



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, September 17, 2024

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

5:30 pm City Council Work Session

7:00 pm City Council Regular Meeting

**City Council Executive Session
(ORS 192.660(2)(d), Labor Negotiator Consultations)
(following the regular City Council meeting)**

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



Home of the Tualatin River National Wildlife Refuge

5:30 PM CITY COUNCIL WORK SESSION

- 1. Solid Waste Annual Report**
(Craig Sheldon, City Manager)
- 2. Economic Development Incentives**
(Bruce Coleman, Economic Development Manager)
- 3. Sherwood West Update**
(Eric Rutledge, Community Development Director)

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 September 3, 2024, City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
- 6. CITIZEN COMMENTS**
- 7. PRESENTATIONS**
 - A. Proclamation, Proclaiming September as National Preparedness Month** (Mayor Tim Rosener)
 - B. Recognition of Sherwood High School Students – Academic, Athletic & Musical Achievements** (Mayor Tim Rosener and Sarah Lopez, Lead Utility Billing Technician)
- 8. NEW BUSINESS**
 - A. Resolution 2024-064, Affirming Aspects of the Sherwood West Concept Plan and Authorizing the Mayor to Withdraw the UGB Expansion Application**
(Eric Rutledge, Community Development Director)
- 9. PUBLIC HEARING**
 - A. Ordinance 2024-003, Adding new sections to the Sherwood Municipal Code designating City Manager Pro Tem in the absence of the City Manager and amending Chapter 1.10**
(Sebastian Tapia, Interim City Attorney) (*Second Hearing*)

AGENDA

**SHERWOOD CITY COUNCIL
September 17, 2024**

5:30 pm City Council Work Session
7:00 pm City Council Regular Session

City Council Executive Session
(ORS 192.660(2)(d), Labor Negotiator
Consultations) (Following the regular City
Council Meeting)

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

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AMENDED, NEW BUSINESS ADDED

B. Ordinance 2024-004, Amending sections of the Sherwood Zoning and Community Development Code for Food Cart Pods (Joy Chang, Senior Planner) (*First Hearing*)

10. CITY MANAGER REPORT

11. COUNCIL ANNOUNCEMENTS

12. ADJOURN to CITY COUNCIL EXECUTIVE SESSION

A. ORS 192.660(2)(d), Labor Negotiator Consultations (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
September 3, 2024

WORK SESSION

1. **CALL TO ORDER:** Mayor Tim Rosener called the meeting to order at 6:02 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Taylor Giles, Renee Brouse, Dan Standke, Keith Mays, and Doug Scott.
3. **STAFF PRESENT:** City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia, Community Development Director Eric Rutledge, Interim Public Works Director Rich Sattler, HR Director Lydia McEvoy, IT Director Brad Crawford, Economic Development Manager Bruce Coleman, Planning Manager Sean Conrad, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.
4. **TOPIC:**

A. Sherwood West Update

Community Development Director Eric Rutledge presented the “Sherwood West Urban Growth Boundary Expansion Discussion Council Work Session” PowerPoint presentation (see record, Exhibit A) and provided an overview of the timeline on page 2 of the presentation. He stated that the “2024 Urban Growth Management Decision: Metro Chief Operating Officer/Staff Recommendations” staff report (see record, Exhibit B) had been released and provided to Council. He outlined that Metro Council would hold a work session on September 5th to discuss the staff report, after which the recommendation would be sent to MTAC, MPAC, CORE, and a Metro Council public hearing would be held on September 26th. Councilor Scott asked if any changes to the staff report recommendation could occur since its publication. Mr. Rutledge replied that he believed that the intent was to publish the recommendation, accept public testimony on the recommendation, and then move forward. Councilor Mays stated that MTAC, MPAC, or CORE could recommend changes or provide comments regarding changes they would like to see. Community Development Director Rutledge outlined that a first reading of the Metro Council ordinance would be held on November 21st and a second reading would be held on December 5th. Councilor Scott asked if recommended changes to the recommendation would be made available to the public prior to the first public hearing. Mr. Rutledge replied he felt that that was likely, but he would ask Metro to confirm. He provided an overview of Sherwood West and recapped that the area contained: 265 acres of employment land, including mixed-use and hospitality zones; 340 acres of housing land with a density of 6.3-9.2 units per acre; 40 acres for schools; 20 acres for community parks; 500 acres for open space; and three new zoning types (Middle Housing, Cottage Cluster, and Hospitality). Councilor Mays asked if topography could be factored into housing unit

density. Community Development Director Rutledge replied that the plan and the proposed densities responded to the topography of the different areas. Council President Young clarified that the Sherwood West Concept Plan was created by a citizen advisory committee that met regularly over two years and incorporated community feedback. She continued that during that time the city had not completed any other UGB ask. Mr. Rutledge provided an overview of the Sherwood West Housing Estimates table on page 4 of the presentation and explained that the table was included in the Sherwood West Concept Plan, but the Metro staff report did not respond to the table included in the Concept Plan. He explained that the table showed a density of 9.2 and city staff had clarified to Metro prior to the release of the recommendation, that 9.2 was the high end of the density range and 6.3 was at the low end of the density range. He reported that the Metro recommendation did not take that clarification into account and explained that city staff would continue to work to get Metro to understand that the city's proposal was for a density range of 6.3-9.2, with the potential to go above that due to HB 2001. Mayor Rosener explained that the middle housing percentages were included in the report to illustrate the potential impacts of HB 2001, and the figures were not included to indicate that Sherwood was okay with anything between 9.2-16.4 housing units per acre. He commented that he hoped Metro would correct this misunderstanding because the Sherwood community was supportive of a density of 6.3-9.2. Mr. Rutledge stated that in his experience, developers tended to reach the high-end of the density range in any zone. He reported that the CAC recommended showing the high-end of the density range to provide transparency to the community about what was likely to happen when development occurred. He added that the CAC also wanted to show the community the potential impacts of HB 2001, which was why the Middle Housing percentages were included in the table. He commented that he believed that Metro had focused on the 9.2 density figure and had tried to establish that number as the new minimum instead of understanding that the 9.2 density figure represented the likely/maximum density for Sherwood West. He stated that staff had attempted to clarify this misunderstanding with Metro, but currently Metro had not responded to that clarification. He reported that Metro staff had recommended the approval for the city's entire UGB expansion request. He outlined that if they chose to do so, there was a "clear path" for Metro Council to impose conditions of approval. He explained that within the metro area over the 20-year planning period, Metro predicted the following baseline forecast: 203,500 new households and 110,000 new jobs through 2044. He noted that Sherwood was proposing 2,000-3,000 units, which represented approximately 1% of the housing growth over the next twenty years. Councilor Scott clarified that Metro was represented on the TAC for the entirety of the Sherwood West Concept Plan planning period and at no point during that process did they object to the proposed density. He added that, as required, Sherwood had forwarded a final version of the Sherwood West Concept Plan to Metro for their acknowledgement, and again received no pushback from Metro on the density proposals. Community Development Director Rutledge commented that he had reviewed some of the CAC meeting minutes which indicated that there was possibly one informal conversation with Metro where densities were discussed. He addressed the potential conditions of approval and explained that they could include a base density of 9.2-16.4 units per acre. Mayor Rosener referred to the Metro staff recommendation Report statement of "in order to achieve a mix of housing types..." and explained that the Sherwood West Concept Plan planned for more middle housing by zoning for it and the Metro Staff Recommendation did not acknowledge that Sherwood West was creating a Middle-Housing Zone and Cottage Cluster Zone. Mr. Rutledge recapped that affordability was a possible additional condition of approval cited in the Metro staff recommendation. Mayor Rosener stated that he believed there was no objection to having a component of the comprehensive planning process include determining what tools and programs that could be put in place to allow for the development of subsidized housing. He reported that he had explained to Metro staff that the city could plan for it and try to develop tools, but the city did not have the resources or money to do that. He commented that aspirational goals were fine, but conditions that stipulated certain percentages of affordable housing were not feasible because that was out of the city's

control. Community Development Director Rutledge referred to HB 2003 from 2019, or OHNA, and explained that this required the city to review its Housing Needs Analysis and stratify its citywide housing proposal based on income level. He referred to requirements around affordability and policy requirements and commented that these stipulations were already coming down from the state and discussion regarding the comprehensive and master planning process, and aspirational goals occurred. Mr. Rutledge commented that Sherwood was supportive of lowering housing costs in the city, but he was concerned that if an affordability condition were imposed, then development would stall in Sherwood West and would result in less development overall based on the affordability condition. Councilor Giles spoke on the need to allow residents to age in place in Sherwood. Community Development Director Rutledge addressed the potential conditions regarding creating and protecting industrial sites on page 10 of the presentation and explained that there was the possibility of a condition to assemble land within the north district of Sherwood West to achieve 50 acres. Mayor Rosener added that in the Urban Growth Report, it stated that there was a surplus of industrial land, but the median lot sizes were around 1 acre in size. Mayor Rosener stated that it was important that the condition be in place around lot size, or it would not pass legal muster on an appeal. Mr. Rutledge commented that Metro staff had been pretty firm on the 50-acre number because that was the number cited in the semiconductor task force report. Councilor Mays commented that he was in favor of industrial lot sizes, but the misunderstanding on the residential density needed to be rectified or he was not interested in moving forward. Community Development Director Rutledge recapped that HB 2001, which allowed for middle housing, boosting density in single-family zones and SB 1537 which offered variances that could increase density, lot size, building height, reduced community space, etc. inherently increased density, and would influence long-term development beyond the city's original plans if Sherwood West was not master planned. Councilor Giles clarified that the city would not be able to master plan the area unless Sherwood West was included in the city's UGB. Mayor Rosener referred to HB 2001 and clarified that cities could utilize the master planning process to be more specific about housing types. Mr. Rutledge provided an overview of SB 1537 on page 13 of the presentation and clarified that the impacts of SB 1537 could not be regulated by the master planning process. He provided an overview of previous expansion proposals versus the applied conditions of approval on page 15 of the presentation. He outlined that Metro had never imposed conditions to require higher density than what was proposed by local communities in the past two cycles. He reported that previously, Metro would expand the UGB and then require a concept plan and explained that this led to issues where communities would reject the plan. Currently, Metro required a concept plan before expanding the UGB which led to different issues of communities engaging in a 2–3-year planning process followed by two months of high-level Metro hearings where the nature of the plan was significantly changed. He commented that Metro should provide guidance on how to calculate density to standardize the process for cities. Mr. Rutledge referred to River Terrace 2.0 and reported that Metro conditioned less density than was proposed by the city and reported that Metro Council had not imposed affordability conditions in the last two expansion cycles. Councilor Mays referred to affordability and commented that it seemed unnecessary to have two processes, and Metro should follow state law. Mayor Rosener recapped that currently, Sherwood had an average housing density of 7-8 units per acre, and an average lot size of 5,850 sqft. The Sherwood West proposal included a housing density of 6.3-9.2 units per acre, with an average of 7.75, and an average lot size of 5,620 sqft. He recapped Metro staff's recommendation as: 9.2-16.4 units per acre housing density with an average lot size of 4,734-2,656 sqft. Council President Young commented that the Sherwood West Concept Plan accomplished the community's desire to "keep Sherwood looking like Sherwood." Councilor Scott commented that the community realized and accepted that as time went on and the housing crisis continued, density would increase. He referred to the Sherwood West Concept Plan and the projected 6.3-9.2 units per acre density and commented that that range was deemed acceptable by the Sherwood community but going from 9.2 units per acre to an average of 12 units per acre was incredibly different.

Councilor Giles commented that Sherwood did not have the infrastructure or public transportation to support a 12 unit per acre density in Sherwood West. He commented that the housing crisis could not be solved in Sherwood alone. Community Development Director Rutledge expressed that the city had engaged in a very long planning process with the Sherwood community, and created a plan that was supported by the community. He stated that he was concerned about Metro's desire to significantly change the nature of the Sherwood community. He remarked that he wondered if Metro would even hold an open house in Sherwood or any engagement with the community around the conditions of approval and their impacts to Sherwood West or if the entirety of the public hearings process would occur in downtown Portland. Mr. Rutledge referred to Statewide Planning Goal 1, which called for "the opportunity for citizens to be involved in all phases of the planning process" and reported that Metro's condition would preempt the planning process. He reported that there had been no outreach to the Sherwood community, residents, or stakeholders about the conditions and how the conditions would impact the nature of Sherwood West. Mr. Rutledge recapped next steps on page 18 of the presentation and reported that city staff would work with legal counsel to fully understand the city's rights and options in this process and would prepare options for moving forward. He explained that the city had brought in land use attorney, Carrie Richter, and staff would meet with Metro staff and their legal counsel on Wednesday to discuss the density issue and explore options. Community Development Director Rutledge outlined the options for moving forward as: continue to negotiate conditions aligned with our community and our adopted Concept Plan; determine a process for pulling the proposal; or determine a process to revise the proposal. Councilor Scott asked that city staff continue to negotiate and work with Metro Council and Metro staff. He asked that city staff prepare the appropriate documents for both pulling the proposal and documents to revise the proposal so that it applied to the industrial areas of Sherwood West. Mayor Rosener recapped that he had been very clear about the proposed density range in his discussions with Metro Council and staff. He agreed with Councilor Scott's statements regarding having the documents prepared ahead of time to pull the city's proposal. Discussion regarding changing the proposal to apply only to the industrial land areas of Sherwood West occurred. Mayor Rosener commented that for him, if it were between high-density housing or industrial land only, he would choose the industrial land only option. Councilor Brouse asked if Sherwood could request that Metro come to Sherwood and engage with the community. She stated she also wished to know what the ramifications of withdrawing the city's proposal would be. Mayor Rosener commented that he wanted to come to an agreement with Metro in order to move forward with Sherwood West and expressed that he was worried about potential future state-imposed regulations on the area if the UGB was not expanded and the area was not master planned. Council President Young stated that she preferred to keep working with Metro to hopefully move forward, but barring that, she supported revising the proposal or pulling the proposal. Councilor Mays stated he agreed with Council President Young. Mayor Rosener asked for a work session to be scheduled to discuss the topic further. Mayor Rosener addressed the next work session agenda topic and Council agreed to continue the work session after the regular session.

5. ADJOURN

Mayor Rosener adjourned the work session at 6:58 pm and convened a regular session.

REGULAR SESSION

1. CALL TO ORDER: Mayor Tim Rosener called the meeting to order at 7:05 pm.

2. COUNCIL PRESENT: Mayor Tim Rosener, Council President Kim Young, Councilors Taylor Giles, Renee Brouse, Dan Standke, Keith Mays, and Doug Scott.

3. STAFF PRESENT: City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia, Community Development Director Eric Rutledge, Interim Public Works Director Rich Sattler, HR Director Lydia McEvoy, IT Director Brad Crawford, Finance Director David Bodway, 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 August 20, 2024, City Council Meeting Minutes

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

Mayor Rosener addressed the next agenda item.

