



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, May 3, 2022

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

6:15 pm City Council Work Session

7:00 pm City Council Regular Meeting

City Council Executive Session

**(ORS 192.660(2)(d), Labor Negotiations)
(Following the Regular Council Meeting)**

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



6:15 PM WORK SESSION

1. **Parks SDC Update**
(Julia Hajduk, 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 April 19, 2022 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
 - B. **Resolution 2022-023 Authorizing the City Manager to Sign the Public Library Network, Services, and Funding Intergovernmental Agreement with Washington County on behalf of Washington County Cooperative Library Services (WCCLS)**
(Adrienne Doman Calkins, Library Manager)
6. **CITIZEN COMMENTS**
7. **PRESENTATIONS**
 - A. **Recognition of TeenLab Graduate** (Jaime Thoreson, Youth Services Librarian)
8. **PUBLIC HEARING**
 - A. **Ordinance 2022-004 Amending sections of the Sherwood Zoning and Community Development Code for New Housing Choices to comply with Oregon HB 2001**
(Joy Chang, Senior Planner) (*Second Hearing*)
9. **CITY MANAGER REPORT**
10. **COUNCIL ANNOUNCEMENTS**
11. **ADJOURN to EXECUTIVE SESSION**

AGENDA

SHERWOOD CITY COUNCIL May 3, 2022

6:15 pm City Council Work Session

7:00 pm City Council Regular Meeting

**City Council Executive Session
(ORS 192.660(2)(d), Labor Negotiations)
(After the Regular Council Meeting)**

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

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12. EXECUTIVE SESSION

A. ORS 192.660(2)(d) Labor Negotiations (Josh Soper, City Attorney)

13. ADJOURN

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

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

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

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



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
April 19, 2022

WORK SESSION

- 1. CALL TO ORDER:** Mayor Mays called the work session to order at 6:00 pm.
- 2. COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Kim Young, Renee Brouse, and Taylor Giles. Councilor Sean Garland participated remotely.
- 3. STAFF PRESENT:** City Manager Keith D. Campbell, City Attorney Josh Soper, IT Director Brad Crawford, Police Chief Ty Hanlon, City Engineer Bob Galati, Public Works Director Craig Sheldon, Community Services Director Kristen Switzer, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.
- 4. TOPICS:**

A. 99W Pedestrian Bridge Update

City Engineer Bob Galati presented the “Sherwood Hwy 99W Pedestrian Bridge Project” PowerPoint presentation (see record, Exhibit A) and recapped the results of the second community survey. He reported that the survey had 287 views and 58 participants and explained that participants showed general support for the selected alignment and landing option Council had picked in a previous meeting. He provided an overview of the plan view and massing perspectives for the east and west side landings on pages 4-5 of the presentation. Mr. Galati reported that the Tall Arch main span and approaches in the “serpentine” design was the most popular choice for survey participants. Council President Rosener commented that the Tall Arch main span and approach design was also the most efficient structure in terms of materials and costs. Mr. Galati replied that the Tall Arch was the most efficient material structure-wise, energy/force balance-wise, and it was one of the most cost-efficient options. He stated that the cost of the Tall Arch option was similar to the cost of a Twin Girder bridge. He recapped the survey results and explained that 62% of participants chose the Tall Arch option as their favorite option, 28% chose the Bowstring Truss as their favorite option, both the Tall Arch and Bowstring Truss were chosen as the first or second favorite option by 80% of the respondents, 63% chose the Tall Arch with Twin Girders approach option as their least favorite option, and 75% of participants strongly preferred a steel bridge to a wood bridge. Councilor Scott asked if the survey contained information that made it clear about the ongoing maintenance costs associated with steel bridges versus wood bridges? Mr. Galati replied the survey did not provide information on maintenance costs, but he believed that most participants had concluded that the ongoing maintenance costs for a steel bridge would be lower than a wood bridge. Councilor Giles asked if steel was more expensive than wood? Mr. Galati explained that strength was the main difference between steel and wood and in order to equal the same strength as a piece of steel, a larger piece of wood would be needed. City Engineer Galati reviewed the bridge’s visual impacts to the high school from Highway 99W and the visual impacts of the bridge on the

view from the high school and concluded that the bridge would not have a significant impact on either view. Mr. Galati provided an overview of the Alternatives Analysis Matrix on page 10 of the presentation and stated that the Tall Arch Span and Approaches bridge option was forecasted to cost around \$13 million to build. Discussion occurred. Councilor Brouse asked if the “serpentine” bridge design was going to be a first of its kind design? Mr. Galati replied that was correct and commented the bridge would likely be eligible for a national award. Mr. Galati asked if Council supported Alignment Option A2 with East Landing Option 2, High Arch structure type, and steel as the preferred material for the bridge? Council signaled their approval. Councilor Scott commented that he was excited because it was rare that the most visually striking and cheapest option was also the option the community overwhelmingly liked. Mr. Galati stated that the next step was to complete 30% design and cost estimating by June 20th. He explained that staff had already submitted to ODOT for permitting review as well as compiling a list of other tasks that needed to be completed before construction could start. Council President Rosener asked if the project would be ready to award a contractor before the end of the year? Mr. Galati replied that 100% of the documents would be completed and the project would be ready to go to bid by the end of the year but commented that he was unsure if a contract could be awarded in that timeframe. He stated that much of the timing would depend on factors outside of the city's control such as ODOT. He explained that going out to bid before ODOT had approved the project would come with different levels of risk. Council President Rosener commented he was concerned about the effect of inflation on construction costs. Mr. Galati explained that the cost factors were more likely to come into play with the amount of risk taken if the project was put out to bid too early. Councilor Scott asked when Council would provide their feedback on the aesthetic design of the bridge? City Engineer Galati replied that the project would now split into two “parallel paths.” One path would focus on the engineering of the bridge and the other path would focus on the aesthetic components of the bridge including art, landscaping, lighting, etc. He commented that they would also be seeking public input on the aesthetic components of the bridge. He explained that by splitting the project into two components, both components would likely finish at the same time and would result in fewer delays. Councilor Giles asked for an estimated timeline to construct the bridge. Mr. Galati replied that field construction would likely take 8-9 months, but there was also the manufacturing of the bridge components to factor in as well and estimated the entire project would likely take 9-12 months from start to finish.

B. Sherwood Police Dept. Workback Program

Police Chief Ty Hanlon recapped that the Workback Program was previously discussed with Council and explained that the Program was introduced three years ago through SB 1049. He explained that SB 1049 allowed people who had retired out of PERS to return to their previous employer and work at a full-time capacity. He recapped that previously, Council had chosen not to move forward with the program but the Sherwood Police Department, and other police departments nationally, were now in a position needing the program due to staffing issues due to retirement and retention. He stated that the Workback Program would be a valuable tool for the Sherwood Police Department due to the amount of upcoming retirements in 2023 and over the next few years. He explained that he, City Manager Keith Campbell, and City Attorney Josh Soper were working on a policy for the Workback Program and would present that to Council soon. Chief Hanlon recapped that the Workback Program from SB 1049 was not an indefinite program and would sunset on December 31, 2024. Mayor Mays commented that he did not support a Workback Program for that length of time, and he was more in favor of a program that was 18-24 months long that had a review of the program six months before it ended to determine if an extension was necessary. Council President Rosener commented he was in favor of having the program end date tied to “a date certain” because there was a chance the state would extend the program. Councilor Giles asked if a function of the Workback Program was the idea that the senior officer would be training someone to take over their position when their tenure in the program ended? Chief Hanlon replied that was correct and explained that succession planning was a

large part of the program. He explained that the Sherwood Police Department had three out of the four supervisory officers retiring soon, and for the department to fill those positions and get the new officers up to speed would take time. He continued that bottlenecking occurred when it came to promoting, and the Workback Program would help alleviate some of that by allowing the senior officers to train others, fill in the staffing gap, and pass on their institutional knowledge. He commented that he did not want to see retired Sherwood Police Department officers “going next door” to work in a neighboring city’s Workback Program because of the loss of institutional knowledge that would create. Councilor Young referred to the previous discussion on a Workback Program and potential risk and asked City Attorney Soper if a policy could be created that was department specific? City Attorney Soper replied that it was possible to have a policy that only applied to one department and asked if that was the scope that Council wanted for the program? He explained that Workback Programs typically were not open to every employee in an organization but was based on need instead. Councilor Young commented that she was aware that other departments were also experiencing staffing issues due to retirements and retention and asked if other departments should also be included? Mayor Mays commented that that was a question for City Manager Campbell. City Manager Campbell replied that right now, the focus was on the police department since it was experiencing the biggest need and had a much higher necessary skillset. Councilor Giles asked what the outcome would be if Council did not approve of utilizing a Workback Program? Mayor Mays replied that utilizing the Workback Program was up to the City Manager and the program was tied to ongoing variables such as hiring, recruiting, and training timelines among others. Chief Hanlon added that not utilizing the Workback Program would have an undesired ripple effect that would be very impactful to the department and the city. Councilor Young asked about training timelines to get officers on staff? Chief Hanlon replied that he had been engaged in ongoing discussions with other regional agencies about helping each other out and getting creative because other regional agencies were experiencing the same issues. Council President Rosener explained that technically being fully staffed did not accurately reflect the situation because new hires would still need to undergo 6-12 months of further training before they were able to patrol on their own. Councilor Giles commented that losing the leadership, experience, and civic knowledge would be more painful than losing a less experienced officer. Chief Hanlon replied that there was a huge difference between “fully staffed” and “fully functional.” Councilor Giles asked if Chief Hanlon was confident that if the Workback Program was instituted, would officers who were eligible to retire choose to remain? Chief Hanlon replied that he was confident that those officers would stay because he had spoken with them previously. Council President Rosener asked City Attorney Soper if the amount of risk of having a Workback Program had diminished since Council first discussed it? City Attorney Soper replied that at this point, the Workback Program would only be for non-represented employees and explained that the risk had significantly diminished since their last discussion in 2019. He explained that the previous concerns over pay equity had not materialized into any claims and the PERS 6% employee share that the employer was paying would not be an issue if the employer was not paying the employee share. Councilor Scott stated he was in favor of allowing the Workback Program to run through the end of 2024, but he wanted Sherwood’s policy to state an end date in case the state’s policy was extended. Mayor Mays stated he wanted more information from Chief Hanlon and City Attorney Soper about the program before he made a decision. Councilor Brouse stated she was supportive of allowing the Workback Program to run through the end of 2024. Council President Rosener stated he wanted “a date certain” cited in the policy. Councilor Young stated she supported the program because it would help alleviate some of the current staffing issues.

5. ADJOURNED:

Mayor Mays adjourned the work session at 6:35 pm and convened an executive session.

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Mays called the executive session to order at 6:45 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Kim Young, Renee Brouse, and Taylor Giles. Councilor Sean Garland participated remotely.
3. **STAFF PRESENT:** City Attorney Josh Soper, IT Director Brad Crawford, City Manager Keith Campbell, and Public Works Director Craig Sheldon.
4. **TOPICS**

A. ORS 192.660(2)(f) Exempt Public Records

5. **ADJOURN:**

Mayor Mays adjourned the executive session at 7:09 pm and convened a regular session.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:18 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Kim Young, Renee Brouse, and Taylor Giles. Councilor Sean Garland participated remotely.
3. **STAFF PRESENT:** City Manager Keith D. Campbell, City Attorney Josh Soper, Public Works Director Craig Sheldon, IT Director Brad Crawford, Community Services Director Kristen Switzer, Police Chief Ty Hanlon, Planning Manager Erika Palmer, Senior Planner Joy Chang, Volunteer Coordinator Tammy Steffens, and City Recorder Sylvia Murphy.
4. **APPROVAL OF AGENDA:**

MOTION: FROM COUNCILOR YOUNG TO APPROVE THE AGENDA. SECONDED BY COUNCILOR GILES. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

5. **CONSENT AGENDA:**

- A. **Approval of April 5, 2022 City Council Meeting Minutes**
- B. **Resolution 2022-022, Authorizing the City Manager to execute a construction contract for the Langer Drive Grind and Inlay Project**

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

Mayor Mays addressed the next agenda item.

6. CITIZEN COMMENTS:

None. Mayor Mays addressed the next agenda item.

7. PRESENTATIONS:

A. Proclamation, National Volunteer Appreciation Month

Mayor Mays read the proclamation which stated that volunteering of an individual's time and resources was an essential part of the Sherwood community spirit, and individuals and communities were at the center of social change, discovering their power to make a difference. He stated that National Volunteer Week was established in 1974 and had grown exponentially each year, drawing endorsements from all US presidents since 1974, as well as recognition from governors, mayors and other elected officials. He stated that, "we have never needed the volunteer spirit more than we do today," and recognized that volunteers had stepped up during the COVID-19 pandemic to support families, friends, neighbors, and strangers, people standing up to systemic racism, and people sharing insights on how to create a more just and equitable society. He stated that Sherwood continued to rely on the efforts of dedicated volunteers to enrich their community. He recognized the volunteer sector as a third partner with government and business in building strong communities. Mayor Mays thanked Sherwood volunteers for donating their time, energy, knowledge, and abilities. He proclaimed April 2022 as Volunteer Appreciation Month in Sherwood and called upon all citizens to help to renew and sustain the Sherwood community spirit by committing themselves to address the needs of the community through voluntary action.

B. Recognition of Volunteers

Volunteer Coordinator Tammy Steffens came forward and stated that she was responsible for the coordination of Sherwood volunteers. She stated that two years ago, volunteers ranged in age from thirteen to over eighty years old. She recapped some of the various tasks the volunteers assisted with and stated that because of the COVID pandemic, the city had to drastically reduce, and in some departments, completely suspend its volunteer opportunities. She reported that throughout the pandemic, she had volunteers continually reach out to her to see if there was any way they could volunteer their time or if she knew of any other organization that they could volunteer for. She provided an overview of the efforts staff and volunteers went to in order to continue to provide meal services to Sherwood seniors. Ms. Steffens stated that she was thankful for the volunteers' continuous commitment to their community. She presented a video of various city staff thanking City of Sherwood Volunteers. Ms. Steffens thanked all Sherwood volunteers for their work. Council thanked Ms. Steffens and Sherwood volunteers for their work.

C. Certificate of Appreciation, Al and Jean Quattrocchi

Mayor Mays presented Al and Jean Quattrocchi's daughter, Deborah Quattrocchi, with a certificate of appreciation on their behalf. He reported that Al Quattrocchi had spent over 35 years making wooden toys for Toys for Tots and the Quattrocchis had recently celebrated their 75th wedding anniversary. Mayor Mays thanked Jean and Al Quattrocchi for their outstanding contributions to the Sherwood community as, "Sherwood's Geppetto." He stated that Mr. Quattrocchi's skill and contribution of thousands of hand-crafted toys will forever be a part of the Sherwood community. Deborah Quattrocchi stated that her father made toys because he did not have toys as a child and he, "couldn't stand the thought of a child not having a toy under the tree for Christmas."

Mayor Mays addressed the next agenda item.

8. PUBLIC HEARING:

A. Ordinance 2022-004 Amending sections of the Sherwood Zoning and Community Development Code for New Housing Choices to comply with Oregon HB 2001 (*First Hearing*)

Senior Planner Joy Chang presented the “New Housing Choices” PowerPoint presentation (see record, Exhibit B) and provided background on HB 2001. She explained that HB 2001 was passed in 2019 and required cities within the Metro Boundary to allow for middle-housing within traditional single-family zoned areas by June 30, 2022. She explained that the SZCDC currently allowed for single-family detached dwellings, some middle-housing types such as duplexes and townhomes, and apartments. She stated that HB 2001 required cities to allow additional housing types within all residential zones that permitted detached single-family dwellings, including “plexes,” townhomes, and cottage clusters. She explained that the proposed Housing Choices Code Amendments intended to comply with the requirements of HB 2001 while also ensuring that those housing types fit into the fabric of the community and neighborhoods. She recapped that in 2021, Council approved Residential Design Standards which ensured that housing design maintained context, scale, and compatibility with the Sherwood community. She stated that the standards focused on: entry location and orientation, garage and off-street parking areas, window coverage, minimum landscaping requirements in all residential zones, and other specific detail designs. She explained that the new housing types permitted under the proposed ordinance would also be required to meet the same Residential Design Standards. She outlined that the proposed ordinance focused on triplexes, quadplexes, and cottage clusters as well as creating an allowance to create fee-simple lots through the condominium process. She addressed triplexes and quadplexes and explained that the residential minimum and maximum densities in the development code were not changing, but due to HB 2001, housing densities would increase because the ability to build triplexes and quadplexes would be permitted outright in all single family residential zones. She stated that triplex and quadplex development standards were based on Oregon Administrative Rule 660 Division 46 standards which stated that plexes were allowed in all residential zones that allowed detached single family dwellings, maximum density standards were not applied to triplexes and quadplexes, and triplexes and quadplexes had the same minimum lot width, depth, and setback standards as single family. She addressed driveway standards for plexes and reported that the City Council and Planning Commission had provided direction that driveway configuration must be made to maximize available on-street parking opportunities both in front of the lot itself and any adjoining lots. She recapped the proposed standards for tri and quad plex driveways for optimizing on-street parking as: the total cumulative width of all driveways shall not exceed 50% of the street frontage, the requirement of one shared driveway for every two units, and a shared driveway approach must not exceed 20 feet in width unless 20 feet of spacing could be achieved between driveways. She reported that the proposed standards had been approved by the Planning Commission. Senior Planner Chang addressed cottage clusters and recapped that HB 2001 would increase housing densities because it was permitted outright to develop a cottage cluster on a parcel in all single-family residential zones. She recapped the OAR 660 Division 46 minimum requirements and reported that maximum density standards were not applied in cottage clusters, there was a minimum density of at least four units per acre, there was a minimum grouping of eight cottages per common courtyard, and there was a maximum footprint of less than 900 square feet per cottage. She clarified that there was no maximum floor area, which would allow for multi-story cottages. She provided an overview of the proposed setback requirements for cottage clusters on page 8 of the presentation. She reported that there would be one space per unit of off-street parking per OAR 660 Division 46, and there would be no adjustment or variance to standards and would instead have to go through PUD review. Ms. Chang outlined that both Council and

Planning Commission had directed staff to allow for 1.5 story units for cottage clusters and stated that staff recommended a maximum height of 1.5 stories not to exceed 25 feet in height. She clarified that a “half-story” was already defined in Section 16.10 in the existing code. She recapped cottage cluster floor area standards as: the 1st floor had a maximum building footprint of less than 900 square feet per OAR, the 2nd floor had a maximum of 50% of the square footage of the 1st floor, with a possible maximum of a 1,348 square foot unit. She recapped cottage cluster design standards as: the master bedroom for each cottage cluster will be located on the main floor and garages were not allowed but carports were permitted. Senior Planner Chang explained that “Cottage Community Building” had been identified in the Model Code and both staff and the Planning Commission had determined that the proposed amendments would allow for one single-story community building per cottage cluster development. She explained that the community building would have a maximum square footage of 1,800 square feet and stipulated that the primary use of the community building was not a primary residence. Council President Rosener referred to the use of the term “guest housing” in the definition of “community building” and asked if that definition was from HB 2001 or was it something the city had added? Senior Planner Chang explained that the Model Code discussed community buildings and had very specific language regarding permitted uses. She stated that at one point in time, they had looked into factoring the square footage of the community building as a part of the averaging of all the units, but staff had decided to remove the averaging to allow for a community building that was permitted to be twice the size of a typical cottage cluster with the stipulation that the community building could not be a primary residence. Council President Rosener asked that it be made clear that the community building could not be turned into a rental property. Councilor Young asked if a community building was a required part of a cottage cluster development? Ms. Chang replied that a community building was not a required element, but it had been determined that it was important to provide additional rooms for use because the cottages were relatively small. She provided an example of grandchildren visiting their grandparents who lived in a cottage and explained that it was likely that the grandchildren would want to be nearby, so the grandparents would be able to rent out a room from the community building to house their grandchildren during their stay. Councilor Giles commented that there were also restrictions around the length of time a room from the community building could be rented out. Council President Rosener spoke on the importance of cottage clusters providing much-needed single story smaller square footage houses in Sherwood. Senior Planner Chang addressed the proposed condominium process and explained that one of the key aspects of creating fee-simple lots was going through the condominium process and commented that it had never been codified in Sherwood's code. Mayor Mays asked if that was a stipulation of HB 2001? A councilor commented that there were discussions during the Planning Commission's hearings that showed that there was a strong desire to promote homeownership instead of rentals, and currently the only way to promote that was through a condominium process. They continued that the Planning Commission discussed ways to streamline the condominium process for developers so that more units would become available. Ms. Chang clarified that the City was required to comply with SB 458 and staff was currently in the process of drafting language and would present the draft language to Council in the fall. Mayor Mays asked if that was separate from the condominium process? Ms. Chang replied that was correct. Councilor Scott commented that this could be the bridge to develop a condominium under the current code before SB 458 went into effect. Discussion occurred. Senior Planner Chang explained that staff would codify the condominium process and it would include the definition, procedure, required public improvements and would meet the appropriate requirements of ORS Chapter 100, Condominiums. Ms. Chang addressed minor non-substantive housekeeping changes and stated that definitions had incorrect references to illustrative Figures in the TSP and staff recommended referencing back to the adopted TSP instead, as well as adding a clear definition for “Primary Use” to the code. Ms. Chang reported that City Attorney Soper had completed a legal review of the proposed amendments and requested additional non-substantive edits be made and referred to an email sent to Council by Planning Manager Erika Palmer with the revised redline code language (see record,

