held the position and is seeking reappointment as the rural representative; and

WHEREAS, the City advertised the vacancy on the City website, Sherwood Public Library website and social media; and

WHEREAS, the staff liaison to the Board, Board Chair, and City Council Liaison recommended to the Mayor that Elizabeth “Fritz” Kaliszewski be reappointed to fill the vacancy; and

WHEREAS, the Mayor has recommended to City Council that Elizabeth “Fritz” Kaliszewski be reappointed; and

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

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

Section 1. The Sherwood City Council hereby reappoints Elizabeth “Fritz” Kaliszewski to position 4 as the rural representative of the Sherwood Library Advisory Board for a term expiring at the end of June 2028.

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

Duly passed by the City Council this 6th of August 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Maiya Martin Burbank, Adult Community Center Manager
Through: Kristen Switzer, Assistant City Manager and Craig Sheldon, City Manager Pro Tem

SUBJECT: Resolution 2024-058, Reappointing Zana Mays to the Sherwood Senior Advisory Board

Issue:

Should the Council reappoint Zana Mays to the Sherwood Senior Advisory Board?

Background:

A vacancy exists on the Senior Advisory Board, position 2, due to term expiration. The term of office for this vacancy expired in June 2024. The City advertised the vacancy along with two others and received one application. Zana Mays indicated that she would like consideration for reappointment for this board position, for which she served a truncated term. The Board Chair, Board Liaison, Staff Liaison unanimously recommend reappointment of Zana Mays to fill the vacancy. The mayor has recommended this appointment to Council. In accordance with City Council Rules of Procedure, all such appointments are subject to the approval of City Council by resolution.

Financial Impacts:

There are no financial impacts from this proposed action.

Recommendation:

Staff respectfully recommends City Council's adoption of Resolution 2024-058, Reappointing Zana Mays to the Sherwood Senior Advisory Board.



RESOLUTION 2024-058

REAPPOINTING ZANA MAYS TO THE SHERWOOD SENIOR ADVISORY BOARD

WHEREAS, Zana Mays currently holds Position 2 on the Senior Advisory Board; and

WHEREAS, the term was a partial term which expired on June 30, 2024 and she is seeking reappointment; and

WHEREAS, the Mayor has recommended to City Council that Zana Mays be reappointed; and

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

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

Section 1. The Sherwood City Council hereby reappoints Zana Mays to Position 2 of the Senior Advisory Board for a term expiring at the end of June 2027.

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

Duly passed by the City Council this 6th of August 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Scott McKie, Building Official

Through: Eric Rutledge, Community Development Director, Craig Sheldon, City Manager Pro Tem and Sebastian Tapia, Interim City Attorney

SUBJECT: Resolution 2024-059, Authorizing the City Manager to Enter into an Intergovernmental Agreement with the Oregon Department of Consumer and Business Services for ePermit System and Services

Issue:

Shall the City Council authorize the City Manager to enter into an Intergovernmental Agreement (IGA) with the Oregon Department of Consumer and Business Services for ePermit System and Services?

Background:

In 2021 the Oregon legislature passed HB 2415, requiring municipalities that administer and enforce building programs to provide a fully electronic building permit system by January 1, 2025. The Oregon Building Codes Division provides the Accela software suite to municipalities at no direct cost, which is paid for by a state surcharge applied to building permits. The Community Development Department will be using the Accela e-permitting system for Building, Planning, and Code Compliance. The state surcharge covers all department software with no additional costs or fees.

Adopting the new e-permit system is expected to improve the overall customer service experience and reduce plan review and permit issuance timelines. A new public facing permit system will be available to customers 24/7 to submit information, pay fees, receive status updates, etc. The e-permit system is expected to benefit customers ranging from residential property owners to large commercial contractors. The system is expected to go live in Fall / Winter of this year.

Financial Impacts:

The e-permit system is offered at no charge for initial setup or ongoing use. The Building Codes Division may charge the City up to \$5,000 to re-design a module after initial setup. The system is paid for by a state surcharge on building permits in Oregon.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2024-059, Authorizing the City Manager to enter into an Intergovernmental Agreement (IGA) with the Oregon Department of Consumer and Business Services for ePermit System and Services.



RESOLUTION 2024-059

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE OREGON DEPARTMENT OF CONSUMER AND BUSINESS SERVICES FOR ePERMIT SYSTEM AND SERVICES

WHEREAS, in 2021, the Oregon Legislature passed HB 2415, requiring municipalities that administer and enforce building programs to provide a fully electronic building permit system by January 1, 2025; and

WHEREAS, the City of Sherwood administers and enforces a building program; and

WHEREAS, the Oregon Building Codes Division provides the Accela software suite to municipalities at no direct cost, which is paid for by a state surcharge applied to building permits; and

WHEREAS, the Oregon Building Codes Division offers Planning, Code Compliance, and Public Works modules at no additional cost; and

WHEREAS, adopting the new comprehensive ePermit system is expected to improve the overall customer service experience and reduce plan review and permit issuance timelines.

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

Section 1. The City Council accepts the Community Development Director and Building Official's recommendation to authorize an Intergovernmental Agreement with the Oregon Department of Consumer and Business Services for ePermit System and Services.

Section 2. The City Manager is hereby authorized to sign the Intergovernmental Agreement in substantially the same form as provided in Attachment 1.

Section 3. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 6th of August 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

INTERGOVERNMENTAL PARTNERSHIP AGREEMENT**ePermit System and Services**

THIS INTERGOVERNMENTAL PARTNERSHIP AGREEMENT ("Agreement") is effective when all required signatures have been obtained by and between The State of Oregon, acting by and through the Department of Consumer and Business Services ("DCBS" or "Agency"), Building Codes Division ("BCD") and the City of Sherwood ("Jurisdiction"), a political subdivision of the State of Oregon. BCD and the Jurisdiction may collectively be referred to herein as the Parties and individually as a Party. The Parties enter into this Agreement to cooperate and share services pursuant to the authority granted under ORS 455.185. The purpose of this Agreement is to encourage economic development through construction and to experiment and innovate for administration of building inspection programs. It is in the best interest of BCD and Jurisdiction's leaders to ensure that construction-related development activities proceed in a manner that is quick, efficient, and practical. Having a flexible and responsive system requires sufficient staff and resources to be available to construction businesses. By partnering, BCD and Jurisdiction can explore new ways to maximize the use of scarce resources. This Agreement supersedes and amends and replaces in its entirety any pre-existing intergovernmental partnership agreement for the ePermit System and Services between Jurisdiction and BCD.

DCBS:**Jurisdiction:**

Celina Patterson

Eric Rutledge

e-Permitting Manager

Community Development Director

1535 Edgewater Street NW

22560 SW Pine Street

PO Box 14470

Sherwood, OR 97140

Salem, OR 97309

(503) 625-4242

(503) 302-9860

rutledge@sherwoodoregon.gov

RECITALS

- A. Oregon Revised Statute ORS 455.095 provides that DCBS shall develop and implement a system that provides electronic access to building permitting information. The statute also requires DCBS to make the system accessible for use by municipalities in carrying out the building inspection programs administered and enforced by the municipalities.
- B. The Department of Administrative Services Procurement Office, on behalf of DCBS, issued a Request for Proposal (RFP) for a statewide electronic permit system and

associated products and services. Accela, Inc. was the successful proposer. DCBS and Accela Inc. executed a contract in August, 2008 ("ePermit contract"), by which Accela, Inc. licensed to DCBS ePermitting system software, an Integrated Voice Recognition (IVR) system and provided related configuration, implementation and hosting services (collectively the "ePermit System").

- C. The ePermit contract provided that the ePermit System and related Services would be available to municipalities ("Participating Jurisdictions").
- D. BCD is the division of DCBS that implements and administers the ePermitting system.
- E. Jurisdiction has requested that BCD provide access to the ePermitting System and related Services to Jurisdiction and to implement the Jurisdiction as a Participating Jurisdiction as set forth in the ePermitting contract.
- F. BCD is willing, upon the terms of and conditions of this Agreement, to provide access to Jurisdiction to the ePermitting System and related Services and to implement Jurisdiction as provided herein.

1. DEFINITIONS.

- 1.1. As used in this Agreement, the following words and phrases shall have the indicated meanings.
- 1.2. "Agreement" means this Intergovernmental Agreement.
- 1.3. "ePermitting Contract" or "ePermit Contract" means the document attached as Exhibit C and includes all amendments.
- 1.4. "ePermit System" means the entire system including the ePermitting software, licensed, implemented and configured pursuant to the ePermit contract and related Services including hosting, mobile applications and IVR.
- 1.5. "Jurisdiction" has the meaning set forth in the first paragraph of this Agreement.

2. TERM, RENEWAL AND MODIFICATIONS.

- 2.1. Term. This Agreement is effective, and will be considered fully executed, upon signature by both parties, and shall remain in effect until termination of this Agreement as provided herein. Unless otherwise terminated as provided herein, this Agreement will be in effect for the period that Jurisdiction administers and enforces a building inspection program. This Agreement will automatically renew if or when the Jurisdiction's program assumption is renewed for an additional period.
- 2.2. Agreement Modifications. Notwithstanding the foregoing, or any other provision of the Agreement, BCD may propose a modified Agreement or new intergovernmental agreement for Jurisdiction access to the ePermit System. BCD will propose such

modified Agreement or new intergovernmental agreement with at least 60 days written notice prior to expiration of the Jurisdiction's current program assumption period. The new intergovernmental agreement or modified Agreement will be effective on the effective date of the renewal of Jurisdiction's program assumption. If the parties cannot agree to the new intergovernmental agreement or modified Agreement, this Agreement will terminate effective on the renewal date of Jurisdiction's program assumption. Additionally, during the term of this Agreement, BCD may propose modifications to this Agreement; such modifications will become effective upon mutual agreement by the parties in accordance with section 20 of this Agreement.

3. PERFORMANCE AND DELIVERY.

3.1 Responsibilities of BCD.

- 3.1.1. BCD shall use its best efforts to provide Jurisdiction access to the ePermit System and related Services. BCD shall use best efforts to provide the Jurisdiction with satisfactory access on a parity with all other jurisdictions implemented by BCD to the ePermit System.
- 3.1.2. BCD will implement the Jurisdiction's access using the process according to the ePermitting Implementation Methodology set forth in Exhibit E. If a Work Order Contract is used to implement a specific city or county, a copy of that Work Order Contract will be provided in Exhibit D.
- 3.1.3. Upon implementation, Jurisdiction will have access to the System and the functionality, as described in Exhibit E.
- 3.1.4. BCD will provide technical support for the ePermit program. Support is available 8:00 a.m. to 5:00 p.m. Monday through Friday, except for state-observed holidays and from 8:30-10:00 am on Mondays when ePermitting staff holds its weekly staff meeting. The general support structure shall be as follows:
 - 3.1.4.1. State ePermitting team provides technical support to participating city or county.
 - 3.1.4.2. Accela provides technical support to State ePermitting team.

In the event that the State team is unable to communicate a solution to the participating city or county, the State team will facilitate communication between Accela and participant.

- 3.1.5 BCD will provide software that fulfills the Jurisdiction's basic requirement for accepting and reviewing electronic plans.

3.2. Responsibilities of Jurisdiction.

- 3.2.1. Jurisdiction agrees to the requirements of Exhibit A.

3.2.2. Jurisdiction agrees to abide by the terms and conditions of the Software License set forth in Exhibit B.

3.2.3. Jurisdiction agrees to abide by the implementation model that is identified in Exhibit E.

4. COMPENSATION AND PAYMENT

4.1 Not-to-Exceed Compensation. The maximum, not-to-exceed compensation payable by Jurisdiction to BCD under this contract, which includes any allowable expenses, is \$50,000.00.

4.2 Invoicing. Jurisdiction's continued existing use shall not result in any costs payable to BCD. However, BCD may invoice Jurisdiction for additional services rendered under Exhibit E. BCD will submit all invoices to Jurisdiction upon completion of the services. Invoices must be paid within 30 days of receipt.

5. REPRESENTATIONS AND WARRANTIES.

5.1 Representations of Jurisdiction. Jurisdiction represents and warrants to BCD as follows:

5.1.1. Organization and Authority. Jurisdiction is a political subdivision of the State of Oregon (or an intergovernmental entity formed by political subdivisions of the State of Oregon under ORS Chapter 190) duly organized and validly existing under the laws of the State of Oregon. Jurisdiction has full power, authority and legal right to make this Agreement and to incur and perform its obligations hereunder. Jurisdiction has assumed and administers a building inspection program under ORS 455.148 to ORS 455.153.

5.1.2. Due Authorization. The making and performance by Jurisdiction of this Agreement (1) have been duly authorized by all necessary action of Jurisdiction and (2) do not and will not violate any provision of any applicable law, rule, and regulation.

5.1.3. Binding Obligation. This Agreement has been duly executed and delivered by Jurisdiction and constitutes a legal, valid and binding obligation of Jurisdiction, enforceable according to its terms.

5.1.4. Jurisdiction has reviewed the ePermit Contract and ePermit System and is knowledgeable of the ePermit system functionality and performance and has entered into this Agreement based on its evaluation of the ePermit Contract and the ePermit System

5.2. Representations and Warranties of BCD. BCD represents and warrants to Jurisdiction as follows:

5.2.1. Organization and Authority. BCD is a division of DCBS, an agency of the state government and BCD has full power, authority and legal right to make this

Agreement and to incur and perform its obligations hereunder.

5.2.2. Due Authorization. The making and performance by BCD of this Agreement (1) have been duly authorized by all necessary action of BCD and DCBS and (2) do not and will not violate any provision of any applicable law, rule, and regulation.

5.2.3. Binding Obligation. This Agreement has been duly executed and delivered by BCD and constitutes a legal, valid and binding obligation of BCD and DCBS; it is enforceable according to its terms.

5.2.4. Performance Warranty. BCD will use its best efforts to provide Jurisdiction access to the ePermit System according to the ePermit contract. Notwithstanding the foregoing, Jurisdiction understands and agrees that the ePermit System is composed of software and services provided by third parties and BCD has no responsibility to Jurisdiction for the functionality or performance of the ePermit System.

5.3. The warranties set forth above are in addition to, and not in lieu of, any other warranties set forth in this Agreement or implied by law.

