



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, October 15, 2024

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

6:00 pm City Council Work Session

7:00 pm City Council Regular Meeting

URA Board of Directors Meeting
(Following the Regular 7:00 pm City Council Meeting)

City Council Executive Session
(ORS 192.660(2)(e), Real Property Transactions
(Following the URA Board of Directors Meeting)

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

AMENDED AGENDA



Home of the Tualatin River National Wildlife Refuge

6:00 pm CITY COUNCIL WORK SESSION

1. **Pedestrian Bridge Art Update**
(Kristen Switzer, Assistant City Manager)
2. **Police Policy Updates**
(Ty Hanlon, Police Chief)
- ~~3. **Dahlke Alignment Study Update**
(Eric Rutledge, Community Development Director)~~
4. **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 October 1, 2024, City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
6. **CITIZEN COMMENTS**
7. **PUBLIC HEARING**
 - A. **Ordinance 2024-004, Amending sections of the Sherwood Zoning and Community Development Code for Food Cart Pods** (Joy Chang, Senior Planner) *(Second Hearing)*
8. **CITY MANAGER REPORT**
9. **COUNCIL ANNOUNCEMENTS**
10. **ADJOURN to URA BOARD OF DIRECTORS MEETING (See URA Board Agenda)**
11. **RECONVENE CITY COUNCIL - EXECUTIVE SESSION**
 - A. **ORS 192.600(2)(e), Real Property Transactions** (Sebastian Tapia, City Attorney)
12. **ADJOURN**

AGENDA

SHERWOOD CITY COUNCIL October 15, 2024

6:00 pm City Council Work Session

7:00 pm City Council Regular Session

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

**City Council Executive Session
(ORS 192.660(2)(e), Real Property
Transactions
(Following the URA Board Meeting)**

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

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

AMENDED AGENDA

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
October 1, 2024

WORK SESSION

1. **CALL TO ORDER:** Mayor Tim Rosener called the meeting to order at 5:32 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 (remote), 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.

OTHERS PRESENT: First Forty Feet consultants Jason Graf and Will Grimm.

4. TOPIC:

A. Intro to Oldtown Strategic Plan

Planning Manager Sean Conrad provided background information and stated continuation of revitalization development of Old Town was a Council goal and a key deliverable was the Old Town Strategic Action Plan. He stated that staff had prepared an RFP and introduced First Forty Feet consultants Jason Graf and William Grimm. They presented the "Sherwood Old Town Strategic Action Plan" PowerPoint presentation (see record, Exhibit A) and stated that a part of their process was to get Council's thoughts and insights as well as business and community feedback to begin their process. Mr. Grimm recapped activities they had undertaken to get a feel for the Sherwood community to be used in their analysis. They provided background information on their firm. Mr. Graf addressed page 5 of the presentation and explained the scope and focus of the area they would be studying. He outlined that the Strategic Plan should reflect the interests of main street businesses, the community's vision, and decision-makers and would be the road map with actionable steps focused on a five-year timeframe. He recapped their objectives on page 6 of the presentation and stated they included community engagement and visioning; economic development and business growth; strategic site development; and incentives and tools guiding development. He stated engagement with the Council and the Sherwood Main Street group was critical and they would communicate with the broader community as well. He reported that there would be a Project Advisory Committee comprised of people that were familiar with the community. Mr. Graf recapped the process and timeline on page 7 of the presentation and explained that once the Project Advisory Committee was established, a meeting schedule would be