6. CITIZEN COMMENT:

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

7. PUBLIC HEARING:

A. Ordinance 2024-003, Adding new sections to the Sherwood Municipal Code designating City Manager Pro Tem in the absence of the City Manager and amending Chapter 1.10 (*First Reading*)

Interim City Attorney Sebastian Tapia presented the staff report and summarized that this ordinance would change Sherwood's Municipal Code Chapter 1.04 pertaining to a City Manager Pro Tem in the City Manager's absence, as well as an amendment to Sherwood Municipal procurement code 1.10.030. He explained that Council had adopted a resolution to delegate authority to specific individuals to serve as City Manager Pro Tem when the City Manager was unable to fulfill their duties. He reported that staff had expressed an interest in a more permanent solution by designating the Assistant City Manager as the default manager pro tem during unplanned absences and allowing the manager to delegate their authority during planned absences. He stated that in the instance of a vacancy, the Assistant City Manager would step in until Council had the opportunity to appoint a City Manager Pro Tem. Councilor Giles asked regarding the Assistant City Manager Pro Tem and Assistant City Manager roles. Mr. Tapia explained that in the past, Council had delegated authority to specific individuals and that would likely be the process in the future if the position was not fulfilled. Mayor Rosener explained the need for the ordinance and stated that it would outline the authority given to the City Manager Pro Tem in situations in which the City Manager role was unoccupied and allowed Council the time to appoint a permanent replacement City Manager. Council President Young

asked regarding procurement, Sherwood Municipal Code Chapters 1.04.010 and 1.04.090 and asked if this was added language. Mr. Tapia replied that Chapters 1.04.010 and 1.04.090 were new code provisions and clarified that Chapter 1.04.010 pertained to definitions and Chapter 1.04.090 pertained to planned and unplanned absences. Mayor Rosener opened the public hearing and asked for public comment on the proposed ordinance. Hearing none, Mayor Rosener closed the public hearing and asked for questions or a motion from Council. Councilor Scott stated that he felt that this was a “fairly uncontroversial and obvious correction,” and he would be open to voting on the ordinance at this meeting. Mayor Rosener commented that he always preferred having two public hearings on ordinances unless it was an emergency. He stated that the proposed ordinance would be back for a second hearing at the September 17th City Council meeting.

Mayor Rosener addressed the next agenda item.

8. CITY MANAGER REPORT:

City Manager Craig Sheldon reported that the Meineke roundabout would be closed from 4 pm - 8 am on September 8th for a grind and overlay. He reported that the draft ADA Transition Plan had been published on the city's website and was open for public comment.

Mayor Rosener addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS:

Councilor Standke reported that the Planning Commission did not meet last week.

Councilor Scott reported that the Parks and Recreation Advisory Board did not meet.

Councilor Mays spoke on his recent travel experiences at local airports. He spoke on county water projects and their impacts to local roads. He thanked city staff for their work.

Councilor Brouse reported that the Senior Advisory Board did not meet. She reported she would attend the SAFE Cascadia event in Echo, Oregon.

Councilor Giles reported that the Library Advisory Board did not meet. He reported on his meeting with the new Sherwood School District Superintendent. He encouraged middle school students to sign up for the cross-country team. He spoke on a Sherwood Public Library program, the Library of Things.

Council President Young spoke on the upcoming election on November 5th and encouraged people to register to vote.

Mayor Rosener reported he had met with Metro Councilors regarding the city's Sherwood West UGB expansion request. He reported that the LOC conference was scheduled for October. He reported his family and neighbors were hosting an international exchange student.

10. ADJOURN:

Mayor Rosener adjourned the regular session at 7:25 pm and convened a work session.

WORK SESSION - CONTINUED

1. **CALL TO ORDER:** Mayor Tim Rosener called the meeting to order at 7:27 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:** City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia, Community Development Director Eric Rutledge, IT Director Brad Crawford, and City Recorder Sylvia Murphy.
4. **TOPIC:**

B. LOC 2025-26 Legislative Priorities Ballot Discussion

Mayor Rosener explained that the League of Oregon Cities (LOC) lobbied on behalf of issues that were important to cities and communities. He explained that each year, the LOC compiled a list of legislative priorities for cities to vote on. City Manager Craig Sheldon presented the “City of Sherwood Legislative Priorities” PowerPoint presentation (see record, Exhibit C). Council President Young clarified that the LOC would advocate for more than the five chosen issues. City Manager Sheldon provided an overview of the LOC recommendations on page 4 of the presentation and explained that Council would need to choose a top five from the list of options. Councilor Giles asked for clarification between the “Resilient, Futureproof Broadband Infrastructure and Planning Investment” and “Digital Equity and Inclusion” recommendations and Mayor Rosener explained. Mayor Rosener stated his top five priorities were: Infrastructure Funding; 2025 Transportation Package; Employment Lands Readiness and Availability; Shift from a Gas Tax to a Road User Fee; and Marijuana Tax. Council President Young stated her top five priorities were: Infrastructure Funding; Employment Lands Readiness and Availability; Lodging Tax Flexibility; 2025 Transportation Package; and Shift from a Gas Tax to a Road User Fee. Councilor Scott stated his top five priorities were: Employment Lands Readiness and Availability; Shift from a Gas Tax to a Road User Fee; Lodging Tax Flexibility; 2025 Transportation Package; and Infrastructure Funding. Councilor Brouse stated her top five priorities were: Infrastructure Funding; Funding and Expanding Public and Inter-Community Transit; 2025 Transportation Package; she was between the Marijuana Tax and Alcohol Tax; and Shelter and Homelessness Response. Councilor Standke stated his top five priorities were: Shelter and Homelessness Response; Address Energy Affordability Challenges from Rising Utility Costs; Funding and Expanding Public and Inter-Community Transit; Investment in Community Resiliency and Climate Planning Resources; and 2025 Transportation Package. Councilor Giles stated his top five priorities were: Infrastructure Funding; Funding and Expanding Public and Inter-Community Transit; 2025 Transportation Package; Employment Lands Readiness and Availability; and Full Funding and Alignment for Housing Production. Mayor Rosener stated that he wished to replace the Marijuana Tax priority with the Full Funding and Alignment for Housing Production priority. City Manager Sheldon stated that Councilor Mays’ top five priorities were: Employment Lands Readiness and Availability; Infrastructure Funding; 2025 Transportation Package; and infrastructure funding co-sponsored by community and economic development. Mr. Sheldon noted that Councilor Mays’ last priority was one Councilor Mays had created. City Manager Sheldon recapped that Council’s shared top priorities were: Infrastructure Funding; Employment Lands Readiness and Availability; and 2025 Transportation Package. Councilor Scott stated that he wished to replace the Lodging Tax Flexibility priority with Full Funding and Alignment for Housing Production priority. Council President Young and Councilor Brouse stated they were also in favor of that. City Manager Sheldon added Full Funding and Alignment for

Housing Production priority to Council's shared top priorities list. Discussion occurred and Council added the Funding and Expanding Public and Inter-Community Transit priority to Council's shared top priorities list. Mr. Sheldon reported that he would submit the list of priorities on September 4th.

5. ADJOURN

Mayor Rosener adjourned the work session at 7:45 pm and convened an executive session.

EXECUTIVE SESSION

- 1. CALL TO ORDER:** Mayor Rosener called the meeting to order at 7:47 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 Craig Sheldon, Assistant City Manager Kristen Switzer, 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 8:11 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Tim Rosener, Mayor

TO: Sherwood City Council

FROM: Eric Rutledge, Community Development Director
Through: Craig Sheldon, City Manager; Sebastian Tapia, Interim City Attorney; Carrie Richter, Contract Land Use Attorney

SUBJECT: Resolution 2024-064, Affirming Aspects of the Sherwood West Concept Plan and Authorizing the Mayor to Withdraw the UGB Expansion Application

Issue:

Shall the City Council approve Resolution 2024-064, affirming aspects of the Sherwood West Concept Plan and Authorizing the Mayor to Withdraw the UGB Expansion Application?

2024 Urban Growth Management Decision:

The Sherwood West Concept Plan (Concept Plan) was accepted by City Council on July 18, 2023 with a refinement study accepted on March 5, 2024. The Concept Plan was submitted for consideration during the 2024 Metro Urban Growth Management (UGM) decision. The Metro Council is scheduled to hold public hearings on the UGM decision and the Sherwood West Concept Plan during the fall and winter of this year.

The UGM Metro Chief Operating Officer (COO) Report recommends Metro Council adopt the baseline forecast for growth over the next 20 years. This forecast would result in a capacity deficit of 1,000 – 5,300 residential units within the Urban Growth Boundary (UGB) over the next 20 years. The proposed total unit count for Sherwood West is 3,117 residential units, within the identified need of the COO recommendation.

The COO Recommendation also states that the Metro Council could consider conditions of approval for Sherwood West related to:

- Minimum density or unit count
- Housing affordability
- Minimum industrial lot size
- Broad based community engagement

Sherwood West Concept Plan:

The Concept Plan is the result of a two-year planning process with the Sherwood West Citizens Advisory Committee (CAC) and the larger Sherwood community who provided direct and detailed feedback on housing estimates and density. Table 4 of the Concept Plan proposes a zoned density range of 6.3 to 9.2 units per acre. The CAC chose to plan for the high end of the zoned density range based on historical trends in Sherwood and the increases in density that would occur under HB 2001 (2019), resulting in an overall residential density of 9.2 units per net acre, or 3,117 new homes. Additional

legislation passed during the 2024 short session, SB 1537 (2024), is likely to result in additional density not anticipated by the CAC during the planning process.

Conditions of Approval:

Metro Code Section 3.07.1455(b)(2) requires the Metro Council to designate an appropriate average density per net developable acre when residential land is added to the UGB. Based on the COO Recommendation, the Concept Plan's proposed density of 9.2 units per net acre can be approved by the Metro Council as the appropriate average density, without requiring additional density. A condition that requires a higher density than is proposed in the Concept Plan has not been developed in consultation with the Sherwood community.

Other conditions of approval that materially change the outcomes of the plan also have not been developed in consultation with the Sherwood community and may not be supported.

Withdrawing the Sherwood West Expansion Proposal:

Due to the concerns around conditions of approval that change the vision and outcomes of the Sherwood West, this resolution authorizes the Mayor to withdraw the UGB expansion on behalf of the City Council if the outcome of the 2024 Urban Growth Decision is likely to result in a condition of approval for a higher density than proposed or any other condition that materially changes the outcomes of the plan.

Timeline:

The Metro Council is scheduled to provide final direction to Metro staff on the UGM decision and potential conditions of approval for Sherwood West during a Metro Council work session on October 8, 2024. It is recommended that the Sherwood City Council withdraw its application no later than October 9, 2024, before the public notice process begins for the UBM decision.

Financial Impacts:

Approving the resolution will have no direct financial impact. If the City Council chooses to move forward with Sherwood West, the Comprehensive Planning process will update the city's master plans for the provision of public services and infrastructure including a financing strategy.

Recommendation:

Staff respectfully recommends consideration of Resolution, 2024-064 Affirming Aspects of the Sherwood West Concept Plan and Authorizing the Mayor to Withdraw the UGB Expansion Application.



RESOLUTION 2024-064

AFFIRMING ASPECTS OF THE SHERWOOD WEST CONCEPT PLAN AND AUTHORIZING THE MAYOR TO WITHDRAW THE UGB EXPANSION APPLICATION

WHEREAS, the Sherwood City Council accepted the Sherwood West Concept Plan (Concept Plan) on July 18, 2023 via Resolution 2023-060; and

WHEREAS, the Sherwood City Council accepted a refinement to the Concept Plan on March 5, 2024 via Resolution 2024-013; and

WHEREAS, the Concept Plan is the result of a two-year planning process with the Sherwood West Citizens Advisory Committee and the larger Sherwood community who provided direct and detailed feedback on housing estimates and density; and

WHEREAS, Table 4 of the Concept Plan proposes a zoned density range of 6.3 to 9.2 units per net acre; and

WHEREAS, the Sherwood West Citizen Advisory Committee chose to plan for the high end of the zoned density range based on historical trends in Sherwood and the increases in density that would occur under HB 2001 (2019), resulting in an overall residential density or total average density of 9.2 units per net acre or 3,117 new homes; and

WHEREAS, the 2024 Urban Growth Management Decision: Metro Chief Operating Officer / Staff Recommendations (Metro COO Recommendation) report dated August 26, 2024, recommends the Metro Council adopt the baseline forecast for growth, resulting in a deficit of capacity within the Urban Growth Boundary (UGB) for between 1,000 to 5,300 homes; and

WHEREAS, Metro Code Section 3.07.1455(b)(2) requires the Metro Council to designate an appropriate average density per net developable acre when land added to the UGB includes a 2040 Growth Concept design type that includes housing; and

WHEREAS, the Concept Plan's proposed overall residential density of 9.2 units per net acre and total unit count of 3,117 units falls within the deficit identified in the Metro COO Recommendation; and

WHEREAS, based on the COO Recommendation, the Concept Plan's proposed density of 9.2 units per net acre can be approved by the Metro Council as the appropriate average density, without requiring additional density; and

WHEREAS, a condition of approval that requires a higher average density than 9.2 units per acre has not been developed in consultation with the Sherwood community and is therefore not supported by the Sherwood City Council; and

WHEREAS, a condition of approval related to housing affordability may be overly restrictive and have unintended consequences such as the delay of housing production; and

WHEREAS, other conditions of approval that materially change the outcomes of the plan have not been developed in consultation with the Sherwood community and are therefore not supported by the Sherwood City Council; and

WHEREAS, it may be in the best interest of the City of Sherwood and the Sherwood community to withdraw the UGB expansion application if the accepted Concept Plan's vision cannot be achieved; and

WHEREAS, City may need to respond immediately to changing conditions and decisions during the 2024 Urban Growth Management decision.

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

Section 1. The City Council hereby affirms the zoned density in the Concept Plan as 6.3 to 9.2 units per net acre.

Section 2. The City Council hereby affirms the overall residential density or total average density in the Concept Plan as 9.2 units per net acre or 3,117 new homes.

Section 3. The City Council authorizes the Mayor to withdraw the Sherwood West UGB Expansion application on behalf of the City Council if the outcome of the 2024 Urban Growth Decision is likely to result in a condition of approval for a higher density than proposed in the Concept Plan or that materially changes the outcomes of the plan.

Section 4. This Resolution shall take effect immediately upon its passage by the Council and signature by the Mayor.

Duly passed by the City Council this 17th day of September 2024.

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Sebastian Tapia, Interim City Attorney

SUBJECT: Ordinance 2024-003, Adding new sections to the Sherwood Municipal Code designating City Manager Pro Tem in the absence of the City Manager and amending Chapter 1.10 (Second Hearing)

Issue:

Shall the City Council amend Sherwood's Municipal Code and add new code provisions pertaining to a city manager pro tem?