Exhibit C). Ms. Chang recapped that the proposed edits from City Attorney Soper did not change the intent of the proposed language and the amendments were made for clarity by eliminating ambiguity and the removal of incorrect cross references. She provided an overview of the applicable criteria for a Plan Amendment on page 15 of the presentation. She addressed community need criteria for the proposed ordinance and explained that the plan amendment would implement HB 2001's middle housing legislation and stated it was consistent with the 2040 Comprehensive Plan Vision for Attractive and Attainable Housing. She clarified that per the Planning Commission and Council's direction, the amendments were the basic minimum required and nothing beyond that. She addressed the goal of citizen involvement and public engagement and reported that staff had published a visual preference survey, a virtual open house, an in-person open house, as well as public outreach through the public hearing process. She stated that the Project Advisory Committee was the Planning Commission and commented that they had been working on this topic since December 2020. She reported that there had been 17 Planning Commission work sessions and three City Council work sessions on Residential Design Standards and proposed housing choices all of which provided opportunities for public input on the project. Ms. Chang addressed "Goal 10 – Housing" on page 19 of the presentation and explained that the purpose of Goal 10 was to ensure that a community had adequate housing supply for the twenty-year planning period through a range of densities to choose from and served people at a variety of income levels. She stated that Council approved Housing Needs Analysis 2019-2039 which identified a deficit of land for 608 dwelling units. She outlined that the proposed amendments would not decrease the supply of needed housing in Sherwood and would allow for a variety of housing choices that used clear and objective standards. Ms. Chang reported that notice of the application was routed to the DLCDD in February 2022, email notice was provided to Metro and agency partners on February 17th, 2022, and newspaper publication was completed through the local Times publication. She reported that as of this meeting, no agency partners had provided comments. Senior Planner Chang reported that staff had received public testimony from two people at the March 8th Planning Commission meeting where they stated they disagreed regarding Home Rule and how middle housing legislation was mandated to cities from the State. Testimony also focused on the need of additional on-street parking and infrastructure needs. She reported testimony related to cottage clusters consisted of comments on not permitting garages, requesting that cottage clusters be one-story no-stair units, and requiring ADA cottage cluster units. Ms. Chang commented that requiring ADA standards for cottage clusters would be ideal and reported that the Planning Commission was not opposed to adding ADA requirements, but more time was needed to develop and evaluate those standards. She continued that ADA requirements may be added in the future because there had been feedback from both the community and the Planning Commission that cottage cluster developments were aimed for people who may want to age in place. Councilor Young asked for clarification on the public testimony received on garages and cottage clusters. Ms. Chang explained that the person who spoke on garages was in favor of not allowing garages in cottage clusters. Councilor Young asked if current ADA standards would apply to cottage clusters? Senior Planner Chang replied that typically, there were not any ADA standards for specific buildings, but there were ADA standards for parking and accessibility, particularly in multifamily, commercial, and industrial developments. Council President Rosener asked if there were any simple fixes for cottage clusters to make them more ADA friendly and gave an example of providing a ramp instead of stairs for a certain percentage of units. Councilor Scott commented that that had been discussed at the Planning Commission level and they had concluded that improvising simple fixes may accidentally create more harm than good by making a cottage cluster more cost prohibitive to build. He continued that the Planning Commission concluded that it was unclear what the need was at this point in time. Mayor Mays commented that he believed that both Council and the Planning Commission intended to create a separate cottage cluster zone which would allow for certain stipulations to be in the zoning as well as provide an opportunity to address potential various issues such as ADA standards. Senior Planner Chang stated that based on the findings and applicable code criteria, staff recommended that City Council approve the

proposed text amendments as modified and hold the second public hearing for Ordinance 2022-004 on May 3, 2022. Mayor Mays stated he would not be able to attend the May 3rd Council meeting and asked that the second hearing on the proposed ordinance be held on May 17th instead. City Attorney Soper stated that the second hearing had already been posted and advised that staff could answer additional questions from Council and hold further discussion at the May 3rd meeting and continue the hearing to a third reading on May 17th. Council President Rosener asked when the deadline was? Mr. Soper replied it was June 30th. Discussion regarding timelines occurred and Ms. Chang clarified that the City was required to have acknowledgment from the state by June 30th. Mayor Mays replied he was not concerned about getting acknowledgment from the State by June 30th. Councilor Young asked if the State had provided a deadline for submittal to receive acknowledgment by June 30th? Ms. Chang replied that they had not been provided a deadline for submittal, but staff was trying to give the State a month's lead time.

Mayor Mays opened the public hearing and asked for public testimony on the proposed ordinance. Sherwood resident Barry Kennedy came forward and asked for the reasoning for not allowing garages in cottage clusters? Mayor Mays replied that from an enforcement standpoint, garages could potentially be converted into a living space. Mr. Kennedy explained that he was concerned about not permitting garages due to the increasing rate of car break-ins. Mayor Mays replied that that was a good point. Mr. Kennedy commented that car break-ins were a big issue in Sherwood and neighboring cities and asked if there would be a type of HOA for cottage clusters? Council replied that it was possible. Mr. Kennedy suggested providing better security at cottage clusters such as better lighting and cameras. Council President Rosener stated that much of the cottage cluster code was dictated by the State and he wanted to ensure that Sherwood had solutions to the potential issues that may arise when developers started building to help keep cottage clusters as a housing option for people who wanted to age in place. Mr. Kennedy asked if that was why stairs were not permitted? Mayor Mays explained that the current proposal allowed stairs but only for a limited second story space. Councilor Giles clarified that one of the reasons why carports were allowed was because the State was saying that cities could not enforce more than one parking spot for cottage clusters, and a carport would encourage people to park in their carports instead of on the street. Mr. Kennedy asked for more information on HB 2001. Mayor Mays explained what the bill entailed. Mr. Kennedy commented that he had previously spoken to Council regarding a possible apartment complex on Sherwood Boulevard and Gleneagle and his concern about the trees and asked if Council had any further information on the topic? Mayor Mays replied that he would provide Mr. Kennedy with more information on that topic outside of the meeting. Hearing no others wishing to provide testimony, Mayor Mays closed the public hearing and asked for questions or discussion from Council. Councilor Giles asked Chief Hanlon if there were any reports that showed that car break-ins had increased? Chief Hanlon replied that car break-ins were increasing and commented he would provide statistics to Council. Mayor Mays stated that he had forwarded his list of questions on the proposed ordinance to staff and recapped his suggestions and questions as: the suggestion of a June 30th effective date, question around the definition of "alley" in the code, if alleys were permitted on both sides of a lot, questions around shared courtyards and common green, a potential numerical error on page 17 on lot depths, questions regarding the definition of "residential building height," concerns regarding front yard setbacks, questions on townhome side yards and setbacks that abutted a different zone, he disliked cottage clusters allowing for 1.5 floors, the suggestion to add language to maximize on-street parking, spacing and utilities, questions around allowing accessory structures in cottage clusters, the request to have "City Council has no requirement to give a reason to withhold approval of any proposed PUD" stated in writing. City Attorney Soper replied that the code already gave flexible reasons for denying a PUD. Mayor Mays asked if Accessory Dwelling Units would be permitted on plex lots? Planning Manager Erika Palmer replied that ADUs were only permitted on lots of single family detached homes and was noted in the City's ADU chapter. Mayor Mays continued reading from his list: questions if manufactured homes were required to follow all Residential Design Standards, and the request to alter standards for parking space size. Discussion occurred and

Council asked staff to look into the effects HB 2001 would have on this topic. Councilor Young asked who would monitor the community buildings in cottage clusters and asked if it would need to be a HOA? Senior Planner Chang replied that was correct. Council President Rosener asked if that could be required? Councilor Giles replied that community centers were defined to give flexibility for builders so that it could be a building or a play structure for example, with the idea to adjust the definition if needed in the future. Discussion occurred. Councilor Scott commented he felt that the issue of determining if a HOA was necessary would resolve itself. City Attorney Soper voiced that it was possible to have a cottage cluster that was single-ownership, which would not require a HOA. But if a cottage cluster went through the condominium process, it would require a HOA under state law. Councilor Garland commented he was excited about the idea of cottage clusters and he had been in favor of cottage clusters for some time. He commented that he shared Council's frustrations over the stipulations around the implementation of HB 2001 and thanked staff for their work. Councilor Giles shared a story about a development that had both single-family houses and cottage clusters for sale and all of the cottage cluster units had sold but some of the single-family houses were still available. Councilor Young shared her excitement over cottage clusters becoming a possibility in Sherwood. Councilor Scott commented he wanted to add language that stipulated that the community building in a cottage cluster could not be a primary residence or used as a short or long-term rental. He put forward the idea of restricting the use of the community building rooms to friends and family of the residents. Mayor Mays asked Council to forward questions to staff and thanked Senior Planner Chang and Planning Manager Palmer for their work.

Mayor Mays addressed the next agenda item.

9. CITY MANAGER REPORT:

City Manager Keith Campbell reported that Trash Apalooza would take place on April 23rd at 10:00 am in Cannery Square. He reported that the Sherwood Police Department would host a drug takeback day for unwanted medications on April 30th from 10:00 am – 2:00 pm at the Police Department. He reported that the Sherwood Percussion Ensemble received first place in the state championship on April 9th and stated that the group currently ranked second in the country. He stated that the group would compete in the WGI championship in Dayton, Ohio.

Police Chief Ty Hanlon reported that Coffee with a Cop would be held on May 7th from 9:00 am – 1:00 pm in the Dutch Bros. parking lot.

Mayor Mays addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS:

Councilor Scott thanked Councilor Giles for taking over as the council liaison for the Planning Commission. He stated he enjoyed his time serving on the Planning Commission both as a commissioner and as a council liaison. He reported that he was now the council liaison for the Parks and Recreation Advisory Board.

Councilor Brouse reported the Library Advisory Board would meet on April 20th.

Councilor Giles congratulated the Mixolydians on winning the Rose City Sing-Off and reported the group would perform during the Rose Festival Parade. He congratulated the Sherwood Concert Choir for placing first in district and would compete for state on May 7th. He reported on his attendance on the Planning Commission where they worked on "alley" definitions. He thanked Planning Commission members and

Planning staff for their work.

Councilor Young reported the Police Advisory Board's May meeting was cancelled. She stated that there was an upcoming election in May and encouraged people to register to vote.

Council President Rosener reported on his attendance at the ITC meeting. He reported on his attendance at the LOC Telecom committee meeting where they continued their work on drafting a policy statement for LOC's use to lobby the state government on behalf of cities.

Councilor Young reported she attended the LOC Finance and Taxation Committee meeting.

Mayor Mays reported he attended the WCCC meeting on April 18th where they discussed TriMet's decision to scale-back service levels system-wide and explore where TriMet should expand to instead. He reported he attended the LOC Transportation Advisory meeting. He reported he would attend the LOC board meeting on April 20th.

11. ADJOURN:

Mayor Mays adjourned the regular session at 8:35 pm and convened an executive session.

Record note: Staff provided Council a copy of the Notice of Intent to Award document for Resolution 2022-022 via email (see record).

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Mays called the executive session to order at 8:40 pm.
2. **COUNCIL PRESENT:** Council President Tim Rosener, Councilors Kim Young, Doug Scott, Renee Brouse, and Taylor Giles. Mayor Keith Mays and Councilor Sean Garland were absent.
3. **STAFF PRESENT:** City Attorney Josh Soper, City Manager Keith Campbell.

4. TOPICS

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

5. ADJOURN:

Council President Rosener adjourned the executive session at 9:30 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Adrienne Doman Calkins, Library Manager
Kristen Switzer, Community Services Director

Through: Keith D. Campbell, City Manager and Josh Soper, City Attorney

SUBJECT: **Resolution 2022-023, Authorizing the City Manager to Sign the Public Library Network, Services, and Funding Intergovernmental Agreement with Washington County on behalf of Washington County Cooperative Library Services (WCCLS)**

Issue:

Shall the City Council authorize the City Manager to sign the Public Library Network, Services, and Funding Intergovernmental Agreement with Washington County on behalf of WCCLS to provide public library service at Sherwood Public Library through June 30, 2026?

Background:

Resolution 2021-013 authorized the City Manager to sign the current extended WCCLS Public Library Services Agreement and the Information Services Network Agreement which will expire on June 30, 2022.

WCCLS has worked with the WCCLS Executive Board (advisory to Board of County Commissioners) and the WCCLS Policy Group (both with representation from each member library) to revise the Public Library Services Agreement and Network Agreement, merging them into one updated agreement for July 1, 2022, through June 30, 2026. The revised agreement is unanimously supported by WCCLS Executive Board. The Board of County Commissioners supports moving the agreement forward for approval.

The revised agreement has a greater emphasis on data confidentiality and network security, improved clarity of roles and responsibilities for library services, identifies an ending fund balance strategy and target, and includes detailed library funding allocation language. In addition, the agreement introduces compliance with Title VI of the Civil Rights Act for libraries with WCCLS support and a commitment to reevaluation of the funding and governance for the next levy cycle which begins FY26-27.

Financial Impacts:

The proposed distribution of WCCLS funds to Sherwood Public Library will be \$1,011,295 in FY22-23. Agreeing to the IGA secures funding from WCCLS for the remaining four years of this levy cycle. WCCLS funding originates from the Washington County General Fund (60%) and the WCCLS Local Option Levy (40%). Budget increases of 3% to each member library are planned through FY25-26.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2022-023, Authorizing the City Manager to Sign the Public Library Network, Services, and Funding Intergovernmental Agreement with Washington County on behalf of Washington County Cooperative Library Services (WCCLS).



RESOLUTION 2022-023

AUTHORIZING THE CITY MANAGER TO SIGN THE PUBLIC LIBRARY NETWORK, SERVICES, AND FUNDING INTERGOVERNMENTAL AGREEMENT WITH WASHINGTON COUNTY ON BEHALF OF WASHINGTON COUNTY COOPERATIVE LIBRARY SERVICES (WCCLS)

WHEREAS, Resolution 2021-013 authorized the City Manager to sign the current extended Washington County Cooperative Library Services (WCCLS) Public Library Services Agreement and the Information Services Network Agreement which will expire on June 30, 2022; and

WHEREAS, the previous two agreements have been revised and merged into one agreement named Public Library Network, Services, and Funding Intergovernmental Agreement to provide library services in Washington County, Oregon, through the remainder of this levy cycle; and

WHEREAS, the revision process involved representation from all member libraries (nine cities and three nonprofits), WCCLS, and Washington County; and

WHEREAS, the revised agreement is unanimously supported by WCCLS Executive Board; and

WHEREAS, the WCCLS Executive Board has representatives from each member library and advises the Board of County Commissioners on funding for countywide library services, distribution of financial resources for providing countywide library services and long-term governance and funding strategies; and

WHEREAS, the Board of County Commissioners supports the agreement for public library services in Washington County; and

WHEREAS, the agreement provides funding for Sherwood Public Library and is the vehicle to share materials from other Washington County libraries to the benefit of Sherwood citizens; and

WHEREAS, this agreement includes a commitment to a thorough reevaluation of the funding and governance for the next levy cycle which begins FY26-27; and

WHEREAS, the attached Exhibit A, Public Library Network, Services, and Funding Intergovernmental Agreement, provides public library services from July 1, 2022, through June 30, 2026.

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

Section 1. The City Manager is authorized to sign a Public Library Network, Services, and Funding Intergovernmental Agreement with Washington County on behalf of WCCLS in a form substantially similar to the attached Exhibit A.

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

Duly passed by the City Council this 3rd of May, 2022.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

**Public Library Network, Services, and Funding
Intergovernmental Agreement**

This Public Library Network, Services, and Funding Intergovernmental Agreement is made by and among Washington County, a home rule subdivision of the State of Oregon, on behalf of Washington County Cooperative Library Services, a department of Washington County, and the City of Banks, City of Beaverton, City of Cornelius, City of Forest Grove, City of Hillsboro, City of North Plains, City of Sherwood, City of Tigard, City of Tualatin, the Aloha Community Library Association, the Cedar Mill Community Library Association and the Garden Home Community Library Association.

RECITALS

A. Washington County voters first approved a serial tax levy for public library service on May 25, 1976, which provided to all residents non-fee access to city libraries, community libraries, and county-operated support services and information technology to link libraries together into one system;

B. The Parties to this Agreement are either units of local government empowered by ORS 190.010 to enter into an intergovernmental agreement or are private non-profit agencies operating public libraries in Washington County;

C. The Parties desire to maintain and provide residents of Washington County with access to quality public library services and Contractors can provide such access and services;

D. WCCLS, as a department of Washington County governed by the Board of County Commissioners, will further the commitments made in the Board's Resolution on Diversity Equity and Inclusion of February 25, 2020 (set forth in EXHIBIT C "Board of County Commissioners Equity Resolution").

NOW, THEREFORE, the Parties agree as follows:

AGREEMENT

1. DEFINITIONS.

1.1. "Bibliographic Record" means an entry in a bibliographic index (or a library catalog) which represents and describes a specific edition of a resource (but not a specific item). A Bibliographic Record contains the data elements necessary to help users identify that resource. A single Bibliographic Record can have multiple Item Records attached to it.

1.2. "Agreement" means this Public Library Network, Services, and Funding Intergovernmental Agreement.

1.3 "Assessed Value" has the same meaning as set forth in ORS 308.146 or any subsequent revision or amendment thereof.

1.4. "Circulation Record" means any document or record, however maintained, the primary purpose of which is to provide for control of the circulation or other use of library materials by the public. May identify a specific person as having requested or obtained specific materials from a library.

1.5. “Contractors” means the City of Banks, City of Beaverton, City of Cornelius, City of Forest Grove, City of Hillsboro, City of North Plains, City of Sherwood, City of Tigard, City of Tualatin, the Aloha Community Library Association, the Cedar Mill Community Library Association, and the Garden Home Community Library Association.

1.6. “County” means Washington County.

1.7. “Directory Services” means a distributed, hierarchical database structure maintained by WCCLS that shares infrastructure information for locating, securing, managing, and organizing computer and network resources including files, users, groups, peripherals, and network devices. It provides authentication and authorization functions, as well as providing a framework for other such services.

1.8. “Eligible Users” means all Washington County residents, residents of counties or cities with which Washington County has reciprocal borrowing agreements, as well as paying card holders.

1.9. “Emergency Support” means actions taken to address Contractor site-wide service outage of the Integrated Library System, WCCLS Wi-Fi, online catalog, self-check kiosks, automated materials handling units, WCCLS website, or the Internet.

1.10. “Full-Service Location” means a library location that is staffed during open hours and offers a full range of services, including but not limited to, access to the collection, public access computers, in-person assistance for the public, programs and events.

1.11. “Host” means any intelligent device connected to the WCCLS Information Network that is addressable by a network/transport protocol, including but not limited to, desktop and laptop computers, network printers, tablets, self-check kiosks, and routers.

1.12. “Inordinate Expansion” means expansion of the Wi-Fi network, software license count, or Host count which exceeds typical growth. Typical growth will not exceed a 15% increase in WCCLS issued software licenses, Wi-Fi access points, or any other material or service provided by WCCLS, over the life of the agreement.

1.13. “Integrated Library System” means an enterprise resource management system for a library, used to track cataloging (for example items owned), acquisitions (for example orders or invoices), circulation (for example check-in/out or hold requests), and manage administration (for example users, workstations, permissions, or settings).

1.14. “Item Record” means a record that allows for the location, circulation and inventory control of all items owned by a library. Item Records contain fields that indicate the unique barcode number, the shelf location of the item, its current temporary location, statistical fields used for reports, a field that helps determine circulation rules, and date fields and counters that track current and past activity. Multiple Item Records can be attached to a single Bibliographic Record.

1.15. “Jump Start” means a type of funding allocation from WCCLS to some Contractors, used in a prior agreement that expired June 30, 2022, set forth in EXHIBIT B “Prior Agreement.”

1.16. “MAN” or “Metropolitan Area Network” means a computer network that interconnects users with computer resources across a geographic region.

1.17. “Network” means the WCCLS Information Network.

1.18. “Network Maintenance” means any process deemed necessary to sustain the WCCLS Information Network throughout its operational life cycle. This may include, but is not limited to, hardware or software component upgrades, new software or hardware installs, hardware or software replacement, and integration of cloud-based information services.

1.19. “Nonprofit Corporation” has the same meaning as set forth in ORS 65.001(33) or any subsequent revision or amendment thereof.

1.20. “Party” or “Parties” means the County, WCCLS, the City of Banks, City of Beaverton, City of Cornelius, City of Forest Grove, City of Hillsboro, City of North Plains, City of Sherwood, City of Tigard, City of Tualatin, the Aloha Community Library Association, the Cedar Mill Community Library Association and the Garden Home Community Library Association.

1.21. “Patron Record” means a document, record, or other method of storing information retained by a library that contains Personal Information and other information about a person, including but not limited to the person's name, address, or telephone number, or that identifies a person as having requested or obtained specific materials from a library.

1.22. “Personal Information” means:

1.22.1. Written or electronic information including a person's first name or first initial and last name in combination with any one or more of the following data elements, if encryption, redaction or other methods have not rendered the data elements unusable or if the data elements are encrypted and the encryption key has been acquired:

1.22.1.1. Social Security number;

1.22.1.2. Driver's license number or state identification card number issued by any state or country;

1.22.1.3. Passport number or other identification number issued by any country;

1.22.1.4. Financial account number, credit or debit card number in combination with any required security code, access code or password that would permit access to a person's financial account or any other information or combination of information that a person reasonably knows or should know would permit access to the person's financial account;

1.22.1.5. Data from automatic measurements of a person's physical characteristics, such as an image of a fingerprint, retina or iris, that are used to authenticate the person's identify in the course of a financial transaction or other transaction;

1.22.1.6. Health insurance policy number or health insurance subscriber identification number in combination with any other unique identifier that a health insurer uses to identify the person; or

1.22.1.7. Any information about a person's medical history or mental or physical condition or about a health care professional's medical diagnosis or treatment of the person.

1.22.2. A username or other means of identifying a person for the purpose of permitting access to the person's account, together with any other method necessary to authenticate the username or means of identification.

1.22.3. Any of the data elements or any combination of the data elements described in paragraphs 1.22.1 or 1.22.2 above without the person's username, or the person's first name and first initial and last name, if:

1.22.3.1. Encryption, redaction or other methods have not rendered the data element or combination of data elements unusable; and

1.22.3.2. The data element or combination of data elements would enable a person to commit identity theft against a person.

1.22.4. "Personal Information" does not include information in a federal, state or local government record, other than a Social Security number, that is lawfully made available to the public.

1.23. "Personal Information Breach of Security" means any unauthorized acquisition of computerized data that materially compromises the security, confidentiality, or integrity of Personal Information that a person maintains or possesses. It DOES NOT include an inadvertent acquisition of Personal Information by a person or the person's employee or agent if the personal information is not used in violation of applicable law or in a manner that harms or poses an actual threat to the security, confidentiality, or integrity of the Personal Information.