6. ACCESS TO RECORDS AND FACILITIES.

6.1. Records Access. DCBS, BCD, the Secretary of State's Office of the State of Oregon, the Federal Government, and their duly authorized representatives may access the books, documents, papers and records of the Jurisdiction that are directly related to this Agreement, for the purpose of making audits, examinations, excerpts, copies and transcriptions.

6.2. Retention of Records. Jurisdiction shall retain and keep accessible all books, documents, papers, and records that are directly related to this Agreement for a minimum of six (6) years, or such longer period as may be required by other provisions of this Agreement or applicable law, following the termination of this Agreement.

6.3. Public Records. Jurisdiction is deemed the Custodian for the purposes of public records requests regarding requests related to Jurisdiction's building inspection program.

7. JURISDICTION DEFAULT.

Jurisdiction shall be in default under this Agreement upon the occurrence of any of the following events:

7.1. Jurisdiction fails to perform, observe or discharge any of its covenants, agreements or obligations set forth herein.

7.2. Any representation, warranty or statement made by Jurisdiction herein is untrue in any material respect when made.

8. BCD DEFAULT.

BCD shall be in default under this Agreement upon the occurrence of any of the following events:

- 8.1. BCD fails to perform, observe or discharge any of its covenants, agreements, or obligations set forth herein; or
- 8.2. Any representation, warranty or statement made by BCD herein is untrue in any material respect when made.

9. TERMINATION BY JURISDICTION.

Jurisdiction may terminate this Agreement in its entirety as follows:

- 9.1. For its convenience, upon at least six calendar months advance written notice to BCD, with the termination effective as of the first day of the month following the notice period;
- 9.2. Upon 30 days advance written notice to BCD, if BCD is in default under this Agreement and such default remains uncured at the end of said 30-day period or such longer period, if any, as Jurisdiction may specify in the notice; or
- 9.3. Immediately upon written notice to BCD, if Oregon statutes or federal laws, regulations or guidelines are modified, changed or interpreted by the Oregon Legislative Assembly, the federal government or a court in such a way that Jurisdiction no longer has the authority to meet its obligations under this Agreement.

10. TERMINATION BY BCD.

BCD may terminate this Agreement as follows:

- 10.1. For its convenience, upon at least twenty-four calendar months advance written notice to Jurisdiction, with the termination effective as of the first day of the month following the notice period.
- 10.2. Upon termination of the ePermit Contract with such reasonable notice to Jurisdiction as feasible under the terms of the ePermit Contract.
- 10.3. Immediately upon written notice to Jurisdiction if Oregon statutes or federal laws, regulations or guidelines are modified, changed or interpreted by the Oregon Legislative Assembly, the federal government or a court in such a way that DCBS no longer has the authority to meet its obligations under this Agreement.
- 10.4. Upon 30 days advance written notice to Jurisdiction, if Jurisdiction is in default under this Agreement and such default remains uncured at the end of said 30 day period or such longer period, if any, as BCD may specify in the notice.
- 10.5. Immediately, in the event that Jurisdiction no longer administers and enforces a

building inspection program.

11. EFFECT OF TERMINATION.

11.1. No Further Obligation. Upon termination of this Agreement in its entirety, BCD shall have no further obligation to provide access to the ePermit System and related Services to Jurisdiction.

11.2. Survival. Termination or modification of this Agreement pursuant to sections 9 and 10 above, shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination or modification. However, upon receiving a notice of termination, Jurisdiction shall immediately cease all activities under this Agreement, unless expressly directed otherwise by BCD in the notice of termination.

11.3. Minimize Disruptions. If a termination right set forth in section 9 or 10 is exercised, both parties shall make reasonable good faith efforts to minimize unnecessary disruption or other problems associated with the termination.

11.4. Jurisdiction Data. Jurisdiction may obtain a copy of all of its data related to its usage of ePermitting, for usage in a move into a Jurisdiction-administered electronic system, by submitting a written request to BCD as part of Jurisdiction's notice of termination, or within 60 days of termination of this agreement. BCD will request the data from Accela, and Accela will provide the data in the same format as the Accela database.

12. NOTICE.

Except as otherwise expressly provided in this Agreement, any communications between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile, or mailing the same, postage prepaid to Jurisdiction or BCD at the addresses or numbers set forth on page one of this agreement, or to such other addresses or numbers as either party may indicate pursuant to this section. Any communication or notice so addressed and mailed shall be effective five (5) days after mailing. Any communication or notice delivered by facsimile shall be effective on the day the transmitting machine generates a receipt of the successful transmission, if transmission was during normal business hours of the recipient, or on the next business day, if transmission was outside normal business hours of the recipient. To be effective against BCD, any notice transmitted by facsimile must be confirmed by telephone notice to BCD's ePermitting Manager. To be effective against Jurisdiction, any notice transmitted by facsimile must be confirmed by telephone notice to Jurisdiction's Manager (e.g. County Court Judge, Board of Commissioners Chair, City Manager, County Administrator). Any communication or notice given by personal delivery shall be effective when actually delivered.

13. SEVERABILITY.

The parties agree that if any term or provision of this Agreement is declared by a

court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

14. COUNTERPARTS.

This Agreement may be executed in several counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

15. GOVERNING LAW, CONSENT TO JURISDICTION.

This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, "Claim") between BCD (and/or any other division, agency or department of the State of Oregon) and Jurisdiction that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within a circuit court in the State of Oregon of proper jurisdiction. In no event shall this section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, from any Claim or from the jurisdiction of any court. Jurisdiction, by execution of this agreement, hereby consents to the in personam jurisdiction of said courts.

16. COMPLIANCE WITH LAW.

The parties shall comply with all state and local laws, regulations, executive orders and ordinances applicable to the Agreement. All employers, including BCD and Jurisdiction, that employ subject workers who provide Services in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage, unless such employers are exempt under ORS 656.126.

17. ASSIGNMENT OF AGREEMENT, SUCCESSORS IN INTEREST.

The parties agree there will be no assignment or delegation of the Agreement, or of any interest in this Agreement, unless both parties agree in writing. The parties agree that no services required under this Agreement may be performed under subcontract unless both parties agree in writing. The provisions of this Agreement shall be binding upon and shall inure to the parties hereto, and their respective successors and permitted assignees.

18. NO THIRD-PARTY BENEFICIARIES.

BCD and Jurisdiction are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons any greater than the rights and benefits

enjoyed by the general public unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

19. WAIVER.

The failure of either party to enforce any provision of this Agreement shall not constitute a waiver by that party of that or any other provision. No waiver or consent shall be effective unless in writing and signed by the party against whom it is asserted.

20. AMENDMENT.

No amendment, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties and when required by the Department of Administrative Services and Department of Justice. Such amendment, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. Jurisdiction, by signature of its authorized representative, hereby acknowledges that it has read this Agreement, understands it, and agrees to be bound by its terms and conditions.

21. HEADINGS.

The headings and captions to sections of this Agreement have been inserted for identification and reference purposes only and shall not be used to construe the meaning or to interpret this Agreement.

22. CONSTRUCTION.

This Agreement is the product of extensive negotiations between BCD and representatives of Jurisdiction. The provisions of this Agreement are to be interpreted and their legal effects determined as a whole. An arbitrator or court interpreting this Agreement shall give a reasonable, lawful and effective meaning to the Agreement to the extent possible, consistent with the public interest.

23. INDEPENDENT CONTRACTOR.

The parties agree and acknowledge that their relationship is that of independent contracting parties and that neither party is an officer, employee, or agent of the other as those terms are used in ORS 30.265 or otherwise.

24. LIMITATION OF LIABILITY.

24.1. Jurisdiction agrees that BCD shall not be subject to any claim, action, or liability ARISING IN ANY MANNER WHATSOEVER OUT OF ANY ACT OR OMISSION, INTERRUPTION, OR CESSATION OF ACCESS OR SERVICE UNDER THIS AGREEMENT. THE STATE SHALL NOT BE LIABLE OR RESPONSIBLE FOR ANY DIRECT, INDIRECT SPECIAL OR CONSEQUENTIAL DAMAGES SUSTAINED BY THE POLITICAL SUBDIVISION, INCLUDING, BUT NOT LIMITED TO, DELAY,

INTERRUPTION OF BUSINESS ACTIVITIES, OR LOST RECEIPTS THAT MAY RESULT IN ANY MANNER WHATSOEVER FROM ANY ACT OR OMISSION, INTERRUPTION, OR CESSATION OF SERVICE.

24.2. EXCEPT FOR LIABILITY ARISING UNDER SECTION 27 NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES ARISING OUT OF OR RELATED TO THIS AGREEMENT. NEITHER PARTY SHALL BE LIABLE FOR ANY DAMAGES OF ANY SORT ARISING SOLELY FROM THE TERMINATION OF THIS AGREEMENT OR ANY PART HEREOF IN ACCORDANCE WITH ITS TERMS.

25. FORCE MAJEURE.

Neither BCD nor Jurisdiction shall be held responsible for delay or default caused by fire, civil unrest, labor unrest, natural causes, or war which is beyond the reasonable control of BCD or Jurisdiction, respectively. Each party shall, however, make all reasonable efforts to remove or eliminate such cause of delay or default and shall, upon the cessation of the cause, diligently pursue performance of its obligations under this Agreement.

26. TIME IS OF THE ESSENCE.

Time is of the essence in the performance of all under this Agreement.

27. CONTRIBUTION

27.1. If any third party makes any claim or brings any action, suit or proceeding ("Third Party Claim") against a party (the "Notified Party") with respect to which the other party ("Other Party") may have liability, the Notified Party must promptly notify the Other Party in writing of the Third Party Claim and deliver to the Other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Either party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by the Other Party of the notice and copies required in this paragraph and meaningful opportunity for the Other Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to the Other Party's liability with respect to the Third Party Claim.

27.2. With respect to a Third Party Claim for which BCD is jointly liable with the Jurisdiction (or would be if joined in the Third Party Claim), BCD shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by the Jurisdiction in such proportion as is appropriate to reflect the relative fault of BCD on the one hand and of the Jurisdiction on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of BCD on the one hand and of the Jurisdiction on the other hand shall be

determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. BCD's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if BCD had sole liability in the proceeding.

27.3. With respect to a Third Party Claim for which the Jurisdiction is jointly liable with BCD (or would be if joined in the Third Party Claim), the Jurisdiction shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by BCD in such proportion as is appropriate to reflect the relative fault of the Jurisdiction on the one hand and of BCD on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the Jurisdiction on the one hand and of BCD on the other hand shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. The Jurisdiction's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if it had sole liability in the proceeding.

28. AGREEMENT DOCUMENTS IN ORDER OF PRECEDENCE.

This Agreement consists of the following documents that are listed in descending order of precedence:

- This Agreement less all exhibits;
- Exhibit A - Jurisdiction Obligations
- Exhibit B - ePermit License Agreement
- Exhibit C - ePermit Contract (not attached, but made available to Jurisdiction)
- Exhibit D-Work Order Contract
- Exhibit E - Implementation Model

All attached and referenced exhibits are hereby incorporated by reference.

29. MERGER CLAUSE. This Agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind all parties unless in writing and

signed by both parties and all necessary State approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of BCD to enforce any provision of this Agreement shall not constitute a waiver by BCD of that or any other provision.

[Signature on following page]

**JURISDICTION, BY EXECUTION OF THIS AGREEMENT, HEREBY ACKNOWLEDGES THAT
JURISDICTION HAS READ THIS CONTRACT, UNDERSTANDS IT, AND AGREES TO BE
BOUND BY ITS TERMS AND CONDITIONS.**

A. Jurisdiction

By:_____ Date:_____

Printed Name:_____

Title:_____

**B. State of Oregon, Acting by and through its Department of Consumer and Business
Services, Building Codes Division**

Reviewed By:_____ Date:_____

Printed Name: Dawn Bass

Title: Deputy Administrator

Executed By: _____ Date:_____

Printed Name: Miriha Aglietti

Title: Designated Procurement Officer

Exhibit A

Jurisdiction Obligations

Jurisdiction Software

As part of the state hosted system, any software being used by Jurisdiction to support either the building permitting system or any supplemental products being purchased from Accela, must be compatible with the Accela product.

Electronic Document Acceptance

Beginning January 1, 2025, Jurisdiction is required by administrative law to accept electronic plans. Agency will provide software that fulfills the basic ability to meet this requirement; however, Jurisdiction may independently source their own software.

If Jurisdiction uses the Agency-provided software, then Jurisdiction will be required to comply with all third-party agreements associated with the software and must notify Agency promptly of any non-compliance. Jurisdiction must also comply with all Agency-provided instructions on the use of the software, including instruction relating to installation and removal of the software. Jurisdiction must remove or destroy any or all copies of the software at Agency's request.

Product Features

Jurisdiction agrees to sell permits online through the ePermitting Portal ("ePortal").

Jurisdiction agrees to offer online and IVR inspection scheduling for permits in an appropriate status. Jurisdiction agrees to offer online submittal of plan documents at appropriate point(s) in the application process as dictated by the Jurisdiction's workflow associated with each record type.

Permit Numbering Scheme.

As a full-service participant, Jurisdiction agrees to include the pre-assigned three digit prefix to all permits covered by and processed through ePermitting system. Permits for any supplemental products purchased through Accela, hosted in the State of Oregon environment and being serviced through the State of Oregon ePortal must also use the three-digit prefix in the permit number. Permits for supplemental products purchased through Accela that will not be hosted or maintained on the Oregon platform and that are not serviced through the State of Oregon ePortal are not required to use the three-digit prefix.

Status and Result Codes.

All status and result codes such as inspections, plan review, permit issuance status will be pursuant to a statewide uniform system. Jurisdiction shall only use the uniform status and result codes.

Inspection Codes.

Inspection types for code required inspections must be consistent throughout the state. Unique inspection types must be requested through and assigned by the ePermitting staff.

Supplemental Products Purchased by Jurisdiction through Accela.

Any supplemental product such as, but not limited to, Land Use, Enforcement, Licensing, or

other services, may be licensed directly to Jurisdiction by Accela. Support services for the supplemental products fall outside of the scope of this Intergovernmental Agreement and are therefore provided through direct agreement with Accela or other service provider. Installation of supplemental products onto the State hosted servers cannot occur before the State ePermitting team begins active development of the building permitting module.

Version (Product) updates.