Background:

The City Council met on September 3, 2024 to consider additions to Sherwood's Municipal Code Chapter 1.04 pertaining to a city manager pro tem in the city manager's absence, as well as an amendment to Sherwood Municipal procurement code 1.10.030.

Council has historically adopted a resolution to delegate authority to specific individuals to serve as city manager pro tem when the city manager is unable to fulfill their duties. Staff expressed an interest in having a more permanent solution by designating the assistant city manager as the default manager pro tem during unplanned absences and allowing the manager to delegate their authority during planned absences.

Sherwood's Charter Section 33(h) states, "When the manager is temporarily disabled from acting as manager or when the office becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval." The new code provision defines the term "vacant." It further states that if the office of city manager becomes vacant for any reason, the assistant city manager will temporarily serve as manager pro tem until council meets to appoint a manager pro tem.

A new code provision allows the manager to delegate their authority during planned absences. By allowing the manager to delegate manager pro tem authority to any qualified director during manager's planned absences, directors receive valuable experience in support of future advancement.

Sherwood Municipal Code Chapter 1.10 assigns contract and procurement responsibility by position title when the city manager is unavailable and has not delegated responsibility to another qualified manager. The assistant city manager was not a listed position when that provision was

adopted. This amendment adds the assistant city manager to the first position and reorders the priority of other job titles. A track change version is attached as Exhibit A to this staff report.

Financial Impacts:

There are no expected financial impacts.

Recommendation:

Staff respectfully recommends that the City Council review and hold a second public hearing, and consider adopting Ordinance 2024-003, Adding new sections to the Sherwood Municipal Code designating City Manager Pro Tem in the absence of the City Manager and amending Chapter 1.10.

Sherwood Municipal Code 1.10.030(D)(4)

4. Delegate, in writing, the signature authority described in the above subsection (2) and the purchasing powers described in the above subsection (3). In the absence of a written delegation to the contrary, and in the absence of the city manager, the signature authority described in the above subsection (2) and the purchasing powers described in the above subsection (3) are delegated in order as follows:

- a. Assistant City Manager
- ~~a.b.~~ Public works director;
- ~~b.a.~~ City attorney;
- ~~c.~~ Finance director;
- ~~e.d.~~ Community services director;
- ~~d.a.~~ Finance director;
- e. Police chief;
- ~~e.f.~~ City attorney.



ORDINANCE 2024-003

**ADDING NEW SECTIONS TO THE SHERWOOD MUNICIPAL CODE DESIGNATING CITY
MANAGER PRO TEM IN THE ABSENCE OF THE CITY MANAGER AND
AMENDING CHAPTER 1.10**

WHEREAS, the city manager will occasionally have planned or unplanned absences from the City, and the office could unforeseeably become vacant; and

WHEREAS, the city manager should be permitted to designate the assistant city manager, or other qualified persons to serve during their planned absences; and

WHEREAS, the City Charter Section 33 (h) states, “When the manager is temporarily disabled from acting as manager or when the office becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.”; and

WHEREAS, if the office of city manager becomes vacant or if the manager is temporarily disabled from action as manager, the city government would benefit by having the assistant city manager temporarily serve as city manager pro tem until council can meet to appoint a city manager pro tem; and

WHEREAS, Sherwood Municipal Code 1.10.030(D)(4) authorizes the city manager to delegate in writing the city manager’s signing authority and purchasing power. In the absence of such written delegation, the signing authority is currently the following order: public works director; city attorney; community services director; finance director; police chief; and

WHEREAS, The assistant city manager should be included in the list of designees in Sherwood Municipal Code 1.10.030(D)(4) and the above positions shall be reordered as shown in exhibit 1.

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

Section 1. Sherwood Municipal Code Chapters 1.04.010 and 1.04.090 shall be added as shown in Exhibit 1. Sherwood Municipal Code Chapter 1.10.030(D)(4) shall be amended as shown in Exhibit 1.

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Section 2. 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 September 17, 2024.

Tim Rosener, Mayor Date _____

Attest:

Sylvia Murphy, MMC, City Recorder

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

1.04.010 - Definitions

1.04.010 “Vacant.” The office of the city manager is vacant when the manager either is no longer employed as manager or is permanently unable to fulfill their duties.

1.04.090 City manager absence.

A. The city manager is hereby authorized to delegate in writing the authority of the city manager pro tem to the assistant city manager or a qualified director when manager plans to be unavailable to fulfill their duties. The designated city manager pro tem has the authority and duties of city manager, except they may appoint or remove employees only with council approval.

B. Notwithstanding section A, if city manager has an unplanned absence, the assistant city manager shall serve as city manager pro tem, except they may appoint or remove employees only with council approval.

C. If the city manager’s office becomes vacant and before the council meets to appoint a city manager pro tem, the assistant city manager will temporarily act as city manager pro tem, except they may appoint or remove employees only with council approval.

1.10.030. - Authority.

1.10.030(D)(4),

4. Delegate, in writing, the signature authority described in the above subsection (2) and the purchasing powers described in the above subsection (3). In the absence of a written delegation to the contrary, and in the absence of the city manager, the signature authority described in the above subsection (2) and the purchasing powers described in the above subsection (3) are delegated in order as follows:

- a. Assistant City Manager;
- b. Public works director;
- c. Finance director;
- d. Community services director;
- e. Police chief;
- f. City attorney.

Agenda Item: Public Hearing (*First 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, and Sebastian Tapia, Interim City Attorney

SUBJECT: Ordinance 2024-004, Amending sections of the Sherwood Zoning and Community Development Code for Food Cart Pods (*First Reading*)

Issue:

Shall the City Council amend sections of the Sherwood Zoning and Community Development Code (SZCDC) to allow for Food Cart Pods?

Background: In the Fall of 2022, the City Council had a work session on Mobile Food Vendors, “Trucks, Carts, and Pods.” The presentation presented an overview of Sherwood’s current development code, how food vendors including food carts can be permitted, and discussed the common types of food cart operations; 1) *Truly Mobile Food Vendors*; 2) *Accessory to a Primary Use*; and 3) *Mobile Food Unit Sites (aka “Cart Pods”)*. A quick look at how surrounding jurisdictions permit food carts was also addressed.

After discussing the common types of food cart operations, Council directed staff to return with options for Food Cart Pod sites. In May of 2023, Council held another work session on Mobile Vendors and staff presented zoning designations within the City that could be considered to allow this type of use. The zoning designations included the Retail Commercial Zone, including the Old Town Overlay District. At this work session, Council emphasized that Food Cart Pod sites should be a destination with multiple carts, a large permanent eating/drinking pavilion, and permanent bathroom facilities are needed. If located in Old Town a pavilion should incorporate the design elements of the zone. Council asked staff to develop draft code language to review and discuss.

At the July 18, 2023, Council work session staff presented draft code language to the Council to review and provide comments on. Council provided the following comments and questions:

- Allow food carts pods in the General Commercial Zone
- Food Cart pods are not allowed on city-owned property
- Should certain paint colors be required for food carts/trucks onsite?

The Planning Commission held their work session on Food Cart Pods on August 8, 2023 and discussed concerns related to design elements, buffering, noise, landscaping, and signage. Draft code amendments were also discussed.

In the Spring of 2024, the City Council held its final work session on Food Cart Pods to discuss the latest code amendments. As proposed, a food cart pod would consist of a minimum of five food carts, a permanent restroom, and a permanent pavilion or enclosed building.

Amendments are made to Sherwood Municipal Code, Title 16 (Zoning and Community Development Code) with a new Chapter 16.39 Food Cart Pods and amendments to Commercial Use Table of Section 16.22.020 by allowing Food Cart Pods as a Conditional Use Permit within the General Commercial and Retail Commercial zones.

The Sherwood Planning Commission held its first public hearing on August 13, 2024, took public testimony, and considered the application (LU 2024-014 PA Food Cart Pods). Opportunity for public testimony was provided, but no one choose to speak. With minor modifications to staff's findings and proposed amendments, 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 unanimously in favor of recommending the proposed text amendments to the City Council.

Financial Impacts:

There is no immediate financial impact to the City.

Recommendation:

Staff respectfully recommends City Council hold the first hearing on Ordinance 2024-004, amending sections of the Sherwood Zoning and Community Development Code for Food Cart Pods. If needed, a second hearing on this Ordinance has been scheduled for October 15, 2024.

Attachment

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

CITY OF SHERWOOD

Date: September 6, 2024

Planning Commission Recommendation to the City Council Food Cart Pods

File No: LU 2024-014- PA

Recommendation of the Planning Commission

The Sherwood Planning Commission held its first public hearing on August 13, 2024, took public testimony, and considered the application (LU 2024-014 PA Food Cart Pods). Opportunity for public testimony was provided, but no one choose to speak. With minor modifications to staff's findings and proposed amendments, 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 unanimously in favor of recommending the proposed text amendments to the City Council.



Joy L. Chang
Senior Planner

Proposal: The City is proposing to amend the Sherwood Zoning and Community Development Code by allowing Food Cart Pods in certain zones as a Conditional Use Permit. Allowing mobile food units can provide opportunities for small scale entrepreneurship and provide unique eating establishments and community gathering spaces for the public. The proposed amendments would allow the development of food cart pods subject to the following:

- Allow in the General Commercial (GC) and Retail Commercial (RC) zones
- Process as a Type IV Site Plan Review with a concurrent Type III Conditional Use Permit
- Development and Design Standards
 - Minimum of five (5) food carts required
 - Permanent restroom sized for the site
 - Minimum 1,000 square foot enclosed building or pavilion
 - Permanent utility connections (water, sewer, electricity)
 - Design Standards for the proposed building or pavilion
 - Minimum setback standards for permanent structures and food carts
 - Screening from residential properties
 - Vehicular and bicycle parking

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 August 13, 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 September 17, 2024

and October 15, 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 August 13, 2024, Planning Commission hearing and tentative September 17, 2024, City Council hearing on the proposed amendment were published in *The Times* on July 25 and August 8, 2024. Notice was also posted in five public locations around town and on the website on July 17, 2024. Notice to the Oregon Department of Land Conservation and Development (DLCD) was submitted on July 9, 2024, and notice to agencies was sent via email on July 15, 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:** In the Fall of 2022, the City Council had a work session on Mobile Food Vendors, "Trucks, Carts, and Pods." The presentation presented an overview of Sherwood's current development code, how food vendors including food carts can be permitted, and discussed the common types of food cart operations; 1) *Truly Mobile Food Vendors*; 2) *Accessory to a Primary Use*; and 3) *Mobile Food Unit Sites (aka "Cart Pods")*. A quick look at how surrounding jurisdictions permit food carts was also addressed.

After discussing the common types of food cart operations, Council directed staff to return with options for Food Cart Pod sites. In May of 2023, Council held another work session on Mobile Vendors and staff presented zoning designations within the City that could be considered to allow this type of use. The zoning designations included the Retail Commercial Zone, including the Old Town Overlay District. At this work session, Council emphasized that Food Cart Pod sites should be a destination with multiple carts, a large permanent eating/drinking pavilion, and permanent bathroom facilities are needed. If located in Old Town a pavilion should incorporate the design elements of the zone. Council asked staff to develop draft code language to review and discuss.

At the July 18, 2023, Council work session staff presented draft code language to the Council to review and provide comments on. Council provided the following comments and questions:

- Allow food carts pods in the General Commercial Zone
- Food Cart pods are not allowed on city-owned property
- Should certain paint colors be required for food carts/trucks onsite?

The Planning Commission held their work session on Food Cart Pods on August 8, 2023 and discussed concerns related to design elements, buffering, noise, landscaping, and signage. Draft code amendments were also discussed.

In the Spring of 2024, the City Council held its final work session on Food Cart Pods to discuss the latest code amendments. As proposed, a food cart pod would consist of a minimum of five food carts, a permanent restroom, and a permanent pavilion or enclosed building.

Amendments are made to Sherwood Municipal Code, Title 16 (Zoning and Community Development Code) with a new Chapter 16.39 Food Cart Pods and amendments to Commercial Use Table of Section 16.22.020 by allowing Food Cart Pods as a Conditional Use Permit within the General Commercial and Retail Commercial zones.

II. PUBLIC COMMENTS

As of this writing, no public comments have been received. Comments from the community are welcomed up to the close of the public hearing.

III. AGENCY COMMENTS

Notice to DLCD was sent on July 9, 2024, and an e-notice to Metro and agency partners was sent on July 15, 2024.

City of Sherwood, Engineering Department stated that through the land use reviews (Site Plan and Condition Use Permit) engineering can condition necessary public improvements under those processes. Additional comments related to screening, minimum required parking, traffic mitigation/enforcement. Screening requirements are codified under in SZCDC under Section 16.92.030 and will be addressed at time of land use review. **Exhibit C**

Once the Food Cart Pod is constructed and traffic flows need to be addressed, the conditions of approval through the land use review process allows staff to require mitigation or enforcement to resolve the traffic issue as with any land use approvals.

The proposed amendments require two off-street parking spaces for each food cart in a Food Cart Pod; one space for vendors use and one space for its customers (e.g. five food carts would require a total of 10 parking spaces). Cities surrounding Sherwood (Tigard, Tualatin, Beaverton) have eliminated minimum parking requirements per Climate-Friendly Equitable Communities (CFEC) rules therefore not requiring any parking for Food Cart Pods. Consistent with the CFEC rules, Food Cart Pods in Sherwood's CFEC designated area will also not have minimum parking requirements. If the Food Cart Pod site is not within Sherwood's CFEC designated area, two off-street parking spaces per food cart is adequate.

City of Sherwood, Public Works Department stated they have no comments on the proposed amendments. **Exhibit D**

Pride Disposal and Recycling Company, Kristen Tabscott, Executive Assistant, states they currently have no comments. However, they will need to verify that adequate service is available once a food truck pod site is located and proposed for develop. **Exhibit E**

Oregon Department of Transportation (ODOT), Transportation Region 1 – Lewis Kelley, Senior Transportation Planner, states that Hwy 99-W is a state highway and ODOT has permitting authority for the facility. The proposed changes within the General Commercial and Retail Commercial zones, to allow food cart pods under a conditional use permit, does not represent a zone change or comprehensive plan amendment. Therefore, the City does not need to comply with the Transportation Planning Rule (TPR), OAR 660-012-0060. ODOT supports the City's process of requiring a Traffic Impact analysis for conditional use permits regarding proposed food cart pods. At time of food cart pod development/land use review, notification to ODOT is requested. **Exhibit F**

Oregon Department of Transportation (ODOT), Outdoor Advertising Sign Program – Jill Hendrickson, Program Coordinator, states that signs would need to be on private property, and not on ODOT's right of way; and the signs could not be placed in exchange for compensation, either for the right to place the signs or the message(s) on the signs. **Exhibit G**

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.