1.24. "Pool 1" means a type of funding allocation from WCCLS to all Contractors, used in a prior agreement that expired June 30, 2022, set forth in EXHIBIT B "Prior Agreement."

1.25. "Regular Support" means non-emergency assistance with the use of the WCCLS Network. This may include, but is not limited to, requests for new users, troubleshooting wired or wireless network connectivity for an existing host or staff member, configuration or upgrade of WCCLS licensed software, installation of a new network host, a WCCLS website information update request, or the general use of WCCLS licensed software or services.

1.26. "Revenue Contingent Allocation" means an allocation of funds to Contractors, contingent on actual revenue collected the prior fiscal year, as determined by the formula in paragraph 15.3.2 and its subparagraphs.

1.27. "Safe Harbor Languages" has the same meaning as set forth in Washington County's Language Assistance Administrative Policy number 207.

1.28. “Volunteer” means any individual, organization or contractor who performs hours of service for Parties without promise, expectation, or receipt of compensation for services rendered, during such hours.

1.29. “WCCLS” (Washington County Cooperative Library Services) means a department of County government that exists to coordinate, contract for, or provide a full range of library and information services to Eligible Users.

1.30. “WCCLS Executive Board” means the Board established to advise the Board of County Commissioners and the Cooperative Library Services Manager on matters pertaining to the funding for countywide library services, distribution of financial resources by WCCLS for the provision of countywide public library services, and long-term governance and funding strategies.

1.31. “WCCLS Information Network or Network” means the system that includes: the shared integrated library system software (including but not limited to the software that supports circulation, public access catalog, cataloging, serials control and acquisitions software); the wccls.org website and its resources; other databases and e-content provided by WCCLS for Contractors’ library staff or public access; wireless Internet access for the public; central site hardware and software; software, hardware or peripheral products provided to Contractors’ libraries and supported by WCCLS; and the telecommunications network linking Contractors to the system and for Internet access.

1.32. “WCCLS Policies and Procedures” means collectively the policies and procedures adopted by the WCCLS Policy Group, which are written standards, methods, and guidelines that govern staff of Contractors and WCCLS, ensure the appropriate use of shared systems and facilitate the Parties in providing a consistent experience for library users.

1.33. “WCCLS Policy Group” means the Board established to provide technical and professional support and advice to the WCCLS Executive Board, to develop and implement policies and procedures for delivery of countywide public library services, and to advise the Cooperative Library Services Manager.

1.34. “West Slope Community Library” means the Full-Service Location operated by Washington County.

2. TERM OF AGREEMENT. This Agreement shall be in effect from July 1, 2022, through June 30, 2026, unless terminated pursuant to Section 16 of this Agreement.

3. MINIMUM OPERATING REQUIREMENTS FOR CONTRACTORS.

3.1. By receipt of funds from WCCLS, each Contractor agrees that Contractor’s library facilities will be open to the public at least 45 hours per week, and to employ at least one full-time employee. The Contractor will identify one point of contact from their organization for purposes of this agreement. West Slope Community Library will also meet these minimum operating requirements.

In addition, Contractors will meet the following requirements:

3.1.1. Minimum conditions for public libraries with a service population of over 2,000 as laid out in Oregon Administrative Rule 543-010-0036 or any subsequent revision or amendment thereof;

3.1.2. Contractors that are Nonprofit Corporations will comply with all applicable State Statutes and Rules governing Oregon Nonprofit Corporations;

3.1.3. If any Contractor is not in compliance with the minimum operating requirements stated herein, including those set forth in paragraph 3.1 and OAR 543-010-0036, they shall notify WCCLS and arrive at a mutually agreeable timeline and plan to come into compliance.

4. OWNERSHIP AND MANAGEMENT OF THE WCCLS INFORMATION NETWORK. The Washington County Board of Commissioners, as the governing body of WCCLS, retains final authority for decision-making related to Network and its operation. WCCLS shall have full ownership of all Network components and shall make the system available to Contractors.

4.1. RECORDS UPON TERMINATION OF THIS AGREEMENT. Upon termination of this Agreement pursuant to either paragraph 2 or paragraph 16 herein, Item Records entered into the Integrated Library System by Contractors and the associated Bibliographic Records, shall be exported upon request. Contractor shall pay all reasonable costs associated with providing records in digital format. Patron Records will not be provided to a Contractor upon termination of this Agreement.

5. PERSONAL INFORMATION AND CONFIDENTIALITY OF DATA. All Contractors have a responsibility to safeguard Personal Information in their care and to report to WCCLS a Personal Information Breach of Security. The Patron Records and Circulation Records in the Integrated Library System are exempt from public disclosure pursuant to ORS 192.355(23), and also must be protected pursuant to ORS 646A.600 through 646A.628 (Oregon Consumer Information Protection Act), which is enforced by the State of Oregon, Department of Consumer and Business Services. Violations may result in penalties up to a maximum of \$500,000 per occurrence.

5.1. APPROPRIATE USE OF PERSONAL INFORMATION. Except as otherwise required by law or court order, Contractors agree that they will not disclose Personal Information regarding a person, item circulation, or the use of library resources and services including, but not limited to, databases, e-content, public Internet terminal sessions, and wireless Internet access. Contractors agree that only trained, authorized library staff shall have access to such Personal Information records in the course of operating the system. While Volunteers may have access to components of the Network, they are not authorized to access Personal Information and accessing such information is in violation of this Agreement. Contractors may use name and address information for library purposes only in accordance with established WCCLS Policies and Procedures and Washington County Administrative Policy 506 "Personal Information Protection Policy".

5.2. REQUESTS FOR PERSONAL INFORMATION FROM OTHER AGENCIES. Contractors agree to forward to WCCLS all requests for personal and circulation information from law enforcement or other requestors in accordance with established WCCLS Policies and Procedures.

6. WCCLS INFORMATION NETWORK SERVICE AVAILABILITY. Network shall be available for use twenty-four (24) hours a day except for routine or emergency Network Maintenance. WCCLS will provide Contractors with prior notice of planned Network downtime if it will affect library operations during library business hours. No liability shall be assumed by WCCLS if Network experiences downtime.

6.1. NETWORK SUPPORT SCHEDULE. WCCLS staff shall be available to provide Regular Support and Emergency Support for the Network according to this schedule:

	Regular Support Begins	Regular Support Ends	Emergency Support Begins	Emergency Support Ends
Monday – Friday	9 am	5 pm	8 am	9 pm
Saturday – Sunday	none	none	10 am	6 pm
County observed & official holidays	none	none	none	none

7. WCCLS INFORMATION NETWORK DATA RECOVERY. WCCLS will duplicate at least daily all data maintained in the Network database. WCCLS will maintain back-up data on-site and off-site so that files can be reconstructed if a system malfunction occurs that requires restoring or rebuilding data files, in whole or in part. A minimum of one weekly back-up will be stored in a location physically apart from the site of the central system in case of major disaster at the central site. The purpose of the back-up is for emergency recovery if live data or the system is damaged or destroyed and is not for archival purposes.

8. DUTIES AND RESPONSIBILITIES OF WCCLS FOR THE NETWORK. WCCLS shall:

8.1. Purchase, and coordinate licensing of the Integrated Library System, personal computer reservation, and print management software to be installed and utilized by Contractor at Full-Service Locations.

8.2. Provide software updates to Contractors for software licensed by WCCLS for installation and utilization at member libraries.

8.3. Maintain and store all electronic information and communications created, processed, or stored in the conduct of Contractor business, on systems owned or operated by WCCLS, in compliance with Oregon Public Records Laws and civil litigation requirements.

8.4. Provide and maintain Directory Services to control access to the Network.

8.5. Provide private Internet Protocol (IP) subnetwork addresses and Domain Name System (DNS) resolution services for all Full-Service Locations. Contractor must utilize the WCCLS provided private IP subnetwork addresses when connecting Hosts to the Network.

8.6. Provide filtered and unfiltered Internet access to all Full-Service Locations.

8.7. Take steps to maintain security, up to and including terminating a connection between one or more Network Hosts that presents a problem or threatens security, integrity, or performance of the Network. WCCLS shall notify affected Contractors about an impending disconnection if time permits. Unless WCCLS determines that the problem or threat has resulted in a default

under section 10, WCCLS shall restore connectivity when the WCCLS staff determines that the problem is resolved, or the threat removed.

8.8. Provide and maintain Hosts that connect Full-Service Locations to the Network. These Hosts include a service provider switch that establishes connectivity to the provided MAN, a firewall that provides access controls and encryption between locations and services on the Network, an Ethernet switch that hands off to Contractor's internal switching hardware, Wi-Fi access points, a 15-amp uninterrupted power supply, and RFID security gates at established Full-Service Location entrances and exits.

9. DUTIES AND RESPONSIBILITIES OF CONTRACTORS FOR THE NETWORK. Contractors shall:

9.1. Provide, maintain, and administer cabling, equipment, software including operating systems and anti-malware, associated devices and Hosts within Contractor's building that are connected to the Network and not provided by WCCLS. Contractors will meet ANSI/TIA-5568-C or ISO/IEC 11801(Ed2.2) standards when installing new copper data cabling.

9.2. Provide site preparation, access, and environmental conditions necessary for optimal security and functioning of Hosts provided and maintained by WCCLS.

9.3. At a minimum, configure network devices that always comply with hardware, software and security requirements deemed necessary by WCCLS Network security policies. Hosts connected to the Network must be secured and supervised by Contractor staff during use. Contractor shall not allow public users to use staff Hosts. Every reasonable effort should be made so that Hosts connected to the Network shall neither cause, nor have the potential to cause, any network disruption, security breach, nor other deleterious outcome.

9.4. Be responsible for system security by limiting access to staff accounts to trained, authorized staff and Volunteers, using individually assigned user logon credentials, and following security protocols and procedures as directed by WCCLS to prevent unauthorized access. Examples may be password protection, two-factor authentication, encryption of sensitive information, or locking workstations when not in use.

9.5. Contractors shall use WCCLS Directory Services to access the Network.

9.6. Contractor is prohibited from:

9.6.1. Attaching wireless bridges, routers, or access points to Network.

9.6.2. Using network address translation (NAT) on Network.

9.6.3. Adding any other network extenders or repeaters to the Network.

9.7. Make every reasonable effort to protect Network equipment and data from the impacts of negligence, abuse, theft or misuse. Contractor will reimburse WCCLS for the costs of repairing and or replacing damaged equipment on or associated with Contractor's premises.

9.8. Notify WCCLS at support@wccls.org within five business days that they have separated with an employee or Volunteer, so WCCLS can disable the user account to maintain Network security.

9.9. Provide an inventory of Network Hosts in Contractor's facility and connected to the Network upon request by WCCLS.

9.10. Conduct an inventory of licenses in use by the Contractor as requested by WCCLS staff.

9.11. Designate at least one person as the WCCLS contact concerning use of the Network. The contacts will be added to an email group that receive regular notifications about Network Maintenance and service availability. These contacts will also act as the liaison should WCCLS need to reach out immediately about the Network. Please email the contact's name, title, library location, email address, and telephone number to support@wccls.org.

10. DEFAULT ON AGREEMENTS RELATED TO THE WCCLS INFORMATION NETWORK.

10.1. DEFINITION OF DEFAULT. Each of the following shall constitute a default:

10.1.1. Material noncompliance with the terms of Paragraphs 3 through 9 of the Agreement or any policies or procedures adopted pursuant to this Agreement;

10.1.2. Misuse of any Network resources including, but not limited to, system operating software, hardware, or telecommunications;

10.1.3. Failure to maintain physical or system security protocols or procedures as directed by WCCLS.

10.2. NOTIFICATION OF DEFAULT. If a Contractor or WCCLS learns of a default, WCCLS or the Contractor, respectively, shall:

10.2.1. Advise the party in writing of the alleged default and any action required to cure the default;

10.2.2. Set forth a time by which the default must be cured, a minimum of thirty (30) days.

10.3. FAILURE TO CURE DEFAULT BY CONTRACTOR. If a Contractor fails to cure the alleged default after WCCLS notifies the Contractor of the alleged default, WCCLS may, following written notice to the Contractor:

10.3.1. Prohibit Contractor from the use of the Network;

10.3.2. Take any action to cure or stop the default;

10.3.3. Recover any costs, expenses or disbursements incurred by WCCLS to cure the default;

10.3.4. Terminate this Agreement as regards the defaulting Contractor.

10.4. FAILURE TO CURE DEFAULT BY WCCLS. If WCCLS fails to cure the alleged default after Contractor notifies WCCLS of the alleged default, contractor may, following written notice to WCCLS:

10.4.1. Take any action to cure or stop the default;

10.4.2. Recover any costs, expenses of disbursements incurred by Contractor to cure the default;

10.4.3. Terminate this Agreement as regards WCCLS.

10.5. EMERGENCIES. WCCLS may lock out a Contractor from the system without notice in the event of an emergency involving, but not limited to, system damage or the breach of security or confidentiality of the system.

11. LIBRARY SERVICES TO BE PROVIDED BY WCCLS. WCCLS agrees to provide the following services to Contractors and/or Eligible Users:

11.1. Provide and maintain Integrated Library System including maintaining bibliographic and patron data; provide training resources to Contractors to support usage of the Integrated Library System;

11.2. Provide and maintain Bibliographic Records and authority records for the catalog. Monitor and evaluate services to maintain quality Bibliographic Records;

11.3. Purchase item inventory tags, security tags and library cards and distribute for use by Contractors;

11.4. Provide and maintain online catalog interface for the public at wccls.org; provide training resources to Contractors to support usage of the public catalog interface;

11.5. Provide and maintain events calendar interface for the public at wccls.org;

11.6. Courier pick-up and delivery of materials between Contractors and provision of courier connections to regional library delivery systems;

11.7. Purchase and provision of system-wide digital collections authenticated via wccls.org and training resources to Contractors to support those collections;

11.8. Facilitation of interlibrary loan borrowing from and lending to libraries outside of Washington County;

11.9. Engagement with and/or services for underserved populations in Washington County, which can include but is not limited to incarcerated persons, immigrants and refugees, those experiencing houselessness, those whose first language is not English, people with disabilities, young children, etc.

11.10. Library mail service program;

11.11. Coordinating work with libraries and WCCLS to meet shared strategic goals, which can include but is not limited to online countywide patron support, materials to support library programming, central storage facilities, collaborative work groups, etc.;

11.12. Coordination and analysis of countywide communication campaigns;

11.13. Reciprocal borrowing with other metropolitan area public libraries and Oregon Library Passport Program participating libraries;

11.14. Planning for long-term growth and development of countywide library services;

11.15. Other services to address strategic goals as agreed upon by the Parties.

12. ADDITIONAL WCCLS SUPPORT FOR CONTRACTORS. WCCLS support for any new automated or in-person or remote service points, building expansions, security gates, annexes, Inordinate Expansion of Network, or digital resources will be negotiated separately from this agreement and a signed letter of agreement must be executed prior to WCCLS committing staff, fiscal, or material resources to those projects.

13. LIBRARY SERVICES TO BE PROVIDED BY CONTRACTORS. Contractor agrees to provide the following services to WCCLS and/or Eligible Users. Each contractor and West Slope Community Library:

13.1. Agrees to ensure the same level of access to materials, resources and services for all Eligible Users;

13.2. Will not charge Eligible Users a fee for the check out or renewal of library materials;

13.3. Shall apply all fees and policies uniformly to all Eligible Users. Such fees may include special service fees;

13.4. Shall abide by shared Policies and Procedures as agreed upon by the WCCLS Policy Group;

13.5. Shall take full responsibility for linking item information for Contractor's holdings to Bibliographic Records in the catalog; and for meeting cataloging standards as outlined in the Policies and Procedures;

13.6. Shall only distribute library cards provided by WCCLS to library users;

13.7. Shall clearly identify its cooperative membership in its own public communications or publicity materials using approved WCCLS branding and membership language;

13.8. Shall clearly credit WCCLS when promoting resources and services provided by WCCLS using approved WCCLS branding and language.

14. COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT. It is the policy of Washington County that no person shall be denied the benefits of or be subjected to discrimination in any program, service, or activity provided by County personnel, contractors, or consultants on the grounds of race, color, national origin, English proficiency, age, disability, religion, marital status, familial status, sex, gender, gender identity, sexual orientation, or source of income. It is the policy of Washington County that contractors and subrecipients acknowledge that they are aware of federal, state, and local non-discrimination requirements. Washington County contracts and subrecipient agreements include the non-discrimination clauses required by federal statute and executive orders and their implementing regulations.

14.1. CONTRACTOR COMPLIANCE. Contractors and West Slope Community Library will:

14.1.1. Post notice that free language assistance is available;

14.1.2. Use document translation and/or interpretation services upon request of the user;

14.1.3. Ensure that library card applications are available to users in Safe Harbor Languages, at a minimum printing them upon request;

14.1.4. Post notice and make interpretation services available for any public meetings related to library governance, such as library advisory boards.

14.2. WCCLS COMPLIANCE. WCCLS will:

14.2.1. Provide signage to libraries of Contractors indicating that free language assistance is available;

14.2.2. Provide access to translation and interpretation services to the libraries of Contractors who do not already have access to this service;

14.2.3. Provide library card applications in Safe Harbor Languages;

14.2.4. Work towards providing library notices (especially bills) and the online payment interface in Safe Harbor Languages.

15. FUNDING ALLOCATIONS. As compensation to Contractor for the services to be provided pursuant to this Agreement, WCCLS agrees to distribute funds to Contractor on the basis set forth in this section.

15.1. PURPOSE OF FUNDS. By receipt of funds from WCCLS, each Contractor agrees to expend those funds to provide library services according to Contractor's established policies, and to ensure that Contractor's library facilities are open for public use by all Eligible Users. Contractors must spend all funds received from WCCLS on library operations. Funds received from WCCLS cannot be used for new building construction, building expansion, or land acquisition. Funds may be used for building lease costs.

15.2. FUND BALANCE. The Board of County Commissioners, WCCLS and the Contractors are committed to a strategy that balances fiscal prudence with service delivery to meet community needs. WCCLS will maintain a minimum fund balance of three months of total annual expenditures. As projected annual expenditures increase, the total minimum fund balance will increase proportionately.

15.3. FUNDING DISTRIBUTION. WCCLS shall determine the total payment to be made to each Contractor during the term of this Agreement by using the method set forth in Section 15 and based on figures set forth in EXHIBIT A "Funding Distributions." Funding distributions to Contractors shall be provided through the following mechanisms.

15.3.1. LIBRARY OPERATIONS ALLOCATION. This is the primary mechanism to provide funding to Contractors and incorporates the Pool 1 and Jump Start allocations from the prior agreement, set forth in EXHIBIT B "Prior Agreement." In any year in which Assessed Value increases by 3% or more and the Washington County General Fund transfer to WCCLS is maintained at current levels, Contractors shall each receive an increase of 3% in the following year. The projected Assessed Value growth rate for the next fiscal year is provided in November or December. Should the projected Assessed Value growth rate be less than 3% in any year, WCCLS will notify Contractors as soon as possible and no later than January 31 of the next year.

15.3.2. REVENUE CONTINGENT ALLOCATION. This is a mechanism to provide an additional funding allocation to Contractors should actual revenue be higher than projected; it is contingent on the actual revenue collected in the prior fiscal year. This mechanism replaces Pool 2 from the prior agreement set forth in EXHIBIT B “Prior Agreement.” Should the Revenue Contingent Allocation amount (forecasted or actual) be less than \$25,000, the WCCLS Policy Group will recommend to the WCCLS Executive Board an initiative of mutual benefit to use the Revenue Contingent Allocation funds, rather than distributing the funds to Contractors.

15.3.2.1. FORECASTED REVENUE CONTINGENT ALLOCATION. Each November or December, the County Finance department provides property tax revenue projections. Each year, WCCLS will provide Contractors with a Forecasted Revenue Contingent Allocation amount for their budget planning purposes as soon as possible and no later than January 31 with the following formulas:

15.3.2.1.1. TOTAL FORECASTED REVENUE CONTINGENT ALLOCATION.

$$[\text{County General Fund Transfer} + \text{Projected Local Option Levy Revenue} + \text{Delinquent Taxes}] - [\text{Library Operations Allocation} + \text{WCCLS Operation Budget}] = \text{Total Forecasted Revenue Contingent Allocation}$$

15.3.2.1.2. EACH CONTRACTOR’S FORECASTED REVENUE CONTINGENT ALLOCATION.
$$[100\% \text{ of Total Forecasted Revenue Contingent Allocation} / \text{Total Number of Full-Service Locations excluding those operated by Washington County}] \times [\text{Number of Full-Service Locations operated by Contractor}] = \text{Each Contractor’s Forecasted Revenue Contingent Allocation.}$$

15.3.2.2. ACTUAL REVENUE CONTINGENT ALLOCATION. Each October, the actual property tax revenue collected in the prior fiscal year is available. WCCLS will provide Contractors with a total Actual Revenue Contingent Allocation amount with the following formulas:

15.3.2.2.1. TOTAL ACTUAL REVENUE CONTINGENT ALLOCATION.

$$[\text{County General Fund Transfer} + \text{Actual Local Option Levy Revenue} + \text{Delinquent Taxes}] - [\text{Library Operations Allocation} + \text{WCCLS Operation Budget}] = \text{Total Actual Revenue Contingent Allocation}$$

15.3.2.2.2. EACH CONTRACTOR’S TOTAL REVENUE CONTINGENT ALLOCATION.
$$[100\% \text{ of Total Revenue Contingent Allocation} / \text{Total Number of Full-Service Locations excluding those operated by County}] \times [\text{Number of Full-Service Locations operated by Contractor}] = \text{Each Contractor’s Revenue Contingent Allocation.}$$

15.3.2.3. DISTRIBUTION OF REVENUE CONTINGENT ALLOCATION. WCCLS will request approval from the Board of County Commissioners to distribute the Actual Revenue Contingent Allocation to the Contractors. Authorized funds will be distributed in the next quarterly payment period.