developed. He stated they would review and identify opportunities and challenges and then create specific strategies which would be assessed by Council, the Project Advisory Committee, and the Downtown Association. Mr. Graf spoke on their initial impressions of Old Town and the economic development work that had been completed thus far and asked for Council's feedback on what they considered the heart of Old Town. Council President Young referred to the Arts Center and Councilor Giles spoke on Symposium and stated he considered the nine-block area to be Old Town. Mr. Graf asked what the "signature street" was of Old Town and comments were received that it was Railroad Street. Mayor Rosener commented that he felt that Sherwood did not have a single "main street" unlike other cities with a main drag and stated that it was more spread-out giving Sherwood more opportunities to do things. Discussion followed regarding the nine-block radius of downtown and having residential on one side and commercial use on the other side. Councilor Scott referred to the residential side and not wanting to change a lot there to help maintain its character and spoke of the pathway next to City Hall and extending the walkway to Veteran's Park. He referred to the mixed-use side and stated that it was not just about the infill of vacant properties, but also the under-developed properties in order to get to a critical mass of businesses and residents in Old Town. He commented that getting to that critical mass of activity, both internally and externally, along with the redevelopment of underutilized properties would be key to its success. Councilor Brouse commented that she felt that the heart of Sherwood was Railroad Street, Sherwood Boulevard, 2nd Street over to Main Street and that block area and everything that happened in-between. Councilor Standke stated he lived near Old Town and provided the example of his family walking via Columbia to Railroad to the Veteran's Memorial Park and back down 1st Street to City Hall and to the walkway next to City Hall. He stated he did not believe there was solely one place in Old Town as it was small enough that you "could do it all." Councilor Brouse referred to Mr. Graf's question of "What qualities of Old Town do you most value?" and stated that, "it's gathering, it's community, it's a place to converse...it's collaborative." Councilor Giles spoke on discoverability and provided an example of walking in town and not knowing what he would find. Council President Young commented regarding the character of Old Town and undesirable types of development in the area. Councilor Brouse commented that she felt that Park Street was the most unique street in the community. Councilor Giles referred to Gas Pump Park and how Stella Olsen Park was not technically in Old Town, but it was within walking distance of Old Town and was the site of many city events. Mr. Graf referred to Stella Olsen Park and "edge assets" and the ability for people to explore and discover as they walked through the connected areas of town. Mayor Rosener noted that Sherwood had four schools within a walkable range of the downtown core and that Sherwood had a high ratio of school-aged kids to households. Mr. Graf referred to page 10 of the presentation and spoke on their initial impressions of Old Town and what the "arrival" was like from the various entry points of the city. He stated that the rail line created a barrier of sorts and that the sense of "arrival" was a bit convoluted from that direction. He referred to other areas of approach and commented that the "core" was not always identifiable and spoke on Railroad Street feeling like the edge versus the core/front door. Discussion occurred regarding the partial closure of Railroad Street during the pandemic which allowed businesses to expand into the street and the desire from some to close it permanently. Mr. Graf referred to page 12 of the presentation and spoke on vacant sites and city-owned properties and stated that Pine Street was an important piece. Mayor Rosener referred to the promenade that ran through Old Town and spoke on the potential draw it could be. He stated he envisioned the walkway continuing down to Veteran's Memorial Park which would open up the backs of the buildings, restaurants, and shops and commented that the vision could be something new and did not have to be an existing street. Discussion occurred regarding the need for connections and the need to clean up the trash cans in the alleyways if Mayor Rosener's idea were to proceed. Mr. Graf stated that Pine Street was an important connection that had a beginning and an end, and there was an opportunity to make 3rd Street an anchor over time. He said there were infill opportunities on 1st Street and referred to the term of "100% Corner," and said