Community Need

Food cart pods are a response to a public desire for gathering places and local food choices. There are various community needs for food cart pods in Sherwood including:

- Opportunity to increase jobs and businesses:
 - Food cart pods can host a variety of food vendors, creating jobs for chefs, cooks, and support staff.
 - They can also provide opportunities for local entrepreneurs to start their own food businesses with lower initial investment compared to traditional brick-and-mortar restaurants.
- Reduce investment risk and allow small businesses to serve larger markets:
 - Renting a spot in a food cart pod is usually much cheaper than leasing a full restaurant space, reducing financial risk for new business owners.
 - Food cart pods attract diverse crowds, offering small businesses exposure to a larger customer base without the high costs of traditional advertising.
- Complement existing businesses and activities:
 - Food cart pods can be strategically located near shopping centers, parks, or event venues, providing convenient dining options that complement retail and entertainment activities.
 - They can also collaborate with local businesses for cross-promotions, such as discounts or special offers for customers who visit both the food cart pod and the nearby shops.
- Create positive impacts on street vitality and neighborhood life:

- A well-designed food cart pod can become a lively social hub, attracting residents and visitors to spend time in the area, thereby increasing foot traffic and enhancing the vibrancy of the neighborhood.
- Regular events, live music, or themed nights at the food cart pod can further engage the community and create a lively atmosphere.
- Provide food choices to the Sherwood community:
 - Food cart pods typically offer a diverse range of cuisines, catering to various tastes and dietary preferences, thus enhancing the culinary options available to the Sherwood community.
 - They can also feature rotating vendors, ensuring that there are always new and exciting food choices for residents.
- Increase activity in underperforming commercial areas:
 - Placing food cart pods in underperforming commercial areas can draw in new visitors, revitalizing these spaces and attracting additional businesses over time.
 - The increased activity can also lead to improved safety and cleanliness in these areas as they become more frequented by the community.
- Supporting entrepreneurship:
 - Food cart pods can serve as incubators for local entrepreneurs, providing them with the platform and resources needed to start and grow their businesses.
 - Community support can be fostered through funding campaigns to help local entrepreneurs get started.

Food cart pods, by their nature, offer flexibility and adaptability to meet various community needs, making them a valuable asset in fostering economic growth and enhancing the local culture.

The proposal seeks to add a new chapter in Title 16 of the SZCDC and amendments to the Commercial Use Table of Section 16.22.020 to allow for Food Cart Pods in Sherwood.

FINDING: As discussed above, the proposed amendments for Food Cart Pods provide entrepreneurial opportunities that address the needs of the Sherwood community as identified by the City Council.

Consistency with the Comprehensive Plan

The adopted 2040 Comprehensive Plan, Thriving and Diversified Economy, has specific goals and policies that are applicable to the proposed standards as discussed below:

Thriving and Diversified Economy

Goal 1 Accelerate the growth of local businesses and attract new businesses that balance the City's tax base, provide stable, high-wage jobs and capitalize on Sherwood's location and enhance the high-quality of life.

POLICY 1.1 Existing Business Retention, New Business Development, and Attraction of New Businesses: The City will support retention and expansion of existing businesses, growth and creation of entrepreneurial business, and attraction of new businesses that align with Sherwood's Community Vision and provide a diverse mix of economic activity. The types of businesses the City wants to attract most are non-polluting businesses with wages at or above the Washington County average, such as the industries identified in the most recent Economic Opportunities Analysis.

Policy 1.5 Retain and encourage growth of existing and new businesses in Sherwood. Allow and encourage development of commercial and industrial areas.

Policy 1.6 Support the creation, development, and retention of small, entrepreneurial businesses in Sherwood.

Policy 1.8 Support growth of businesses that create destinations and experiences for residents of Sherwood and visitors.

Goal 2 Prioritize and promote economic development to balance the city's tax base by maintaining a supply of land to target growth industries and accelerate Sherwood's desired economic growth.

Policy 2.6 Support and encourage infill and redevelopment, especially in existing commercial areas, as a way to use land and existing infrastructure more efficiently. The City will develop and implement policies and programs to encourage office commercial and mixed-use development across Sherwood.

Policy 2.8 Explore options for more mixed-use development in Sherwood to provide additional space for office commercial, flexible and startup development within the City limits.

The proposed Food Cart Pods amendments are consistent with the 2040 Comprehensive Plan by allowing entrepreneurial opportunities for small startup businesses while providing a diverse mix of economic activity. The amendments also allow and encourage the development of commercial areas. The proposed amendments for Food Cart Pods mandate a minimum number of food carts and the inclusion of permanent amenities (such as a pavilion/building and restrooms). These requirements aim to create a destination and a memorable experience for both Sherwood residents and visitors.

FINDING: Based on the above discussion, the proposed text amendments are consistent with the Sherwood 2040 Comprehensive Plan by allowing entrepreneurial opportunities for small businesses while providing a diverse mix of economic activity.

Consistency with the City's Transportation System Plan

The proposed CFEC text amendments are consistent 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 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 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: Since the fall of 2022, Sherwood City Council has held four work sessions on the proposed Food Cart Pods amendments with opportunity for public involvement. Furthermore, Sherwood Planning Commission held one work session briefing on Food Cart Pods amendments 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 City Council's and Planning Commission work sessions on the proposed amendments and the City's development code legislative process ensures compliance with Goal 1.

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 Food Cart Pods amendments help meet state Goal 2 through the creation of land use regulations and processes.

FINDING: As discussed above, the proposed text amendments are consistent with Goal 2.

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 directly 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. However, the proposed permanent utility connections for each food cart allows the decrease of water pollutants.

Goal 7: Natural Hazards:

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

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

Goal 8: Recreational Needs

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

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

Goal 9: Economic Development

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

FINDING: The proposed text amendments would allow development of Food Cart Pods that creates entrepreneurial opportunities for small businesses while providing a diverse mix of economic activity. They are an asset in fostering economic growth. 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.

FINDING: The proposed text amendments are not applicable to housing needs within the Sherwood community.

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 proposed text amendments are consistent with the City's Transportation System Plan 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 (TPR)

FINDING: This amendment does not impact the state Transportation Planning Rule. The proposed amendment, as stated above, does not affect the City's Transportation Systems Plan. New land use applications are reviewed for transportation impacts at the time of submittal. Furthermore, ODOT Transportation Region 1 (Exhibit F) states that the proposed amendments do not represent a zone change or comprehensive plan amendment. Therefore, the city does not need to comply with the TPR.

Oregon Health Authority

Oregon Health Authority Rules recognize and regulate food carts as "mobile food units," which include any food service business operating from a vehicle that is self-propelled (for example a "food truck") or is capable of being pulled or pushed down a sidewalk, street, or waterway (for example, a food cart that may be pulled by a truck or mounted on a trailer). Active mobile food units within Oregon are required to obtain a Mobile Food License from the county in which they are based.

Under Oregon Health Authority rules, a mobile food unit must meet the following criteria:

- Mobile food units shall remain mobile at all times during operation. Tongues may be removed from trailers, but wheels must be mounted and operational at all times (OAR 333-162-0030).
- All operations and equipment must be integral to the mobile food unit. The only exceptions are for barbeques, customer seating, and auxiliary storage (OAR 333-162-0020).
- Mobile food units must operate from a licensed restaurant, commissary, or warehouse. Licensing authorities can waive this requirement if mobile food units are found capable of operating without a base of operation, by including all equipment and utensils that a commissary would provide (OAR 333-162-0040).

Response: The proposed amendments are consistent with Oregon Health Authority rules.

V. RECOMMENDATION

As proposed, the draft amendments to 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 Food Cart Pods text amendments to Title 16 of the Municipal Code, Case File LU 2024-014 PA, to the Sherwood City Council.

VI. EXHIBITS

- A. Proposed Code Amendments (Track Changes)
- B. Proposed Code Amendments (Clean Version)
- C. City of Sherwood, Engineering
- D. City of Sherwood, Public Works
- E. Pride Disposal and Recycling Company
- F. Oregon Department of Transportation, Transportation Region 1
- G. Oregon Department of Transportation, Outdoor Advertising Sign Program

Proposed Amendments to Title 16, ZONING AND COMMUNITY DEVELOPMENT CODE, with a new Chapter 16.39 FOOD CART PODS and amendments to Commercial Use Table of Section 16.22.020 by allowing Food Cart Pods as a Conditional Use Permit within the General Commercial and Retail Commercial zones.

Chapter 16.39 Food Cart Pods

16.39.010 Purpose and Definitions

- A. Purpose. Mobile food units can provide opportunities for small scale entrepreneurship and provide unique eating establishments and community gathering spaces for the public. The purpose of this section is to allow for mobile food unit sites or “food cart pod” sites where mobile food units or “food carts” can be parked on a long-term basis. As defined below, a minimum of five (5) food carts are required in a food cart pod.

The standards in this section are intended to ensure that food carts and food cart pods are developed and operated as lawful uses and in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties and residents.

- B. Exemptions.

1. Mobile food units operated as part of an approved special event permit application.

- C. Definitions.

1. Mobile Food Unit (Food Cart) - any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.
2. Mobile Food Unit Site (Food Cart Pod) – a site that consists of 5 or more mobile food units anchored by a permanent covered dining pavilion and restroom facilities.
3. Pavilion - an open-sided permanent structure, typically used for shelter, relaxation, or events in an outdoor setting. Pavilions are designed to provide shade and protection from the elements while allowing for interaction with the surrounding environment.

16.39.020 Food Cart Pod Permit Procedures

- A. Mobile food cart pod site permits will be processed as follows:
1. Site Plan Review and Conditional Use Permit. All mobile food cart pod sites are required to be reviewed as a Type IV Site Plan and Type III Conditional Use Permit in accordance with Chapter 16.72 of this code.
 2. Submittal Requirements. An application for a mobile food cart pod shall include the following:
 - a. A completed land use application form and supplemental documentation as required by the form. Supplemental documentation may include:
 - i. Clean Water Services Service Provider Letter
 - ii. Tualatin Valley Fire and Rescue Service Provider Letter
 - iii. Preliminary Stormwater Report

- iv. Traffic Impact Analysis
- v. Written narrative describing the project and addressing the applicable code standards and criteria.

- b. Information and plan details described in the Site Plan Review checklist provided by the City, including existing conditions and proposed development plans. In addition to the information listed in the Site Plan.

Review checklist, the following information is required for review of a Food Cart Pod:

- i. Within the boundaries of the mobile food cart pod site, the location of all mobile food units, seating areas, on-site utilities and any accessory items or structures.
- ii. The proposed distance between the mobile food units and adjacent lot lines, other mobile food units and other on-site structures.
- iii. The orientation of service windows and doors on the mobile food units and the location of queuing areas.

16.39.030 Food Cart Pod Development Standards.

The following standards apply to food cart pod sites.

- A. Optional Storage Structures - a maximum of two enclosed accessory storage buildings or structures are permitted per site, provided that the combined square footage does not exceed four hundred (400) square feet and the height of each does not exceed 10 ft. Outdoor storage of equipment and material for the site and/or for individual food carts is prohibited.

- B. Required Trash Receptacles and Enclosures
 - 1. Individual trash receptacles (i.e. not a shared enclosure) are required and shall be dispersed throughout the food cart pod for customer use.
 - 2. A minimum of one screened trash enclosure for the site is required meeting the approval of Pride Disposal.

- C. Required Structures
 - 1. All required structures shall meet setback requirements of the Retail Commercial (RC) and General Commercial zones, as well as the separation and setback requirements of the Building Code.
 - 2. A minimum of one permanent indoor restroom adequately sized to serve the site is required. Portable toilets are not permitted. If the restroom structure is detached, the design of a detached restroom structure shall meet the design standards in subsection (4) of this section.
 - 3. Existing Structures may be utilized as the dining building or pavilion. The structure shall meet the design standards in subsection (4 a-d) of this section.
 - 4. Food Cart Pod Dining Building or Pavilion. A site shall have a pavilion or building of no less than 1,000 square feet to provide weather protection and comfort to dining customers. Proposed structures located on lots within the Old Town Overlay District shall meet the design standards of Section 16.162 of this code.

The following design standards apply to dining building or pavilion:

- a. Primary Exterior Finish Materials - The purpose of this standard is to encourage high-quality materials that are complementary to the traditional materials used in Sherwood. Natural building materials are preferred, such as wood, cedar shake, brick, and stone. Composite boards manufactured from wood in combination with other products, such as hardboard or fiber cement board (i.e. HardiPlank) may be used when the board product is less than six (6) inches wide.
- b. Secondary Exterior Finish Materials - These materials may include plain or painted concrete block, plain concrete, corrugated metal, full-sheet plywood, fiberboard or sheet pressboard (i.e., T-111), vinyl and aluminum siding, and synthetic stucco (i.e. DryVit and stucco board). Secondary materials shall cover no more than ten percent (10%) of a surface area of each facade and shall not be visible from the public right-of-way.
- c. Color of Structures - The color of all painted or colored exterior materials shall be earth tone. A color palette shall be submitted and reviewed as part of the land use application review process and approved by the hearing authority.
- d. Roof-Mounted Equipment. The purpose of this standard is to minimize the visual impact of roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communications equipment, must be screened using at least one of the methods listed below. Solar heating panels are exempt from this standard.
 1. A parapet as tall as the tallest part of the equipment.
 2. A screen around the equipment that is as tall as the tallest part of the equipment.
 3. The equipment is set back from the street-facing perimeters of the building, 3 feet for each foot of height of the equipment. On corner lots with two street-facing areas, all equipment shall be centered.
- e. Roof. The purpose of this standard is to encourage traditional roof forms consistent with existing development patterns in Sherwood. Roofs should have significant pitch, or if flat, be designed with a cornice or parapet. Buildings must have either:
 1. A sloped roof with a pitch no flatter than 6/12; or
 2. A roof with a pitch of less than 6/12 and a cornice or parapet that meets the following:
 - a) There must be two parts to the cornice or parapet. The top part must project at least six (6) inches from the face of the building and be at least two (2) inches further from the face of the building than the bottom part of the cornice or parapet.
 - b) The height of the cornice or parapet is based on the height of the building as follows:
 1. Buildings sixteen (16) to twenty (20) feet in height must have a cornice or parapet at least twelve (12) inches high.
 2. Buildings greater than twenty (20) feet and less than thirty (30) feet in height must have a cornice or

- parapet at least eighteen (18) inches high.
3. Buildings thirty (30) feet or greater in height must have a cornice or parapet at least twenty-four (24) inches high.
- f. Base of Buildings. Buildings must have a base on all street-facing elevations. The base must be at least two (2) feet above grade and be distinguished from the rest of the building by a different color and material.
- D. Minimum Setbacks and Separation Distance of Food Carts. Food Carts on the site shall be located at a minimum of:
1. Ten (10) feet from any front lot line
 2. Five (5) feet from any side or rear lot line, except if a site abuts a residential district the minimum setback of mobile food units to the side and rear lot line shall be twenty (20) feet.
 3. Windows and doors used for service to customers shall be located a minimum of ten (10) feet from loading areas, driveways, and on-site circulation drives, and a minimum of five (5) feet from bicycle parking spaces.
- E. Screening from residential properties
1. If the food cart pod site is adjacent to a residentially zoned property, the food cart pod shall be screened from the property. Screening shall be provided by a continuous, sight-obscuring fence. Fences shall be constructed of wood, metal, brick, concrete, or other appropriate material as determined by the Hearing Authority. Chain-link fencing with slats shall not be accepted. Hedges may be used in addition to fencing but shall not replace the fence requirement.
- F. Obstruction of Vehicular and Pedestrian Use Areas and Landscape Areas. No mobile food unit or associated elements, such as aboveground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy bicycle parking spaces, loading areas, or walkways. Mobile food units shall not occupy landscaping areas.
- G. Surfacing. All mobile food units shall be placed on hard-surfaced area and all walkways within the site shall be hard surfaced as determined by the Hearing Authority. Parking, loading, and maneuvering areas for vehicles shall be constructed of concrete or asphalt.
- H. Driveway access and drive aisles providing off-street parking and loading for vehicles shall meet the requirements of Chapter 16.94, Off-Street Parking Standards.
- I. Signs.
1. Signs shall comply with the requirements of Section 16.101 Permanent Signs and 16.102 Temporary, Portable, and Banner Signs of this code.
 2. Additional portable signs within a food cart pod site are permitted but shall not be located within pedestrian walkways and shall not be visible from the public right of way.