15.3.3. EQUITY FUNDS. To achieve progress toward the Board of County Commissioners' equity goals, WCCLS will set aside funds to target the following areas. Equity funds will not impact Library Operations Allocations.

15.3.3.1. Supporting Contractors in compliance with Title VI of the Civil Rights Act by providing access to translation and interpretation services, identifying countywide vital documents and services, and making those documents available in target languages.

15.3.3.2. Commencing a multi-year process to analyze cooperative governance and funding structures, including data analysis, community indicators, and community and stakeholder engagement. Evaluating the funding structure and recommending solutions to address inequities with future library funding allocations and services. Planning for the structural and funding investments needed during the next levy. Contracting with firms to support this evaluation and engagement work.

15.3.3.3. Supporting other Countywide equity initiatives. The WCCLS Executive Board will create a task force to develop a process to allocate remaining Equity Funds to achieve countywide library service equity goals.

15.3.4. ONLINE FEE PAYMENT REVENUE. WCCLS provides a central online portal for the public to pay fees for lost and damaged materials. Online fee payment revenue, after deducting vendor processing expenses, will be allocated to fund WCCLS' digital content budget.

15.3.5. ADJUSTMENTS IN FUNDING DISTRIBUTIONS. Notwithstanding any other provision of this agreement or Exhibit A, WCCLS reserves the right to adjust distributions for the Library Operations Allocation to maintain a minimum fund balance of three months of total annual expenditures. Should the fund balance fall below three months of total annual expenditures, WCCLS will reduce amounts distributed to each Contractor in an amount proportionate to each Contractor's percentage of the total amount available for payment, as necessary to maintain a minimum fund balance of three months of total annual expenditures.

15.3.5.1. NOTIFICATION OF ADJUSTMENTS. WCCLS shall notify the Contractors in writing of any adjustments under this Section as soon as possible and no later than January 31. If reductions in revenue are necessary after the beginning of a fiscal year, County shall give sixty (60) days notification to Contractors, if possible.

15.3.6. DISTRIBUTION SCHEDULE. WCCLS shall make quarterly distributions to all contractors as follows: July 15, 2022 for city Contractors and July 1, 2022 for nonprofit Contractors. For all contractors: October 15, 2022, January 15, 2023, April 15, 2023, July 15, 2023, October 15, 2023, January 15, 2024, April 15, 2024, July 15, 2024, October 15, 2024, January 15, 2025, April 15, 2025, July 15, 2025, October 15, 2025, January 15, 2026, and April 15, 2026.

15.3.7. FINANCIAL REPORTING.

15.3.7.1. WCCLS shall provide Contractors with a copy of the County's annual audit, upon request by Contractors.

15.3.7.2. Contractors which are cities shall provide a copy of the City's annual audit, upon request by WCCLS.

15.3.7.3. Contractors which are Nonprofit Corporations shall provide a copy of an audit which is the result of an annual review of the Contractor's financial statements made by an independent certified public accountant, in accordance with standards of the American Institute of Certified Public Accountants. A copy of the audit shall be supplied by December 31st of each year to WCCLS via email to accounting@wccls.org. Contractors which are Nonprofit Corporations are encouraged to review and ensure that the Oregon Department of Justice's financial control recommendations for small nonprofits are implemented.

16. TERMINATION.

16.1. County may terminate this Agreement upon sixty (60) days written notice for a termination date no sooner than the end of the current fiscal year, if it determines, in good faith through an open, public process, that the public interest would be served by such termination, or adequate funds are not available.

16.2. Each Contractor shall have the right to terminate this Agreement upon sixty (60) days written notice if Contractor determines, in good faith through an open, public process, that the public interest in its jurisdiction or area of service would be served by such termination.

16.3. County and each Contractor may terminate participation in this Agreement separately, and Agreements between remaining Parties and County shall remain in effect.

16.4. If Contractor terminates its participation in the Agreement, the County shall distribute funds to the Contractor prorated to the date of termination.

17. INSURANCE. Each Contractor shall maintain comprehensive general liability insurance or adequate reserves in a program of self-insurance covering personal injury and property damage for the Contractors, its employees and agents.

17.1. For Contractors which are cities, the insurance coverage shall cover the minimum amount specified in ORS 30.271.

17.2. For Contractors which are Nonprofit Corporations, certification of insurance meeting the County's minimum requirements as set forth in EXHIBIT D "Insurance Requirements Summary Form," shall be provided to WCCLS, and all such insurance coverage shall name Washington County, its officers, employees and agents as additional insureds. Annual renewal certificates of insurance shall be submitted promptly to WCCLS via email to accounting@wccls.org.

18. COMPLIANCE WITH APPLICABLE LAWS. The Parties shall comply with all local, state, and federal ordinances, statutes, laws and regulations that are applicable to the services provided under this Agreement.

18.1. Equal Opportunity Contractor shall not discriminate against its employees (including applicants for employment) on the basis of race, color, religion, gender, sexual orientation, national origin, disability, age, or marital status except in case of bona fide occupational qualifications as defined and provided by applicable federal or state law. No person shall be denied or subjected to discrimination in receipt of the benefits of any services or activities made possible by or resulting from this Agreement on the grounds of race, color, religion, gender, sexual orientation, national origin, disability, age, or marital status. Any violation of this provision shall be grounds for cancellation, termination or suspension of the Agreement in whole or in part by County.

18.2. Public Contracting Statutes ORS 279B.200 through 279B.240 and 279C.500 through 279C.870, as applicable, are incorporated herein by reference. As applicable, the Contractor agrees to:

18.2.1. Make payment promptly, as due, to all persons supplying to Contractor, labor or material for the performance of the work provided for in this Agreement;

18.2.2. Pay all contributions or amounts due the Industrial Accident Fund incurred in the performance of the Agreement;

18.2.3. Not permit any lien or claim to be filed or prosecuted against the County on account of any labor or material furnished pursuant to this Agreement; and

18.2.4. Pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

19. INDEMNIFICATION. Each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of that party. If the indemnifying party is a unit of local government, such indemnification shall be subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.302, and the Oregon Constitution.

20. DEBT LIMITATION. This Agreement is expressly subject to the debt limitation of Oregon Counties set forth in Article XI, Section 10 of the Oregon Constitution, and is contingent upon appropriation of funds therefor.

21. INDEPENDENT CONTRACTOR. Each party is an independent contractor with respect to each other party and has no control over the work performed by the other. No party is an agent or employer of another party. No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.

22. NOTICE. Each party shall give the other immediate written notice of any action or suit filed or any claim made against that party that may result in litigation in any way related to this Agreement.

23. COUNTERPARTS. This Agreement may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.

24. CAPTIONS. Captions and headings used in this Agreement are for convenience only and shall not be construed or interpreted so as to enlarge or diminish the rights or obligations of the Parties hereto.

25. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Agreement is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Agreement unless the result of the holding is a failure of consideration of any party.

26. AMENDMENT. This Agreement may only be amended in writing and signed by all of the Parties.

SIGNATURES

For Washington County

Approved as to form:

Signature: _____

Signature: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

For Contractor

Approved as to form:

Signature: _____

Signature: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

EXHIBIT A: LIBRARY OPERATIONS ALLOCATION FORECAST

EXHIBIT A: LIBRARY OPERATIONS ALLOCATION FORECAST

Library Operations Allocation	Budgeted FY21-22 allocation	Forecasted FY22-23 allocation	Forecasted FY23-24	Forecasted FY24-25	Forecasted FY25-26
Aloha Community Library	\$ 546,364.00	\$ 562,755.00	Forecast to increase by 3% from previous fiscal year unless otherwise indicated by WCCLS.	Forecast to increase by 3% from previous fiscal year unless otherwise indicated by WCCLS.	Forecast to increase by 3% from previous fiscal year unless otherwise indicated by WCCLS.
Banks Public Library	\$ 238,853.00	\$ 246,019.00			
Beaverton City Library	\$ 6,365,505.00	\$ 6,556,470.00			
Cedar Mill Community Library	\$ 4,707,945.00	\$ 4,849,183.00			
Cornelius Public Library	\$ 570,387.00	\$ 587,499.00			
Forest Grove City Library	\$ 929,832.00	\$ 957,727.00			
Garden Home Community Library	\$ 570,557.00	\$ 587,674.00			
Hillsboro Public Library	\$ 5,801,267.00	\$ 5,975,305.00	See Section 15 of the Agreement for reference.	See Section 15 of the Agreement for reference.	See Section 15 of the Agreement for reference.
North Plains Public Library	\$ 195,589.00	\$ 201,457.00			
Sherwood Public Library	\$ 981,840.00	\$ 1,011,295.00			
Tigard Public Library	\$ 4,022,207.00	\$ 4,142,873.00			
Tualatin Public Library	\$ 1,786,052.00	\$ 1,839,634.00			
Totals	\$ 26,716,398.00	\$ 27,517,891.00			

The amounts in the *Forecasted FY22-23 allocation column* are pending Board of County Commissioners adoption of the FY22-23 budget.

EXHIBIT B: PRIOR AGREEMENT

AGENDA	
WASHINGTON COUNTY BOARD OF COMMISSIONERS	
Agenda Category:	<u>Consent – Cooperative Library Services</u>
Agenda Title:	<u>APPROVE PUBLIC LIBRARY SERVICES AGREEMENT FY16-17 THROUGH FY20-21</u>
Presented by:	<u>Eva Calcagno, Cooperative Library Services Director</u>
SUMMARY: Background: The Public Library Services Agreement defines the responsibilities of the Washington County Cooperative Library Services (WCCLS) and the nine cities and three non-profit organizations that provide public library service to county residents. The agreement also outlines the central support services provided by WCCLS to member libraries, and serves as the primary vehicle for distribution of county funds to public library service providers. With the passage of the 2015 WCCLS Levy, there will be twelve contractors: the cities of Banks, Beaverton, Cornelius, Forest Grove, Hillsboro, North Plains, Sherwood, Tigard, and Tualatin, and the Aloha, Cedar Mill and Garden Home community library associations. The action requested is approval of a new five-year Agreement, replacing the current Agreement (MO#11-165). The WCCLS Executive Board has recommended adoption of this new Agreement for the term covering the same five-year period as the WCCLS Local Option Levy, July 1, 2016 through June 30, 2021. Because WCCLS revenues are linked to increases in property taxes and assessed value, the proposed Agreement includes a two-pool funding distribution formula. Pool One would provide each contractor an annual increase of 3% for the term of the Agreement (assuming County Assessed Value increases at least 3%). Pool One distributions are included below. If WCCLS annual revenues exceed 3%, the WCCLS Executive Board could choose to distribute additional funds in Pool Two to member libraries or to address projects of countywide benefit. This would be done in a separate distribution and presented to your Board for approval. The agreement has been distributed to all contractors, and has been approved or is scheduled for local council approval in June. (continued) DEPARTMENT'S REQUESTED ACTION: Approve the Public Library Services Agreement for FY16-17 through FY20-21 including Pool 1 funding distributions.	
COUNTY ADMINISTRATOR'S RECOMMENDATION: I concur with the requested action. APPROVED WASHINGTON COUNTY BOARD OF COMMISSIONERS MINUTE ORDER # <u>16-171</u> DATE <u>6-21-16</u> BY <u>Barbara Hejmanek</u> C. CLERK OF THE BOARD Agenda Item No. <u>2.v.</u> Date: <u>06/21/16</u>	

Exhibit A: Funding Distributions
WCCIS Public Library Pool 1 Funding For FY16-17 through FY20-21, with one-time adjustment in FY16-17

Library	FY15-16 Distribution	APPLY 4% Increase to "catch up"	3% annual increases ->					\$ increase over 5 yrs	% incr over 5 yrs
			FY16-17 Distribution (with base adjustments)	FY17-18 Distribution	FY18-19 Distribution	FY19-20 Distribution	FY20-21 Distribution		
Aloha			\$ 425,000	\$ 450,000	\$ 500,000	\$ 515,000	\$ 530,450		
Banks	\$ 135,596	\$ 141,020	\$ 167,705	\$ 172,737	\$ 177,919	\$ 183,256	\$ 188,754	\$ 53,158	39.2%
Beaverton	\$ 4,934,347	\$ 5,131,720	\$ 5,490,941	\$ 5,655,669	\$ 5,825,339	\$ 6,000,099	\$ 6,180,102	\$ 1,245,756	25.2%
Cedar Mill	\$ 3,645,857	\$ 3,791,691	\$ 3,981,275	\$ 4,100,714	\$ 4,223,735	\$ 4,350,447	\$ 4,480,961	\$ 835,104	22.9%
Cornelius	\$ 178,194	\$ 185,321	\$ 205,707	\$ 211,878	\$ 218,234	\$ 224,781	\$ 231,525	\$ 53,331	29.9%
Forest Grove	\$ 734,507	\$ 763,887	\$ 802,081	\$ 826,144	\$ 850,928	\$ 876,456	\$ 902,750	\$ 168,243	22.9%
Garden Home	\$ 379,103	\$ 394,267	\$ 413,980	\$ 426,400	\$ 439,192	\$ 452,368	\$ 465,939	\$ 86,836	22.9%
Hillsboro	\$ 4,582,623	\$ 4,765,928	\$ 5,004,224	\$ 5,154,351	\$ 5,308,981	\$ 5,468,251	\$ 5,632,298	\$ 1,049,675	22.9%
North Plains	\$ 104,437	\$ 108,614	\$ 168,717	\$ 173,778	\$ 178,992	\$ 184,361	\$ 189,892	\$ 85,455	81.8%
Sherwood	\$ 775,590	\$ 806,613	\$ 846,944	\$ 872,352	\$ 898,523	\$ 925,479	\$ 953,243	\$ 177,653	22.9%
Tigard	\$ 3,238,976	\$ 3,368,535	\$ 3,469,591	\$ 3,573,679	\$ 3,680,889	\$ 3,791,316	\$ 3,905,055	\$ 666,079	20.6%
Tualatin	\$ 1,410,865	\$ 1,467,300	\$ 1,540,664	\$ 1,586,884	\$ 1,634,491	\$ 1,683,526	\$ 1,734,031	\$ 323,167	22.9%
West Slope	\$ 743,265	\$ 772,996	\$ 796,186	\$ 820,071	\$ 844,673	\$ 870,013	\$ 896,114	\$ 152,849	20.6%
Totals	\$ 20,863,358	\$ 21,697,893	\$ 23,313,017	\$ 24,024,657	\$ 24,781,897	\$ 25,525,354	\$ 26,291,114	\$ 5,427,756	26.0%

Basic Library Threshold: (Included in FY16-17 distributions)		
Open 45 hours per week, 1FTE position (Director)		
Library	Net additional	
North Plains	\$ 50,327 (Gets NPPL 1FTE Director)	
Banks	\$ 16,814 (gets BAL 3 more hrs/week)	
Total	\$ 67,141	

Public Library Services Agreement

This Agreement is made by and between Washington County, a home rule subdivision of the State of Oregon hereinafter referred to as "County", on behalf of Washington County Cooperative Library Services, hereinafter referred to as "WCCLS," and the Cities of Banks, Beaverton, Cornelius, Forest Grove, Hillsboro, North Plains, Sherwood, Tigard, and Tualatin, and Aloha Community Library Association, Cedar Mill Community Library Association and Garden Home Community Library Association, hereinafter referred to as "Contractor(s)." County and Contractors are collectively known as "the Parties." WHEREAS, Washington County has approved funding for countywide library services including non-fee access by County residents to public libraries operated by Contractors; and

WHEREAS the Parties originally entered into this Agreement in 1976 and the Agreement has had subsequent amendments and renewals including the last one entered into on June 21, 2011 (MO #11-165); and

WHEREAS, the Parties to this Agreement are either units of local government empowered by ORS 190.010 to enter into an intergovernmental agreement or are private non-profit agencies operating public libraries; and

WHEREAS, the Parties desire to maintain and provide residents of Washington County with access to quality public library services and Contractors can provide such access and services.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties agree as follows:

1. DEFINITIONS

The following definitions shall be used in this Agreement:

- A. WCCLS (Washington County Cooperative Library Services) – An agency of County government that exists to coordinate, contract for or provide a full range of library and information services to all residents of the county.
- B. WCCLS Information Network– The system that includes: the shared integrated library system software (circulation, public access catalog, cataloging, serials control and acquisitions software); the WCCLS.org website and its resources; other databases and e-content provided by WCCLS for Contractors' staff or public access; wireless Internet access for the public; central site hardware and software; software, hardware or peripheral products provided to Contractors and supported by WCCLS; and the telecommunications network linking Contractors to the system and for Internet access.

Public Library Services' Agreement 2016

- C. Qualified Borrowers – All Washington County residents, residents of counties or cities with which Washington County has reciprocal borrowing agreements, and paying card holders.
- D. West Slope Community Library - The public library that is a department of WCCLS and managed by the County. For purposes of this Agreement, West Slope is a Contractor.
- E. Oregon Public Library Statistical Report – The report mandated by ORS 357.520, containing statistics and provided on an annual basis to the Oregon State Library via a reporting format determined by the State Library. Report data is typically due October 1 of each year.
- F. WCCLS Executive Board – the board established to advise the Board of County Commissioners and the Cooperative Library Services Director on matters pertaining to the funding for countywide library services, distribution of financial resources by WCCLS for the provision of countywide public library services, and long term governance and funding strategies.
- G. WCCLS Policy Group – the Board established to provide technical and professional support and advice to the WCCLS Executive Board, to develop and implement policies and procedures for delivery of countywide public library services, and to advise the Cooperative Library Services Director.

2. TERM OF AGREEMENT

This Agreement shall be in effect from July 1, 2016 through June 30, 2021, except as otherwise provided in Section 11 of this Agreement.

3. FUNDS

As compensation to Contractor for the services to be provided pursuant to this Agreement, WCCLS agrees to distribute funds to Contractor on the basis set forth in Section 5 and the Payment Schedule set forth in Section 7.

By receipt of funds from WCCLS each Contractor agrees to expend those funds to provide library services according to Contractor's established policies, and to ensure that Contractor's library facilities are open for public use by all Qualified Borrowers. Contractors must spend all funds received from WCCLS on the provision of library services.

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4. MINIMUM OPERATING REQUIREMENTS

By receipt of funds from WCCLS each Contractor agrees that Contractor's library facilities will be open to the public at least 45 hours per week, and to employ at least one full-time employee who will serve as the primary contact with WCCLS.

5. FUNDING DISTRIBUTION

A. WCCLS shall determine the total payment to be made to each Contractor during the term of this Agreement by using the method set forth in this Section and based on figures set forth in EXHIBIT A "Funding Distributions."

B. Payments to Contractors shall be budgeted in three (3) funding distribution pools.

1. Pool One. If the countywide assessed value increases at least 3% annually, for FY2016-17 the total amount in Pool One shall be \$23,313,017 as identified in EXHIBIT A. Thereafter, if countywide assessed value increases at least 3% annually Contractors shall each receive increases of 3% on an annual basis for the Term of this Agreement.

2. Pool Two. After actual County assessed valuation, tax levies and taxes are certified, County will determine WCCLS revenue which is subject to adjustment to actual revenue. WCCLS will use the WCCLS actual revenue to first fully fund Pool One distributions and budgeted WCCLS support and outreach services, including the Jump Start Operating Fund. WCCLS may then allocate additional funds to Pool Two. The WCCLS Executive Board shall recommend whether funds from Pool Two shall be distributed to Contractors, and if so, on what basis. Typically, the WCCLS Executive Board shall make the recommendation in February of each year. Any distribution of funds from Pool Two shall be distributed on a separate schedule from Pool One.

3. Jump Start Operating Fund. WCCLS shall create a third funding pool and use funds from this pool to support Contractors that physically expand a library building or add a new library branch during the term of this Agreement. Funds shall be allocated to support the operations of said expansions. WCCLS shall allocate funds through an application process created by the WCCLS Executive Board. Funds from this third funding pool will be added to the Contractor's Pool 1 base allocation at the beginning of the next Agreement term.

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6. ADJUSTMENTS IN PAYMENTS

- A. WCCLS may adjust payments if funding for payments noted in 5.B.1 is less than projected. WCCLS will reduce amounts paid to each Contractor in an amount proportionate to each library's percentage of the total amount available for payment.
- B. WCCLS shall notify the Contractors in writing of any adjustments under this Section after the County adopts the budget for the subsequent fiscal year. If reductions in revenue are necessary after the beginning of a fiscal year, County shall give sixty (60) days notification to Contractors, if possible.

7. PAYMENT SCHEDULE

- A. WCCLS shall make payments to those Contractors that are cities as follows:
 - 1. 80% (eighty percent) of the total annual payment shall be made on or before December 31; and
 - 2. 20% (twenty percent) of the total annual payment shall be made on or before April 15.
- B. Notwithstanding paragraph 7.A above, a city not formerly a party to a Public Library Services Agreement with WCCLS, that establishes a public library and becomes a party to this Agreement, shall be entitled to receive payment on a monthly basis during the term of this Agreement. The monthly payment shall be 1/12 of the total annual payment. In addition, WCCLS agrees that any city to which this subsection applies shall be entitled to receive monthly payments for the entire term of any renewal or successor agreement to which it becomes a party, provided funds are available.
- C. WCCLS shall make payments to those Contractors that are community libraries, specifically Aloha Community Library Association, Cedar Mill Community Library Association, Garden Home Community Library Association and the West Slope Community Library, on a monthly basis. The monthly payment shall be 1/12 of the total annual payment.

8. SPECIAL LIBRARY FUND

County, on behalf of WCCLS, shall maintain a Special Library Fund that shall include:

- A. Any remaining funds from a previous year which shall be carried over to the next year;
- B. All property tax collections made under all County library local option levies;

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- C. All transfers of county general funds made to WCCLS;
- D. All interest earnings on the Special Library Fund, in accordance with ORS 294.080(1); and
- E. Other revenues for library services.