that Railroad and Pine was also a possibility, but to him, he felt that 1st and Pine was “the heart.” Mr. Graf stated that encouraging development would have a reciprocal positive impact in downtown and commented that the Cannery project properties and Public Works area would provide significant opportunities. Councilor Mays clarified that there was an additional vacant parcel near Public Works. Discussion occurred regarding the utilization of the Field House. Mr. Graf outlined that the starred properties on page 13 of the presentation represented city-owned properties, and the pink lines represented possible future expansion of residential to commercial use properties. Mayor Rosener referred to the current Public Works location and commented that once the new Public Works facility was completed, there was an opportunity to extend Columbia Street to expand commercial opportunities in that area. Mr. Graf commented that extending Columbia Street to Oregon Street would open up the area and provide a new route into Old Town and discussion occurred. Discussion occurred regarding the currently vacant property on Langer Farms Parkway and Oregon Street and the need to complete a review of the zoning of nearby properties during the Comprehensive Planning process. Councilor Mays stated that the currently vacant property on Langer Farms Parkway and Oregon Street could be zoned for high-density residential which would allow people to live near a major retail and transportation area. Mr. Graf asked Council what their priorities were for city-owned parcels and Councilor Mays referred to the lot on 3rd Street and Pine and Sherwood Boulevard lot and commented that the lot had been difficult to plan for or develop. Councilor Giles referred to the Old School House property and stated he wanted to turn it into a food cart pod and Councilor Brouse stated she agreed. Mayor Rosener stated that his goal was to increase foot traffic, more lunchtime business, more mercantile shops, etc. and he suggested a boutique hotel would compliment the area and spoke on possible economic development tools the city could use to help influence the types of businesses in Old Town. Mr. Graf stated that they would review the development capacity for the sites and conduct a market analysis. He explained that once that was done, they would determine how achievable it would be and if the city’s zoning codes and regulations needed to be changed in order to do so. Council President Young referred to SB 1537 and the need to be cautious of the impacts of that legislation and discussion occurred. Community Development Director Rutledge stated that staff would review code and/or incentives to either require or guide the process to mitigate against the impacts of SB 1537. Councilor Giles commented that he was not looking to solve the housing shortage in Old Town and explained that he was more interested in “temporary people” who would visit Sherwood from outside the city and commented that Old Town did not have the traffic capacity to support a high density and discussion occurred. Mayor Rosener referred to the Sherwood West Concept Plan’s Hospitality Zone and stated that he wanted the Old Town work to compliment the Sherwood West Concept Plan. Mr. Graf provided an overview of the various building styles seen around Old Town on page 16 of the presentation and spoke on forms and the ability to create a rhythm via the form of the building and the materials used. Council discussed creating a unified style and Community Development Director Rutledge explained that the mixed-use code had been updated, but the Old Town design standards had not been updated as of yet. Mayor Rosener referred to the idea of a unified style and asked that they honor Sherwood’s history and spoke on Sherwood’s brick manufacturing history. Councilor Giles referred to the various building styles seen around Old Town and asked if it were possible to create a cohesive style moving forward so Old Town was visually unified as time went on and referred to ways to incentivize façade replacement. Councilor Scott commented that it was important to update the design code first, then go back and fix what needed fixing. Councilor Standke spoke on Council’s desire to draw more people into Old Town and asked if the lack of parking would be addressed. Councilor Scott suggested one-way streets with angled-in parking on both sides or building strategic parking on the perimeter of Old Town. Mr. Graf explained that one-way streets frustrated drivers and Mr. Rutledge commented that parking would be reviewed as a part of the study. Councilor Standke asked how success would be measured. An audience member commented that there was a balance between repurposing unutilized properties while also maintaining the integrity of the historic preservation of the town.

He continued that this could be made thematic or congruous through messaging and how that message was expressed via buildings. He stated that there was money available now for historic preservation projects and spoke on the preservation of the more utilized historic Old Town buildings. Councilor Scott commented that he would welcome community feedback on which historic Old Town buildings should be preserved. Council President Young referred to the Project Advisory Committee and asked which Councilors would serve on the committee. Community Development Director Rutledge explained that staff would bring a resolution to Council at their October 15th meeting to formally select the Project Advisory Committee. He explained that a Planning Commission member would also serve on the committee along with business and property owners and potentially some residents. Council President Young suggested that Councilor Scott and Councilor Standke serve on the Committee.

B. City Website Update

IT Director Brad Crawford presented a project timeline overview and website examples (see record, Exhibit B) and explained that before the new website was launched, an internal update to the current site was being completed which made the website ADA compliant. He stated that the new website would likely launch six months from now with the testing phase set to start in March 2025. He reported that 15 staff members were a part of the new website committee and had reviewed several different website examples provided by the vendor and staff had completed site mapping. Mayor Rosener asked what was the guiding principle for staff during the site mapping process. Mr. Crawford explained that staff had scraped the current website and pulled the individual pages out and ran them through some accessibility tools to determine what the best navigation was. He outlined that the pages concerning citizen engagement and finding services were prioritized for easy navigation and placed on the front page of the website. He provided an overview of website wireframes layouts and features. Mayor Rosener asked how staff would manage the data included on the website so information was kept up to date. IT Director Crawford replied that a website standards guide would need to be drafted and explained that each webpage would include an expiration date which when triggered, would alert staff that the webpage needed to be reviewed, updated, or unpublished. Council discussed how they wanted the website to prioritize the most current year during a search. Mr. Crawford provided an overview of the available frontpage mockups and ADA tools that were available, discussion occurred, and Council voiced that they preferred the webpage with the oval logo with the quick links located at the top of the page.