- J. Intersection Sight Distance and Clear Vision Areas. The mobile food unit and any attachments or accessory items shall comply with the intersection sight distance and clear vision areas.
- K. Lighting. Exterior site lighting shall be provided to ensure safety for businesses and customers but shall be designed to minimize impacts to adjacent properties. Heat and light glare associated with a Food Cart Pod shall also meet the requirements of Section 16.152 Heat and Glare of this code.
- L. Required Vehicular and Bicycle Parking.
1. Minimum two (2) vehicle parking spaces per food cart, for lots or parcels not within the CFEC parking Delineated Area.
 2. Minimum one (1) bike parking spaces per food cart.
 3. For every five (5) food carts a site, provide one (1) long-term bicycle space with weather protection.
- M. Landscaping, Visual Corridor, Street Trees. All sites shall be required to meet the requirements in Chapter 16.92 Landscaping, 16.140.040, Visual Corridors, and 16.140.060 Street Trees.
- N. Hours of Operation: A food cart pod site abutting a residential zone may operate during day hours between 7:00 a.m. and 9:00 p.m. Monday through Friday and 8:00 a.m. and 9:00 p.m. Saturday and Sunday. The Hearing Authority may further limit hours of operation to ensure compatibility with surrounding land uses.

16.39.040 Food Cart Pod Utility Standards

- A. Food Cart Pods sites are subject to the following utility standards:
1. All permanent utilities shall be placed underground.
 2. Food carts and restrooms shall connect to a permanent sanitary sewer system in conformance with state plumbing code.
 3. Food carts shall provide an approved grease interceptor for the disposal of fats, oils, and grease.
 4. Food carts shall connect to a permanent water source in conformance with state plumbing code.
 5. Food carts and on-site structures shall connect to a permanent power source. Power connections must be undergrounded. Generators are prohibited.
 6. All utilities shall be placed or otherwise screened, covered, or hidden from view of the right-of-way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.

16.39.050 Food Cart Design Standards

The following standards apply to each mobile food unit on the site.

- A. Attachments. Attachments to the food cart, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground. Neither the food cart nor any item relating to the unit shall lean against or hang from any structure or pole. No structures such as decks shall be attached to the mobile food unit.
- B. Accessory Storage. Items relating to the food cart shall be stored in or under the unit.

- C. Interior Seating or Vending. Customer seating or vending inside the mobile food unit is prohibited.
- D. Accessory items. Food carts shall enclose or screen from view of the right of way and abutting residentially zoned property all accessory items not used by customers, including but not limited to, tanks, barrels, grills, smokers, and other accessory items.
- E. Skirting. Skirting shall be placed around the entire perimeter of the food cart.
- F. Drive-Thru Service. Drive-thru service or sales at a mobile food unit is prohibited.
- G. Other Licenses Required. In addition to the requirements of this section, the operator of a mobile food unit must have active City and State business licenses and must comply with the permit requirements of the Washington County Environmental Health Department, Tualatin Valley Fire and Rescue, and the Oregon Liquor and Cannabis Commission.

16.39.060 Food Cart Pod Conditions of Approval

- A. A conditional use permit is required for a food cart pod site, and shall meet the requirements of Chapter 16.82, Conditional Uses. The applicant is required to meet the approval criteria in Section 16.82.020(C). The Hearing Authority may impose conditions of approval pursuant to Section 16.82.020(D) to protect the best interests of the surrounding properties and neighborhood.

16.39.070 Food Cart Pod Approval Period and Time Extension

- A. A food cart pod site approval is valid for two years from the date of the final Notice of Decision. An extension of the Site Plan approval may be granted pursuant to Section 16.90.020(F) of this code.
- B. Upon approval for a Mobile Food Cart Pod development by the Hearing Authority, the applicant shall prepare a final site plan for review and approval pursuant to Chapter 16.72, Procedures for Processing Development Permits. The final site plan shall include any revisions or other features, or conditions required by the Hearing Authority at the time of the approval of the Food Cart Pod development.

16.39.080 Food Cart Pod Code Compliance

- A. After reviewing a complaint, the Community Development Director or designee shall compel measures to ensure compliance with the land use approval, compatibility with the neighborhood, and conformance with this section. Complaints may be originated by the City of Sherwood or the public. Complaints from the public shall clearly state the objection to the mobile food cart site, such as:
 - 1. Generation of excessive traffic;
 - 2. Generation of excessive noise or litter;
 - 3. Other offensive activities not compatible with the surrounding area.

16.22.020 Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use categories are described and defined in Chapter 16.88 Use Classifications and Interpretations.
- B. Uses listed in other sections of this code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 Use Classifications and Interpretations.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

	OC	NC ¹	RC	GC
RESIDENTIAL				
• Multi-Family dwelling housing, subject to all of the following:	P	P	P	P
1. Multi-family housing is only permitted on one or more of the upper floors of a building and only when a non-residential use that is permitted in the underlying zone is located on the ground floor. Parking is not a permitted ground floor use. The ground floor non-residential use must occupy the entire ground floor, with the exception of a lobby, utilities, stairways, elevators, and similar facilities.				
2. Site plan review process in section 16.90.020.D.6.				
3. Maximum density limits of the High Density Residential (HDR) zone.				
4. Dimensional standards of the underlying zone.				
5. The minimum ceiling height shall be 12 feet measured from the finished floor to the lowest point of the surface of the ceiling.				
6. If any part of a structure is within 100 feet of a residential zone, the height limits of the HDR zone shall apply.				
7. A building with multi-family housing is limited to two stairwells that can be entered from the ground floor of the building. There are no limits on the number of stairwells that are not able to be entered from the ground floor except as provided by this code.				
8. The required parking for the multi-family housing use shall be in addition to the minimum required for the non-residential use(s).				
• Residential care facilities	N	N	C	C
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City.	P	P	P	P
CIVIC				
• Hospitals	N	N	C	C
• Correctional institutions	N	N	N	C
• Cemeteries and crematory mausoleums.	N	N	C	C
• Police and fire stations and other emergency services	N	C	C	C
• Vehicle testing stations	N	N	N	C
• Postal services - Public	N	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright.	P	P	P	P
• Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices	C	C	C	C

• Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.	N	N	C	C
• Small-scale power generation facilities.	P	P	P	P
• Large-scale power generation facilities.	N	N	N	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	N	C	C
• Religious institutions, private fraternal organizations, lodges and secondary uses	C	N	P	P
• Public and private schools providing education at the elementary school level or higher	C	C	C	C
COMMERCIAL				
• Commercial trade schools, commercial educational services and training facilities	C	N	P	P
Entertainment/recreation				
• Adult entertainment business, subject to Section 16.54.010	N	N	N	P
• Motion picture and live theaters within enclosed building	N	N	P	P
• Drive-in motion picture theaters	N	N	N	N
• Country clubs, sports and racquet clubs and other similar clubs.	N	N	C	C
• Golf courses	N	N	N	N
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ⁴	N	N	P	P
Hotels and motels	C	N	P	P
Motor Vehicle related				
• Motorized vehicle and sport craft repairs and service	N	C	C	P
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally.	C	C	P	P
• Motorized vehicle, sport craft and farm equipment rental or sales and display area with more than 5% external sales and display area, up to a maximum of 5,000 square feet.	N	N	N	C
• Motorized vehicle, sport craft and farm equipment rental or sales and display area primarily within entirely enclosed building with no more than 5% or 5,000 square feet of outdoor display area, whichever is less.	N	N	C	P
• Automotive, boat, trailer and recreational vehicle storage	N	N	N	N
• Vehicle fueling stations or car wash facilities	N	N	C	P
• junkyards and salvage yards	N	N	N	N
• Manufactures home sales and display area	N	N	N	N
Office and Professional Support services				
• Business and professional offices.	P	P	P	P
• Medical and dental offices and urgent care facilities	P	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities	P	P	P	P
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	C	C	C	C
Childcare				
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use.	N	P	P	P
General Retail - sales oriented				
• General retail trade, not exceeding 10,000 square feet of gross square footage.	P	P	P	P
• General retail trade greater than 10,000 square feet of gross square footage	N	P	P	P

• Tool and Equipment Rental and Sales, Including Truck Rental	N	N	C	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	N	N	P	P
• Wholesale building material sales and service	N	N	N	P
• Retail building material sales and lumberyards.	N	N	C ⁵	P
Personal Services				
• Health clubs and studios less than 5,000 square feet in size.	P	P	P	P
• Health clubs and studios greater than 5,000 square feet in size	N	N	C	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services.	N	P	P	P
• Public or commercial parking (non-accessory)	C	C	P	P
• Veterinarian offices and animal hospitals.	N	N	C	P
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas ⁶	N	N	C	C
Eating and Drinking establishments				
• Restaurants, taverns, and lounges without drive-thru ⁷	P	C	P	P
• Restaurants with drive-thru services	N	N	P	P
• <u>Food Cart Pods</u> ⁸	N	N	<u>C</u>	<u>C</u>
INDUSTRIAL				
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	N	C	C	P
• Medical or dental laboratories	N	N	C	P
WIRELESS COMMUNICATION FACILITIES				
• Radio, television, and similar communication stations, including associated transmitters.	N	N	N	C
• Wireless communication towers and transmitters ⁹	C	C	C	C
• Wireless communication facilities on City-owned property	P	P	P	P
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P	P
OTHER				
Agricultural uses including but not limited to:	N	N	P	P
• Farm equipment sales and rentals				
• Farming and horticulture				
• Truck and bus yards	N	N	N	P

¹See special Criteria for the NC zone, 16.22.050.

²The residential portion of a mixed use development is considered secondary when traffic trips generated, dedicated parking spaces, signage, and the road frontage of residential uses are all exceeded by that of the commercial component and the commercial portion of the site is located primarily on the ground floor.

³Except in the Adams Avenue Concept Plan area, where only non-residential uses are permitted on the ground floor.

⁴If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than fifty (50) percent of the total area.

⁵All activities are required to be within an enclosed building.

⁶Animal boarding/kennels and daycare facilities entirely within an enclosed building are considered "other personal service."

⁷Limited to no more than ten (10) percent of the square footage of each development in the Adams Avenue Concept Plan area.

⁸ See standard and criteria for Food Cart Pods in Chapter 16.39.

⁸⁹ ~~e~~ Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2021-008 , § 2, 9-21-2021; Ord. No. 2012-011, § 2, 8-7-2012)

Proposed Amendments to Title 16, ZONING AND COMMUNITY DEVELOPMENT CODE, with a new Chapter 16.39 FOOD CART PODS and amendments to Commercial Use Table of Section 16.22.020 by allowing Food Cart Pods as a Conditional Use Permit within the General Commercial and Retail Commercial zones.

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The standards in this section are intended to ensure that food carts and food cart pods are developed and operated as lawful uses and in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties and residents.

- B. Exemptions.
1. Mobile food units operated as part of an approved special event permit application.
- C. Definitions.
1. Mobile Food Unit (Food Cart) - any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.
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 - a. A completed land use application form and supplemental documentation as required by the form. Supplemental documentation may include:
 - i. Clean Water Services Service Provider Letter
 - ii. Tualatin Valley Fire and Rescue Service Provider Letter
 - iii. Preliminary Stormwater Report

- iv. Traffic Impact Analysis
 - v. Written narrative describing the project and addressing the applicable code standards and criteria.
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Review checklist, the following information is required for review of a Food Cart Pod:

- i. Within the boundaries of the mobile food cart pod site, the location of all mobile food units, seating areas, on-site utilities and any accessory items or structures.
- ii. The proposed distance between the mobile food units and adjacent lot lines, other mobile food units and other on-site structures.
- iii. The orientation of service windows and doors on the mobile food units and the location of queuing areas.

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The following standards apply to food cart pod sites.

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- B. Required Trash Receptacles and Enclosures
 - 1. Individual trash receptacles (i.e. not a shared enclosure) are required and shall be dispersed throughout the food cart pod for customer use.
 - 2. A minimum of one screened trash enclosure for the site is required meeting the approval of Pride Disposal.
- C. Required Structures
 - 1. All required structures shall meet setback requirements of the Retail Commercial (RC) and General Commercial zones, as well as the separation and setback requirements of the Building Code.
 - 2. A minimum of one permanent indoor restroom adequately sized to serve the site is required. Portable toilets are not permitted. If the restroom structure is detached, the design of a detached restroom structure shall meet the design standards in subsection (4) of this section.
 - 3. Existing Structures may be utilized as the dining building or pavilion. The structure shall meet the design standards in subsection (4 a-d) of this section.
 - 4. Food Cart Pod Dining Building or Pavilion. A site shall have a pavilion or building of no less than 1,000 square feet to provide weather protection and comfort to dining customers. Proposed structures located on lots within the Old Town Overlay District shall meet the design standards of Section 16.162 of this code. The following design standards apply to dining building or pavilion:

- a. Primary Exterior Finish Materials - The purpose of this standard is to encourage high-quality materials that are complementary to the traditional materials used in Sherwood. Natural building materials are preferred, such as wood, cedar shake, brick, and stone. Composite boards manufactured from wood in combination with other products, such as hardboard or fiber cement board (i.e. HardiPlank) may be used when the board product is less than six (6) inches wide.
- b. Secondary Exterior Finish Materials - These materials may include plain or painted concrete block, plain concrete, corrugated metal, full-sheet plywood, fiberboard or sheet pressboard (i.e., T-111), vinyl and aluminum siding, and synthetic stucco (i.e. DryVit and stucco board). Secondary materials shall cover no more than ten percent (10%) of a surface area of each facade and shall not be visible from the public right-of-way.
- c. Color of Structures - The color of all painted or colored exterior materials shall be earth tone. A color palette shall be submitted and reviewed as part of the land use application review process and approved by the hearing authority.
- d. Roof-Mounted Equipment. The purpose of this standard is to minimize the visual impact of roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communications equipment, must be screened using at least one of the methods listed below. Solar heating panels are exempt from this standard.
 1. A parapet as tall as the tallest part of the equipment.
 2. A screen around the equipment that is as tall as the tallest part of the equipment.
 3. The equipment is set back from the street-facing perimeters of the building, 3 feet for each foot of height of the equipment. On corner lots with two street-facing areas, all equipment shall be centered.
- e. Roof. The purpose of this standard is to encourage traditional roof forms consistent with existing development patterns in Sherwood. Roofs should have significant pitch, or if flat, be designed with a cornice or parapet. Buildings must have either:
 1. A sloped roof with a pitch no flatter than 6/12; or
 2. A roof with a pitch of less than 6/12 and a cornice or parapet that meets the following:
 - a) There must be two parts to the cornice or parapet. The top part must project at least six (6) inches from the face of the building and be at least two (2) inches further from the face of the building than the bottom part of the cornice or parapet.
 - b) The height of the cornice or parapet is based on the height of the building as follows:
 1. Buildings sixteen (16) to twenty (20) feet in height must have a cornice or parapet at least twelve (12) inches high.
 2. Buildings greater than twenty (20) feet and less than thirty (30) feet in height must have a cornice or parapet at least eighteen (18) inches high.