Migration from one product version of Accela Automation to another product version will be regulated and coordinated through BCD. Supplemental products will be required to migrate to the same version of the product at the same time as the product version for the building product module. After implementation, Jurisdiction is required to test the configuration against new versions of the product in the timeframe specified by BCD.

Exhibit B Software License Agreement

Note: DCBS through the ePermit Contract has the right to permit Jurisdictions to use the ePermit System software as set forth in Exhibit G, License Agreement, of the ePermit Contract. While the entire software license agreement between the State and Accela, Inc., including the added language in Amendment 7, has been provided here for continuity and ease of use, a participating city or county is only bound by Sections 3.1, 3.2, and 4 as specified in this Agreement.

1. Parties ACCELA Accela, Inc. 2633 Camino Ramon, Suite 120 Bishop Ranch 3 San Ramon, California 94583 Attention: Contracts Administration T: 925.659.3200 F: 925.407.2722 e-Mail: contractsadrnin@accela.com	CUSTOMER State of Oregon Department of Consumer & Business Services P.O. Box 14470 Salem, OR 97309 Attention: Building Codes Division T: (503)378-4100 F: (503)378-3989 e-Mail: chris.s.huntington@state.or.us
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This License Agreement ("LA") is intended for the exclusive benefit of the Parties; except as expressly stated herein, nothing will be construed to create any benefits, rights, or responsibilities in any other parties.

2. Term and Termination

2.1 Term Provided that Customer signs and returns this LA to Accela **no later than August 8, 2008**, this LA is effective as of the date of Customers signature ("Effective Date") and will continue until terminated as provided herein.

2.2 Termination Either party may terminate if the other party materially breaches this LA and, after receiving a written notice describing the circumstances of the default, fails to correct the breach within thirty (30) calendar days. Upon any termination or expiration of this LA, all rights granted to Customer are cancelled and revert to Accela.

3 Intellectual Property

3.1 License The software products ("Software") listed in Exhibit A are protected under the laws of the United States and the individual states and by international treaty provisions. Accela retains full ownership in the Software and grants to Customer a perpetual, limited, nonexclusive, nontransferable license to use the Software, subject to the following terms and conditions:

3.1.1 The Software is provided for use only by Customer employees. For the purposes of subsections 3.1, 3.2 and Sections 4 of this LA, Customer means: i)

the individual Jurisdiction with respect to its use of the Software, provided that the licensing fee has been paid for such Jurisdiction, and ii) the State of Oregon acting by and through its Department of Consumer and Business Services with respect to its use of the Software.

- 3.1.2 The Software may be installed on one or more computers but may not be used by more than the number of users for which the Customer has named user licenses. For the purposes of this License Agreement, the Customer has unlimited use, per department, of any license covered by this agreement. The Software is deemed to be in use when it is loaded into memory in a computer, regardless of whether a user is actively working with the Software. Accela may audit Customers use of the Software to ensure that Customer has paid for an appropriate number of licenses. Should the results of any such audit indicate that Customer's use of the Software exceeds its licensed allowance, Customer agrees to pay all costs of its overuse as determined using Accela's then-current pricing; any such assessed costs will be due and payable by Customer upon assessment. Customer agrees that Accela's assessment of overuse costs pursuant to this Subsection is not a waiver by Accela of any other remedies available to Accela in law and equity for Customer's unlicensed use of the Software.
- 3.1.3 Customer may make backup copies of the Software only to protect against destruction of the Software. With exception of the Entity Relationship Diagram and any other documentation reasonably-designated and specifically-marked by Accela as trade secret information not for distribution, Customer may copy Accela's documentation for use by those persons described in section 3.1.1, supra, provided that such use is for business purposes not inconsistent with the terms and conditions of this Licensing Agreement. "Trade Secret" has the meaning set forth in ORS 192.501(2)
- 3.1.4 Customer may not make any form of derivative work from the Software, although Customer is permitted to develop additional or alternative functionality for the Software using tools and/or techniques licensed to Customer by Accela.
- 3.1.5 Customer may not obscure, alter, or remove any confidentiality or proprietary rights notices.
- 3.1.6 Subject to the limitations of Article XI, § 7 of the Oregon Constitution and the Oregon Tort Claims Act (**ORS 30.260 through 30.300**), Customer is liable to Accela for any direct damages incurred as the result of unauthorized reproduction or distribution of the Software which occur while the Software is in Customer's possession or control.
- 3.1.7 Customer may use the Software only to process transactions relating to properties within both its own geographical and political boundaries and in counties contiguous to Oregon with populations below 100,000. Customer

may not sell, rent, assign, sublicense, lend, or share any of its rights under this LA.

3.1.8 Customer is entitled to receive the Software compiled (object) code and is licensed to use any data code produced through implementation and/or normal operation of the Software; Customer is not entitled to receive source code for the Software except pursuant to an Intellectual Property Escrow Agreement, which may be executed separately by the Parties. Accela and Customer will execute an Intellectual Property Escrow Agreement within 30 days of Contract execution.

3.1.9 All rights not expressly granted to Customer are retained by Accela.

3.1.10 Customers are allowed unlimited use, per department, of software products listed in Exhibit A, for in-scope record type categories defined in Attachment 1 to this LA. In addition, each customer is allowed five (5) additional record types for activities that fall outside of the in-scope record type categories defined in Attachment 1 to this L.A., are delivered under the Building Department and are submitted to and approved by DCBS.

3.2 License Warranties

3.2.1 Accela warrants that it has full power and authority to grant this license and that, as of the effective date of this LA, the Software does not infringe on any existing intellectual property rights of any third party. If a third party claims that the Software does infringe, Accela may, at its sole option, secure for Customer the right to continue using the Software or modify the Software so that it does not infringe. Accela expressly agrees to defend, indemnify, and hold Customer harmless from any and all claims, suits, actions, losses, liabilities, costs, expenses, including attorneys fees, and damages arising out of or related to any claims that the Software, or the Customers use thereof, infringes any patent, copyright, trade secret, trademark, trade dress, mask work, utility design, or other proprietary right of any third party; provided, that Customer shall provide Accela with prompt written notice of any infringement claim. Accela will have the sole right to conduct the defense of any legal action and all negotiations for its settlement or compromise; provided, however, Accela shall not settle any claim against the Customer with the consent of Customer.

3.2.2 Accela has no obligation for any claim based upon a modified version of the Software or the combination or operation of the Software with any product, data, or apparatus not provided by Accela, with the exception of those products identified in Exhibit J. Accela provides no warranty whatsoever for any third-party hardware or software products.

3.2.3 Except as expressly set forth herein, Accela disclaims any and all express

and implied warranties, including but not necessarily limited to warranties of merchantability and fitness for a particular purpose.

3.3 Compensation

3.3.1 License Fees In exchange for the Software described hereinabove, Customer will pay to Accela the amounts indicated in Exhibit A3.

3.3.2 Payment Terms Amounts are quoted in United States dollars and do not include applicable taxes, if any. The payment terms of all invoices are net forty-five (45) calendar days from the dates of the invoices. Any payment not paid to Accela within said period will incur a late payment in an amount equal to two-thirds of one percent (.66%) per month (eight percent (8% per annum), on the outstanding balance from the billing date. Accela may, at its sole discretion, suspend its obligations hereunder without penalty until payments for all past-due billings have been paid in full by Customer. All payments to Contractor are subject to ORS 293.462

4. Confidentiality

- 4.1 Confidentiality and Nondisclosure. Each party acknowledges that it and its employees or agents may, in the course of performing its responsibilities under this LA, be exposed to or acquire information that is confidential to the other party or the other party's clients. Any and all information clearly marked confidential, or identified as confidential in a separate writing as confidential provided by one party or its employees or agents in the performance of this LA shall be deemed to be confidential information of the other party ("Confidential Information"). Any reports or other documents or items (including software) which result from the use of the Confidential Information by the recipient of such information shall be treated with respect to confidentiality in the same manner as the Confidential Information. Confidential Information shall be deemed not to include information that (a) is or becomes (other than by disclosure by the party acquiring such information) publicly known or is contained in a publicly available document; (b) is furnished by the party disclosing such information to others without restrictions similar to those imposed by this LA; (c) is rightfully in the receiving party's possession without the obligation of nondisclosure prior to the time of its disclosure under this LA; (d) is obtained from a source other than the discloser without the obligation of confidentiality, (e) is disclosed with the written consent of the disclosing party, or; (f) is independently developed by employees or agents of the receiving party who can be shown to have had no access to the Confidential Information.
- 4.2 The recipient of Confidential Information agrees to hold Confidential Information in strict confidence, using at least the same degree of care that it uses in maintaining the confidentiality of its own Confidential Information, and not to copy, reproduce,

sell, assign, license, market, transfer or otherwise dispose of, give or disclose Confidential Information to third parties or use Confidential Information for any purposes whatsoever other than as contemplated by this LA or reasonably related thereto, including without limitation the use by Customer of Accela who need to access or use the System for any valid business purpose, and to advise each of its employees and Accela of their obligations to keep Confidential Information confidential.

- 4.3 Each party shall use commercially reasonable efforts to assist the other in identifying and preventing any unauthorized use or disclosure of any Confidential Information. Without limitation of the foregoing, each party shall advise the other immediately in the event it learns or has reason to believe that any person who has had access to Confidential Information has violated or intends to violate the terms of this LA and each party will at its expense cooperate with the other in seeking injunctive or other equitable relief in the name of the other against any such person.
- 4.4 Each party agrees that, except as provided in this LA or directed by the other, it will not at any time during or after the term of this LA disclose, directly or indirectly, any Confidential Information to any person, and that upon termination of this LA each party will turn over to the other all documents, papers and other matter in its possession which embody Confidential Information.
- 4.5 Each party acknowledges that breach of this Article VIII, including disclosure of any Confidential Information will give rise to irreparable injury which is inadequately compensable in damages. Accordingly, each party may seek and obtain injunctive relief against the breach or threatened breach of the foregoing undertakings, in addition to any other legal remedies that may be available. Each party acknowledges and agrees that the covenants contained herein are necessary for the protection of the legitimate business interests of the other and are reasonable in scope and content.
- 4.6 Customers obligations under this Article VIII shall be subject to the Oregon Public Records Laws, ORS 192.410 through ORS 192.505.

Exhibit C
ePermitting Contract

The ePermitting contract is available, upon request, for the Jurisdiction to review.

Exhibit D

Work Order Contract

Under the terms and conditions of the ePermit System Agreement, DCBS may enter into a Work Order Contract for implementation services. Should implementation services be used for the implementation of a specific participating city or county, the provisions of that agreement will be provided here.

A Work Order Contract is not being used to implement this jurisdiction.

EXHIBIT E

IMPLEMENTATION

OREGON STANDARD MODEL

Third Party Components

The ePermitting system contains multiple components created and licensed by third parties. BCD cannot guarantee the continued support of these components, and may have to make changes to the system based upon changes made by the third party providers. BCD will provide prompt notice to Jurisdiction upon becoming aware of any necessary changes and will work to provide solutions with the least possible disruption of system usage.

Oregon Standard Model (OSM) includes:

- Standard Model Permits (records):
 - Commercial Agricultural Equine
 - Commercial Alarm Suppression Systems
 - Commercial & Residential Deferred Submittal
 - Commercial & Residential Demolition
 - Commercial & Residential Electrical
 - Commercial & Residential Investigation
 - Commercial & Residential Mechanical
 - Commercial & Residential Phased
 - Commercial & Residential Plumbing
 - Commercial RV Park or Manufactured Home Park
 - Commercial & Residential Structural
 - Commercial & Residential Research
 - Master Electrical Permits
 - Inquiry
 - Post Disaster
 - Residential 1 & 2 Family Dwelling
 - Residential Manufactured Dwelling
- Standard Model Reports include:
 - Application About to Expire (List and Letters to Applicant and Owner)
 - Permit About to Expire ((List and Letters to Applicant and Owner)
 - Usage
 - Configuration Reports
 - Fee by Account (Summary & Detail)
 - Invoice
 - Out of Balance
 - Payments Applied
 - Payments Not Applied

- Refunds Issued
- Payments Received
- Payments Summary
- School Construction Excise Tax
- Inspection Correction Notice
- Inspection Summary
- Inspections Assigned
- Recent Inspection Activity
- Monthly Permit Summary
- Monthly Permits Issued
- Monthly Permits Issued Valuation Report
- State Surcharge
- State Surcharge Details
- Balance Due
- Building Application
- Building Permit
- Certificate of Occupancy
- Fee Estimate
- Fee by Record
- Phased Authorization to Begin Work
- Plan Review Checklist
- Temporary Certificate of Occupancy
- Work Authorization
- Receipt

Use of “Consistent Form and Fee Methodology”

Use of Elavon “Converge” payment processor with US Bank for internet credit card processing in Accela Citizen Access (ACA); jurisdiction opens and maintains its own account.

- Optional Modules:
 - Onsite
 - Planning Tracking
 - Code Enforcement
 - Public Works

The first time these optional modules are implemented, BCD will provide implementation services at no cost. If for any reason these optional modules need to be reimplemented, BCD may invoice Jurisdiction for the reasonable costs of the implementation. Costs will depend upon the complexity of the work, but will not exceed \$5,000 per module implemented. BCD and Jurisdiction will agree on the costs prior to any implementation.

Oregon Standard Model Implementation includes:

- Importing jurisdiction’s fee schedule into Accela
- Data conversion from jurisdiction’s database

- ePermitting will provide documentation about how the data is to be formatted for loading
- ePermitting will work with jurisdiction to map the data from existing permitting system to Accela
- Jurisdiction is responsible for extracting data from existing system
- Address, Parcel, Owner Database Load
 - ePermitting will provide documentation about data format requirements
 - Jurisdiction will provide files containing Address, Parcel, Owner reference data for loading into ePermitting database
- Interfaces to Jurisdiction Systems (optional)
 - Financial
 - ePermitting will provide files with specified fields for interfaces to jurisdiction's on site systems
 - Jurisdiction will upload the files into their on site system
 - GIS
 - ESRI ArcGIS Server 10 or ESRI ArcGIS Server 10 sp 1
 - Future versions of Accela Software may require upgrades to ESRI software to maintain interface operability
- Training
 - ePermitting provides online weekly training via video conference.
 - Jurisdiction's "super users" will train other jurisdictional employees.
 - ePermitting will attend jurisdictions Go Live in person.
- Coordination with Accela
 - If Jurisdiction purchases other modules, such as Planning or Code Enforcement, directly from Accela and has them implemented by Accela, an independent contractor or by Jurisdiction staff, Jurisdiction must coordinate that implementation with ePermitting.
 - Coordination with ePermitting means including ePermitting staff in project management meetings with Jurisdiction and the party implementing the other modules.