C. Sherwood West Update

Community Development Director Eric Rutledge presented the “Sherwood West Urban Growth Boundary Expansion Discussion” PowerPoint presentation (see record, Exhibit C) and provided a recap of the project timeline to date. He stated that October 8th was the target date for Metro Council to provide direction to Metro staff and would be a work session. He outlined that the UGB expansion request had been through the Metro Technical Advisory Committee (MTAC) and Metro staff asked the committee, “Do you agree with the recommendation to expand the UGB to include the Sherwood West Urban Reserve?” and Mr. Rutledge reported that the vote passed in favor, but it was not unanimous. He noted that there was a failed motion to increase density and require Title 4 Regionally Significant Industrial 2 designation. He stated that MTAC ultimately moved forward with the Metro COO recommendation with notes. He provided an overview of the suggested conditions of approval as: minimum number of homes and residential density; housing affordability requirements; transit-oriented development; climate and emissions; Title 4 Industrial Land; caution against burdensome conditions of approval; and caution against requiring Sherwood West to address the region's problems. Councilor Giles asked for clarification on what the failed motion would have meant had it gone

through and Mr. Rutledge explained that it likely would have meant that there would be lot size restrictions for Industrial land and would limit the amount of Commercial land. He outlined the recommendations from the Metro Committee on Racial Equity as: conduct community needs assessment for public amenities; conduct community engagement in the region's most spoken languages, complete culturally specific outreach to under-engaged communities; develop housing plan that includes mixed levels of affordability that corresponded to regional and state housing goals and align housing affordability with salaries of projected new jobs. He reported that there was a failed motion at the Metro Policy Advisory Committee meeting to require a minimum of 12 units per acre and designate mixed-employment zone as Regionally Significant land. He stated that ultimately, the Metro Policy Advisory Committee recommended the approval of the Metro COO recommendation. Mayor Rosener added that it was also stated that there should be no conditions of approval that would require Sherwood to do anything more than what was cited in the Sherwood West Concept Plan. Director Rutledge recapped that the Metro Policy Advisory Committee voted to approve the Metro COO recommendation with three amendments and outlined them as: adopt the high growth forecast instead of the baseline forecast; Metro shall not impose any additional requirements on the City of Sherwood that are not articulated in their Concept Plan; and agree to create a task force to report to Metro Council on opportunities for growth and capacity models that are more reflective of market realities with the goal of working with local jurisdictions and private sector partners to address employment land challenges identified through UGB processes. He recapped the Metro Council public hearing testimony on page 7 of the presentation and outlined that there was more testimony in support than in opposition, support was shown by Sherwood West property owners, real estate professionals, and economic development organizations. Mr. Rutledge explained that Metro Council would now deliberate on whether to expand the boundary, whether or not to adopt the high growth forecast or the baseline forecast, and whether or not any conditions of approval were necessary. He outlined that proposed Resolution 2024-065 was on the City Council agenda for the regular session following this work session and explained that the resolution would authorize the Mayor to modify the Sherwood West UGB expansion application to mixed-employment and hospitality land only. Mayor Rosener noted that if time permitted, an emergency Council meeting would be called to discuss their options. Mayor Rosener asked if the city was allowed to do an industrial ask at any time and Councilor Mays replied that was correct. Mayor Rosener asked if the hospitality land would fall under that as well and Mr. Rutledge replied he would look into it and discussion occurred.

5. ADJOURN

Mayor Rosener adjourned the work session at 7:10 pm and convened a regular session.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Tim Rosener called the meeting to order at 7:15 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 (remote), Community Development Director Eric Rutledge, Interim Public Works Director Rich Sattler, IT Director Brad Crawford, City Engineer Jason Waters, Police Chief Ty Hanlon, and City Recorder Sylvia Murphy.

4. APPROVAL OF AGENDA:

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

Mayor Rosener addressed the next agenda item.

5. CONSENT AGENDA:

A. Approval of September 17, 2024, City Council Meeting Minutes

B. Resolution 2024-066, Authorizing the City Manager to sign a Contract with Kittelson & Associates for the Transportation System Plan (TSP) Update Project

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

Mayor Rosener addressed the next agenda item.