9. SERVICES TO BE PROVIDED BY WCCLS

WCCLS agrees to provide the following central support and outreach services to Contractors and West Slope Community Library:

- A. Reciprocal borrowing with other metropolitan area public libraries and Oregon Library Passport Program participating libraries;
- B. Coordination of countywide library services among Contractors and with regional and state library service providers;
- C. Coordination of selection and purchase of shared electronic products available through WCCLS.org, coordination of training and education for adult services staff, coordination of countywide adult programming such as Summer Reading, and interlibrary loan borrowing from and lending to libraries outside of Washington County;
- D. Outreach services to special populations of Washington County residents, including, but not limited to, circulation of materials to those who cannot get to a public library (homebound), information and education about library-related services for child care providers and the children in their care, Latino and other cultural communities.
- E. Coordination and support of countywide youth services, including Summer Reading Programs and shared resources, coordination of training and education of youth services staff;
- F. Courier pick-up and delivery of materials between Contractors and provision of courier connections to regional library delivery systems;
- G. Planning for long-term growth and development of countywide library services;
- H. Operation and maintenance of the WCCLS Information Network as defined in the WCCLS Information Network Agreement; and
- I. Other services to address Long Range Service Plan goals as agreed upon by the Parties.

10. SERVICES TO BE PROVIDED BY CONTRACTORS

- A. Each Contractor agrees to ensure equity of access to materials, resources and services for all Qualified Borrowers.
- B. Qualified Borrowers will not be charged a fee for the initial circulation or renewal of library materials.
- C. Each Contractor shall apply all fees and policies uniformly to all Qualified Borrowers. Such fees may include special service and overdue fees.
- D. Each Contractor shall designate a staff member who will work with WCCLS and administer this Agreement on behalf of Contractor. Contractor shall authorized the staff member to receive and give any

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notices that may be required under this Agreement. Unless otherwise designated, this shall be the Library Director for each Contractor.

- E. Each Contractor shall meet all requirements for Level 5 Libraries as defined in the Admission of New Public Libraries to Washington County Cooperative Library Services, as approved by the WCCLS Executive Board May 23, 2012 and subsequent revisions.
- F. Each Contractor shall abide by shared policies and procedures as agreed upon by the WCCLS Policy Group.
- G. Each Contractor shall identify its membership in WCCLS through identification marks, and through public communications in selected library printed materials, websites or other publicity materials.

11. RECORD KEEPING

- A. WCCLS shall provide each Contractor with a copy of the County's annual audit, upon request by Contractor.
- B. Each Contractor shall provide WCCLS with a copy of Contractor's annual audit. For purposes of this Section, the following requirements shall apply:
 - 1. For Contractors which are cities, the audit shall be that of the city, and shall be supplied upon request of WCCLS.
 - 2. For Contractors which are community libraries (specifically Aloha Community Library Association, Cedar Mill Community Library Association and Garden Home Community Library Association), the audit shall be the result of an annual review of the Contractor's financial statements made by an independent certified public accountant in accordance with standards of the American Institute of Certified Public Accountants, and shall be supplied by December 31st of each year to WCCLS.
- C. Each Contractor shall provide WCCLS with a copy of its Oregon Public Library Statistical Report.

12. TERMINATION

- A. County may terminate this Agreement upon sixty (60) days written notice for a termination date no sooner than the end of the current fiscal year, if it determines, in good faith through an open, public process, that:
 - 1. The public interest would be served by such termination; or
 - 2. Adequate funds are not available.
- B. Each Contractor shall have the right to terminate this Agreement upon sixty (60) days written notice, if Contractor determines, in good faith, that:
 - 1. The public interest in its jurisdiction or area of service would be served by such termination; or

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2. Appropriated funds for Contractor are less than the amount reasonably anticipated.

C. County and each Contractor may terminate participation in this Agreement separately, and Agreements between remaining parties and County shall remain in effect.

D. If Contractor terminates its participation in the Agreement, the County shall distribute funds to the Contractor prorated to the date of termination.

13. INSURANCE

Each contractor to this Agreement shall maintain comprehensive general liability insurance or adequate reserves in a program of self-insurance covering personal injury and property damage for the Contractors, its employees and agents. The insurance coverage shall cover the minimum amount specified in ORS 30.271. For Contractors which are not units of local government, certification of insurance shall be provided to WCCLS and all such insurance coverage shall name Washington County, its officers, employees and agents as additional insureds.

14. COMPLIANCE WITH APPLICABLE LAWS

The Parties shall comply with all local, state, and federal ordinances, statutes, laws and regulations that are applicable to the services provided under this Agreement.

A. Equal Opportunity Contractor shall not discriminate against its employees (including applicants for employment) on the basis of race, color, religion, gender, sexual orientation, national origin, disability, age, or marital status except in case of bona fide occupational qualifications as defined and provided by applicable federal or state law. No person shall be denied or subjected to discrimination in receipt of the benefits of any services or activities made possible by or resulting from this Agreement on the grounds of race, color, religion, gender, sexual orientation, national origin, disability, age, or marital status. Any violation of this provision shall be grounds for cancellation, termination or suspension of the Agreement in whole or in part by County.

B. Public Contracting Statutes ORS 279B.200 through 279B.240 and 279C.500 through 279C.870, as applicable, are incorporated herein by reference. The Contractor agrees to:

1. Make payment promptly, as due, to all persons supplying, to Contractor, labor or material for the performance of the work provided for in this Agreement;
2. Pay all contributions or amounts due the Industrial Accident Fund incurred in the performance of the Agreement:

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3. Not permit any lien or claim to be filed or prosecuted against the County on account of any labor or material furnished pursuant to this Agreement; and
4. Pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

15. INDEMNIFICATION

Each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of that party. If the indemnifying party is a unit of local government, such indemnification shall be subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.302, and the Oregon Constitution.

16. DEBT LIMITATION

This Agreement is expressly subject to the debt limitation of Oregon Counties set forth in Article XI, Section 10 of the Oregon Constitution, and is contingent upon appropriation of funds therefor.

17. INDEPENDENT CONTRACTOR

Each party is an independent contractor with respect to each other party and has no control over the work performed by the other. No party is an agent or employer of another party. No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.

18. NOTICE

Each party shall give the other immediate written notice of any action or suit filed or any claim made against that party that may result in litigation in any way related to this Agreement.

18. COUNTERPARTS

This Agreement may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.

19. CAPTIONS

Captions and headings used in this Agreement are for convenience only and shall not be construed or interpreted so as to enlarge or diminish the rights or obligations of the parties hereto.

Public Library Services Agreement 2016

20. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Agreement is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Agreement unless the result of the holding is a failure of consideration of any party.

21. AMENDMENT

This Agreement may only be amended in writing and signed by all of the Parties.

APPROVED WASHINGTON COUNTY
BOARD OF COMMISSIONERS

MINUTE ORDER # 16-171

DATE 6-21-16

BY Barbara Hightmanek
CLERK OF THE BOARD

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EXHIBIT C: BOARD OF COUNTY COMMISSIONERS EQUITY RESOLUTION

IN THE BOARD OF COUNTY COMMISSIONERS FOR WASHINGTON COUNTY, OREGON		
In the Matter of Adopting a Resolution on) Diversity, Equity and Inclusion))	)))	RESOLUTION No. _____
This matter having come before the Washington County Board on February 25, 2020, and It appearing to the Board that: Whereas, the government of Washington County is of and for all the people of Washington County; and Whereas, Washington County is one of the most racially and ethnically diverse counties in the State of Oregon, and this diversity fuels innovation and supports robust communities and a rich cultural life in the county, the State of Oregon and the nation; and Whereas, areas and regions of the country that are more racially and ethnically diverse enjoy stronger economies – and often, better social and health outcomes – than those that are less diverse; and Whereas, we, the Washington County Board of Commissioners, recognize Oregon’s and America’s long history of racial discrimination, and the many barriers in our county that impede diversity, equity and inclusion; and Whereas, Washington County residents of color, on average, experience higher rates of poverty and unemployment, and have lower median incomes than the county’s White, non- Hispanic residents; and Whereas,		
Page 1 - RESOLUTION No. ()		
WASHINGTON COUNTY COUNSEL 155 N FIRST AVENUE, SUITE 340, MS #24 HILLSBORO, OR 97124 PHONE (503) 846-8747 - FAX (503) 846-8636		

- Hispanics are significantly under-represented in the Washington County government's workforce, while non-Hispanic Whites are significantly over-represented;
- African American and Hispanic youth in Washington County are much more likely to be referred to Juvenile Court than White youth; and
- The 2018 "Leading with Race" report from the Coalition of Communities of Color noted, among other findings, that:
 - Lenders in Washington County are more likely to reject home-loan applications from high-income African Americans and Latinos, 86% and 125% more likely, respectively, compared to those from high-income White (non-Hispanic) home-loan applicants.
 - As many as 68% of Native American single mothers with children are in poverty in Washington County, a rate even higher than the national poverty rate of 48% for Native American single mothers.

Whereas, despite these and other challenges, racial and ethnic communities in Washington County continue to build and nourish thriving families, businesses and neighborhoods; and

Whereas, these inequities can and must be addressed as Washington County has a moral and legal responsibility to provide all its residents with equitable access to the County's public resources; and

Whereas, we recognize and reaffirm Washington County's commitment to creating an inclusive culture that values and celebrates the diversity of the county's residents and employees; and

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WASHINGTON COUNTY COUNSEL
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HILLSBORO, OR 97124
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Whereas, we will lead the equitable delivery of Washington County's services to every county resident, and will provide equitable opportunities for growth, development and access to resources; and

Whereas, the government of Washington County is committed to dismantling long-standing systems, programs, policies and practices that may have historically created obstacles to the success of people of color, members of ethnic communities and any marginalized group; and

Whereas, the Washington County government is committed to ensuring that its staff in frontline and management roles mirrors the demographics of the community it serves; and

Whereas, the Board of Commissioners is taking a systematic approach to diversity, equity and inclusion and will proceed with care and thoughtfulness; and

Whereas, we acknowledge the diligent efforts and commitment to improving diversity, equity, inclusion and effectiveness provided by County frontline employees and leadership staff, including members of the Diversity, Equity and Inclusion (DEI) "Think Tank" and the staff Equity Committee; and

Whereas, the Board of County Commissioners values and will be responsive to the community's evaluation of and feedback about the County's diversity, equity and inclusion initiative; and

Whereas, Washington County government procures goods and services through the issuance of contracts and purchase orders with taxpayer funds; and

Whereas, we strive to act with humility and openness as we evolve new and better insights and solutions to achieving a more equitable Washington County and that this is a journey

with a long continuum that will require a long-term and ongoing commitment from this and future boards.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that on this 25th day of February, 2020, the Washington County Board of Commissioners will:

1. Commit to:
 - a. Fostering, supporting and strengthening equity and inclusion in the County's programs, practices and policies; and
 - b. Continuing to develop our understanding of the inequities that County policies, programs and practices may cause; and
 - c. Continuing to provide the leadership to make Washington County more equitable and inclusive to all marginalized groups; and
 - d. Ensuring that we spend the public's dollars in a way that maximizes benefit for the community and provides equitable access for all suppliers and contractors; and
 - e. Allocating and providing the resources needed to advance diversity, equity and inclusion in Washington County, and ensuring the County's new Office of Equity, Inclusion and Community Engagement is resourced to achieve the goals of this resolution; and
 - f. Developing workforce training programs that provide economic empowerment and career advancement opportunities for our employees and those we serve; and,
 - g. Structuring our organization to model services, practices and engagement approaches that equitably meets the needs of all residents.

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2. Direct the County Administrator to develop an organizational action plan through fiscal year 2020-21 to create:
 - i. The Washington County Office of Equity, Inclusion and Community Engagement, which will be housed in the County Administrative Office; and
 - ii. The Chief Equity Officer position, which will report to the County Administrator; and
 - iii. A staff Leadership Equity Council that will coordinate internal DEI efforts across County departments; and
 - iv. A Communities of Color Advisory Board that will foster collaboration with, and seek input from, communities of color on County policies and programs; and
 - v. A purchasing policy that will provide for access and opportunity for minority and women-owned firms to contract with Washington County to ensure that minority-owned and women-owned businesses have equitable access to these contracting and purchasing opportunities; and
 - vi. A workforce pipeline and training program that will promote recruitment, employment, hiring, training and retention opportunities for communities of color and other disparate communities in Washington County; and
 - vii. Quarterly reports to the Board on the progress of implementing this resolution and ongoing DEI efforts.

LET IT FURTHER BE RESOLVED that the Board of Commissioners adopts and certifies that the attached Addendums A & B be integral parts of this resolution and shall be used as a guide for implementation.

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EXHIBIT C: BOARD OF COUNTY COMMISSIONERS EQUITY RESOLUTION

DATED this 25th day of February, 2020.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

CHAIR KATHRYN HARRINGTON

RECORDING SECRETARY

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EXHIBIT D: INSURANCE REQUIREMENTS SUMMARY FORM

1/7/2022



INSURANCE REQUIREMENTS SUMMARY FORM

Contractor shall provide insurance coverage and limits as described below. All insurance carried by Contractor must be primary to and non-contributory with any insurance, including any self-insurance carried by the County. A waiver of subrogation in favor of the County shall be required on General Liability, Worker's Compensation and Automobile Liability coverage.

It is strongly advised that contractors give this information to their insurance agent to verify that all requirements can be met.

- 1. COMMERCIAL GENERAL LIABILITY INSURANCE.** Contractor shall at all times carry a Commercial General Liability insurance policy for Bodily Injury, Property Damage, and Personal Injury. This insurance shall include contractual liability coverage for the indemnity provided under this contract. The policy shall name Washington County, its agents, officers, elected officials and employees, as an **ADDITIONAL INSURED** by **separate endorsement**.
 - ☐ Not Required.
 - ☒ **COMMERCIAL GENERAL LIABILITY INSURANCE** with limits of not less than:
 - ☐ \$500,000 / \$1,000,000
 - ☒ \$1,000,000/\$2,000,000
 - ☐ \$2,000,000 / \$4,000,000
 - ☐ Other: \$ _____ each occurrence / aggregate for Bodily Injury and Property Damage.
 - ☐ **ADDITIONAL INSURED ENDORSEMENT** not required.
- 2. AUTOMOBILE LIABILITY INSURANCE.** Contractor shall at all times carry Automobile Liability Insurance for Bodily Injury and Property Damage for Contractor's vehicles, whether owned, hired, or non-owned, which includes coverage for Washington County, its agents, officers, elected officials and employees.
 - ☐ Not required.
 - ☒ **AUTOMOBILE LIABILITY INSURANCE** with a combined single limit per accident, or the equivalent of not less than:
 - ☒ \$1,000,000
 - ☐ \$2,000,000
 - ☐ Other: \$ _____ each accident for Bodily Injury and Property Damage for Contractor's vehicles whether owned, hired, or non-owned.
 - ☐ No requirement in excess of that required under state law.
 - ☐ Automobile Liability Additional Insured Endorsement is not required.

3. **PROFESSIONAL LIABILITY INSURANCE** Contractor shall at all times carry a Professional Liability/Errors and Omissions type insurance policy.

☒ Not required.

☐ PROFESSIONAL LIABILITY INSURANCE with limits of not less than:

☐ \$1,000,000/\$2,000,000

☐ \$1,000,000/\$3,000,000

☐ \$2,000,000/\$4,000,000

☐ Other: \$ _____ each occurrence (or each claim if coverage is afforded on a claims made basis)/aggregate to cover damages caused by error, omission or negligent acts related to the professional services to be provided under this contract.

4. ☒ **WORKERS' COMPENSATION INSURANCE.** Contractor shall comply with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers. No Workers' Compensation Insurance has been or will be obtained by the County for Contractor or Contractor's employees and subcontractors. Contractor shall provide and maintain workers' compensation coverage for its employees, officers, agents or partners as required by applicable workers' compensation laws including employers' liability with limits not less than \$500,000/ \$500,000/ \$500,000.

☐ OTHER: \$ _____

5. **OTHER COVERAGE(S) REQUIRED**

- A. ☐ **POLLUTION OR ASBESTOS LIABILITY INSURANCE** with limits of not less than

☐ \$1,000,000

☐ Other: \$ _____ each occurrence (or each claim if coverage is afforded on a claims made basis)

AND

☐ \$1,000,000

☐ Other: \$ _____ in the annual aggregate to cover damages due to Bodily Injury, Property Damage and Environmental Damage resulting from "sudden accidental" or "gradual" pollution and related cleanup costs.

- B. ☐ **EMPLOYEE DISHONESTY AND MONEY AND SECURITIES** with a limit of not less than \$ _____ each occurrence to cover Theft, Disappearance and Destruction of cash or negotiable securities in the care, custody or control of the contractor for County or on behalf of County clients.

- C. ☐ **CYBER LIABILITY INSURANCE** with limits of not less than

☐ \$1,000,000

☐ Other: \$ _____ each occurrence to cover data losses caused by cyber attacks, viruses, other threats, paper transactions, crisis services and lawsuits that result from data breaches or your failure to protect sensitive information.

- D. ☐ **PHYSICAL ABUSE AND MOLESTATION INSURANCE** with limits of not less than
☐ \$1,000,000
☐ Other \$ _____ each occurrence to cover actual or threatened physical abuse, mental injury, sexual molestation, or negligent employment, supervision, investigation, reporting to proper authorities or retention of any person for whom the Contractor is responsible for, including but not limited to Contractor and Contractor's employees and volunteers. Coverage can be provided by a separate policy or as an endorsement to the general or professional liability policies.
- E. ☐ **PRODUCTS COMPLETED OPERATIONS HAZARD ADDITIONAL INSURED**
 ENDORSEMENT naming Washington County, its agents, officers, elected officials and employees with respect to liability for Bodily Injury and Property Damage.
- F. ☐ **BUILDER'S RISK** \$ _____ Contractor to provide the additional coverage types and limits required on large construction projects, as outlined by the Risk Manager. The coverage requirements remain in place through the duration of the construction project. If the Builder's Risk policy renews annually during the construction project, any significant changes require County Risk Manager approval prior to implementation. The County is to receive copy of new policy with the approved changes and will attach to the original contract terms. Contractor with proof of payment and cost for coverage may be reimbursed at cost with no mark-up for the Builder's Risk coverage.
- G. ☒ **OTHER** (describe coverage and limits):
 County agrees to waive Subcontractor Insurance requirements.

NOTES:

Extended Reporting Coverage ("Tail Coverage"). For Professional Liability/Errors & Omissions Insurance written on a "claims made" basis and for any other required liability insurance provided on a "claims made" basis, Contractor shall provide "tail" coverage at the completion of the contract for a duration of thirty-six (36) months or continuous "claims made" liability coverage for thirty-six (36) months following contract completion. Continuous "claims made" coverage will be acceptable in lieu of "tail" coverage provided the retroactive date of the coverage is on or before the effective date of the contract.

Maximum Deductible/Retention. Any deductible or retention must be disclosed on the certificate of insurance and no deductible or retention may exceed \$25,000 without the prior written consent of the County. Contractor is responsible to pay any amounts within the deductible or retention amount.

Additional Insureds. The County, its agents, officers, elected officials and employees must be named as additional insureds with respect to Contractor's services to be provided under this Contract. All liability insurance policies, with the exception of professional and/or workers compensation policies, must be endorsed to show this additional coverage.

Insurance Certificates. Contractor shall deliver to the County, prior to the commencement of work, a certificate of insurance evidencing all policies required by this contract including additional insured provisions afforded by the policy. This requirement can be satisfied by providing a copy of the coverage form and/or the endorsement(s). Further, it is an affirmative obligation upon the Contractor to advise the Contract Administrator within two business days of any substantive change of any insurance policy or endorsement set out herein, and failure to do so shall be construed to be a breach of this contract.

Subcontractor Insurance. Contractor shall require and verify that all of its subcontractors of any tier provide insurance coverage and limits identical to the insurance required of the Contractor under this contract, unless the requirement is expressly modified or waived by the County.

Agenda Item: Public Hearing (*Second Reading*)

TO: Sherwood City Council

FROM: Joy L. Chang, Senior Planner

Through: Erika Palmer, Planning Manager, Julia Hajduk, Community Development Director,
Keith D. Campbell, City Manager, and Josh Soper, City Attorney

SUBJECT: Ordinance 2022-004, Amending sections of the Sherwood Zoning and Community Development Code for New Housing Choices to Comply with Oregon HB 2001 (*Second Reading*)

Issue:

Shall the City Council amend sections of the Sherwood Zoning and Community Development Code (SZCDC) for New Housing Choices?

Background: On April 19, 2022, City Council held its first public hearing on the proposed New Housing Choices ordinance. Staff provided a verbal staff report and answered questions on the proposed amendments. No public testimony was received. A second hearing was previously scheduled for May 3, 2022. The Mayor stated that he would not be able to attend that hearing and requested that it be continued to May 17, 2022. Staff is therefore recommending that Council open the second hearing as previously scheduled, take any public testimony that may be offered, and then continue the hearing to May 17, 2022.

Additionally, the Mayor had submitted written questions for staff prior to the first hearing that required research, and submitted further questions after the hearing. Staff is preparing a memorandum answering each of these questions, as well as other questions that came up during the first hearing, and will provide that memorandum to Council in advance of the May 17, 2022 meeting date.

Due to anticipated further amendments to the code text as a result of those questions, the clean code language attached to the ordinance for this hearing is the same version as the first hearing; it does not yet include any of the subsequent changes shown in the work-in-progress redlines attached to this staff report.

Financial Impacts:

Other than the cost to codify the text amendment, there is no specific financial impact associated with this change; the proposed amendments create development standards for new housing choices that would allow for a variety of housing, making it feasible for more housing construction through clear and objective standards. The proposed amendments can provide a positive economic impact on the local economy while preserving residential development capacity.

Recommendation:

Staff respectfully recommends City Council continue the second hearing on Ordinance 2022-004, amending sections of the Sherwood Zoning and Community Development Code for new Housing Choices to Comply with Oregon HB 2001 to May 17, 2022.

Attachments

1. Redline code language as of 4-18-22

Title 16

ZONING AND COMMUNITY DEVELOPMENT CODE

Proposed Amendments

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

~~BLUE STRIKETHROUGH~~ = TEXT TO BE DELETED

ORANGE UNDERLINED = NEW TEXT

RED EDITS = LEGAL REVIEW

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

Commentary

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

Division I. - GENERAL PROVISIONS

April 18, 2022
Housing Choices Standards

Chapter 16.02 Commentary

An additional purpose statement is added to reflect the Sherwood 2040 Attractive and Attainable Housing Goals and Policies. This language is not required to implement HB2001, but does implement the Sherwood 2040 policies related to housing.