IMPLEMENTATION OVERVIEW

The following list is a distilled version of the major tasks associated with implementation of ePermitting. The tasks run concurrently and can take varying amounts of time, however, this is a look at the things that Jurisdiction must complete. Of this list, testing is the major responsibility that will take some time to complete. The more thoroughly the Jurisdiction tests the system before Go Live, the smoother the transition will be when ePermitting begins.

Start Up

- Sign IGA
- Send “Contact Information” document and Logo
- Scan and send copies of permit applications
- Provide “Roles and Responsibilities” Document

Training

- Have “super users” complete all of the online training
- Assign targeted online training to specific staff

Finances

- Fill in the three financial documents:
 - General Accounting Practices
 - Settling & Balancing Procedures
 - Refunds
- Provide Project Manager with fee information
- Test fees that have been configured in the database
- Choose data to be included in financial interface,
 - Create or link an ftp site to which the financial data will be uploaded
 - Test and approve the transfer of data through the ftp site and into the financial system
- Set up a Converge account 1-2 weeks before Jurisdiction’s Go Live date.

Addresses

- Work with APO specialist to determine the requirements for the address/parcel file that will be loaded into Jurisdiction’s ePermitting database
- Provide the address file to APO specialist
- Test the addresses that are loaded into Jurisdiction’s database
- Approve the addresses in Jurisdiction’s database

Configuration

- Provide User spreadsheet and Inspector profiles

- Test applications
- Test workflow
- Test inspections

Data Conversion

- Talk with Project Manager about data conversion
- Determine which permits are open
- Map data
- Fill in conversion tables
- Test the converted data
- Approve the converted data

Reports

- Examine the existing reports
- If there are additional reports that you desire, discuss them with your Project Manager
- If additional reports are built, then test and approve them

IVR

- Fill out Set Up document and return to Project Manager
- Test and approve IVR

Training Overview

- ☐ Home Screen and Records Portlet
 - ☐ Orientation to Portlets – User, Quick Links, Alerts or My Tasks, Record List/Detail, My Navigation, and Reports
 - ☐ Alerts portlet – incoming ACA
 - ☐ Searching, sorting, CSV export, Quick Queries
 - ☐ My Navigation vs Go To dropdown menu
- ☐ Applications
 - ☐ Starting new records from the Back Office
 - ☐ Four A's: APO address/parcel/owner, ASI application specific information, Applicant, Automation of fees
 - ☐ Printing an application
- ☐ Fees
 - ☐ Adding and Invoicing fees – NEW fees DELETE vs. INVOICED fees VOID
 - ☐ Invoiced fees and ACA
 - ☐ Making payment and CASH payment types – best practice (payor, recording actual payment amount/change)
 - ☐ Partial payment (applying monies) and Pay More function
 - ☐ Printing/Emailing receipts – generating Invoice – reprinting from Documents
- ☐ Workflow – Permit Lifecycle
 - ☐ Workflow statuses – advancing workflow, TSI task specific info, record status relationship
 - ☐ Withdrawn vs Void
 - ☐ Parallel tasks at Ready for Plan Review
 - ☐ Automated emails notification from Workflow
 - ☐ Supervisor function
 - ☐ Auto-close of EMP at Final Inspection sign-off (optional)
 - ☐ Workflow history – show where it's at, what's included
- ☐ Special Record Types
 - ☐ Revision vs Additional Info Requested
 - ☐ Deferred submittals
 - ☐ Phased permitting
 - ☐ Temp C of O
 - ☐ C of O
 - ☐ CSC Certificate of Satisfactory Completion
 - ☐ Required elements for C of O – how to correct and rerun report
- ☐ Data Management
 - ☐ Cloning vs Copying

- ☐ Related records – at Intake, thru Cloning, after the fact
- ☐ Sets – 3 ways to create – Sets portlet, Record List, Related Records
- ☐ Conditions

- ☐ Reference Data
 - ☐ Reference vs Transactional – importance of making corrections and where, Synch to Reference option
 - ☐ People reference
 - ☐ APO reference – Inspection Districts, Parcel Attributes that should stop issuance

- ☐ “Day in the Life” walk-through
 - ☐ Alerts for Permit Techs and My Tasks for Inspectors/Plans Examiners

- ☐ Inspections
 - ☐ Daily load and printing Inspection Slips
 - ☐ Assigning, reassigning, canceling, deleting if unnecessary for Final
 - ☐ Resulting – introduce options for resulting (back office, Inspector App, IVR)

- ☐ Reports
 - ☐ Demonstrate what reports are available – Financial, Stats, State Surcharge
 - ☐ Quick Queries – information only, not training (as time allows)
 - ☐ Ad-hoc – information only, not training (as time allows)

- ☐ Advanced Money
 - ☐ Change in valuation
 - ☐ Making fee changes – Voiding fees to Credit – adding/voiding fee items that impact State Surcharge – show Assess Fee History and Payment History
 - ☐ Exceptional payment types
 - ☐ Financial batch file –reconciling exceptional payment types and transfers - account codes/GL and Agency financial process
 - ☐ Cash Balancing

- ☐ *SCHEDULE - Contractor Training (in the field) – Coordinated and provided by Jerod Broadfoot at the Agency location*
- ☐ *SCHEDULE - EDR (in the field)*

TO: Sherwood City Council

FROM: Sebastian Tapia, Interim City Attorney

SUBJECT: **Resolution 2024-061, Approving an Employment Agreement with Craig Sheldon to Serve as City Manager**

Issue:

Shall the City Council approve an Employment Agreement with Craig Sheldon to serve as the next City Manager for the City of Sherwood?

Background:

Craig Sheldon has successfully served as City Manager Pro Tem since being appointed November 28, 2023. City Council is pleased with Sheldon's job performance and does not require the position to be posted externally.

This resolution would approve an Employment Agreement to hire Craig Sheldon as Sherwood's next City Manager. Under the terms of the agreement, Sheldon would begin his duties on August 6, 2024.

Financial Impacts:

No significant financial impacts are anticipated as a result of approval of this resolution.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2024-061, Approving an Employment Agreement with Craig Sheldon to Serve as City Manager.



RESOLUTION 2024-061

**APPROVING AN EMPLOYMENT AGREEMENT WITH CRAIG SHELDON TO SERVE
AS CITY MANAGER**

WHEREAS, Craig Sheldon has successfully served as City Manager Pro Tem since being appointed on November 28, 2023; and

WHEREAS, City Council is pleased with Sheldon's job performance and does not require the position to be posted externally; and

WHEREAS, the Interim City Attorney has prepared a proposed Employment Agreement to hire Sheldon as the next City Manager for the City of Sherwood, which requires Council approval.

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

Section 1. The Mayor is hereby authorized to sign an Employment Agreement with Craig Sheldon in a form substantially similar to the attached Exhibit 1.

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

Duly passed by the City Council this 6th of August 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

EMPLOYMENT AGREEMENT

This Employment Agreement is made and entered into effective on the date last set forth below by and between the City of Sherwood, Oregon ("the City") and Craig Sheldon ("Manager").

RECITALS

WHEREAS, the City desires to employ Manager as the City Manager of the City of Sherwood and Manager is willing to accept said appointment; and

WHEREAS, the City and Manager desire a written agreement to establish and set the terms and conditions of the employment of Manager as the City Manager;

NOW THEREFORE, in consideration of the mutual covenants contained herein as well as for the other consideration described, the City and Manager mutually agree as follows:

1. DUTIES

The City agrees to employ Manager as City Manager, to perform the functions and duties of that position as described in the Sherwood City Charter, Sherwood Municipal Code, and state law, and as the City Council ("Council") shall, from time to time, assign to the City Manager consistent with the professional role and responsibility of the City Manager. Manager shall be guided by and uphold the principles of the ICMA Code of Ethics, attached hereto as Exhibit A, in the performance of such duties. Manager agrees that, during the term of this Agreement, he will remain the exclusive employee of the City.

2. TERM

The term of this Agreement shall commence on August 6, 2024 (the "Effective Date") and, unless earlier terminated consistent with the terms hereof, continue for a period of five (5) years until August 6, 2029.

3. COMPENSATION

A. Salary

Beginning on the Effective Date, the City agrees to pay Manager one-hundred ninety-eight thousand dollars (\$198,000) as a yearly base salary, to be paid in installments at the same interval as the City pays its other employees who are not subject to a collective bargaining agreement ("Unrepresented Employees"). Manager shall be entitled to receive a Cost-of-Living Adjustment (COLA) plus an additional 2% to Manager's salary on the same schedule as may be provided to the City's Unrepresented Employees. Manager's salary will be reviewed by Council annually, and upon its election may increase Manager's salary by an addition 0%-5%.

Council and Manager shall periodically define goals and performance objectives that they determine necessary for the proper operation of the City and attainment of Council's policy objectives. Council and Manager shall work together to establish priorities among those various goals and objectives. The goals will be set to generally be attainable within the time limitations specified and within the annual operating and capital budgets and appropriations provided for.

B. Retirement

The City agrees to contribute into the Oregon Public Employees Retirement System on Manager's behalf an amount equal to the same percentage of salary contributed for the City's Unrepresented Employees.

The City will contribute 3% of Manager's base salary to Manager's deferred compensation plan (457 plan) at the same periodic schedule as the City's Unrepresented Employees.

C. Cellular Phone

The City shall provide a cellular phone to Manager for use for City business, consistent with applicable City policies.

D. Driving Allowance

Manager is entitled to a monthly motor vehicle driving allowance equal to the current federal rate as of January 1st of each year, multiplied by 1000 miles. Manager will also be paid the federal rate for travel that is more than 50 miles from Sherwood City Hall.

Manager shall maintain a vehicle during the term of this Agreement, which shall be available for Manager's exclusive and unrestricted use in the performance of his duties hereunder. Manager shall be solely responsible for liability, property damage, and comprehensive insurance coverage upon such vehicle and shall further be responsible for all expenses attendant to the purchase, operation, maintenance, repair, and replacement of said vehicle.

E. Taxes

All compensation described in this Agreement shall be subject to withholding of income taxes and shall be subject to employment taxes required with respect to compensation paid by the City to an employee.

F. Paid Time Off

Upon execution of this agreement, any existing paid time off (PTO) balances of Manager will be transferred and applied to Manager's PTO balance. Manager may immediately cash out Manager's unused PTO balance to 80 hours. Manager shall receive 216 hours of PTO annually, accrued in equal installments during each pay period. Manager is permitted to carry over a maximum of 80 hours of unused PTO at the end of the calendar year into the subsequent calendar year. Additionally, Manager has the option to receive a cash payout for any PTO balance exceeding 80 hours during the last month of the calendar year.

G. Administrative Leave

Manager is entitled to 40 hours of Administrative Leave each calendar year. Administrative Leave is not considered PTO and may not be cashed out. Manager's current and unused Administrative Leave will remain available.

H. Annual Salary Review

Council shall conduct an annual review of Manager's salary. The council shall collaborate with Manager to establish the structure of the review process and the metrics to be utilized for conducting the review.

I. Sick Leave

Manager shall be entitled to the same sick leave benefits as Unrepresented Employees. Manager's current and unused Sick Leave will remain available.

J. Holidays

Manager shall be subject to the policies regarding City observed holidays that are applicable to Unrepresented Employees.

K. Insurance and Benefits

- i. Health Insurance. If Manager elects to participate in the City's health insurance programs, the

City agrees to provide coverage and make required premium payments for Manager and his dependents for comprehensive medical, vision and dental coverage consistent with the City's policy for the City's Unrepresented Employees.

- ii. Life Insurance. The City shall pay, on behalf of Manager, the premium cost for a term life insurance policy in the amount of three hundred thousand dollars (\$300,000.00).
- iii. Other Benefits. Except as otherwise provided in this Agreement, Manager shall receive all other employee benefits provided by the City to Unrepresented Employees, including Sabbatical.

4. PROFESSIONAL DUES AND DEVELOPMENT

To the extent funds are available and budgeted by Council, Manager may participate, as he deems appropriate, in professional associations, short courses, seminars, conferences, and other similar professional development opportunities. Expenses will be reimbursed consistent with the City's policy applicable to the City's Unrepresented Employees. The City agrees to budget and to pay for the professional dues of the City Manager for membership in ICMA and Oregon City/County Management Association (OCCMA) as well as Manager's water, sewer and Commercial Driver License (CDL) certifications. Manager may continue to be on the Board of Directors for Oregon Association of Water Utilities (OAWU), which may entail attending monthly or bimonthly meetings, national training every other year, and lobbying in Washington DC every other year.

5. TERMINATION

Manager is an at-will employee and shall serve at the pleasure of the Council. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the Council to terminate the services of Manager at any time, for any reason whatsoever, with or without cause, prior to expiration of this Agreement, subject only to the provisions set forth in this Section. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of Manager to resign at any time from his position prior to expiration of this Agreement, subject only to the provisions set forth in this Section.

A. Termination for Cause

If Manager is terminated prior to the expiration of this Agreement for cause, the City shall have no obligation with respect to the severance pay described in this Section. For the purposes of this Agreement, "cause" is defined to include any of the following:

- i. Manager fails or refuses to comply with the laws and written policies and regulations of the City that are now in existence or are from time to time established.
- ii. Manager fails to perform his duties as City Manager or abandons his position as City Manager.
- iii. The City has substantial evidence to prove that Manager has committed fraud, breach of fiduciary responsibilities, dishonesty, or gross negligence; misappropriated City funds, goods, or services to either his own or some other private third party's benefit; or committed other acts of misconduct which the Council believes, in its sole discretion, is or would be detrimental to the City or its interests.

B. Termination Without Cause

Termination without cause, as used in this Section, means Manager's discharge or dismissal by the City, for any reason other than the reasons specified in Subsection 5(A) above, and shall also include discharge or dismissal by the City during the six (6) month period immediately following the official seating of one or more newly elected Council members for reasons other than those set out above in Subsection 5(A) of this Section, notwithstanding Manager's willingness and ability to perform his duties.