3. Buildings thirty (30) feet or greater in height must have a cornice or parapet at least twenty-four (24) inches high.
- f. Base of Buildings. Buildings must have a base on all street-facing elevations. The base must be at least two (2) feet above grade and be distinguished from the rest of the building by a different color and material.
- D. Minimum Setbacks and Separation Distance of Food Carts. Food Carts on the site shall be located at a minimum of:
 1. Ten (10) feet from any front lot line
 2. Five (5) feet from any side or rear lot line, except if a site abuts a residential district the minimum setback of mobile food units to the side and rear lot line shall be twenty (20) feet.
 3. Windows and doors used for service to customers shall be located a minimum of ten (10) feet from loading areas, driveways, and on-site circulation drives, and a minimum of five (5) feet from bicycle parking spaces.
- E. Screening from residential properties
 1. If the food cart pod site is adjacent to a residentially zoned property, the food cart pod shall be screened from the property. Screening shall be provided by a continuous, sight-obscuring fence. Fences shall be constructed of wood, metal, brick, concrete, or other appropriate material as determined by the Hearing Authority. Chain-link fencing with slats shall not be accepted. Hedges may be used in addition to fencing but shall not replace the fence requirement.
- F. Obstruction of Vehicular and Pedestrian Use Areas and Landscape Areas. No mobile food unit or associated elements, such as aboveground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy bicycle parking spaces, loading areas, or walkways. Mobile food units shall not occupy landscaping areas.
- G. Surfacing. All mobile food units shall be placed on hard-surfaced area and all walkways within the site shall be hard surfaced as determined by the Hearing Authority. Parking, loading, and maneuvering areas for vehicles shall be constructed of concrete or asphalt.
- H. Driveway access and drive aisles providing off-street parking and loading for vehicles shall meet the requirements of Chapter 16.94, Off-Street Parking Standards.
- I. Signs.
 1. Signs shall comply with the requirements of Section 16.101 Permanent Signs and 16.102 Temporary, Portable, and Banner Signs of this code.
 2. Additional portable signs within a food cart pod site are permitted but shall not be located within pedestrian walkways and shall not be visible from the public right of way.
- J. Intersection Sight Distance and Clear Vision Areas. The mobile food unit and any attachments or accessory items shall comply with the intersection sight distance and

clear vision areas.

- K. Lighting. Exterior site lighting shall be provided to ensure safety for businesses and customers but shall be designed to minimize impacts to adjacent properties. Heat and light glare associated with a Food Cart Pod shall also meet the requirements of Section 16.152 Heat and Glare of this code.
- L. Required Vehicular and Bicycle Parking.
 - 1. Minimum two (2) vehicle parking spaces per food cart, for lots or parcels not within the CFEC parking Delineated Area.
 - 2. Minimum one (1) bike parking spaces per food cart.
 - 3. For every five (5) food carts a site, provide one (1) long-term bicycle space with weather protection.
- M. Landscaping, Visual Corridor, Street Trees. All sites shall be required to meet the requirements in Chapter 16.92 Landscaping, 16.140.040, Visual Corridors, and 16.140.060 Street Trees.
- N. Hours of Operation: A food cart pod site abutting a residential zone may operate during day hours between 7:00 a.m. and 9:00 p.m. Monday through Friday and 8:00 a.m. and 9:00 p.m. Saturday and Sunday. The Hearing Authority may further limit hours of operation to ensure compatibility with surrounding land uses.

16.39.040 Food Cart Pod Utility Standards

- A. Food Cart Pods sites are subject to the following utility standards:
 - 1. All permanent utilities shall be placed underground.
 - 2. Food carts and restrooms shall connect to a permanent sanitary sewer system in conformance with state plumbing code.
 - 3. Food carts shall provide an approved grease interceptor for the disposal of fats, oils, and grease.
 - 4. Food carts shall connect to a permanent water source in conformance with state plumbing code.
 - 5. Food carts and on-site structures shall connect to a permanent power source. Power connections must be undergrounded. Generators are prohibited.
 - 6. All utilities shall be placed or otherwise screened, covered, or hidden from view of the right-of-way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.

16.39.050 Food Cart Design Standards

The following standards apply to each mobile food unit on the site.

- A. Attachments. Attachments to the food cart, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground. Neither the food cart nor any item relating to the unit shall lean against or hang from any structure or pole. No structures such as decks shall be attached to the mobile food unit.
- B. Accessory Storage. Items relating to the food cart shall be stored in or under the unit.
- C. Interior Seating or Vending. Customer seating or vending inside the mobile food unit is prohibited.

- D. Accessory items. Food carts shall enclose or screen from view of the right of way and abutting residentially zoned property all accessory items not used by customers, including but not limited to, tanks, barrels, grills, smokers, and other accessory items.
- E. Skirting. Skirting shall be placed around the entire perimeter of the food cart.
- F. Drive-Thru Service. Drive-thru service or sales at a mobile food unit is prohibited.
- G. Other Licenses Required. In addition to the requirements of this section, the operator of a mobile food unit must have active City and State business licenses and must comply with the permit requirements of the Washington County Environmental Health Department, Tualatin Valley Fire and Rescue, and the Oregon Liquor and Cannabis Commission.

16.39.060 Food Cart Pod Conditions of Approval

- A. A conditional use permit is required for a food cart pod site, and shall meet the requirements of Chapter 16.82, Conditional Uses. The applicant is required to meet the approval criteria in Section 16.82.020(C). The Hearing Authority may impose conditions of approval pursuant to Section 16.82.020(D) to protect the best interests of the surrounding properties and neighborhood.

16.39.070 Food Cart Pod Approval Period and Time Extension

- A. A food cart pod site approval is valid for two years from the date of the final Notice of Decision. An extension of the Site Plan approval may be granted pursuant to Section 16.90.020(F) of this code.
- B. Upon approval for a Mobile Food Cart Pod development by the Hearing Authority, the applicant shall prepare a final site plan for review and approval pursuant to Chapter 16.72, Procedures for Processing Development Permits. The final site plan shall include any revisions or other features, or conditions required by the Hearing Authority at the time of the approval of the Food Cart Pod development.

16.39.080 Food Cart Pod Code Compliance

- A. After reviewing a complaint, the Community Development Director or designee shall compel measures to ensure compliance with the land use approval, compatibility with the neighborhood, and conformance with this section. Complaints may be originated by the City of Sherwood or the public. Complaints from the public shall clearly state the objection to the mobile food cart site, such as:
 - 1. Generation of excessive traffic;
 - 2. Generation of excessive noise or litter;
 - 3. Other offensive activities not compatible with the surrounding area.

16.22.020 Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use categories are described and defined in Chapter 16.88 Use Classifications and Interpretations.
- B. Uses listed in other sections of this code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 Use Classifications and Interpretations.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

	OC	NC ¹	RC	GC
RESIDENTIAL				
• Multi-Family dwelling housing, subject to all of the following:	P	P	P	P
1. Multi-family housing is only permitted on one or more of the upper floors of a building and only when a non-residential use that is permitted in the underlying zone is located on the ground floor. Parking is not a permitted ground floor use. The ground floor non-residential use must occupy the entire ground floor, with the exception of a lobby, utilities, stairways, elevators, and similar facilities.				
2. Site plan review process in section 16.90.020.D.6.				
3. Maximum density limits of the High Density Residential (HDR) zone.				
4. Dimensional standards of the underlying zone.				
5. The minimum ceiling height shall be 12 feet measured from the finished floor to the lowest point of the surface of the ceiling.				
6. If any part of a structure is within 100 feet of a residential zone, the height limits of the HDR zone shall apply.				
7. A building with multi-family housing is limited to two stairwells that can be entered from the ground floor of the building. There are no limits on the number of stairwells that are not able to be entered from the ground floor except as provided by this code.				
8. The required parking for the multi-family housing use shall be in addition to the minimum required for the non-residential use(s).				
• Residential care facilities	N	N	C	C
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City.	P	P	P	P
CIVIC				
• Hospitals	N	N	C	C
• Correctional institutions	N	N	N	C
• Cemeteries and crematory mausoleums.	N	N	C	C
• Police and fire stations and other emergency services	N	C	C	C
• Vehicle testing stations	N	N	N	C
• Postal services - Public	N	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright.	P	P	P	P
• Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices	C	C	C	C

• Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.	N	N	C	C
• Small-scale power generation facilities.	P	P	P	P
• Large-scale power generation facilities.	N	N	N	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	N	C	C
• Religious institutions, private fraternal organizations, lodges and secondary uses	C	N	P	P
• Public and private schools providing education at the elementary school level or higher	C	C	C	C
COMMERCIAL				
• Commercial trade schools, commercial educational services and training facilities	C	N	P	P
Entertainment/recreation				
• Adult entertainment business, subject to Section 16.54.010	N	N	N	P
• Motion picture and live theaters within enclosed building	N	N	P	P
• Drive-in motion picture theaters	N	N	N	N
• Country clubs, sports and racquet clubs and other similar clubs.	N	N	C	C
• Golf courses	N	N	N	N
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ⁴	N	N	P	P
Hotels and motels	C	N	P	P
Motor Vehicle related				
• Motorized vehicle and sport craft repairs and service	N	C	C	P
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally.	C	C	P	P
• Motorized vehicle, sport craft and farm equipment rental or sales and display area with more than 5% external sales and display area, up to a maximum of 5,000 square feet.	N	N	N	C
• Motorized vehicle, sport craft and farm equipment rental or sales and display area primarily within entirely enclosed building with no more than 5% or 5,000 square feet of outdoor display area, whichever is less.	N	N	C	P
• Automotive, boat, trailer and recreational vehicle storage	N	N	N	N
• Vehicle fueling stations or car wash facilities	N	N	C	P
• junkyards and salvage yards	N	N	N	N
• Manufactures home sales and display area	N	N	N	N
Office and Professional Support services				
• Business and professional offices.	P	P	P	P
• Medical and dental offices and urgent care facilities	P	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities	P	P	P	P
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	C	C	C	C
Childcare				
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use.	N	P	P	P
General Retail - sales oriented				
• General retail trade, not exceeding 10,000 square feet of gross square footage.	P	P	P	P
• General retail trade greater than 10,000 square feet of gross square footage	N	P	P	P

• Tool and Equipment Rental and Sales, Including Truck Rental	N	N	C	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	N	N	P	P
• Wholesale building material sales and service	N	N	N	P
• Retail building material sales and lumberyards.	N	N	C ⁵	P
Personal Services				
• Health clubs and studios less than 5,000 square feet in size.	P	P	P	P
• Health clubs and studios greater than 5,000 square feet in size	N	N	C	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services.	N	P	P	P
• Public or commercial parking (non-accessory)	C	C	P	P
• Veterinarian offices and animal hospitals.	N	N	C	P
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas ⁶	N	N	C	C
Eating and Drinking establishments				
• Restaurants, taverns, and lounges without drive-thru ⁷	P	C	P	P
• Restaurants with drive-thru services	N	N	P	P
• Food Cart Pods ⁸	N	N	C	C
INDUSTRIAL				
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	N	C	C	P
• Medical or dental laboratories	N	N	C	P
WIRELESS COMMUNICATION FACILITIES				
• Radio, television, and similar communication stations, including associated transmitters.	N	N	N	C
• Wireless communication towers and transmitters ⁹	C	C	C	C
• Wireless communication facilities on City-owned property	P	P	P	P
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P	P
OTHER				
Agricultural uses including but not limited to:	N	N	P	P
• Farm equipment sales and rentals				
• Farming and horticulture				
• Truck and bus yards	N	N	N	P

¹See special Criteria for the NC zone, 16.22.050.

²The residential portion of a mixed use development is considered secondary when traffic trips generated, dedicated parking spaces, signage, and the road frontage of residential uses are all exceeded by that of the commercial component and the commercial portion of the site is located primarily on the ground floor.

³Except in the Adams Avenue Concept Plan area, where only non-residential uses are permitted on the ground floor.

⁴If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than fifty (50) percent of the total area.

⁵All activities are required to be within an enclosed building.

⁶Animal boarding/kennels and daycare facilities entirely within an enclosed building are considered "other personal service."

⁷ Limited to no more than ten (10) percent of the square footage of each development in the Adams Avenue Concept Plan area.

⁸ See standard and criteria for Food Cart Pods in Chapter 16.39.

⁹ Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.
(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2021-008 , § 2, 9-21-2021; Ord. No. 2012-011, § 2, 8-7-2012)

Joy Chang

From: Craig Christensen
Sent: Monday, July 29, 2024 11:55 AM
To: Joy Chang
Cc: Sean Conrad; Hugo Hamblin-Agosto; Jason Waters
Subject: RE: Request for Comments - Food Cart Pods regulations for the City of Sherwood, LU 2024-014 PA

Joy,

Since this is processed under Site Plan Review and Conditional Use Permit, engineering can condition necessary public improvements under those processes. My only comments are:

1. Do you need to identify a fence height on the screening fence in section 16.39.030.E.1?
2. Does 2 parking stalls per food cart seem low?
3. Do we have language that will allow the city to enforce no backup onto the public street system? With enforcement actions potentially resulting in mitigation measures or a reduction in food carts for the site?

Thank you.