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Housing Choices Standards

Chapter 16.02 - INTRODUCTION*

16.02.020 - Purpose

This Code is enacted to:

- A. Encourage the most appropriate use of land.
- B. Conserve and stabilize the value of property.
- C. Preserve natural resources.
- D. Facilitate fire and police protection.
- E. Provide adequate open space for light and air.
- F. Minimize congestion on streets.
- G. Promote orderly growth of the City.
- H. Prevent undue concentrations of population.
- I. Facilitate adequate provision of community facilities.
- J. Promote in other ways the public health, safety, convenience, and general welfare.
- K. Enable implementation of the Sherwood Comprehensive Plan in compliance with State Land Use_Goals.
- L. Provide opportunities for a range of housing options that offer choices in home size and price.

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Chapter 16.10 Commentary

New definitions are added to reflect the new middle housing types required by HB2001: triplex, quadplex, and cottage cluster. The definition for "Primary Use" is imbedded in Section 16.88 - INTERPRETATION OF SIMILAR USES. An amendment is proposed in this section by adding the definition of "Primary Use". This section also references to illustrative Figures in the TSP incorrection. Housekeeping amendments are proposed referencing back to the adopted TSP instead.

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Housing Choices Standards

Chapter 16.10 - DEFINITIONS

[...]

16.10.020 - Specifically

The following terms shall have specific meaning when used in this Code:

Common Courtyard: A common area for use by residents of townhomes, multi-family, and cottage cluster developments. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

Common-Wall Dwelling: Dwelling units with shared walls such as two-family, and multi-family dwellings. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages

Driveway Approach: The edge of a driveway where it abuts a public right-of-way.

Dwelling Types:

- **Accessory Dwelling Unit:** An interior, attached, or detached dwelling unit that is used in connection with, or that is accessory to, a single dwelling on a single lot or parcel. Also known as an ADU.
- **Cottage Cluster:** A grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood.”
- **Cottage Cluster, Community Building:** A building that is part of a cottage cluster for the shared use of residents that provides space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, community eating areas, or other similar uses.
- **Cottage Cluster Development:** A development site with one or more cottage clusters.
- **Duplex:** Two (2) attached dwelling units, in any configuration, located on a single lot or parcel.
- **Dwelling, Single-Family Detached:** A detached structure on a lot or parcel that is comprised of a single dwelling unit.
- **Dwelling, Single-Family Attached:** A single structure on two lots, containing two individual dwelling units, but with a common wall and a common property line. Otherwise identical to a two-family dwelling.
- **Dwelling, Two-Family or Duplex:** A single structure on one lot containing two individual dwelling units, sharing a common wall, but with separate entrances.
- **Dwelling, Townhome or Row House:** A single-family dwelling unit which is attached on one or both sides to a similar adjacent unit(s) on similar lot(s). The attachment is made along one or more common walls which are jointly owned. The units may either be on individual platted lots or may be located on a single lot as individual condominium units. The units are distinct from each other by scale, color, massing, or materials.
- **Dwelling, Multi-Family:** A single structure containing five (5) or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwellings include structures commonly called garden apartments, apartments and condominiums.

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- **Townhome:** A dwelling unit that is part of a row of two (2) or more attached dwelling units, where each unit is located on an individual lot or parcel and shares at least one common wall with an adjacent dwelling unit.
- **Townhome Block:** A unit of a townhome development consisting of no less than two (2) and no more than six (6) townhomes.
- **Townhome Project:** One or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhome property lines and the any commonly owned property.
- **Triplex:** Three (3) attached dwelling units, in any configuration, located on a single lot or parcel.
- **Quadplex:** Four (4) attached dwelling units, in any configuration, located on a single lot or parcel.

Dwelling Unit: Any room, suite of rooms, enclosure, building or structure designed or used as a residence for one household as defined by this Code, and containing sleeping, kitchen and bathroom facilities.

Entrance, Main: The entrance to a dwelling or building that most pedestrians are expected to use. Typically, this is the front door of a dwelling unit. Each dwelling may have a main entrance from the outside, or multiple dwellings may share one main entrance. In multi-dwelling or multitenant buildings, main entrances open directly into the building's lobby or principal interior ground-level circulation space. When a multi-dwelling or multitenant building does not have a lobby or common interior circulation space, each dwelling unit or tenant's outside entrance is a main entrance.

Façade, Street-Facing: The wall planes of a structure that are visible from, and at an angle of 45 degrees or less to, a front lot line or street side lot line. Angle measurements for curved front or street side lot lines shall be based on a straight line connecting the opposing lot corners of the front or street side lot line.

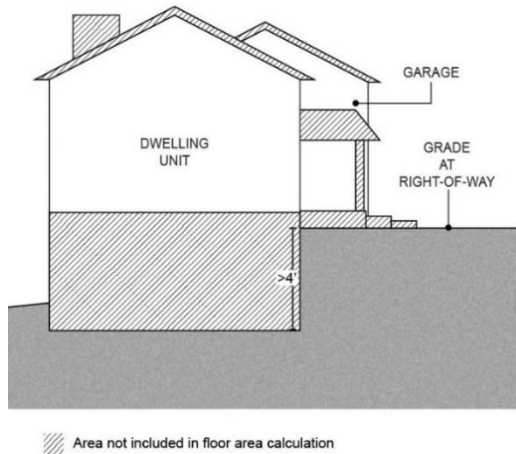
Family: Any-number of individuals living together regardless of familial or non-familial relationship.

Floor area: The total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following (see Figure 1):

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way;
- Roof area, including roof top parking;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.

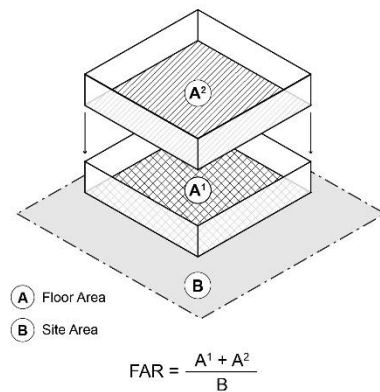
Figure 1. Areas Excluded from Floor Area Calculation

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Housing Choices Standards



Floor area ratio (FAR): The amount of floor area of a building or structure in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 0.7 to 1 means 0.7 square feet of floor area for every one square foot of site area. FAR is calculated by dividing the total floor area of all buildings on a site by the total site area (See Figure 2).

Figure 2. Floor Area Ratio (FAR) Calculation



Household: One person living alone or a group of people living together as a single unit, excluding occupants of a boardinghouse, fraternity, hotel, accessory dwelling unit, or similar use.

Middle Housing: A term for the following residential uses: that includes duplexes, triplexes, quadplexes, cottage clusters, and townhomes.

Open Space, Common: Private open space provided within a development which is provided for, and which is permanently accessible to, all residents/tenants of the development.

Porch: A roofed shelter, usually open at the sides, projecting from the face of a building and used to protect the entrance to a building; a carport is not considered a porch.

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Housing Choices Standards

Primary Use: A primary use is the activity, or combination of activities of chief importance on the site, and the main purposes for which the land or structures are intended, designed, or ordinarily used.

Street: A public or private road, easement or right-of-way that is created to provide access to one (1) or more lots, parcels, areas or tracts of land. Categories of streets include:

- A. Alley: A narrow street, typically abutting to the rear lot or property line. [~~Figure 8-3a of the Transportation System Plan illustrates the alley cross-section~~ See the adopted Transportation System Plan]
- B. Arterial: Arterial streets provide connectivity at a regional level, but are not State routes. [~~Figure 8-2 of the Transportation System Plan illustrates arterial cross-sections~~ See the adopted Transportation System Plan]
- C. Bikeway: Any road, path or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. Bikeways may include:
 - (1) Multi-use Path. A paved way (typically eight (8) to twelve (12) feet wide) separate from vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
 - (2) Bike Lane. A portion of the street (typically four (4) to six (6) feet wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
 - (3) Shoulder Bikeway. The paved shoulder of a street that does not have curbs or sidewalks that is four feet or wider and is typically shared with pedestrians.
 - (4) Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles. Also called "bike route."
 - (5) Multi-use Trail. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians (~~See the adopted Transportation System Plan~~NOTE: Figure 8-6 of the Transportation System Plan illustrates the multiuse-path and trail cross-sections).
- D. Common Green: A street that provides for pedestrian and bicycle access, but not vehicle access, to abutting property and generally provides a common area for use by residents. A common green may function as a community yard. Hard and soft landscape features may be included in a common green, such as groundcover, trees, shrubs, surfaced paths, patios, benches, or gazebos.
- E. Collector: Collectors are streets that provide citywide or district-wide connectivity. Collectors are primarily used or planned to move traffic between the local street system, and onto major streets, but may also accommodate through traffic. [~~See the adopted Transportation System Plan~~Figure 8-4 of the Transportation System Plan illustrates collector cross-sections.]
- F. Cul-de-Sac: A short street that terminates in a vehicular turnaround. See Section 16.108.060.
- G. Half Street: A portion of the width of a street, usually along the edge of a development, where the remaining portion of the street has been or could be provided by another development.
- H. Local Street: Local streets provide the highest level of access to adjoining land uses. Local streets do not provide through connection at any significant regional, citywide or district level. [Figures 8-5a and 8-5b of the Transportation System Plan illustrate local street cross-sections.]
- I. Marginal Access Street (frontage or backage road): A minor street parallel and adjacent to a principal arterial or arterial street providing access to abutting properties, but protected from through traffic. [~~See the adopted Transportation System Plan~~Figure 8-5a of the Transportation System Plan illustrates the cross-sections of a frontage or backage road.]

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- J. **Neighborhood Route:** Neighborhood routes are streets that provide connections within or between neighborhoods, but not citywide. Neighborhood routes are primarily used or planned to move traffic between the local street system, and onto collectors and arterials. ~~[See the adopted Transportation System Plan Figure 8-5a of the Transportation System Plan illustrates the neighborhood route cross-section.]~~
- K. **Principal Arterial:** Principal arterials are streets that provide connectivity at a regional level, and are typically State routes. ~~[See the adopted Transportation System Plan Figures 8-2 and 8-3b in the Transportation System Plan illustrates the principal arterial cross-section].~~
- L. **Shared Court:** A street that is designed to accommodate – within the same circulation space – access for vehicles, pedestrians, and bicycles to abutting property. Instead of a sidewalk area that is separate from vehicle areas, a shared court is surfaced with paving blocks, bricks or other ornamental pavers to clearly indicate that the entire street is intended for pedestrians as well as vehicles. A shared court may also include traffic calming measures to ensure safe co-existence of pedestrians, vehicles, and bicycles. Like a common green, a shared court may function as a community yard. Hard and soft landscape features and street furniture may be included in a shared court, such as trees, shrubs, lighting fixtures, and benches.

Sufficient Infrastructure: Per OAR 660-046-020, the following level of public services to serve new Triplexes, Quadplexes, Townhomes, ~~or~~ and Cottage Cluster developments:

- ~~Connection to a public sewer system capable of meeting established service levels established in the City Engineering Design and Standard Details Manual.~~
- ~~Connection to a public water system capable of meeting established service levels established in the City Engineering Design and Standard Details Manual.~~
- ~~Access to a city's public street system via public or private streets meeting adopted emergency vehicle access standards to a city's public street system established in the City Engineering Design and Standard Details Manual.~~
- ~~Storm drainage facilities capable of meeting established service levels established in the City Engineering Design and Standard Details Manual for storm drainage.~~

Townhome: See "Dwelling Types: Townhome"

Window area: The aggregate area of the glass within each window, including any interior grids, mullions, or transoms.

Division II. - LAND USE AND DEVELOPMENT

April 18, 2022
Housing Choices Standards

Chapter 16.12 Commentary

Multiple amendments are proposed to comply with HB2001 minimum compliance requirements:

- Exemptions to the density maximums of 16.12.010 for middle housing in residential zones, with the exception of townhomes, which are subject to density maximums of 4 times the allowable density or 25 dwelling units per acre, whichever is less.
- A new section 16.12.010.F was added to further clarify allowable housing density maximums for various middle housing types per the specific allowances/restrictions of HB2001/OAR Division 46. This section also includes housing density minimums for cottage clusters.
- Subsection 16.12.020 - Allowed Residential Land Uses was updated to reflect HB2001 requirements that all middle housing types be permitted in all residential zones that permit single detached dwellings.
- Subsection 16.12.030 - Residential Land Use Development Standards was updated to reflect the minimum requirements of HB2001/Division 46 for middle housing. The proposed revisions reflect minimum compliance with HB2001 standards.

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Housing Choices Standards

Chapter 16.12 - RESIDENTIAL LAND USE DISTRICTS

The residential districts are intended to promote the livability, stability and improvement of the City's neighborhoods.

16.12.010 - Purpose and Density Requirements

A. Very Low Density Residential (VLDR)

1. Standard Density

The VLDR zoning district provides for low density, larger lot single-family housing and other related uses in natural resource and environmentally sensitive areas that warrant preservation but are otherwise deemed suitable for limited development. Standard density in the VLDR zone is 0.7 to 1 dwelling unit per acre [\(except middle housing types pursuant to 16.12.010.F\)](#).

2. VLDR Planned Unit Development Density Standards

Property in the VLDR zone that is developed through the Planned Unit Development (PUD) process under Chapter 16.40, if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, may develop to a density of 1.4 to 2.0 dwelling units per net buildable acre [\(except middle housing types pursuant to 16.12.010.F\)](#) under the following conditions:

- a. The minimum lot size is not less than 10,000 square feet;
- b. The following areas are dedicated to the public or preserved as common open space: floodplains under Section 16.134.020 (Special Resource Zones); natural resources areas as shown on the Natural Resources and Recreation Plan Map, attached as Appendix C, or as specified in Chapter 5 of the Community Development Plan; and wetlands defined and regulated under current Federal regulation and Division VIII of this Code; and
- c. The higher density development will better preserve natural resources as compared to one (1) unit per acre.

3. Southeast Sherwood Master Planned Unit Development

- a. Property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan may develop to a maximum density of four (4.0) dwelling units per net buildable acre [\(except middle housing types pursuant to 16.12.010.F\)](#).
- b. Development under Section 16.12.010.A.3 must generally follow the development pattern shown as Alternative B/C in the SE Sherwood Master Plan (2006) and address the following factors:
 - (1) Varied lot sizes are allowed with a minimum lot area of 10,000 square feet if it can be shown that adequate buffering exists adjacent to developed properties with screening, landscaping, roadways or open space.
 - (2) The open space areas as required by Chapter 16.40 (Planned Unit Development), where feasible, should include parks and pathways that are located within the general vicinity of Alternative B/C in the SE Sherwood Master Plan.
 - (3) There is a pedestrian-friendly transportation system that links the site with nearby residential developments, schools, parks, commercial areas and other destinations.
 - (4) The unique environmental opportunities and constraints identified in the SE Sherwood Master Plan.
 - (5) The view corridors identified in the SE Sherwood Master Plan.

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Housing Choices Standards

- (6) The housing design types that are compatible with both surrounding and existing development.
 - c. A density transfer under Chapter 16.40.050.C.2. is not permitted for development under this Section 16.12.010.A.3.
 - d. The Planning Commission will consider the specific housing design types identified and the preservation of the identified view corridors at the time of final development review to ensure compatibility with the existing and surrounding development.
- B. Low Density Residential (LDR)
- The LDR zoning district provides for single-family housing and other related uses with a density of 3.5 to 5 dwelling units per acre (except middle housing types pursuant to 16.12.010.F). Minor land partitions shall be exempt from the minimum density requirement.
- C. Medium Density Residential (MDRL)
- The MDRL zoning district provides for single-family and duplex housing, manufactured housing and other related uses with a density of 5.6 to 8 dwelling units per acre (except middle housing types pursuant to 16.12.010.F). Minor land partitions shall be exempt from the minimum density requirements.
- D. Medium Density Residential High (MDRH)
- The MDRH zoning district provides for ~~a variety of medium density housing, including single family, duplex housing, manufactured housing, multi-family~~ housing, and other related uses with a density of 5.5 to 11 dwelling units per acre (except middle housing types pursuant to 16.12.010.F). Minor land partitions are exempt from the minimum density requirement.
- E. High Density Residential (HDR)
- The HDR zoning district provides for housing and other related uses with density of 16.8 to 24 dwelling units per acre (except middle housing types pursuant to 16.12.010.F). Minor land partitions shall be exempt from the minimum density requirement.

F. Density Standards for Middle Housing.

In the residential zones, density standards shall be applied to middle housing types as established here. Middle housing types include: duplex, triplex, quadplex, townhome, and cottage cluster.

1. Maximum density standards shall not be applied to duplex, triplex, quadplex or cottage cluster development.
2. Cottage clusters must meet a minimum density of four (4) units per net buildable acre.
3. For townhome development, the follow maximum densities shall apply:
 - a. VLDR Zone: 4 units/acre
 - b. VLDR PUD Zone: 8 units/acre
 - c. SE Sherwood Master PUD Zone: 16 units/acre
 - d. LDR Zone: 20 units/acre
 - e. MDRL Zone: 25 units/acre
 - f. MDRH Zone: 25 units/acre
 - g. HDR Zone: 25 units/acre

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Housing Choices Standards

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2013-003, § 2, 9-3-2013; Ord. No. 2011-003, § 2, 4-5-2011)

16.12.020 - Allowed Residential Land Uses

A. Residential Land Uses

The table below identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and defined in Chapter 16.10.

USES	VLDR	LDR	MDRL	MDRH	HDR
RESIDENTIAL					
• Single Family Detached Dwellings	P	P	P	P	P
• Duplex	N -P	N P	P	P	P
• <u>Triplex and Quadplex</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• <u>Cottage Cluster</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
• Multi-Family Dwellings	N	N	N	P	P
• Townhomes	N <u>P</u>	N <u>P</u>	N <u>P</u>	P	P
• Planned Unit Developments (PUDs)-subject to Chapter 16.40	P	P	P	P	P
• Manufactured Homes on Individual Lots	P	P	P	P	P
• Manufactured Home Park-subject to Chapter 16.46	N	N	P	P	N
• Accessory Dwelling Unit-subject to Chapter 16.52	P	P	P	P	P
• Group Homes ¹	P	P	P	P	P
Whereas P=Permitted, C=Conditional, N=Not Allowed					

¹ Group homes not to exceed five (5) unrelated persons in residence provided such facilities are substantially identical, in the city's determination, in physical form to other types of housing allowed in the zoning district.

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Housing Choices Standards

- B. Any use not otherwise listed that can be shown to be consistent or associated with the permitted uses or conditionally permitted uses identified in the residential zones or contribute to the achievement of the objectives of the residential zones will be allowed or conditionally permitted using the procedure under Chapter 16.88 (Interpretation of Similar Uses).
- C. Any use that is not permitted or conditionally permitted under this zone that cannot be found to be consistent with the allowed or conditional uses identified as in B. is prohibited in the residential zone using the procedure under Chapter 16.88 (Interpretation of Similar Uses).

(Ord. No. 2012-006, § 2, 3-6-2012; Ord. No. 2011-003, § 2, 4-5-2011)

16.12.030 - Residential Land Use Development Standards

A. Generally

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Variance and Adjustments)

B. Development Standards

1. Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 (Wetland, Habitat and Natural Areas), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.

2. Creation of new lots or parcels as part of a townhome or cottage cluster developments ~~is~~are subject to the applicable land division or Planned Unit Development approval process.

3. Sufficient Infrastructure. Prior to submittingobtaining a residential building permit for construction of any new middle housing structure or division of an existing structure into middle housing, the applicant must submit a request for verification of Sufficient Infrastructure, together with any documentation requested by the City Engineer or designee, verification must be submitted and receive approved from the City Engineer or designee.