If the City terminates Manager without cause prior to the expiration of this Agreement, and Manager is then willing and able to perform all the duties of the City Manager under this Agreement, Manager shall be reassigned to a position of equivalent responsibility, salary and benefits to that of the Public Works Director for the remaining duration of the contract. If such a position does not exist at that time, one will be created for the duration of this contract. If the parties mutually agree this is not in the best interest of the City and Manager, a severance package will be negotiated.

C. Voluntary Resignation

In the event Manager voluntarily resigns prior to the expiration of this Agreement, Manager shall give the City written notice thereof a minimum of forty-five (45) days in advance, unless the parties mutually agree otherwise. In the event of Manager's voluntary resignation, Manager shall not be entitled to severance pay as provided herein.

6. GENERAL PROVISIONS

A. Professional Liability

The City agrees to defend, hold harmless, and indemnify Manager from all demands, claims, suits, actions, and legal proceedings brought against Manager in his individual capacity or in his official capacity as agent and employee of the City, consistent with the terms of the Oregon Tort Claims Act (ORS 30.260 to 30.300).

B. Bonding

The City shall bear the full cost of any fidelity or other bond required of Manager under any law or City ordinance.

C. Amendments

No amendment to this Agreement shall be valid unless in writing and signed by Manager and an authorized representative of the City after approval by the Council.

D. Applicable Law

This Agreement is construed under the laws of the State of Oregon, the City of Sherwood Charter, and the Sherwood Municipal Code. Venue shall be in Washington County Circuit Court or, only if there is no state court jurisdiction, U.S. District Court for the District of Oregon.

E. Counterparts

This Agreement may be executed in duplicate original counterparts, each of which when so executed shall be deemed to be an original, and such counterparts shall together constitute one and the same instrument.

F. Compliance with Laws

Manager shall perform his duties in accordance with all applicable laws, ordinances, rules, and regulations applicable to his position.

G. Entire Agreement

This Agreement constitutes the entire Agreement between the parties on the subject matter hereof and supersedes all prior written or oral discussions or agreements regarding the same subject. The provisions of this Agreement are solely for the benefit of the parties and not for the benefit of any other person, persons, or legal entities.

H. Inducements and Representations

Manager acknowledges that he has not been induced to enter into this Agreement by any representations or statements, oral or written, not expressly contained herein or guarantees, expressed or implied, other than the expressed representations, warranties, and guarantees contained in this Agreement.

I. Assignment

This Agreement may not be assigned by either the City or Manager.

J. Representation

The City has been represented by its City Attorney in the preparation of this Agreement. Manager has the right to independent counsel at his own expense regarding the preparation of this Agreement.

K. Arbitration

In the event the parties have a dispute concerning the terms of this Agreement, the terms and conditions of the employment relationship, or the violation of any federal, state, or local law relating to the employment relationship and they have not otherwise resolved the matter through any attempted mediation, conciliation, or other voluntary dispute resolution process they choose to use prior to the initiation of arbitration, then the dispute shall be resolved by binding arbitration in accordance with the then effective arbitration rules of (and by filing a claim with) Arbitration Service of Portland, Inc., and judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof. Each party shall bear equally the expense of the arbitrator and all other expenses of conducting the arbitration. Each party shall bear its own expenses for witnesses, depositions, and attorneys.

L. Severability

It is understood and agreed by the parties that if any part, term, portion, or provision of this Agreement is held by the courts to be illegal or in conflict with the laws of the State of Oregon, the validity of the remaining portion of this Agreement shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, portion, or provision.

IN WITNESS WHEREOF, the CITY OF SHERWOOD, OREGON, has caused this Agreement to be signed and executed by its Mayor, Tim Rosener, and Craig Sheldon has signed and executed this Agreement, on the date noted below each signature.

CITY OF SHERWOOD

CRAIG SHELDON

Tim Rosener, Mayor

Craig Sheldon

Date

Date

Exhibit A to Employment Agreement

ICMA CODE OF ETHICS

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

- I. We believe professional management is essential to efficient and democratic local government by elected officials.
2. Affirm the dignity and worth of local government services and maintain a deep sense of social responsibility as a trusted public servant.
3. Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.
4. Serve the best interests of the people.
5. Submit policy proposals to elected officials; provide them with facts, and technical and professional advice about policy options; and collaborate with them in setting goals for the community and organization.
6. Recognize that elected representatives are accountable to their community for the decisions they make; members are responsible for implementing those decisions.
7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.
8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.
9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.
11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions pertaining to appointments, pay adjustments, promotions, and discipline.
12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

Adopted by the ICMA Executive Board in 1924, and most recently revised by the membership in June 2020,

ICMA

TO: Sherwood City Council

FROM: Sebastian Tapia, Interim City Attorney

SUBJECT: Resolution 2024-054, Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment regarding Council Compensation for Expenses Incurred while Conducting the City's Business

Issue:

Shall the City Council approve the ballot title and explanatory statement for, and submit to, the voters at the November 2024 election, a proposed charter amendment regarding the City Council's official compensation package?

Background:

The Sherwood City Council met in a public work session on June 4, 2024 to discuss a possible amendment to the City Charter as recommended by the Charter Review Committee. Staff subsequently prepared a resolution, a ballot title, and an explanatory statement for the proposed amendment, for further consideration and possible approval by Council. Council met on July 16, 2024 in a public session to consider a proposed ballot title. Council tabled the resolution and directed staff to rework the language of the ballot title to focus on travel rewards programs. Exhibits A, B and C to this staff report document the changes made between the previous and current versions of the resolution, ballot title and explanatory statement.

The attached resolution, ballot title, and explanatory statement pertain to a proposed charter amendment regarding the mayor and city council's official compensation package. If it is approved by Council, the amendment would be submitted to the voters at the November 2024 election. If it is then approved by voters, this measure would amend Section 37 of the City Charter by removing the sentence, "The mayor and councilors shall not be compensated but may be reimbursed for actual and reasonable expenses." The following sentences will be added in its place, "The mayor and councilors may be compensated for expenses incurred while conducting the City's business, using the same standard that applies to city employees. This will be the council's official compensation package and only compensation."

Financial Impacts:

The direct financial impact of approving this resolution is the cost relating to publishing the ballot title and explanatory statement in a newspaper as required by City Code, estimated at approximately \$1,000 per ballot measure.

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Recommendation:

Staff respectfully recommends Council review and consider adopting Resolution 2024-054, Approving Ballot Title and Explanatory Statement and Submitting to the Voters a Proposed Charter Amendment regarding Council Compensation for Expenses Incurred while Conducting the City's Business.



RESOLUTION 2024-054

APPROVING BALLOT TITLE AND EXPLANATORY STATEMENT AND SUBMITTING TO THE VOTERS A PROPOSED CHARTER AMENDMENT REGARDING ~~MAYOR AND COUNCIL COMPENSATION~~ COUNCIL COMPENSATION FOR EXPENSES INCURRED WHILE CONDUCTING THE CITY'S BUSINESS

WHEREAS, the Sherwood Charter Review Committee convened as required by Section 1 of the Sherwood City Charter, on May 15, 2024 and recommended an amendment to the Charter to provide an official compensation package for the mayor and councilors when they incur expenses while conducting the City's business;

WHEREAS, the Sherwood City Council met in a public work session on June 4, 2024 to discuss this recommended amendment to the City Charter; and

WHEREAS, the Council further considered said amendments during a public meeting on July 16, 2024 and has determined to submit to the voters of Sherwood a ballot measure proposing to amend the City Charter with regard to Mayor and Council compensation;

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

- Section 1.** An election is called for the City of Sherwood, Washington County, Oregon for the purpose of submitting to City voters an amendment to the City's home rule charter regarding Mayor and Council compensation.
- Section 2.** Tuesday, November 5, 2024 is designated as the date for holding the election for voting on the measure.
- Section 3.** The election will be conducted by the Washington County Elections Department.
- Section 4.** The precincts for this election will include all of the territory within the corporate limits of the City of Sherwood.
- Section 5.** The Ballot Title and Explanatory Statement attached as Exhibits 1 and 2, respectively, are hereby approved and certified.
- Section 6.** The City Recorder will publish the Ballot Title as required by state law. The City of Sherwood authorizes the City Recorder or her designee to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

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Section 7. This Resolution shall be effective upon its approval and adoption.

| Duly passed by the City Council this ~~16th~~6th of ~~July~~August 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

BALLOT TITLE FOR INITIATIVE TO AMEND THE CITY CHARTER REGARDING COUNCIL'S ~~COMPENSATION FOR EXPENSES INCURRED~~ USE OF REWARDS PROGRAMS WHILE CONDUCTING THE CITY'S BUSINESS

Caption:

Amends Charter to ~~compensate~~allow Council ~~for City business expenses~~to use travel rewards benefits

Question:

Shall Council be ~~compensated for expenses incurred~~permitted to use rewards programs while conducting the City's business?

Summary:

~~This proposed Charter amendment would permit the mayor and city councilors to be compensated for expenses incurred while conducting the City's business, using the same standard that applies to city employees. The Sherwood City~~City councilors presently receive no compensation for performance of their duties. The Sherwood City Charter would be amended to allow councilors to retain and apply benefits accrued through rewards programs if they use personal accounts to conduct City business. Allowing councilors to use rewards programs can at times provide discounts on travel and accommodations which can reduce the expense to the City. The charter currently states, "The mayor and councilors shall not be compensated but may be reimbursed for actual and reasonable expenses." The Sherwood employee handbook allows employees to retain any benefit from their travel rewards programs for their personal use. The Charter would be amended to state, "The mayor and councilors may be compensated for expenses incurred while conducting the City's business, using the same standard that applies to city employees. This will be ~~considered their~~the council's official compensation package."and only compensation."

This measure leaves certain terms undefined, which City Council may define in an implementing ordinance.

EXPLANATORY STATEMENT

The proposed charter amendment would ~~establish an~~ permit the mayor and city councilors to use travel rewards programs as their official compensation package ~~for the mayor and city councilors.~~

Sherwood's Charter states, "The mayor and councilors shall not be compensated but may be reimbursed for actual and reasonable expenses." Reimbursement of expenses that are currently authorized is limited only to those expenses personally paid while conducting the public body's business.

In a 2022 stipulated final order by the Oregon Government Ethics commission, the commission considered one official's use of airline and hotel membership rewards points a possible misuse of his official position. However, Oregon ethics laws state that public officials may accept any financial benefit that is identified by the public body they serve as part of the official compensation package of the public official. The phrase official compensation package includes the direct payment of a public official's expenses by the public body, in accordance with the public body's policies. The City of Sherwood recognizes that use of rewards memberships often saves the City money, and accordingly, it allows its employees to keep those rewards under their official compensation package.

This amendment to the City's Charter would make direct payment of the mayor and councilors' expenses incurred while conducting the City's business their official compensation package, ~~including allowing them to use travel rewards programs. This change would apply the same standards the City uses to pay city employees for similar expenses.~~



RESOLUTION 2024-054

APPROVING BALLOT TITLE AND EXPLANATORY STATEMENT AND SUBMITTING TO THE VOTERS A PROPOSED CHARTER AMENDMENT REGARDING COUNCIL COMPENSATION FOR EXPENSES INCURRED WHILE CONDUCTING THE CITY'S BUSINESS

WHEREAS, the Sherwood Charter Review Committee convened as required by Section 1 of the Sherwood City Charter, on May 15, 2024 and recommended an amendment to the Charter to provide an official compensation package for the mayor and councilors when they incur expenses while conducting the City's business; and

WHEREAS, the Sherwood City Council met in a public work session on June 4, 2024 to discuss this recommended amendment to the City Charter; and

WHEREAS, the Council further considered said amendments during a public meeting on July 16, 2024 and has determined to submit to the voters of Sherwood a ballot measure proposing to amend the City Charter with regard to Mayor and Council compensation.

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

- Section 1.** An election is called for the City of Sherwood, Washington County, Oregon for the purpose of submitting to City voters an amendment to the City's home rule charter regarding Mayor and Council compensation.
- Section 2.** Tuesday, November 5, 2024 is designated as the date for holding the election for voting on the measure.
- Section 3.** The election will be conducted by the Washington County Elections Department.
- Section 4.** The precincts for this election will include all of the territory within the corporate limits of the City of Sherwood.
- Section 5.** The Ballot Title and Explanatory Statement attached as Exhibits 1 and 2, respectively, are hereby approved and certified.
- Section 6.** The City Recorder will publish the Ballot Title as required by state law. The City of Sherwood authorizes the City Recorder or her designee to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

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Section 7. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 6th of August 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

**BALLOT TITLE FOR INITIATIVE TO AMEND THE CITY CHARTER REGARDING COUNCIL'S USE OF
REWARDS PROGRAMS WHILE CONDUCTING THE CITY'S BUSINESS**

Caption:

Amends Charter to allow Council to use travel rewards benefits

Question:

Shall Council be permitted to use rewards programs while conducting the City's business?

Summary:

City councilors presently receive no compensation for performance of their duties. The Sherwood City Charter would be amended to allow councilors to retain and apply benefits accrued through rewards programs if they use personal accounts to conduct City business. Allowing councilors to use rewards programs can at times provide discounts on travel and accommodations which can reduce the expense to the City. The charter currently states, "The mayor and councilors shall not be compensated but may be reimbursed for actual and reasonable expenses." The Sherwood employee handbook allows employees to retain any benefit from their travel rewards programs for their personal use. The Charter would be amended to state, "The mayor and councilors may be compensated for expenses incurred while conducting the City's business using the same standard that applies to city employees. This will be the council's official compensation package and only compensation."

This measure leaves certain terms undefined, which City Council may define in an implementing ordinance.

EXPLANATORY STATEMENT

The proposed charter amendment would permit the mayor and city councilors to use travel rewards programs as their official compensation package.

Sherwood's Charter states, "The mayor and councilors shall not be compensated but may be reimbursed for actual and reasonable expenses." Reimbursement of expenses that are currently authorized is limited only to those expenses personally paid while conducting the public body's business.