Craig Christensen, P.E.
Senior Civil Engineer, Engineering Dept.
City of Sherwood
(503) 925-2301

From: Joy Chang <ChangJ@SherwoodOregon.gov>
Sent: Monday, July 15, 2024 1:13 PM
To: Ryan.Winfrey@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; jeroase@sherwood.k12.or.us; gbennett@sherwood.k12.or.us; tumpj@trimet.org; baldwinb@trimet.org; DevelopmentReview@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; anthony_mills@washingtoncountyor.gov; 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 <SheldonC@SherwoodOregon.gov>; Jo Guediri <GuediriJ@sherwoodoregon.gov>; Andrew Stirling <StirlingA@SherwoodOregon.gov>; Colleen Resch <ReschC@SherwoodOregon.gov>; Scott McKie <McKieS@SherwoodOregon.gov>; Ty Hanlon <HanlonT@SherwoodOregon.gov>; Jon Carlson <CarlsonJ@SherwoodOregon.gov>; hoon.choe@USPS.gov; mlrr.info@oregon.gov; Sean Conrad <conrads@sherwoodoregon.gov>; Eric Rutledge <RutledgeE@SherwoodOregon.gov>; Hugo Hamblin-Agosto <hamblinagostoh@sherwoodoregon.gov>
Subject: Request for Comments - Food Cart Pods regulations for the City of Sherwood, LU 2024-014 PA

Hello agency partners,

The City of Sherwood Planning Department is requesting agency comments on the following proposal in the City of Sherwood.

From: [Richard Sattler](#)
To: [Joy Chang](#)
Subject: RE: Request for Comments - Food Cart Pods regulations for the City of Sherwood, LU 2024-014 PA
Date: Monday, July 15, 2024 2:30:46 PM

Afternoon Joy,
No comments related to Food Carts.
Take Care,
Rich

From: Joy Chang <ChangJ@SherwoodOregon.gov>
Sent: Monday, July 15, 2024 1:13 PM
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; jerose@sherwood.k12.or.us; gbennett@sherwood.k12.or.us; tumpj@trimet.org; baldwinb@trimet.org; DevelopmentReview@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; anthony_mills@washingtoncountyor.gov; 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 <SheldonC@SherwoodOregon.gov>; Jo Guediri <GuediriJ@sherwoodoregon.gov>; Andrew Stirling <StirlingA@SherwoodOregon.gov>; Colleen Resch <ReschC@SherwoodOregon.gov>; Scott McKie <McKieS@SherwoodOregon.gov>; Ty Hanlon <HanlonT@SherwoodOregon.gov>; Jon Carlson <CarlsonJ@SherwoodOregon.gov>; hoon.choe@USPS.gov; mlrr.info@oregon.gov; Sean Conrad <conrads@sherwoodoregon.gov>; Eric Rutledge <RutledgeE@SherwoodOregon.gov>; Hugo Hamblin-Agosto <hamblinagostoh@sherwoodoregon.gov>
Subject: Request for Comments - Food Cart Pods regulations for the City of Sherwood, LU 2024-014 PA

Hello agency partners,

The City of Sherwood Planning Department is requesting agency comments on the following proposal in the City of Sherwood.

Proposal: The City is proposing to amend the Sherwood Zoning and Community Development Code by allowing Food Cart Pods in certain zones as a Conditional Use Permit. Allowing mobile food units can provide opportunities for small scale entrepreneurship and provide unique eating establishments and community gathering spaces for the public. The proposed amendments would allow the development of food cart pods subject to the following:

From: [Kristen Tabscott](#)
To: [Joy Chang](#)
Subject: RE: Request for Comments - Food Cart Pods regulations for the City of Sherwood, LU 2024-014 PA
Date: Monday, July 15, 2024 1:16:27 PM

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

That's exciting! We don't have any comments right now, we will want to make sure there is adequate service once a location is set.

Kristen Tabscott
EXECUTIVE ASSISTANT

Pride Disposal & Recycling Company

503-625-6177

pridedisposal.com

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[Facebook](#) | [Twitter](#) | [newsletter](#)

From: Joy Chang <ChangJ@SherwoodOregon.gov>

Sent: Monday, July 15, 2024 1:13 PM

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; Kristen Tabscott <kTabscott@pridedisposal.com>; raindrops2refuge@gmail.com; eva_kristofik@fws.gov; mwerner@gwrr.com; dxsmith@bpa.gov; jerosesherwood.k12.or.us; gbennett@sherwood.k12.or.us; tumpj@trimet.org; baldwinb@trimet.org; DevelopmentReview@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; anthony_mills@washingtoncountyor.gov; 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 <SheldonC@SherwoodOregon.gov>; Jo Guediri <GuediriJ@sherwoodoregon.gov>; Andrew Stirling <StirlingA@SherwoodOregon.gov>; Colleen Resch <ReschC@SherwoodOregon.gov>; Scott McKie <McKieS@SherwoodOregon.gov>; Ty Hanlon <HanlonT@SherwoodOregon.gov>; Jon Carlson <CarlsonJ@SherwoodOregon.gov>; hoon.choe@USPS.gov; mlrr.info@oregon.gov; Sean Conrad <conrads@sherwoodoregon.gov>; Eric Rutledge <RutledgeE@SherwoodOregon.gov>; Hugo Hamblin-Agosto <hamblinagostoh@sherwoodoregon.gov>

Subject: Request for Comments - Food Cart Pods regulations for the City of Sherwood, LU 2024-014 PA

Hello agency partners,



Oregon
Tina Kotek, Governor

Department of Transportation
Transportation Region 1
123 NW Flanders St.
Portland, OR 97209-4012
(503) 731-8200
Fax: (503) 731-8259

DATE: 8/2/2024

ODOT #

ODOT Response

Project Name: LU 2024-014 PA Food Cart Pods	Applicant: City of Sherwood
Jurisdiction: City of Sherwood	Jurisdiction Case #: N/A
Site Address: Citywide	Legal Description: Tax Lot(s): N/A
State Highway: 99W	Milepost: 15 - 17

LAND USE PROPOSAL

The citywide proposal to amend zones General Commercial (GC) and Retail Commercial (RC) would allow food cart pods (under Municipal Code Chapter 16.39) as a conditional use adjacent to/in the vicinity of State Highway 99W.

STATE HIGHWAY FACILITY

ODOT has permitting authority for this facility and an interest in assuring that any proposed zone change/comprehensive plan amendment is consistent with the identified function, capacity and performance standard of this facility. According to the 1999 Oregon Highway Plan (OHP), this facility is classified a Statewide highway inside of Metro and the performance standard is .99 volume to capacity (v/c) ratio.

COMMENTS

The proposed changes within zones GC and RC to allow food cart pods under a conditional use permit does not represent a zone change or comprehensive plan amendment and thus City of Sherwood does not need to comply with the Transportation Planning Rule (TPR), OAR 660-012-0060. ODOT supports the City’s process of requiring a Traffic Impact Analysis for conditional use permits in regards to proposed food cart pods. When in the future a development proposal is submitted to the City of Sherwood, the State maintains an interest in ensuring that a future proposed land use is compatible with safe and efficient operations along State Highway 99W. ODOT requests that the city continue to send notification of proposed developments during the land use process that may impact OR 99W to the following email address: odot_r1_devrev@odot.oregon.gov.

Development Review Planner: Lewis Kelley	Senior Transportation Planner
--	-------------------------------

From: [HENDRICKSON Jill M](#)
To: [Joy Chang](#)
Subject: RE: Request for Comments - Food Cart Pods regulations for the City of Sherwood, LU 2024-014 PA
Date: Monday, July 15, 2024 1:30:27 PM

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

Hi Joy,

For the Outdoor Advertising Sign Program, I would only say that any signs would need to be on private property, and not on ODOT's right of way; and the signs could not be placed in exchange for compensation, either for the right to place the signs or the message(s) on the signs.

Please let me know if you need any additional information or if I can provide any assistance.

Best, Jill

Jill Hendrickson | Program Coordinator | Outdoor Advertising Sign Program | Right of Way Section

Oregon Dept of Transportation | 4040 Fairview Industrial Drive SE, MS-2 | Salem, OR 97302

Cell: 503.559.5295 | Fax: 503.986.3625

Email address has changed to: Jill.M.Hendrickson@odot.oregon.gov

From: Joy Chang <ChangJ@SherwoodOregon.gov>

Sent: Monday, July 15, 2024 1:13 PM

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; jerosesherwood.k12.or.us; gbennett@sherwood.k12.or.us; tumpj@trimet.org; baldwinb@trimet.org; DevelopmentReview@trimet.org; landusenotifications@oregonmetro.gov; PRICE Ruth E <Ruth.E.PRICE@odot.oregon.gov>; HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>; ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>; anthony_mills@washingtoncountyor.gov; 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 <SheldonC@SherwoodOregon.gov>; Jo Guediri <GuediriJ@sherwoodoregon.gov>; Andrew Stirling <StirlingA@SherwoodOregon.gov>; Colleen Resch <ReschC@SherwoodOregon.gov>; Scott McKie <McKieS@SherwoodOregon.gov>; Ty Hanlon <HanlonT@SherwoodOregon.gov>; Jon Carlson



ORDINANCE 2024-004

AMENDING SECTIONS OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE FOR FOOD CART PODS

WHEREAS, the proposed Food Cart Pods amendments would allow food carts to operate in the City in a pod setting; and

WHEREAS, the proposed Food Cart Pods amendments allow individual entrepreneurship at a small scale and provide unique eating establishments within the City; and

WHEREAS, the proposed Food Cart Pods amendments would be allowed in the General Commercial and Retail Commercial Zones under a Conditional Use Permit; and

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

WHEREAS, at its meeting on August 13, 2024, the Planning Commission conducted a public hearing, considered proposed Food Cart Pods 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 September 17, 2024 and a second hearing on the proposed amendments is scheduled for October 15, 2024; and

WHEREAS, the City finds it is in the public interest to allow for Food Cart Pod development within the city.

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 hearing, the City Council accepts 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, Chapter 16.39 shall be amended to read as documented in Exhibit 1, attached to this Ordinance.

Section 2. Adopting Chapter 16.39 and the proposed amendments to the Sherwood Zoning and Community Development Code in Exhibit 1, attached to this Ordinance, are hereby **APPROVED**.

Section 3. 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 on October 15, 2024.

_____	_____
Tim Rosener, Mayor	Date

Attest:

Sylvia Murphy, MMC, City Recorder

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

Proposed Amendments to Title 16, ZONING AND COMMUNITY DEVELOPMENT CODE, with a new Chapter 16.39 FOOD CART PODS and amendments to Commercial Use Table of Section 16.22.020 by allowing Food Cart Pods as a Conditional Use Permit within the General Commercial and Retail Commercial zones.

Chapter 16.39 Food Cart Pods

16.39.010 Purpose and Definitions

- A. Purpose. Mobile food units can provide opportunities for small scale entrepreneurship and provide unique eating establishments and community gathering spaces for the public. The purpose of this section is to allow for mobile food unit sites or “food cart pod” sites where mobile food units or “food carts” can be parked on a long-term basis. As defined below, a minimum of five (5) food carts are required in a food cart pod.

The standards in this section are intended to ensure that food carts and food cart pods are developed and operated as lawful uses and in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties and residents.

- B. Exemptions.
1. Mobile food units operated as part of an approved special event permit application.
- C. Definitions.
1. Mobile Food Unit (Food Cart) - any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.
 2. Mobile Food Unit Site (Food Cart Pod) – a site that consists of 5 or more mobile food units anchored by a permanent covered dining pavilion and restroom facilities.
 3. Pavilion - an open-sided permanent structure, typically used for shelter, relaxation, or events in an outdoor setting. Pavilions are designed to provide shade and protection from the elements while allowing for interaction with the surrounding environment.

16.39.020 Food Cart Pod Permit Procedures

- A. Mobile food cart pod site permits will be processed as follows:
1. Site Plan Review and Conditional Use Permit. All mobile food cart pod sites are required to be reviewed as a Type IV Site Plan and Type III Conditional Use Permit in accordance with Chapter 16.72 of this code.
 2. Submittal Requirements. An application for a mobile food cart pod shall include the following:
 - a. A completed land use application form and supplemental documentation as required by the form. Supplemental documentation may include:
 - i. Clean Water Services Service Provider Letter
 - ii. Tualatin Valley Fire and Rescue Service Provider Letter
 - iii. Preliminary Stormwater Report

- iv. Traffic Impact Analysis
 - v. Written narrative describing the project and addressing the applicable code standards and criteria.
- b. Information and plan details described in the Site Plan Review checklist provided by the City, including existing conditions and proposed development plans. In addition to the information listed in the Site Plan.

Review checklist, the following information is required for review of a Food Cart Pod:

- i. Within the boundaries of the mobile food cart pod site, the location of all mobile food units, seating areas, on-site utilities and any accessory items or structures.
- ii. The proposed distance between the mobile food units and adjacent lot lines, other mobile food units and other on-site structures.
- iii. The orientation of service windows and doors on the mobile food units and the location of queuing areas.

16.39.030 Food Cart Pod Development Standards.

The following standards apply to food cart pod sites.

- A. Optional Storage Structures - a maximum of two enclosed accessory storage buildings or structures are permitted per site, provided that the combined square footage does not exceed four hundred (400) square feet and the height of each does not exceed 10 ft. Outdoor storage of equipment and material for the site and/or for individual food carts is prohibited.
- B. Required Trash Receptacles and Enclosures
 - 1. Individual trash receptacles (i.e. not a shared enclosure) are required and shall be dispersed throughout the food cart pod for customer use.
 - 2. A minimum of one screened trash enclosure for the site is required meeting the approval of Pride Disposal.
- C. Required Structures
 - 1. All required structures shall meet setback requirements of the Retail Commercial (RC) and General Commercial zones, as well as the separation and setback requirements of the Building Code.
 - 2. A minimum of one permanent indoor restroom adequately sized to serve the site is required. Portable toilets are not permitted. If the restroom structure is detached, the design of a detached restroom structure shall meet the design standards in subsection (4) of this section.
 - 3. Existing Structures may be utilized as the dining building or pavilion. The structure shall meet the design standards in subsection (4 a-d) of this section.
 - 4. Food Cart Pod Dining Building or Pavilion. A site shall have a pavilion or building of no less than 1,000 square feet to provide weather protection and comfort to dining customers. Proposed structures located on lots within the Old Town Overlay District shall meet the design standards of Section 16.162 of this code. The following design standards apply to dining building or pavilion:

- a. Primary Exterior Finish Materials - The purpose of this standard is to encourage high-quality materials that are complementary to the traditional materials used in Sherwood. Natural building materials are preferred, such as wood, cedar shake, brick, and stone. Composite boards manufactured from wood in combination with other products, such as hardboard or fiber cement board (i.e. HardiPlank) may be used when the board product is less than six (6) inches wide.
- b. Secondary Exterior Finish Materials - These materials may include plain or painted concrete block, plain concrete, corrugated metal, full-sheet plywood, fiberboard or sheet pressboard (i.e., T-111), vinyl and aluminum siding, and synthetic stucco (i.e. DryVit and stucco board). Secondary materials shall cover no more than ten percent (10%) of a surface area of each facade and shall not be visible from the public right-of-way.
- c. Color of Structures - The color of all painted or colored exterior materials shall be earth tone. A color palette shall be submitted and reviewed as part of the land use application review process and approved by the hearing authority.
- d. Roof-Mounted Equipment. The purpose of this standard is to minimize the visual impact of roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communications equipment, must be screened using at least one of the methods listed below. Solar heating panels are exempt from this standard.
 1. A parapet as tall as the tallest part of the equipment.
 2. A screen around the equipment that is as tall as the tallest part of the equipment.
 3. The equipment is set back from the street-facing perimeters of the building, 3 feet for each foot of height of the equipment. On corner lots with two street-facing areas, all equipment shall be centered.
- e. Roof. The purpose of this standard is to encourage traditional roof forms consistent with existing development patterns in Sherwood. Roofs should have significant pitch, or if flat, be designed with a cornice or parapet. Buildings must have either:
 1. A sloped roof with a pitch no flatter than 6/12; or
 2. A roof with a pitch of less than 6/12 and a cornice or parapet that meets the following:
 - a) There must be two parts to the cornice or parapet. The top part must project at least six (6) inches from the face of the building and be at least two (2) inches further from the face of the building than the bottom part of the cornice or parapet.
 - b) The height of the cornice or parapet is based on the height of the building as follows:
 1. Buildings sixteen (16) to twenty (20) feet in height must have a cornice or parapet at least twelve (12) inches high.
 2. Buildings greater than twenty (20) feet and less than thirty (30) feet in height must have a cornice or parapet at least eighteen (18) inches high.