C. Development Standards per Residential Zone

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
Minimum Lot areas:(in square ft.)						
• Single Family Detached	40,000	10,000	7,000	5,000	5,000	5,000
• Duplex	40,000	10,000	7,000	5,000	5,000	5,000
• <u>Triplex</u>	<u>40,000</u>	<u>10,000</u>	<u>7,000</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>

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Housing Choices Standards

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
• Quadplex	40,000	10,000	7,000	7,000	7,000	7,000
• Cottage Cluster	40,000	10,000	7,000	7,000	7,000	7,000
• Townhome ¹ :	Average of 1,500 SF per unit	Average of 1,500 SF per unit	Average of 1,500 SF per unit	Average of 1,500 SF per unit	Average of 1,500 SF per unit	Average of 1,500 SF per unit
• Multi-Family-Dwelling: for the first 2 units	X	X	X	10,000 X	8,000	8,000
• Multi-Family-Dwelling: each additional unit after first 2	X	X	X	X	3,200	1,500
Minimum Lot width at front property line: (in feet)	25	25	25	25	25	25
Minimum Lot width at front property line: (in feet) – Townhomes only	20	20	20	20	20	20
Minimum Lot width at building line ² : (in feet)						
• Single Family Detached; Duplex; Triplex ; Quadplex and Cottage Cluster	60	60	60	50	50	50
• Townhome	20	20	20	20	20	20
• Multi-Family dwelling	X	X	X	X	60	60
Lot Depth	80	80	80	80	80	80
Maximum Height (in feet) ³						
• Cottage Clusters	1.5 stories not to exceed 25 feet	1.5 stories not to exceed 25 feet	1.5 stories not to exceed 25 feet	1.5 stories not to exceed 25 feet	1.5 stories not to exceed 25 feet	1.5 stories not to exceed 25 feet

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Housing Choices Standards

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
• All other dwelling types	30 feet or 2 stories	30 feet or 2 stories	30 feet or 2 stories	30 feet or 2 stories	35 feet or 2.5 stories	40 feet or 3 stories
• Amateur Radio Tower	70	70	70	70	70	70
• Chimneys, Solar or Wind Devices, Radio and TV aerials ⁴	50	50	50	50	55	60
Setbacks (in feet)						
• Front yard ⁵	30	20	20	14	14	14
• <u>Front yard – Cottage Clusters only</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
• Face of garage	35	20	20	20	20	20
• Interior side yard ⁶						
• Single-Family Detached; Duplex; <u>Triplex; Quadplex; Cottage Cluster</u>	5	5	5	5	5	5
• Townhome	0	0	0	0	0	0
• Multi-Family Dwelling						
• 18 ft. or less in height	X	X	X	X	5	5
• Between 18—24 ft. in height	X	X	X	X	7	7
• If over 24 ft. in height	X	X	X	X	§ 16.68 Infill	§ 16.68 Infill
• Corner lot street side						
• Single-Family Detached; Duplex; <u>Triplex; Quadplex</u> ; Townhome	20	20	20	15	15	15

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Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
• <u>Cottage Cluster</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
• Multi-Family Dwelling	X	X	X	X	20	30
• Rear yard	20	20	20	20	20	20
• <u>Rear yard – Cottage Clusters only</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Floor Area</u>						
<u>Cottage Cluster</u>	<u>1st floor building foot print less than 900 sq. ft.</u> <u>2nd floor shall not exceed 50% of square footage of the 1st floor.</u>	<u>1st floor building foot print less than 900 sq. ft.</u> <u>2nd floor shall not exceed 50% of square footage of the 1st floor.</u>	<u>1st floor building foot print less than 900 sq. ft.</u> <u>2nd floor shall not exceed 50% of square footage of the 1st floor.</u>	<u>1st floor building foot print less than 900 sq. ft.</u> <u>2nd floor shall not exceed 50% of square footage of the 1st floor.</u>	<u>1st floor building foot print less than 900 sq. ft.</u> <u>2nd floor shall not exceed 50% of square footage of the 1st floor.</u>	<u>1st floor building foot print less than 900 sq. ft.</u> <u>2nd floor shall not exceed 50% of square footage of the 1st floor.</u>
Footnote: If the lot is an irregular shape see definition for Lot Line, Rear, Section 16.10 Definitions						

Notes:

1. For townhomes, interior units may have different lot sizes than exterior or corner units, as long as the average of all lots is not greater than 1,500 square feet.
2. Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard.
3. Maximum height is the lesser of feet or stories.
4. Some accessory structures, such as chimneys, stacks, water towers, radio or television antennas, etc. may exceed these height limits with a conditional use permit, per Chapter 16.62 (Chimneys, Spires, Antennas and Similar Structures).
5. Reductions in front yard setbacks for architectural features as described in 16.50.050 are not permitted in the MDRL, MDRH, or HDR zoning districts.
6. Adjustments and Variances to interior side-yard setbacks for all housing types are not allowed.

(Ord. No. 2018-007, § 2, 10-2-2018; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2014-006, § 2, 3-4-2014; Ord. No. 2012-006, § 2, 3-6-2012; Ord. No. 2011-003, § 2, 4-5-2011)

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16.12.040 - Community Design

A. Residential garages shall meet the minimum design standards listed on the table below:

	Minimum Width	Minimum Depth	Minimum Garage Door Width
One (1) Car Garage	12 ft.	20 ft.	8 ft.
Two (2) Car Garage	18 ft.	20 ft.	16 ft.
Three (3) Car Garage	26 ft.	20 ft.	Single Door – 8 ft. Double Door – 16 ft.

B. The vehicle parking area(s) shall be functional based on the minimum design standards listed on the table above, 16.12.040.A. Furnaces, stairs, etc. shall not be located within the garage designated parking areas.

C. Residential Front-Yard Landscaping – the front-yard area of a lot shall be fully landscaped excluding paved off-street parking areas, paved pedestrian paths, and utility areas. Landscaping materials shall meet standards identified in Section 16.92.020 Landscaping Materials.

D. For additional standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII, IX.

(Ord. No. 2011-003, § 2, 4-5-2011)

Chapter 16.14 Commentary

Chapter 16.14 Residential Building Design

HB2001 requires that all middle housing be reviewed through the same process and against the same standards as single detached dwellings. In addition, the Planning Commission had identified the adoption of residential design standards as part of the Sherwood 2040 project.

The community's desire for residential design standards was reinforced through the Visual Preference Survey and Virtual Open House.

This is a new code section that contains new design standards for single detached, duplex, triplex, quadplex, and cottage cluster development.

16.14.010 - Single Detached, Duplex, Triplex, Quadplex, Townhome, and Cottage Cluster Design Standards

16.14.010.B. Review Process

In order to comply with HB2001 requirements for a clear and objective review process for middle housing (which expands existing State requirements for a clear and objective review process for all "needed housing," which includes all residential development within the Metro area), a new ministerial Residential Design Checklist review is proposed. A ministerial application is one that is reviewed against clear and objective standards and requires no discretion by reviewers.

In order to accommodate creative approaches and/or situations created by unique lot configurations without creating an entirely new system, the City's existing Type I Adjustment and Type II Class B Variance applications were modified to allow minor revisions to the new proposed design standards.

To allow for developments that do not meet the standards but meet the intent of the standards and propose a creative approach to residential design, a Type IV Design Review process is available. This is based on the existing Type IV Design Review process for industrial developments.

16.14.010.C. Design Standards

On December 2021, Residential Design Standards were approved and applicable to all residential zones. These Residential Design Standards also applies to the proposed Housing Choices, plexes and cottage clusters. Furthermore, additional standards are also applicable to plexes and cottages as reflected in proposed section 16.14.030 (plexes) and 16.14.040 (Cottage Clusters).

Table 16.14-1 includes two columns: Design Standards, which can be reviewed through the clear and objective Residential Design Checklist process; and Design Guidelines, which can be reviewed through the Type IV Design Review process. The applicant can select the desired review type.

These standards are generally applicable to all single detached and middle housing, with some

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exceptions for cottage clusters. The standards are intended to guarantee a minimum level of design on building elevation(s) adjacent to a public right-of-way and public accessway and/or common courtyard-facing (in cottage clusters) facades.

In response to Planning Commission direction, as well as current limitations on the number of adjustments and variances that can be requested during a calendar year (3), the proposed design standards A-C can be modified through the Type I Adjustment or Type II Variance process. The detailed design standards included in section D cannot be adjusted. The concept is that an applicant would select standards from the menu that can be met; if the detailed design standards can't be met, then the Type IV Design Review option is available.

16.14.010.D. Illustrations

New figures are added to illustrate concepts for various housing types. This makes the code more user-friendly for applicants and staff reviewers.

16.14.030 - Additional Triplex and Quadplex Design Standards

The proposed standards are largely taken from the DLCD HB2001 Model Code. They address unique design considerations such as the number and location of driveways and the orientation of front entrances. To comply with HB2001, the standards relate to the size and location of the structure rather than the number of units.

16.14.040 - Additional Cottage Cluster Development and Design Standards

The proposed language is taken from the DLCD HB2001 Model Code for Large Cities and is intended to be a starting point for Planning Commission and City Council discussion. Staff has focused on the minimum requirements for implementation (Oregon Administrative Rules {OAR} 660, Division 46, Middle Housing). The standards apply to cottage clusters developed on one lot. If an applicant desires to create a cottage cluster development with each home on a separate lot, it can be achieved through the Condominium process and meet appropriate requirements of ORS Chapter 100, Condominiums.

Cottage clusters are intended to consist of smaller homes at a lower price point. To that end, the minimum requirements include:

- At least 4 dwellings per buildable acre
- At least 8 dwellings per cottage cluster
- Footprint of less than 900 sq. ft. per cottage (no maximum of floor area, which allows for multi-story cottages).

The proposed amendments require a minimum of 4 cottages per cottage cluster, regardless of lot size, and a maximum of 8 cottages per shared common courtyard. Allowing 12 cottages per cottage clusters per shared common courtyard would provide compliance with HB2001. Proposed language exceeds the minimum requirements of 8 dwellings per cottage cluster shared common courtyard.

The proposed amendments require a footprint of less than 900 sq. ft. per cottage. With discussion on number of stories that cottages should have based on the consideration of ageing in place, it was suggested that cottages should be limited to one and half stories to allow the possibility for a loft. The definition for "half story" as codified is

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Story, Half: A story under a gable, hip, or gambrel roof, the wall plates of which, on at least two exterior walls, are not more than three feet above the floor of such story.

Through the Commission direction, it was also recommended that the master bedroom must be located on main floor and the square footage of 2nd floor cannot exceed 50% of square footage of the 1st floor.

The Model Code for Large Cities introduces allowances for community buildings and incorporates the square footage of community buildings into the overall average square footage of the cottages. However, this provision does not increase the maximum 900 sq. ft. footprint mandated by HB2001. In response to the Planning Commission direction, community buildings will be allowed but limited to one story with a maximum size of 1,800 sq. ft.

In response to the City Council direction, garages for cottages will not be allowed.

As proposed, if cottage cluster developments are not able to meet the clear and objective standards, they are not eligible for a Type I Adjustment or Type II Class B Variance review and will require Planned Unit Development review and/or Residential Design Review.

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Chapter 16.14 - RESIDENTIAL BUILDING DESIGN

16.14.010 – Residential Building Design Standards for all housing types except for Multi-family housing that is subject to the provisions of Chapter 16.90 Site Planning.

A. Purpose

The following standards are intended to create walkable residential neighborhoods that are visually interesting, compatible with existing development, and avoid monotony in design.

The standards in this section are intended to be clear and objective to allow a streamlined review process per the Residential Design Checklist provisions of Chapter 16.89. Each standard has an associated guideline that provides flexibility for discretionary Design Review by the Planning Commission per Chapter 16.89, Residential Design Review if necessary or desired by the applicant. Adjustments or variances to the standards below can be requested through one of the review processes described in B below.

B. Review Process. The following review processes can be used to review those housing types that are subject to these standards per 16.14.010.C and 16.89.020.A through D. The applicable review process depends on the level of compliance with the clear and objective standards in this section.

1. If all applicable standards from this section are met, Residential Design Checklist review is applied per Chapter 16.89.
2. If any standards of Table 16.14-1 - A, B or C are not met outright, a Type I Adjustment or Type II Class B Variance is required, in addition to the Residential Design Checklist, per Chapter 16.89. The Detailed Design standards of Table 16.14-1.D cannot be adjusted.
3. If the applicant chooses to meet the design guidelines instead of the design standards, a Type IV Design Review is required, per Chapter 16.89.

C. Applicability

1. The standards in this section apply to all new residential development, unless otherwise indicated per the subsections below or per applicable overlay zones. Manufactured home parks and manufactured homes on individual residential lots are subject to the provisions of Chapter 16.46 Manufactured Homes. Additional standards are located in 16.14.020, [16.14.030](#), and [16.14.040](#). Multi-family development is subject to the provisions of Chapter 16.90 Site Planning.
2. Expansions and conversions of residential structures in Chapter 16.14. The standards in this section apply to expansions of existing residential structures or conversions of existing single detached dwellings into a duplex, triplex, quadplex or townhome that add more than 50 percent of area to any building elevation(s) adjacent to a public right-of-way or public accessway, as follows:
 - a. The expansion or conversion shall include design elements from Table 16.14-1 below that bring the overall building elevation(s) adjacent to a public right-of-way or public accessway closer to conformance with applicable standards; and

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- b. The expansion or conversion shall not bring the overall building elevation(s) adjacent to a public right-of-way or public accessway further out of conformance with applicable standards. Elements of the existing building elevation(s) adjacent to a public right-of-way or public accessway that are currently out of conformance shall not be made more non-conforming. Elements of the existing building elevation(s) adjacent to a public right-of-way or public accessway that are currently in conformance shall not be made non-conforming.

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Table 16.14-1. Residential Design Standards

Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
A. Entry location and orientation	
These standards apply to all new residential development, except for Multi-family, at the time of building permit submittal. At least one main entrance for each residential structure, or each townhome unit, must meet the following standards. 1. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit. 2. The entrance must either: a. Face the street; or b. Be at an angle of up to 45 degrees from the street; or c. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or d. Open onto a porch. If the entrance opens onto a porch, the porch must: <u>1)</u> Be at least 25 square feet in area with a minimum four-foot depth; <u>2)</u> Have at least one porch entry facing the street; <u>3)</u> Have a roof that is no more than 12 feet above the floor of the porch; and <u>4)</u> Have a roof that covers at least 30% of the porch area.	Building elevations facing streets, shared courts, and common greens should include pedestrian oriented entrances. Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance.
Additional provisions:	None
B. Garages and Off-Street Parking Areas	
These standards apply to all residential housing development except for townhomes and Multi-family development. Where one or more garages face a street, all of the following standards apply: 1. The front elevation of the garage(s) may not extend in front of the longest, street-facing elevation of the primary dwelling structure. 2. The width of all garages on the street-facing elevation shall not exceed 60 percent of the total width of that	Garages should not be a dominant feature of the front residential elevation. Garage doors should be articulated to reduce their visual impact.

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
elevation. The width of the garage shall be measured from the edges of the finished exterior garage wall. 3. Garages that face a street shall contain at least one of the following design features: a. Garage trellis or pergola extending at least 12 inches from the building face b. Windows on 15 percent of the garage door c. Natural wood finish d. A recess of at least three (3) feet behind the primary dwelling e. Use of multiple materials finish or colors	
Additional provisions:	16.14.020 – Additional Townhome Design Standards 16.14.030 – Additional Triplex and Quadplex Design Standards
C. Windows and Doors	
These standards apply to all residential housing development except for Multi-family development. A minimum of 15 percent of the area of the primary building elevation adjacent to a public right-of-way, <u>or common courtyard elevations</u> must include windows or entrance doors. For side building elevations, adjacent to a public right-of-way or public accessway, a minimum of 10 percent of area is required. Percentage calculation can include window trims and shutters. First floor roof elevations are excluded from the calculations. Elevations separated from the street property line by a dwelling are exempt from meeting this standard. For townhomes, this standard applies on each individual unit.	Building elevations adjacent to streets, shared courts, and common greens should include ample levels of glazing to ensure articulation on the façade, daylighting of interior spaces and visibility into the public realm.
Additional provisions:	None
D. Detailed design¹	
1. All single detached dwellings, and duplexes, <u>triplexes and quadplexes</u> shall incorporate at least five (5) of the following elements on the primary building elevation adjacent to a public right-of-way. At least one element shall be incorporated from each of Subsections a, b and c below. The other two required elements may come from any subsection (a through e) below.	Primary building elevations adjacent to streets, shared courts, and common greens should include pedestrian oriented design elements and other design features that provide articulation, variety, interest and quality.

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
<u>All cottages in a cottage cluster shall incorporate at least three (3) of the following elements on the building elevation(s) facing a public right-of-way and/or common courtyard-facing elevation. At least one element shall be incorporated from each of Subsections a, b and c below.</u> All townhome units shall incorporate at least two (2) of the following elements on the primary building elevation adjacent to a public right-of-way. At least one element shall be incorporated from two (2) of Subsections a, b and c below. For corner lots, this standard applies to both street-facing elevations. a. Porches, entries and other offsets: i. Covered porch at least 36 square feet with a depth not less than six (6) feet as measured perpendicular from the face of the main building façade to the edge of the porch. ii. Recessed entry area at least two (2) feet deep, as measured horizontally from the face of the main building façade, and at least five feet wide. iii. Offset on the building face of at least 16 inches from one exterior wall surface to the other. iv. Balcony that is at least three (3) feet deep, five (5) feet wide, and accessible from an interior room. b. Roof elements: i. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls. ii. Roof line offsets of at least two (2) feet from the top surface of one roof to the top surface of the other. iii. Any roofing materials other than asphalt shingles. iv. Gable roof, hip roof, shed roof, or gambrel roof design. v. Dormer that is at least four (4) feet wide. vi. Decorative eave braces.	

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
c. Window elements: i. Window trim around all windows at least three (3) inches wide and five-eighths (5/8) inches deep. ii. Window recesses, in all windows, of at least three (3) inches as measured horizontally from the face of the building façade. iii. Bay window at least one (1) foot deep and three (3) feet wide. iv. Shutters on the exterior of ground floor windows. v. Window Grids. d. Garage elements: i. Attached garage width, as measured between the edges of the exterior finished garage wall, of 30 percent or less of the total width of that elevation. ii. A balcony that extends out over the garage and includes columns. iii. Two separate doors for two car garages instead of one large door. iv. Decorative windows on the garage door. v. Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail. e. Building materials: i. Horizontal lap siding between three (3) to eight (8) inches wide (the visible portion once installed). ii. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40 percent of the street-facing façade. iii. Vertical board and batting siding three (3) to eight (8) inches wide (the visible portion once installed). iv. Belly band trim v. Four (4) Paint Color Scheme	

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
Additional provisions:	None
E. Building Materials	
Prohibited building materials include: 1. Aluminum 2. Vinyl 3. T-111 siding	Residential buildings should utilize durable and high-quality exterior building materials that create a visually appealing façade.
F. Limitation on parking	
Off-street parking is not allowed within the front yard of a dwelling except within a designated driveway or garage or per the provisions of 16.14.020 and 16.14.030 .	Parking is located in a manner that does not overwhelm the street-facing façade.
G. House plan variety	
This standard applies to new residential subdivisions and townhome developments only. It does not apply to cottage clusters. 1. No two directly adjacent or opposite dwellings in a single dwelling detached development of more than four units may have the same front or street-facing facade. This standard is met when front or street-facing facades differ from one another by at least three of the elements listed in subsections (3) through (8) below. Where facades repeat on the same block face, they must have at least three intervening lots between them that meet this standard. 2. No two directly adjacent or opposite townhome blocks in a development of more than two (2) townhome blocks may have the same front or street-facing façade. a. For this standard a townhome block is the entire structure of attached townhome units. b. This standard does not apply to individual units within the townhome block. c. This standard is met when front or street-facing facades differ from one townhome block to another by at least three of the elements listed in subsections (3) through (8) below. 3. Materials. The plans specify different exterior cladding materials, a different combination of materials, or different dimensions, spacing, or arrangement of the	New residential developments should provide a variety of house styles and means of articulation along the front façade to avoid repetitive facades along a block face.

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
same materials. This standard does not require or prohibit any combination of materials; it only requires that plans not repeat or mirror one another. 4. Articulation. The plans have different offsets, recesses, or projections; or the front building elevations break in different places. For example, a plan that has a stoop entry (recess) varies from one that has an entry under a front porch (projection). For this standard to apply, a recess must have a minimum depth of four (4) feet and a projection or offset must be at least four (4) feet in depth. 5. Variation in roof elevation. The plans have different roof forms (e.g., gable versus gambrel or hip), different roof height (by at least 10 percent), different orientation (e.g., front-facing versus side-facing gable), different roof projections (e.g., with and without dormer or shed, or different type of dormer or shed), or different roof pitch by more than 2 feet of vertical rise to 12 feet of horizontal run. 6. Entry or porch. The plans have different configuration or detailing of the front porch or covered entrance. 7. Fenestration. The plans have different placement, shape, or orientation of windows or different placement of doors. 8. Height. The elevation of the primary roofline (along the axis of the longest roofline) changes by not less than four (4) feet from building to building, or from dwelling unit to dwelling unit, on abutting lots, as applicable. Changes in finished grade of eight (8) feet or more from one lot to the adjacent lot are counted toward change in height for purposes of evaluating facade variation.	
Additional provisions:	16.14.020 – Additional Townhome Design Standards 16.14.030 – Additional Triplex and Quadplex Design Standards

Notes:

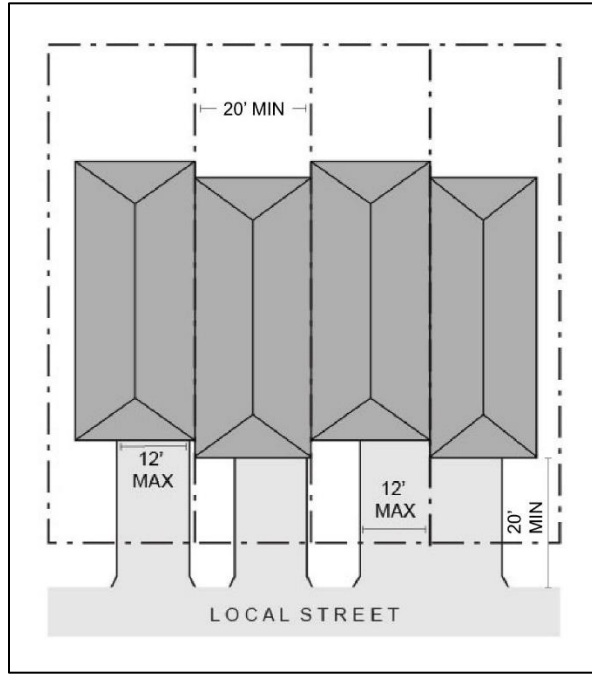
1. The Detailed Design standards in Subsection D of Table 16.14-1 cannot be adjusted through an Adjustment or Variance per Chapter 18.64. If a Detailed Design standard from Subsection D cannot be met for a development, then the development should utilize another option from the list.