In a 2022 stipulated final order by the Oregon Government Ethics Commission, the Commission considered one official's use of airline and hotel membership rewards points a possible misuse of his official position. However, Oregon ethics laws state that public officials may accept any financial benefit that is identified by the public body they serve as part of the official compensation package of the public official. The phrase official compensation package includes the direct payment of a public official's expenses by the public body, in accordance with the public body's policies. The City of Sherwood recognizes that use of rewards memberships often saves the City money, and accordingly, it allows its employees to keep those rewards under their official compensation package.

This amendment to the City's Charter would make direct payment of the mayor and councilors' expenses incurred while conducting the City's business their official compensation package, including allowing them to use travel rewards programs.

Agenda Item: New Business

TO: Sherwood City Council

FROM: Joy L. Chang, Senior Planner

Through: Sean Conrad, Planning Manager, Eric Rutledge, Community Development Director,
Craig Sheldon, City Manager Pro Tem, and Sabastian Tapia, Interim City Attorney

SUBJECT: Resolution 2024-060, Declaring the need to regulate and preserve on-street parking in response to state mandated Climate Friendly and Equitable Community regulations

Issue:

Should the City Council pass a resolution that preserve's on-street parking in response to state mandated Climate Friendly and Equitable (CFEC) parking regulations?

Background:

The City of Sherwood has been required to reduce and, in some cases, remove parking regulations for certain areas of the city to comply with the State of Oregon's CFEC regulations. The Sherwood community has different expectations for parking supply than is required by CFEC. For areas of the city with reduced parking regulations due to CFEC, the parking standards in Exhibit 1 of Resolution 2024-060 are recommended for all new development types. Exhibit 1 as shown may be updated by staff from time to time to reflect community expectations for off-street parking. Exhibit 1 will be kept on file with the Planning Department.

The City reserves the right to create and enforce on-street parking restrictions on city streets, including those immediately adjacent to properties subject to reduced parking regulations. Current Sherwood Municipal Code Section 10.08.070(C) allows the city to establish parking districts if necessary.

Financial Impacts:

There are no financial impacts from this proposed action.

Recommendation:

Staff respectfully recommends City Council's adoption of Resolution 2024-060, Declaring the need to regulate and preserve on-street parking in response to state mandated Climate Friendly and Equitable Community regulations.



RESOLUTION 2024-060

DECLARING THE NEED TO REGULATE AND PRESERVE ON-STREET PARKING IN RESPONSE TO STATE MANDATED CLIMATE FRIENDLY AND EQUITABLE COMMUNITY REGULATIONS

WHEREAS, the Sherwood City Council held a public hearing on July 16, 2024 to discuss state mandated Climate Friendly and Equitable Communities (CFEC) rules that regulated parking standards for all land uses; and

WHEREAS, the demand for on-street parking will likely increase as a result of CFEC regulations; and

WHEREAS, the Council acknowledged the importance of regulating and preserving on-street parking throughout the Sherwood community; and

WHEREAS, the resolution is intended to protect existing residents and businesses from new development with inadequate off-street parking; and

WHEREAS, Sherwood Municipal Code (SMC) Section 10.08.070(C) allows the city to establish parking districts to protect against the effects of spillover parking from certain types of development; and

WHEREAS, the city reserves the right to enact on-street parking districts pursuant to SMC 10.08.070(C) in response to new development that does not meet community expectations; and

WHEREAS, Community parking expectations for all development and development types are clearly identified in Exhibit 1; and

WHEREAS, Exhibit 1 as shown may be updated by staff from time to time to reflect community expectations for off-street parking. Exhibit 1 will be kept on file with the Planning Department.

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

Section 1. Preserving on-street parking is important to Council and Sherwood Community; and

Section 2. Parking districts may be established per Sherwood Municipal Code Section 10.08.070(C); and

Section 3. Exhibit 1, attached to this Resolution, clearly identifies current parking expectations for all new development and development types; and

Section 4. Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 6th of August 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Recommended Off-Street Parking Standards

Spaces are based on 1 per 1,000 sq ft of gross leasable area

	Recommended Parking Standard
Accessory Dwelling Unit	None
Single-Family detached and manufactured home on lot	1 per dwelling unit
Duplex	1 space per dwelling unit (total of 2 per duplex)
Triplex	
• Lot area less than 3,000 SF	1 space total
• Lot area equal to or greater than 3,000 SF and less than 5,000 SF	2 spaces total
• Lot area equal to or greater than 5,000 SF	3 spaces total
Quadplex	
• Lot area less than 3,000 SF	1 space total
• Lot area equal to or greater than 3,000 SF and less than 5,000 SF	2 spaces total
• Lot area equal to or greater than 5,000 SF and less than 7,000 SF	3 spaces total
• Lot area equal to or greater than 7,000 SF	4 spaces total
Townhome	1 space per unit
Cottage Cluster	1 space per unit
Multi-Family dwelling	1 per unit under 500 sf 1.25 per 1 bdr 1.5 per 2 bdr 1.75 per 3 bdr
Hotel or motel	1 per room
Boarding house	None
General retail or personal service	4.1 (244 sf)
Vehicle sales, nursery	4.1
Furniture/appliance store	4.1
Tennis racquetball court	1.0
Golf course	None
Sports club/recreation facility	4.3 (233 sf)
General office	2.7 (370 sf)
Bank with drive-thru	4.3 (233 sf)
Eating or drinking establishment	15.3 (65 sf)
Fast food drive-thru	9.9 (101 sf)
Movie theater	0.3 per seat
Day care	None
Elementary and junior high	None
High school and college	0.2 per student + teacher
Places of worship	0.5 per seat
Nursing home	None
Library	None
Industrial	1.6
Warehouse (gross square feet; parking ratios apply to warehouses 150,000 gsf or greater)	0.3

Agenda Item: Public Hearing (*Second Reading*)

TO: Sherwood City Council

FROM: Joy L. Chang, Senior Planner
Through: Sean Conrad, Planning Manager, Eric Rutledge, Community Development Director, Craig Sheldon, City Manager Pro Tem, and Sabastian Tapia, Interim City Attorney

SUBJECT: **Ordinance 2024-002, Amending sections of the Sherwood Zoning and Community Development Code, and adopting Chapters 3.40 and 5.36 of the Sherwood Municipal Code for Climate-Friendly and Equitable Communities rules** (*Second Reading*)

Issue:

Shall the City Council amend sections of the Sherwood Zoning and Community Development Code (SZCDC) and adopt Chapters 3.40 and 5.36 to implement Climate-Friendly and Equitable Communities rules?

Background: 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

The Sherwood Planning Commission held its first public hearing on April 9, 2024, took public testimony, considered the application (LU 2024-001 PA) and continued the hearing to May 14, 2024. One public testimony was received in opposition of the CFEC amendments. The Planning Commission continued the hearing to May 14th to consider additional amendments requested by Oregon Department of Land Conservation and Development (DLCD).

On May 14, 2024, the Planning Commission held its second public hearing and consider the proposed amendments. With minor modifications to staff's analysis and findings, the Commission voted to close the public hearing. After considering the application materials, the proposed amendments, and the amended findings in the staff report, the Planning Commission voted in favor (four in favor and one abstained) of recommending the proposed text amendments to the City Council.

On July 16, 2024, City Council held its first public hearing on the proposed Climate Friendly and Equitable Communities ordinance. Staff provided a verbal staff report and answered questions on the proposed amendments. One public testimony was received during the public hearing. Sherwood resident Mark Long criticized the CFEC mandates as "ludicrous" and damaging to the city. He emphasized that the rules were unsuitable for a town where car ownership is prevalent. Mr. Long also expressed concern that the mandates would penalize cities for noncompliance and complicate business development.

Staff is recommending that Council open the second public hearing, take any public testimony that may be offered, and then close the hearing. Council may then approve the proposed amendments as presented.

Litigation:

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 LCDC. The City and co-Petitioners are seeking review of this decision by the Oregon Supreme Court. If successful, the CFEC rules could be found invalid.

Financial Impacts:

There is no immediate financial impact to the City. However, when a commercial parking lot is built within the City of Sherwood, a new 10% tax on the revenue from the new commercial parking lot will be collected. The remainder of the proposed amendments are for parking reform that will not financially impact the City.

Recommendation:

Staff respectfully recommends City Council hold the second hearing on Ordinance 2024-002, amending sections of the Sherwood Zoning and Community Development Code and adopting Chapter 3.40 and 5.36 for Climate-Friendly and Equitable Communities rules.

Attachment

1. Planning Commission Recommendation to Council
2. Ordinance with Exhibit 1

CITY OF SHERWOOD

DATE: July 5, 2024

Planning Commission Recommendation to the City Council Climate Friendly & Equitable Communities (CFEC)

File No: LU 2024-001- PA

Recommendation of the Planning Commission

The Sherwood Planning Commission held its first public hearing on April 9, 2024, took public testimony, considered the application (LU 2024-001 PA) and continued the hearing to May 14, 2024. One public testimony was received in opposition of the CFEC amendments. The Planning Commission continued the hearing to May 14th to consider additional amendments requested by Oregon Department of Land Conservation and Development (DLCD).

On May 14, 2024, the Planning Commission held its second public hearing and consider the proposed amendments. With minor modifications to staff's analysis and findings, the Commission voted to close the public hearing. After considering the application materials, the proposed amendments, and the amended findings in the staff report, the Planning Commission voted in favor (four in favor and one abstained) of recommending the proposed text amendments to the City Council.



Joy L. Chang
Senior Planner

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
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- Preferential placement of carpool/vanpool parking
- Allow redevelopment of any portion of a parking lot for bike or transit uses
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- 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
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- 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.

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 energy sources.

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 consistent 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.

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 (Climate Friendly Area and frequent 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.

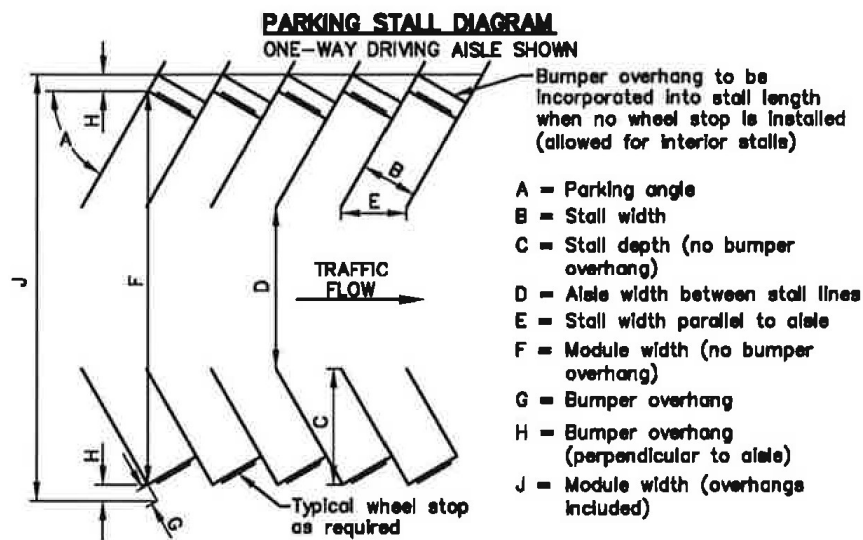


Table 2: Minimum Parking Dimension Requirements

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-swailes 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

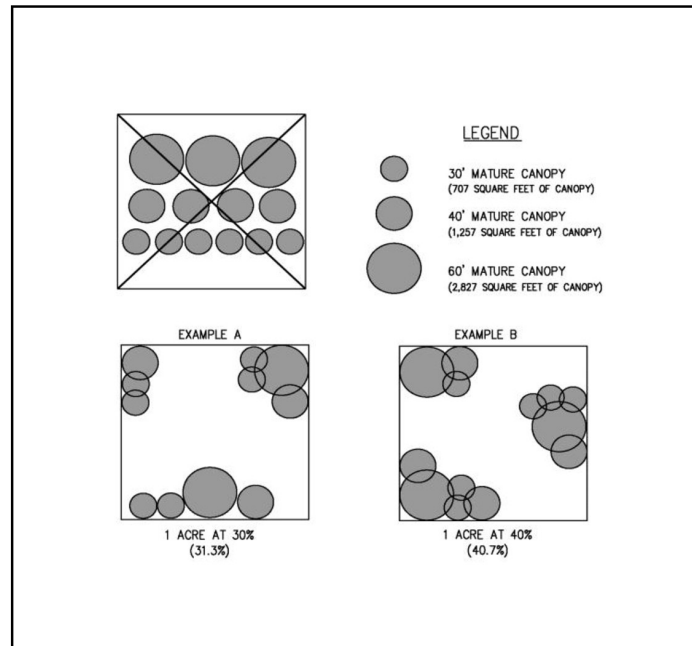
a. Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of each tree. The expected mature canopy is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