6. CITIZEN COMMENT:

Sherwood resident Maria Berglund came forward and expressed her concerns about the safety of the Archer Glen Elementary crosswalk. She stated that Sunset was a very busy road and stated she had seen an increase in aggressive behavior from drivers since the start of the school year. She asked that more be done to protect those utilizing the crosswalk and spoke on pedestrian safety measures in surrounding school zones. She reported that she had voiced her concerns to the Traffic Safety Committee and had spoken with local parents and Archer Glen staff. She recapped her four safety improvement suggestions as: a cement island in the middle of the road with bulb outs at the ends of the crosswalk to make the crosswalk shorter, reduce the speed on Sunset to 25 mph, place speedhumps in front of Archer Glen, and add lighting to make pedestrians more visible to drivers during low-light hours. Council President Young commented that she had been in contact with Ms. Berglund and other parents about their concerns and stated that the safety issues needed to be addressed. Councilor Scott asked that a work session be scheduled to review school crossing safety for all Sherwood schools. Mayor Rosener stated he agreed that something needed to be done. Councilor Mays asked if the Traffic Safety Committee had created a recommendation based on Ms. Berglund's concerns and asked that it be shared with Council. City Manager Sheldon replied that he and Chief Hanlon would look into the Traffic Safety Committee's notes and report back to Council. Ms. Berglund reported that the Traffic Safety Committee had discussed the topic twice.

Sherwood residents Rand Yen and Lanton Bauman came forward and Mr. Bauman explained Councilor Giles had recently visited their school and spoke about the possibility of food trucks coming to Sherwood. Mr. Bauman suggested that a food cart pod near the high school would be an ideal location so students would not have to drive to get food. He stated that Old Town was another ideal location because it would draw people into Sherwood to shop. Mr. Yen stated that he wished to open a small business and spoke on the need for the city to give small businesses a chance and suggested a year-round farmers market. Councilor Giles commented that he would discuss Mr. Yen's small business incubator idea with the Sherwood Chamber of Commerce. Mayor Rosener stated that he liked the idea of a year-round farmers market.

Mayor Rosener addressed the next agenda item.

7. NEW BUSINESS:

A. Resolution 2024-065, Authorizing the Mayor to modify the Sherwood West UGB expansion application to mixed-employment and hospitality land only

Community Development Director Eric Rutledge presented the “Sherwood City Council Resolution 2024-065 New Business” PowerPoint presentation (see record, Exhibit D) and stated that the resolution would modify the Sherwood West expansion proposal to only include Industrial and Hospitality land. He recapped that the city had engaged in a two-year planning process with the Sherwood community, CAC, Planning Commission, and City Council where they determined a total average density of 9.2 units per net acre, or 3,117 new homes in the Sherwood West area. He reported that the Metro COO recommended that the Metro Council adopt the baseline forecast for growth, which resulted in a deficit of capacity within the UGB for between 1,000-5,300 homes. He stated that there was the potential condition for approval that would require a higher average density than 9.2 units per acre and had not been developed in consultation with the Sherwood community and was therefore not supported by Sherwood City Council. He noted that there was also a possible condition of approval around housing affordability and explained that these types of conditions were likely to delay housing production, not increase it. Mr. Rutledge stated that there were other conditions of approval that would change the outcome of the plan and the vision that the Sherwood community set, and those types of conditions were not supported by the Sherwood City Council. He stated that it may be in the best interest of the City of Sherwood and the Sherwood community to modify the UGB expansion application if the accepted Concept Plan's vision could not be achieved. He provided an overview of the applicable areas the proposed resolution would apply to on page 4 of the presentation. He reported that it would apply to a 277-acre Mixed Employment Zone and an 80-acre Hospitality Zone and noted that this would not change the baseline Concept Plan should the city decide to do a UGB expansion in the future. Mr. Rutledge recapped that the proposed resolution would authorize the Mayor to modify the Sherwood West UGB expansion if the conditions of approval were likely to result in a substantial change to the vision set by the Sherwood community for the Sherwood West Concept Plan. He noted that the resolution included an updated infrastructure financing plan and updated Title 11 findings. Mayor Rosener clarified that Sherwood's current density was between 7-8 units per acre and the 9.2 density was a probable final buildout density for the Sherwood West area. He explained that the proposed resolution was necessary because the approval of the city's UGB expansion request was a Metro decision, and he hoped the city could come to an agreement with Metro without having to utilize this resolution. With no further discussion, the following motion was received.