3. Buildings thirty (30) feet or greater in height must have a cornice or parapet at least twenty-four (24) inches high.
- f. Base of Buildings. Buildings must have a base on all street-facing elevations. The base must be at least two (2) feet above grade and be distinguished from the rest of the building by a different color and material.
- D. Minimum Setbacks and Separation Distance of Food Carts. Food Carts on the site shall be located at a minimum of:
 1. Ten (10) feet from any front lot line
 2. Five (5) feet from any side or rear lot line, except if a site abuts a residential district the minimum setback of mobile food units to the side and rear lot line shall be twenty (20) feet.
 3. Windows and doors used for service to customers shall be located a minimum of ten (10) feet from loading areas, driveways, and on-site circulation drives, and a minimum of five (5) feet from bicycle parking spaces.
- E. Screening from residential properties
 1. If the food cart pod site is adjacent to a residentially zoned property, the food cart pod shall be screened from the property. Screening shall be provided by a continuous, sight-obscuring fence. Fences shall be constructed of wood, metal, brick, concrete, or other appropriate material as determined by the Hearing Authority. Chain-link fencing with slats shall not be accepted. Hedges may be used in addition to fencing but shall not replace the fence requirement.
- F. Obstruction of Vehicular and Pedestrian Use Areas and Landscape Areas. No mobile food unit or associated elements, such as aboveground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy bicycle parking spaces, loading areas, or walkways. Mobile food units shall not occupy landscaping areas.
- G. Surfacing. All mobile food units shall be placed on hard-surfaced area and all walkways within the site shall be hard surfaced as determined by the Hearing Authority. Parking, loading, and maneuvering areas for vehicles shall be constructed of concrete or asphalt.
- H. Driveway access and drive aisles providing off-street parking and loading for vehicles shall meet the requirements of Chapter 16.94, Off-Street Parking Standards.
- I. Signs.
 1. Signs shall comply with the requirements of Section 16.101 Permanent Signs and 16.102 Temporary, Portable, and Banner Signs of this code.
 2. Additional portable signs within a food cart pod site are permitted but shall not be located within pedestrian walkways and shall not be visible from the public right of way.
- J. Intersection Sight Distance and Clear Vision Areas. The mobile food unit and any attachments or accessory items shall comply with the intersection sight distance and

clear vision areas.

- K. Lighting. Exterior site lighting shall be provided to ensure safety for businesses and customers but shall be designed to minimize impacts to adjacent properties. Heat and light glare associated with a Food Cart Pod shall also meet the requirements of Section 16.152 Heat and Glare of this code.
- L. Required Vehicular and Bicycle Parking.
 - 1. Minimum two (2) vehicle parking spaces per food cart, for lots or parcels not within the CFEC parking Delineated Area.
 - 2. Minimum one (1) bike parking spaces per food cart.
 - 3. For every five (5) food carts a site, provide one (1) long-term bicycle space with weather protection.
- M. Landscaping, Visual Corridor, Street Trees. All sites shall be required to meet the requirements in Chapter 16.92 Landscaping, 16.140.040, Visual Corridors, and 16.140.060 Street Trees.
- N. Hours of Operation: A food cart pod site abutting a residential zone may operate during day hours between 7:00 a.m. and 9:00 p.m. Monday through Friday and 8:00 a.m. and 9:00 p.m. Saturday and Sunday. The Hearing Authority may further limit hours of operation to ensure compatibility with surrounding land uses.

16.39.040 Food Cart Pod Utility Standards

- A. Food Cart Pods sites are subject to the following utility standards:
 - 1. All permanent utilities shall be placed underground.
 - 2. Food carts and restrooms shall connect to a permanent sanitary sewer system in conformance with state plumbing code.
 - 3. Food carts shall provide an approved grease interceptor for the disposal of fats, oils, and grease.
 - 4. Food carts shall connect to a permanent water source in conformance with state plumbing code.
 - 5. Food carts and on-site structures shall connect to a permanent power source. Power connections must be undergrounded. Generators are prohibited.
 - 6. All utilities shall be placed or otherwise screened, covered, or hidden from view of the right-of-way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.

16.39.050 Food Cart Design Standards

The following standards apply to each mobile food unit on the site.

- A. Attachments. Attachments to the food cart, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground. Neither the food cart nor any item relating to the unit shall lean against or hang from any structure or pole. No structures such as decks shall be attached to the mobile food unit.
- B. Accessory Storage. Items relating to the food cart shall be stored in or under the unit.
- C. Interior Seating or Vending. Customer seating or vending inside the mobile food unit is prohibited.

- D. Accessory items. Food carts shall enclose or screen from view of the right of way and abutting residentially zoned property all accessory items not used by customers, including but not limited to, tanks, barrels, grills, smokers, and other accessory items.
- E. Skirting. Skirting shall be placed around the entire perimeter of the food cart.
- F. Drive-Thru Service. Drive-thru service or sales at a mobile food unit is prohibited.
- G. Other Licenses Required. In addition to the requirements of this section, the operator of a mobile food unit must have active City and State business licenses and must comply with the permit requirements of the Washington County Environmental Health Department, Tualatin Valley Fire and Rescue, and the Oregon Liquor and Cannabis Commission.

16.39.060 Food Cart Pod Conditions of Approval

- A. A conditional use permit is required for a food cart pod site, and shall meet the requirements of Chapter 16.82, Conditional Uses. The applicant is required to meet the approval criteria in Section 16.82.020(C). The Hearing Authority may impose conditions of approval pursuant to Section 16.82.020(D) to protect the best interests of the surrounding properties and neighborhood.

16.39.070 Food Cart Pod Approval Period and Time Extension

- A. A food cart pod site approval is valid for two years from the date of the final Notice of Decision. An extension of the Site Plan approval may be granted pursuant to Section 16.90.020(F) of this code.
- B. Upon approval for a Mobile Food Cart Pod development by the Hearing Authority, the applicant shall prepare a final site plan for review and approval pursuant to Chapter 16.72, Procedures for Processing Development Permits. The final site plan shall include any revisions or other features, or conditions required by the Hearing Authority at the time of the approval of the Food Cart Pod development.

16.39.080 Food Cart Pod Code Compliance

- A. After reviewing a complaint, the Community Development Director or designee shall compel measures to ensure compliance with the land use approval, compatibility with the neighborhood, and conformance with this section. Complaints may be originated by the City of Sherwood or the public. Complaints from the public shall clearly state the objection to the mobile food cart site, such as:
 - 1. Generation of excessive traffic;
 - 2. Generation of excessive noise or litter;
 - 3. Other offensive activities not compatible with the surrounding area.

16.22.020 Uses

- A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C), and not permitted (N) in the Commercial Districts. The specific land use categories are described and defined in Chapter 16.88 Use Classifications and Interpretations.
- B. Uses listed in other sections of this code, but not within this specific table are prohibited.
- C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the commercial zones or contribute to the achievement of the objectives of the commercial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88 Use Classifications and Interpretations.
- D. Additional limitations for specific uses are identified in the footnotes of this table.

	OC	NC ¹	RC	GC
RESIDENTIAL				
• Multi-Family dwelling housing, subject to all of the following:	P	P	P	P
1. Multi-family housing is only permitted on one or more of the upper floors of a building and only when a non-residential use that is permitted in the underlying zone is located on the ground floor. Parking is not a permitted ground floor use. The ground floor non-residential use must occupy the entire ground floor, with the exception of a lobby, utilities, stairways, elevators, and similar facilities.				
2. Site plan review process in section 16.90.020.D.6.				
3. Maximum density limits of the High Density Residential (HDR) zone.				
4. Dimensional standards of the underlying zone.				
5. The minimum ceiling height shall be 12 feet measured from the finished floor to the lowest point of the surface of the ceiling.				
6. If any part of a structure is within 100 feet of a residential zone, the height limits of the HDR zone shall apply.				
7. A building with multi-family housing is limited to two stairwells that can be entered from the ground floor of the building. There are no limits on the number of stairwells that are not able to be entered from the ground floor except as provided by this code.				
8. The required parking for the multi-family housing use shall be in addition to the minimum required for the non-residential use(s).				
• Residential care facilities	N	N	C	C
• Dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family, and other forms of residence normally associated with a conditional use, as determined by the City.	P	P	P	P
CIVIC				
• Hospitals	N	N	C	C
• Correctional institutions	N	N	N	C
• Cemeteries and crematory mausoleums.	N	N	C	C
• Police and fire stations and other emergency services	N	C	C	C
• Vehicle testing stations	N	N	N	C
• Postal services - Public	N	C	C	C
• Postal substations when located entirely within and incidental to a use permitted outright.	P	P	P	P
• Public use buildings, including but not limited to libraries, museums, community centers, and senior centers, but excluding offices	C	C	C	C

• Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards.	N	N	C	C
• Small-scale power generation facilities.	P	P	P	P
• Large-scale power generation facilities.	N	N	N	C
• Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements	C	N	C	C
• Religious institutions, private fraternal organizations, lodges and secondary uses	C	N	P	P
• Public and private schools providing education at the elementary school level or higher	C	C	C	C
COMMERCIAL				
• Commercial trade schools, commercial educational services and training facilities	C	N	P	P
Entertainment/recreation				
• Adult entertainment business, subject to Section 16.54.010	N	N	N	P
• Motion picture and live theaters within enclosed building	N	N	P	P
• Drive-in motion picture theaters	N	N	N	N
• Country clubs, sports and racquet clubs and other similar clubs.	N	N	C	C
• Golf courses	N	N	N	N
• Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities ⁴	N	N	P	P
Hotels and motels	C	N	P	P
Motor Vehicle related				
• Motorized vehicle and sport craft repairs and service	N	C	C	P
• Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally.	C	C	P	P
• Motorized vehicle, sport craft and farm equipment rental or sales and display area with more than 5% external sales and display area, up to a maximum of 5,000 square feet.	N	N	N	C
• Motorized vehicle, sport craft and farm equipment rental or sales and display area primarily within entirely enclosed building with no more than 5% or 5,000 square feet of outdoor display area, whichever is less.	N	N	C	P
• Automotive, boat, trailer and recreational vehicle storage	N	N	N	N
• Vehicle fueling stations or car wash facilities	N	N	C	P
• junkyards and salvage yards	N	N	N	N
• Manufactures home sales and display area	N	N	N	N
Office and Professional Support services				
• Business and professional offices.	P	P	P	P
• Medical and dental offices and urgent care facilities	P	P	P	P
• Business support services such as duplicating, photocopying, mailing services, fax and computer facilities	P	P	P	P
• Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building	C	C	C	C
Childcare				
• Day cares, preschools, and kindergartens, when clearly secondary to a permitted use	P	P	P	P
• Day cares, preschools, and kindergartens as a stand-alone use.	N	P	P	P
General Retail - sales oriented				
• General retail trade, not exceeding 10,000 square feet of gross square footage.	P	P	P	P
• General retail trade greater than 10,000 square feet of gross square footage	N	P	P	P

Exhibit 1

• Tool and Equipment Rental and Sales, Including Truck Rental	N	N	C	P
• Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries)	N	N	P	P
• Wholesale building material sales and service	N	N	N	P
• Retail building material sales and lumberyards.	N	N	C ⁵	P
Personal Services				
• Health clubs and studios less than 5,000 square feet in size.	P	P	P	P
• Health clubs and studios greater than 5,000 square feet in size	N	N	C	P
• Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services.	N	P	P	P
• Public or commercial parking (non-accessory)	C	C	P	P
• Veterinarian offices and animal hospitals.	N	N	C	P
• Animal boarding/Kennels and daycare facilities with outdoor recreation areas ⁶	N	N	C	C
Eating and Drinking establishments				
• Restaurants, taverns, and lounges without drive-thru ⁷	P	C	P	P
• Restaurants with drive-thru services	N	N	P	P
• Food Cart Pods ⁸	N	N	C	C
INDUSTRIAL				
• Limited manufacturing entirely within an enclosed building that is generally secondary to a permitted or conditional commercial use	N	C	C	P
• Medical or dental laboratories	N	N	C	P
WIRELESS COMMUNICATION FACILITIES				
• Radio, television, and similar communication stations, including associated transmitters.	N	N	N	C
• Wireless communication towers and transmitters ⁹	C	C	C	C
• Wireless communication facilities on City-owned property	P	P	P	P
• Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure	P	P	P	P
OTHER				
Agricultural uses including but not limited to:	N	N	P	P
• Farm equipment sales and rentals				
• Farming and horticulture				
• Truck and bus yards	N	N	N	P

¹See special Criteria for the NC zone, 16.22.050.

²The residential portion of a mixed use development is considered secondary when traffic trips generated, dedicated parking spaces, signage, and the road frontage of residential uses are all exceeded by that of the commercial component and the commercial portion of the site is located primarily on the ground floor.

³Except in the Adams Avenue Concept Plan area, where only non-residential uses are permitted on the ground floor.

⁴If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than fifty (50) percent of the total area.

⁵All activities are required to be within an enclosed building.

⁶Animal boarding/kennels and daycare facilities entirely within an enclosed building are considered "other personal service."

⁷ Limited to no more than ten (10) percent of the square footage of each development in the Adams Avenue Concept Plan area.

⁸ See standard and criteria for Food Cart Pods in Chapter 16.39.

⁹ Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.
(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2021-008 , § 2, 9-21-2021; Ord. No. 2012-011, § 2, 8-7-2012)