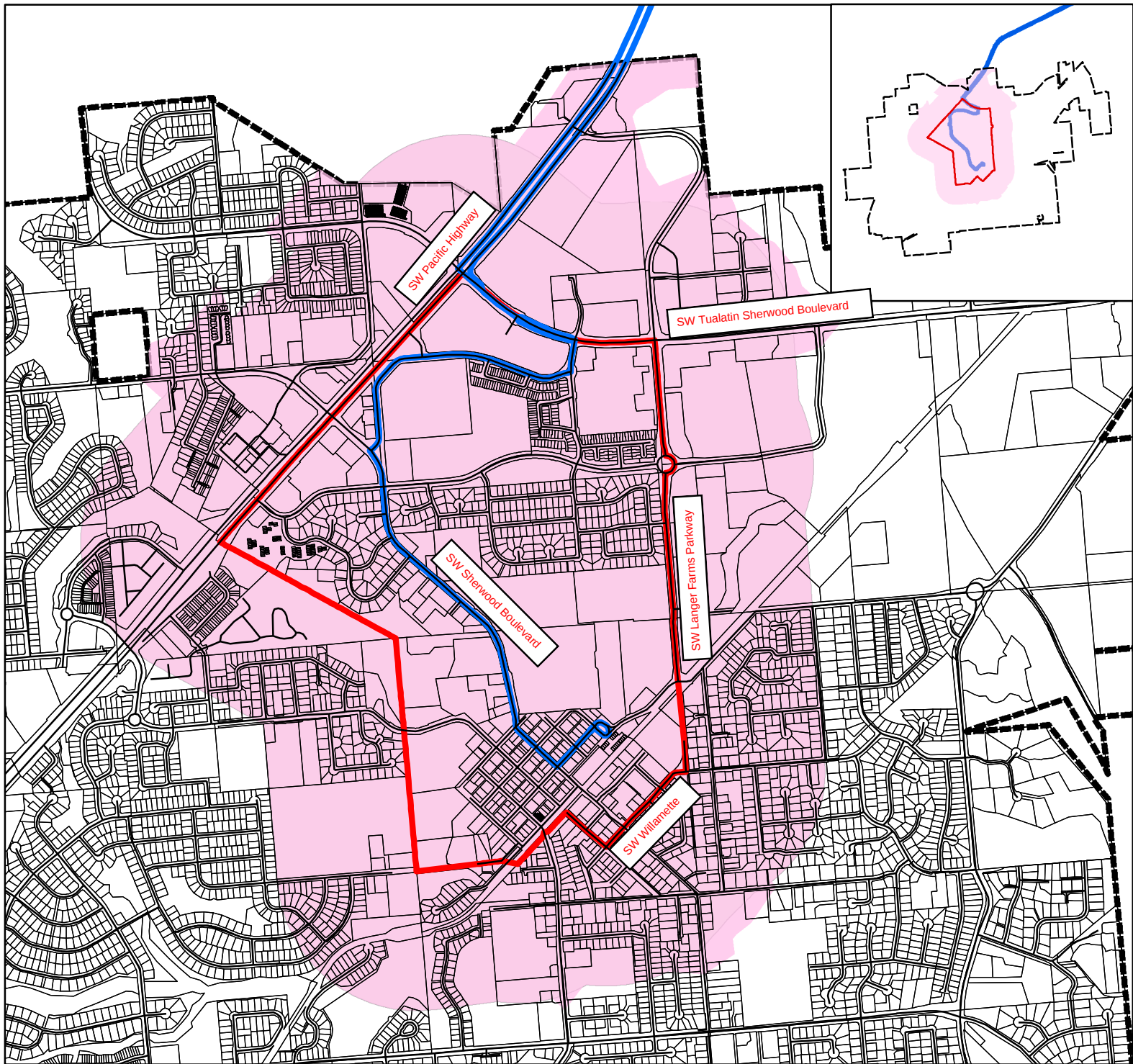
c. [Development standards for new surface parking lots more than half \(½\) acre in size, see Section 16.94 Parking and Loading.](#)

	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
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. 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.				
Canopy Calculation Example: Pin Oak Mature canopy = 35' $(3.14159 * 17.5^2) = 962$ square feet				



City of Sherwood CFEC Parking Delineated Area

Exhibit A



Legend

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

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



0 0.25 0.5 1 118
Miles

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 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: 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.

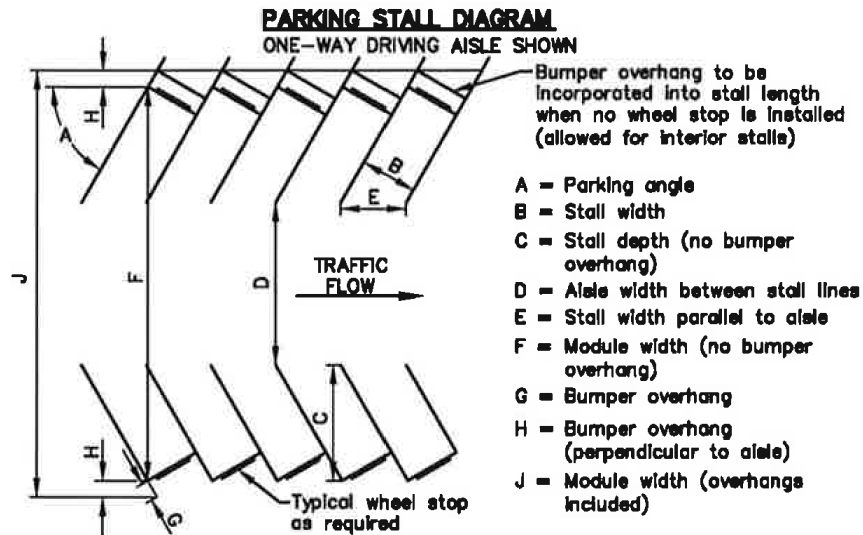


Table 2: Minimum Parking Dimension Requirements

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.

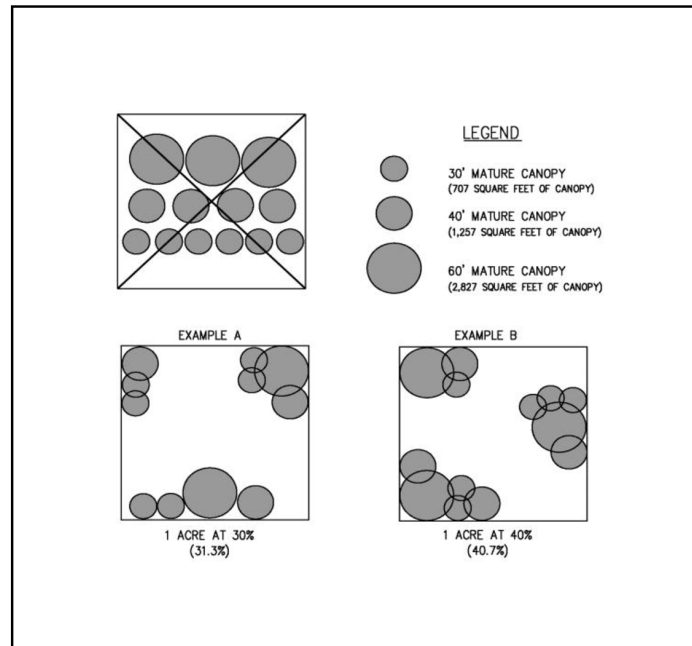
The canopy requirement can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist 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.

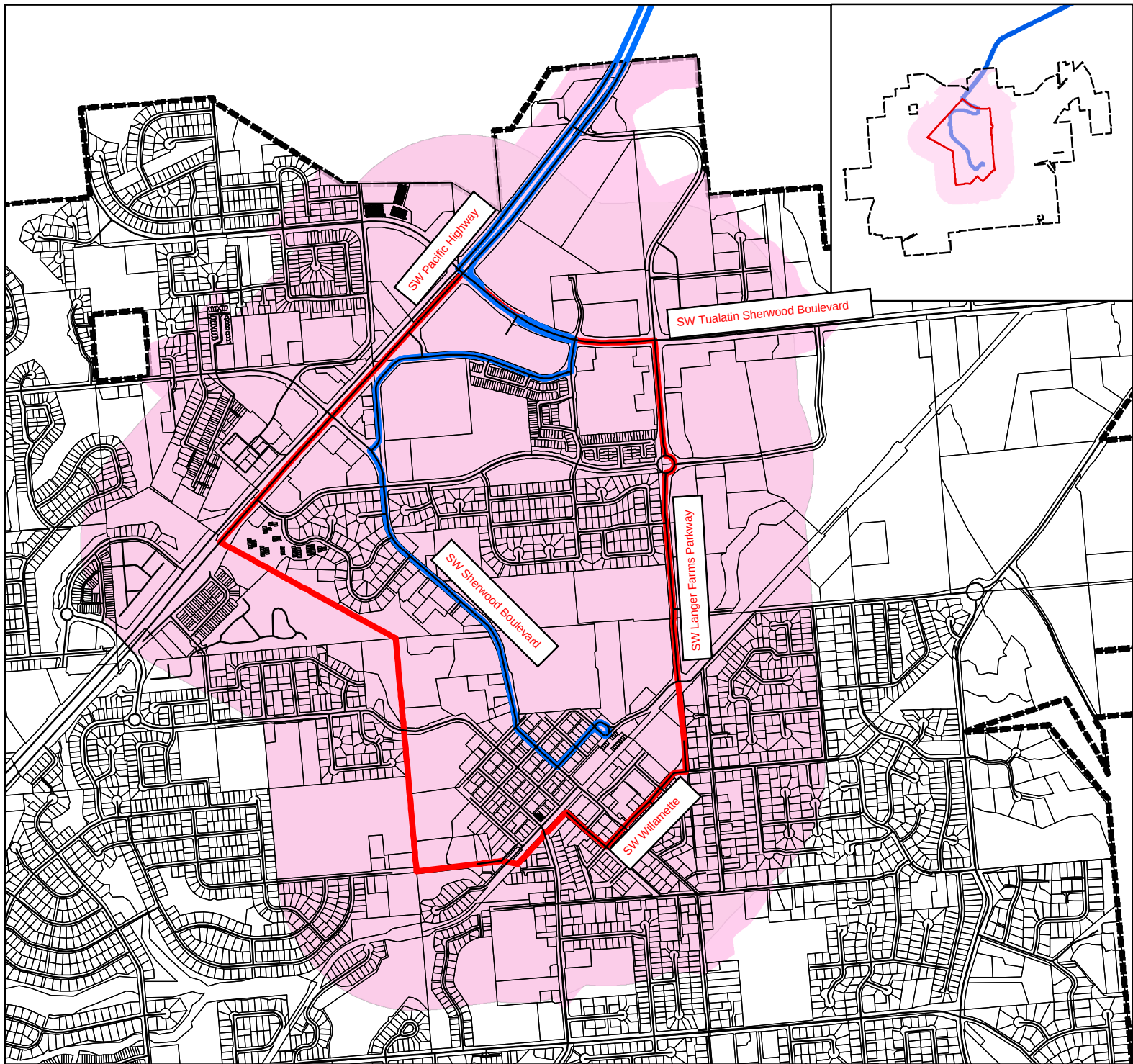
- c. Development standards for new surface parking lots more than half (½) acre in size, see Section 16.94 Parking and Loading.

	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
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. 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.				
Canopy Calculation Example: Pin Oak Mature canopy = 35' $(3.14159 * 17.5^2) = 962$ square feet				



City of Sherwood CFEC Parking Delineated Area

Exhibit B



Legend

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

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



0 0.25 0.5 1 142
Miles

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

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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



ORDINANCE 2024-002

AMENDING SECTIONS OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE, AND ADOPTING CHAPTERS 3.40 AND 5.36 OF THE SHERWOOD MUNICIPAL CODE FOR CLIMATE-FRIENDLY AND EQUITABLE COMMUNITIES RULES

WHEREAS, On March 10, 2020, former Governor Kate Brown issued Executive Order 20-04, directing state agencies to reduce climate pollution; and

WHEREAS, the Oregon Land Conservation and Development Commission adopted the Climate-Friendly and Equitable Communities (CFEC) rules to help meet state goals to reduce climate pollution, especially from transportation; and

WHEREAS, on May 14, 2024, the Planning Commission conducted a public hearing to consider the CFEC regulations to comply with the newly adopted Climate-Friendly and Equitable Communities Rules in Oregon Administrative Rules, chapter 660, division 12; and

WHEREAS, the proposed CFEC amendments, attached hereto as Exhibit 1, comply with the minimum standards identified in Oregon Administrative Rules, chapter 660, division 12; and

WHEREAS, the proposed CFEC amendments are consistent with the adopted Sherwood Comprehensive Plan, Transportation Systems Plan and the Community Development Code; and

WHEREAS, Marion County and 13 cities, including Sherwood, (herein Petitioners) challenged the validity of the CFEC rules under ORS 183.400 to the Oregon Court of Appeals in case no. A180037. On March 6, 2024, the Court of Appeals denied the petition, finding that Petitioners failed to prove that the rules facially exceeded statutory authority. The City and co-Petitioners are seeking review of this decision by the Oregon Supreme Court. If successful, the CFEC rules could be found invalid; and

WHEREAS, the Planning Commission, acting as the Citizen Advisory Committee, has conducted three work sessions on CFEC rules; and

WHEREAS, at its meeting on May 14, 2024, the Planning Commission conducted a public hearing, considered proposed CFEC standards, and recommended that the City Council adopt the proposed amendments; and

WHEREAS, the City Council held the first public hearing on the proposed amendments on July 16, 2024 and final public hearing on the proposed amendments on August 6, 2024.

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

Section 1. After full and due consideration of the application, the Planning Commission recommendation, the record, and evidence presented at the public hearings, the City Council adopts the findings of fact contained in the Planning Commission recommendation, which is included as Attachment 1 to the staff report for this Ordinance, finding that the text of the indicated sections of the Sherwood Zoning and Community Development Code, Chapters 3.40 and 5.36 shall be amended to read as documented in Exhibit 1, attached to this Ordinance.

Section 2. Ordinance 2024-002 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 20-04;
- b. Passage of a law that repeals or otherwise invalidate Executive Order 20-04; or
- c. Retraction of Executive Order 20-04 by the governor of the state of Oregon.

Section 3. The proposed amendments to the Sherwood Zoning and Community Development Code and Chapters 3.40 and 5.36 in Exhibit 1, attached to this Ordinance, are hereby **APPROVED**.

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

Duly passed by the City Council this 6th of August 2024.

Tim Rosener, Mayor

Date

Attest:

Sylvia Murphy, MMC, City Recorder

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

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.