MOTION: FROM COUNCILOR MAYS TO APPROVE RESOLUTION 2024-065, AUTHORIZING THE MAYOR TO MODIFY THE SHERWOOD WEST UGB EXPANSION APPLICATION TO MIXED-EMPLOYMENT AND HOSPITALITY LAND ONLY. SECONDED BY COUNCILOR GILES.

Prior to the vote, Councilor Scott commented that he hoped that the resolution would not need to be utilized and that the Sherwood West Concept Plan could move forward because he was excited about it. Councilor Giles confirmed the preferred order of actions from Mayor Rosener should either Resolution 2024-065 or Resolution 2024-064 need to be utilized. Mayor Rosener commented that it would be dependent on what the Metro conditions were, but confirmed that if time allowed, a City Council meeting would be called to discuss it. Council President Young commented that she thought this was a great tool and expressed her desire for Portland to refrain from interjecting in the planning of other communities.

MOTION PASSED 7:0; ALL MEMBERS VOTED IN FAVOR.

Mayor Rosener addressed the next agenda item.

8. CITY MANAGER REPORT:

City Manager Craig Sheldon reported that Economic Development Manager Bruce Coleman's last day would be October 4th, and a retirement party would be held on October 3rd at the Arts Center. City Manager Sheldon thanked Mr. Coleman for his work over the past five years. Councilor Scott reported that Coffee with a Cop would be held on October 2nd at Symposium. Mr. Sheldon reported on his attendance at the recent ICMA conference.

Mayor Rosener addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS:

Councilor Giles spoke on the need for better educational opportunities for students to learn about local government. He thanked Rand Yen and Lanton Bauman for coming to this meeting and speaking.

Councilor Brouse reported that she attended the Housing Advisory Committee meeting where they discussed their Comprehensive Plan. She reported she would attend the Regional Water Providers Consortium committee meeting. She reported the Sherwood Wine Festival would be held on November 2nd. She recapped upcoming Chamber of Commerce events. She reported that the Senior Center was seeking volunteer drivers.

Councilor Mays reported that the Cultural Arts Commission had not met. He reported he attended the most recent WCCCA meeting.

Councilor Scott reported that the Parks and Recreation Advisory Board would meet on October 7th. He commented that the City of Portland and Multnomah County both had lower densities than Sherwood.

Councilor Standke reported he attended the most recent Planning Commission meeting where they approved LU 2024-009.

Councilor Scott, Mayor Rosener, and Council President Young spoke on the creation and fulfillment of the Economic Development Manager position and their happiness with Mr. Coleman's work over the past five years.

Council President Young reported that she would attend the Region 1 Committee on Transportation meeting. She recapped recent Sherwood Police Foundation support for the Sherwood Police Department. She welcomed State Representative candidate Jason Fields.

Mayor Rosener reported on the various meetings he had regarding the city's UGB expansion request. He reported on his recent trip to Washington D.C. to lobby on behalf of Sherwood and commented that over the past five years, the city had secured around \$4 million in federal funding and \$5 million in EPA funding. He reported he met with the FCC as a part of the intergovernmental advisory council for the FCC. He reported

that he attended the most recent MPAC meeting. He reported that he met with Washington County Commissioners to discuss MSTIP funding. He reported that Pirates of Pinehurst would begin on October 3rd.

10. ADJOURN:

Mayor Rosener adjourned the regular session at 7:55 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Tim Rosener, Mayor

Agenda Item: Public Hearing (*Second Reading*)

TO: Sherwood City Council

FROM: Joy L. Chang, Senior Planner

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

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

On September 17, 2024, City Council held its first public hearing on the proposed Food Cart Pods ordinance. Staff provided a verbal staff report and answered questions on the proposed amendments. Opportunity for public testimony was provided, but no one testified.

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

Financial Impacts:

There is no immediate financial impact to the City.

Recommendation:

Staff respectfully recommends City Council hold the second hearing on Ordinance 2024-004, amending sections of the Sherwood Zoning and Community Development Code for Food Cart Pods.

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

- UNDERLINED = NEW TEXT
~~STRIKETHROUGH~~ = TEXT TO BE DELETED

- 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.

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
• 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; 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,

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

Follow the latest Pride news:

[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)