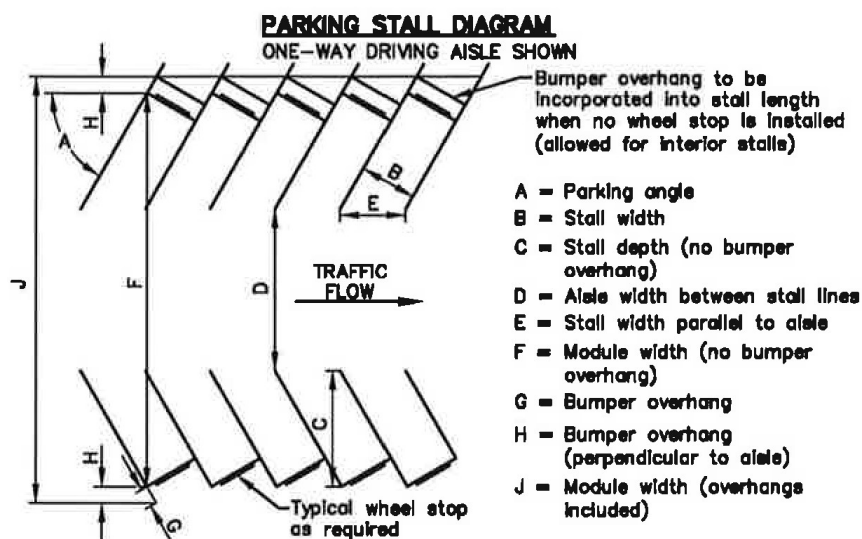


Table 2: Minimum Parking Dimension Requirements

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-swaes 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

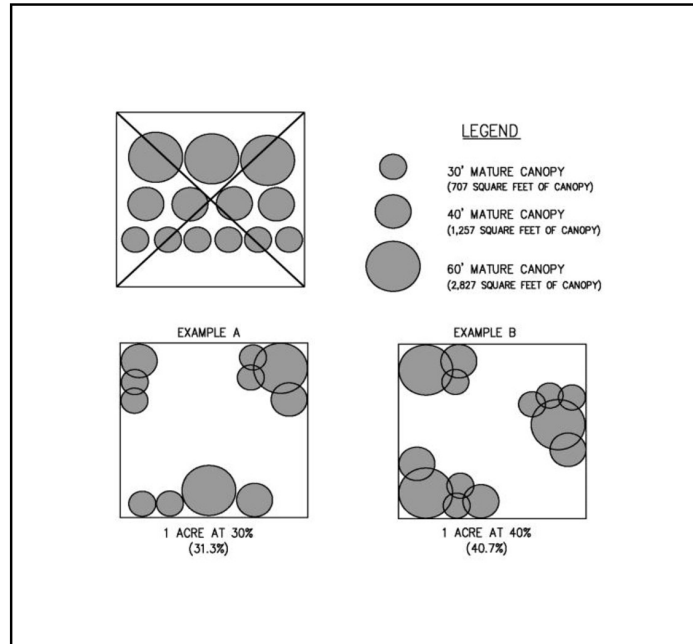
a. Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of each tree. The expected mature canopy is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

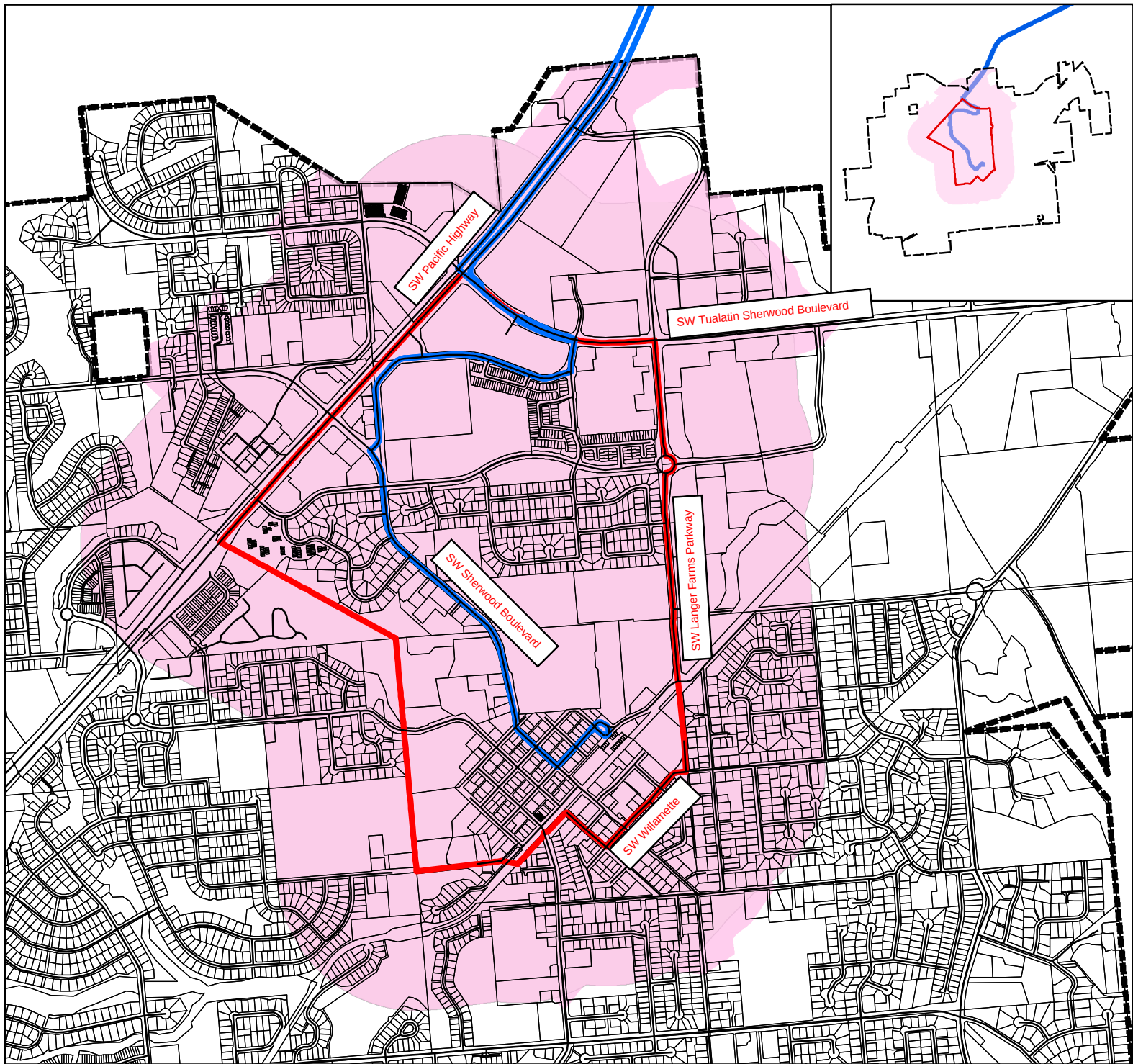
estimated tree canopy for all proposed trees to the planning department for review as a part of the land use review process.

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
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. 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.				
Canopy Calculation Example: Pin Oak Mature canopy = 35' $(3.14159 * 17.5^2) = 962$ square feet				



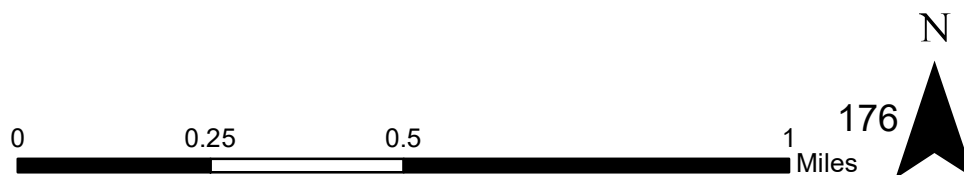
City of Sherwood CFEC Parking Delineated Area



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)



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.

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 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: 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.

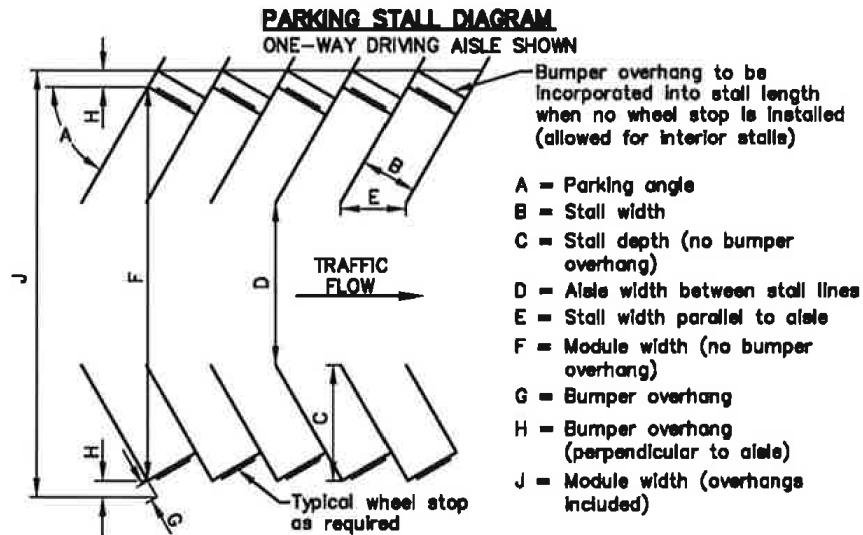


Table 2: Minimum Parking Dimension Requirements

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.

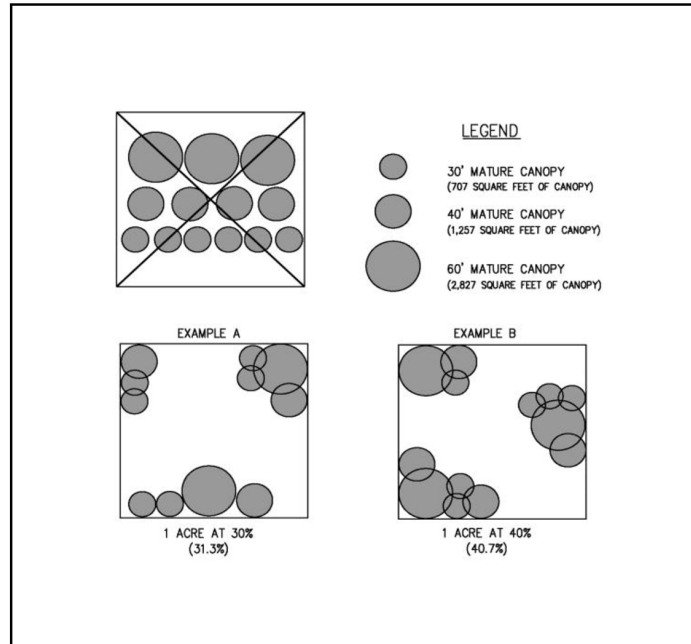
3. Required Tree Canopy - Non-Residential and Multi-Family Dwelling Developments

- 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

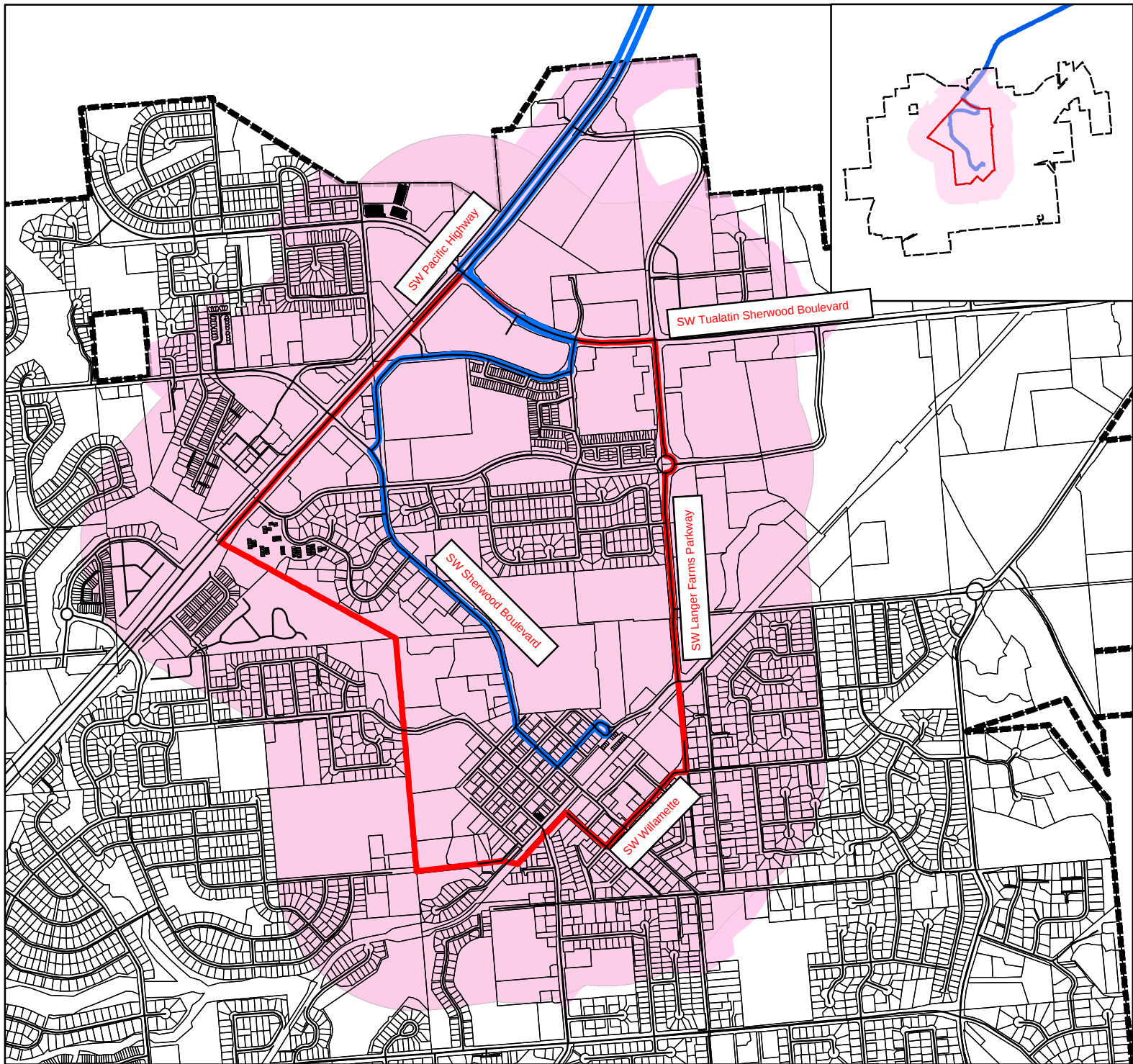
estimated tree canopy for all proposed trees to the planning department for review as a part of the land use review process.

- 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
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. 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.				
Canopy Calculation Example: Pin Oak Mature canopy = 35' $(3.14159 * 17.5^2) = 962$ square feet				



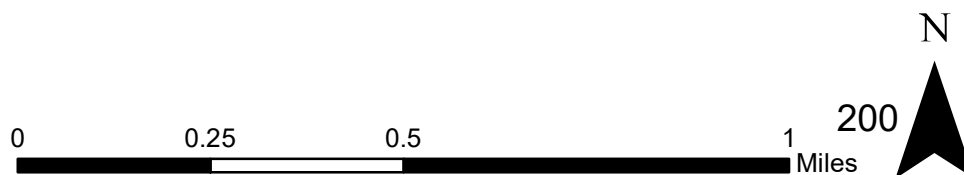
City of Sherwood CFEC Parking Delineated Area



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)



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.

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.