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D. Illustrations

16.14.020 – Additional Townhome Design Standards

Figure 10. Townhome Garages



16.14.030 – Additional Triplex and Quadplex Design Standards

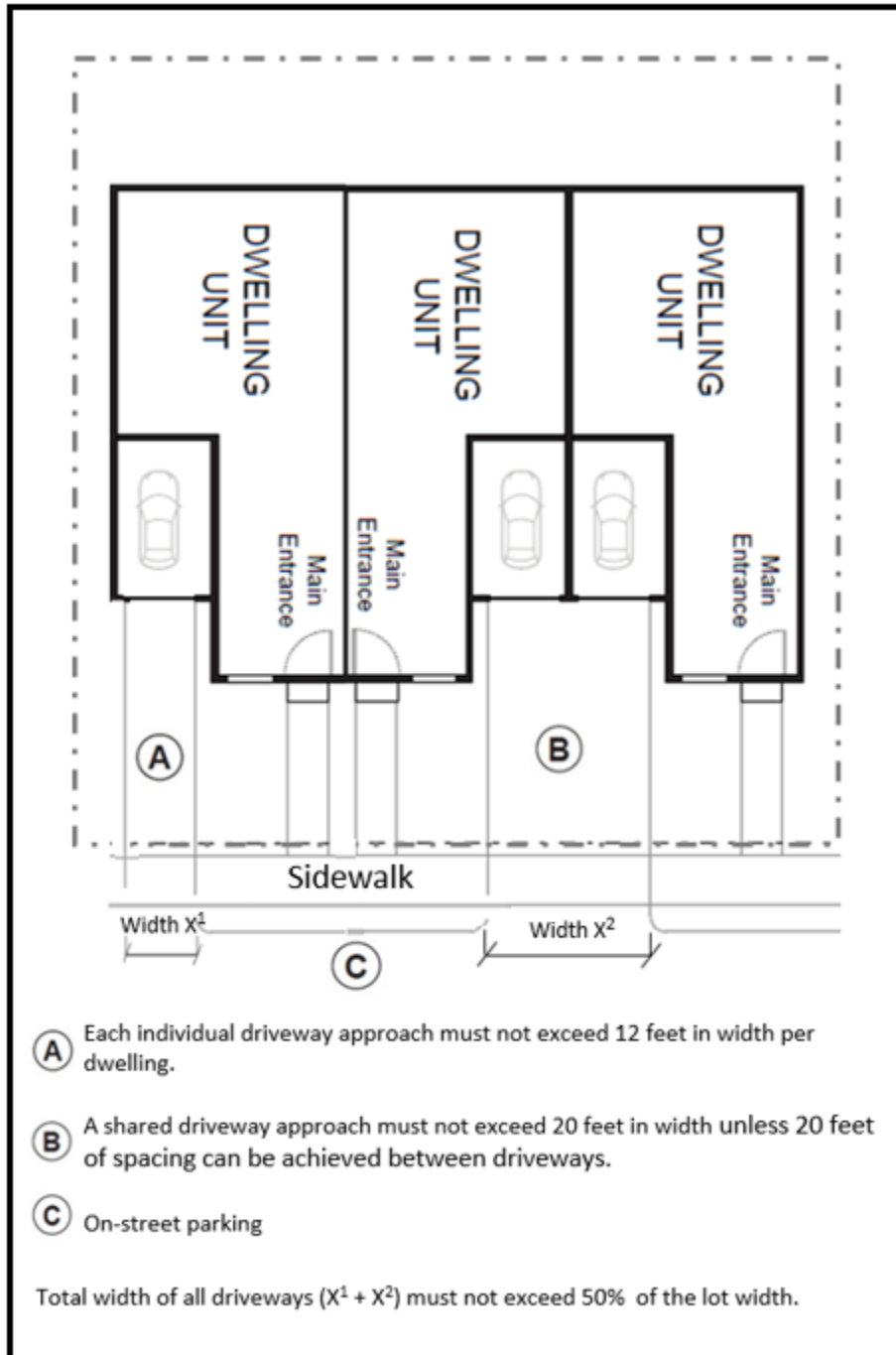
A. Driveway Approach.

Driveway approaches shall comply with the following:

1. Each individual driveway approach must not exceed 12 feet in width per dwelling served by the driveway. For lots or parcels with more than one frontage, see subsection (5) below.
2. Total width of all driveways shall not exceed 50 percent of the lot width-street frontage.
3. To maximize on-street parking opportunities, one shared driveway for every two units is required. Shared driveways are required, unless access is obtained from a public alley. A shared driveway is a single driveway serving two units. Developments with an odd number of units are permitted one (1) single unit driveway. A shared driveway approach must not exceed 20 feet in width unless a minimum of 20 feet of spacing can be achieved between driveways.
4. Driveway approaches must meet applicable driveway spacing standards for local streets.
5. In addition, lots or parcels with more than one frontage must comply with the following:
 - a. Lots or parcels must access the street with the lowest classification. For lots or parcels abutting an alley, access must be taken from the alley. If classifications are identical, access can be taken from either or both, subject to the other requirements of this code.
 - b. Lots or parcels with frontages only on collectors and/or arterial streets must meet the applicable driveway access standards for collectors and/or arterials.

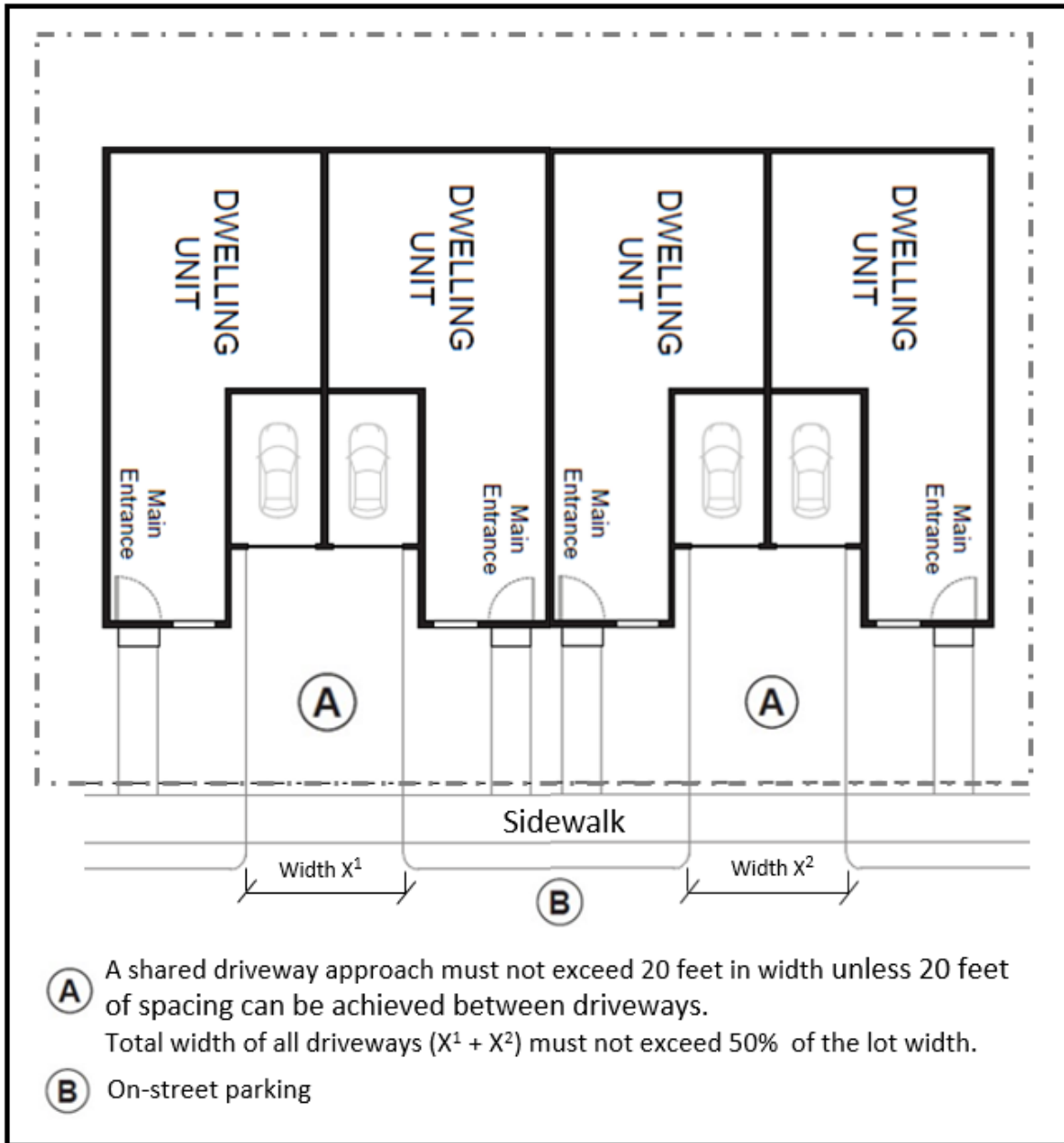
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Figure 11-A. Side-by-Side Triplex/Quadplex Driveway Approaches – Local Street



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Figure 11-B. Side-by-Side Triplex/Quadplex Driveway Approaches – Local Street



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Figure 12. Side-by-Side Triplex/Quadplex Driveway Approaches – More Than One Frontage

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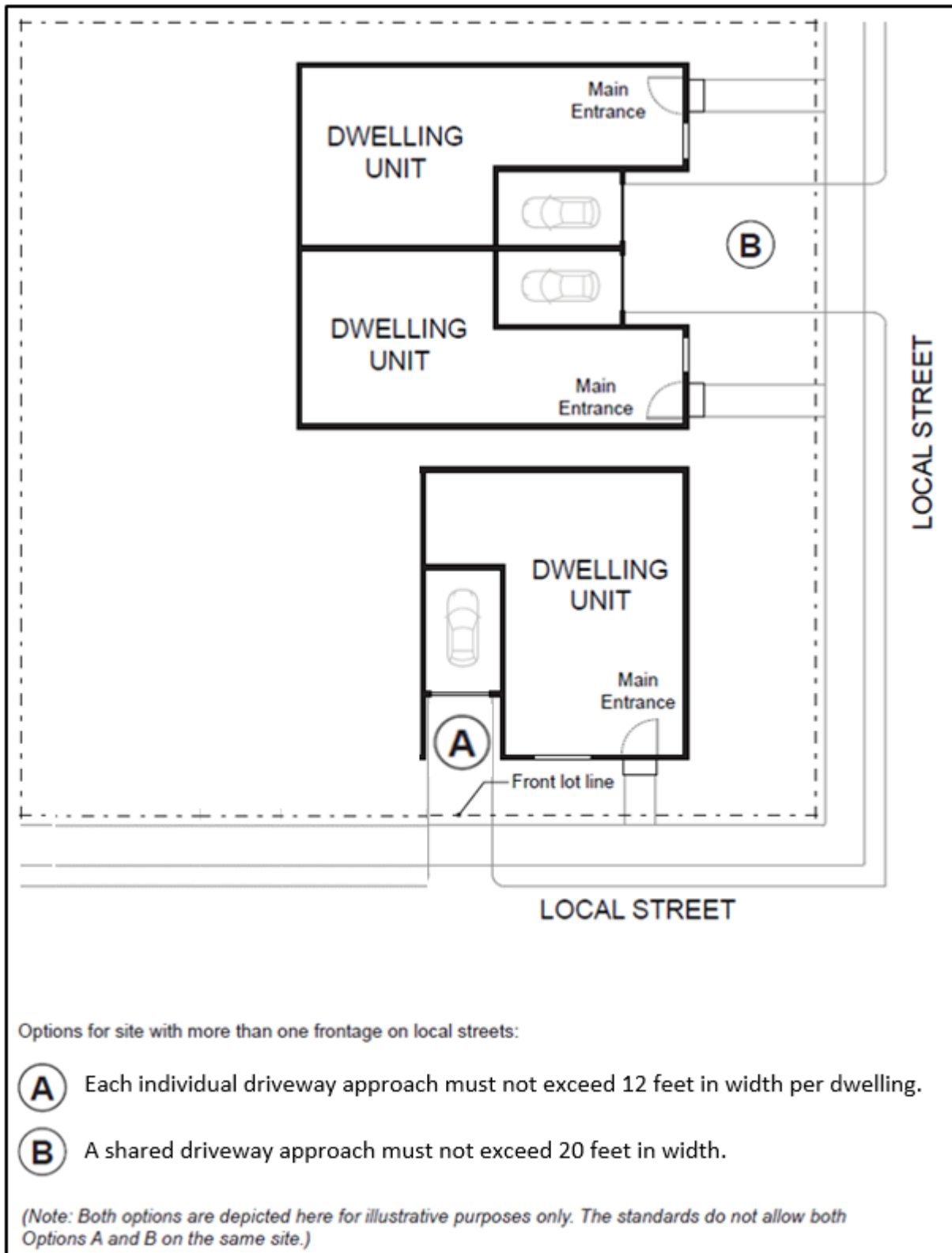
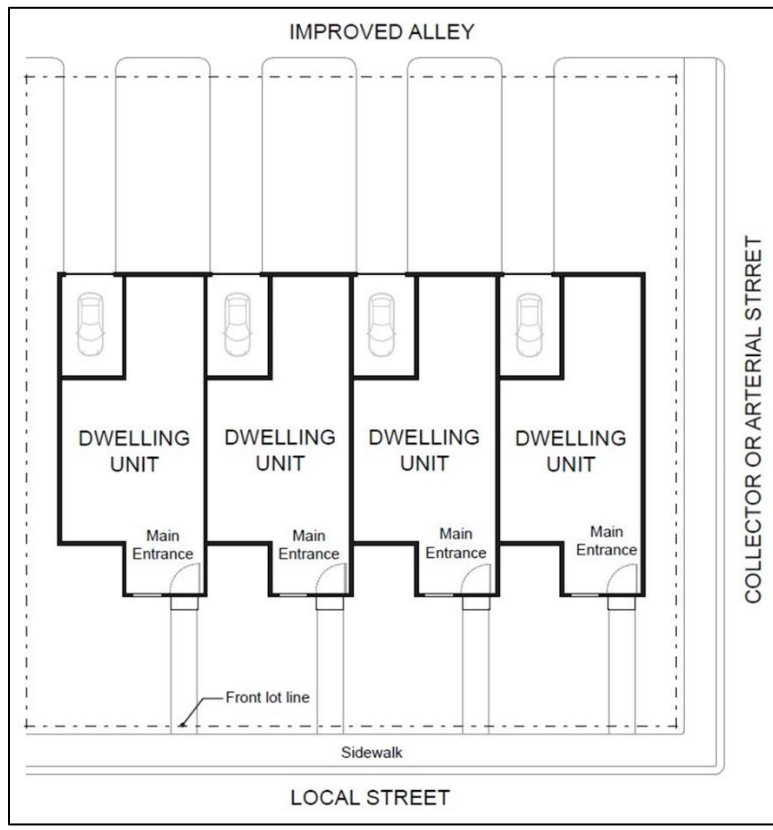


Figure 13. Side-by-Side Triplex/Quadplex Driveway Approaches – Alley Access from Collector or Arterial Street



16.14.040 – Additional Cottage Cluster Development and Design Standards

A. Purpose

The purpose of these cottage cluster standards is to promote development of clusters of small homes that are designed around a common open space or courtyard. The cottage cluster is intended to provide opportunity for community gathering; pedestrian connections within the cluster and to surrounding streets; clustered parking that is located to the side or behind the cottages; and smaller homes that are oriented inward toward the common courtyard rather than the adjacent streets.

B. Development Standards

1. A cottage cluster development may consists of one or more clusters. A cluster is a group of cottages sharing a single common courtyard.
- 1-2. Cottage clusters must include at least 4 dwellings and no more than 12 dwellings are allowed to share a single common courtyard.
- 2-3. The footprint of individual cottage units within a cottage cluster must be less than 900 sq. ft. An attached carport up to 200 sq. ft. may be exempted from the building footprint calculation.
- 3-4. Garages are not allowed in Cottage Cluster development.

C. Design Standards

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1. Cottage Design. Cottages are subject to applicable design standards of Table 16.14-1 in addition to these standards.
2. Each cottage shall have the master bedroom located on the main floor.
3. The second floor of each cottage cannot exceed 50 percent of the square footage of the first floor.
4. Cottage Orientation. Cottages must be clustered around a common ~~area/~~courtyard and must meet the following standards:
 - ~~a. Each cottage within a cluster must either abut the common area/courtyard or must be directly connected to it by a pedestrian path.~~
 - ~~b-a. A minimum of 50 percent of the total number of cottages within a cluster must be oriented to the common area/courtyard and must, defined as meeting all of the following requirements:~~
 - 1) Have a main entrance facing the common ~~area~~courtyard;
 - 2) Be within 10 feet from the common ~~area~~courtyard, measured from the façade of the cottage to the nearest delineation of the common ~~area~~courtyard; and
 - 3) Be connected to the common area by a pedestrian path.
 - ~~c. Cottages within 20 feet of a street property line may have their entrances facing the street.~~
 - ~~d-b. Cottages not facing the common area courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common area courtyard or, only if the entrance to the cottage is located within 20 feet of a street property line, may have their main entrances facing the street.~~
5. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard to provide a sense of openness and community for residents. Each cottage cluster as part of a cottage cluster development must have its own common courtyard. Common courtyards must meet the following standards:
 - a. The common ~~space~~-courtyard must be a single, contiguous area of land.
 - b. Cottages must abut the common ~~area~~-courtyard on at least two sides of the courtyard.
 - c. The common ~~area~~-courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.
 - d. The common ~~area~~-courtyard must be a minimum of 15 feet wide at its narrowest dimension ~~for those areas to be counted towards the minimum requirement.~~
 - e. The common ~~area~~-courtyard shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, and/or paved courtyard area. Impervious elements of the common ~~area~~-courtyard shall not exceed 75 percent of the total ~~common area.~~
 - f. Pedestrian paths qualify as part of a common ~~area~~courtyard. Parking areas, required setbacks, and driveways do not qualify as part of a common ~~area~~courtyard.
6. Community Buildings. Cottage cluster developments may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
 - a. One single-story community building ~~is allowed per cottage cluster development~~ that has a maximum of 1,800 square feet ~~is allowed per cottage cluster development.~~
 - b. The primary use for the community building is not a primary residence.
 - c. Community buildings must meet the design and development standards applicable to cottages within the development.

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- d. A community building is not considered an accessory structure.
- 7. Pedestrian Access.
 - a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - 1) The common courtyard;
 - 2) Shared parking areas;
 - 3) Any cCommunity buildings; and
 - 4) Sidewalks in public rights-of-way abutting the site, or roadways if there are no sidewalks.
 - b. The pedestrian path must be hard-surfaced and a minimum of five (5) feet wide.
- 8. Windows. Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single family detached dwellings in the same zone must meet the window standards per Table 16.14-1 Residential Design Standards.
- 9. Parking Design.
 - a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
 - i. Cottage cluster developments are permitted parking clusters of not more than six (6) contiguous spaces.
 - ii. Parking clusters must be separated from other parking spaces by at least four (4) feet of landscaping.
 - iii. Clustered parking areas may be covered.
 - b. Off-street parking spaces and vehicle maneuvering areas (other than driveways and drive aisles) shall not be located:
 - 1) Within of 20 feet from any street property line, except alley property lines;
 - 2) Between a street property line, except alley property lines, and cottages abutting the street property line.
 - c. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
 - d. Screening. Landscaping or architectural screening at least 3 feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
 - e. Carports
 - 1) Carports (whether shared or individual) must not abut common courtyards.
 - 2) Individual attached carports up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
 - 3) Individual detached carports must not exceed 400 square feet in floor area.
- 10. Vehicular Access – a public alley can be utilized for vehicular access.
- 11. Accessory Structures. Accessory structures in cottage cluster developments must not exceed 400 square feet in floor area and are subject to the standards of Chapter 16.50.
- 12. Existing Structures. On a lot or parcel to be used for a cottage cluster projectdevelopment, a pre-existing detached-single family detached dwelling may remain within the cottage cluster projectdevelopment area under the following conditions:
 - a. The existing dwelling may be nonconforming with respect to the requirements of this code.

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b. Existing dwellings may be expanded up to the maximum height or footprint allowed or required by this code; however, existing dwellings that exceed the maximum height, footprint, and/or unit size of this code may not be expanded.

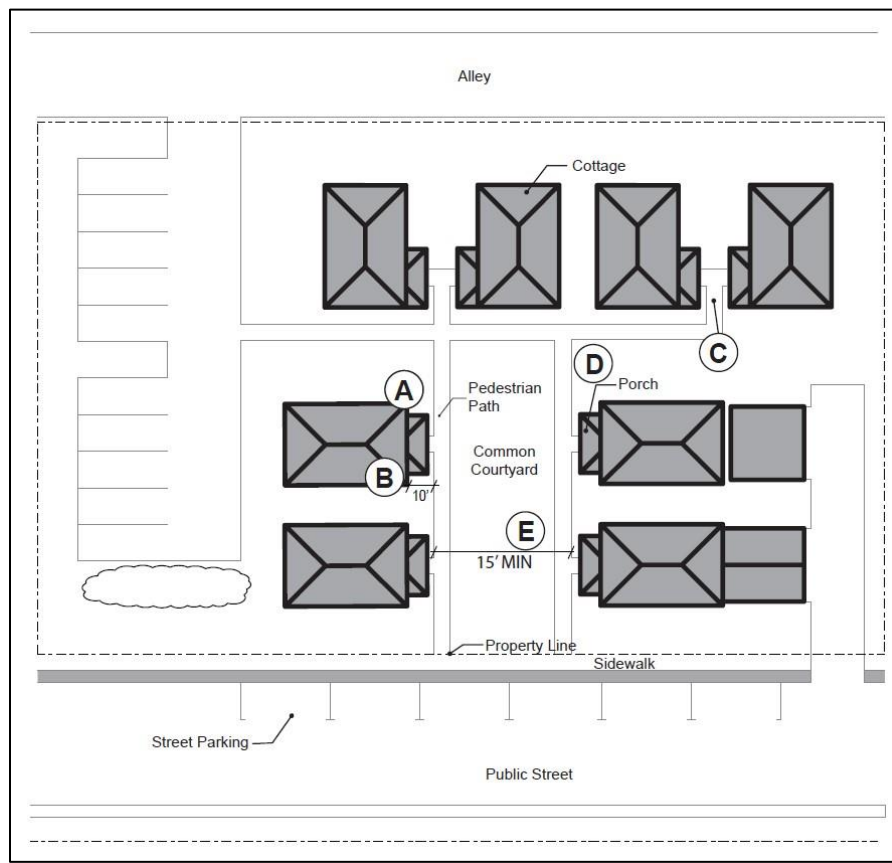
c. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection 16.14.040.C.4.1.b.

D. Review Process. The following review processes shall be used to review a cottage cluster development. The applicable review process depends on the level of compliance with the clear and objective standards in this section.

1. If all applicable standards from this section are met, a Residential Design Checklist review is applied per Chapter 16.89.
2. If any of the standards are not met outright, a Planned Unit Development review process is applied per Chapter 16.40. For the Architectural Pattern Book in required under Section 16.40.020.B.6, direct reference shall be given to shall comply with the Residential Design Standards in Table 16.14-1 of this section.

E. Condominium Process. Cottage Cluster condominiums shall meet the standards in Section 16.120.090 CONDOMINIUMS.

Figure 14. Cottage Cluster Orientation and Courtyard Design

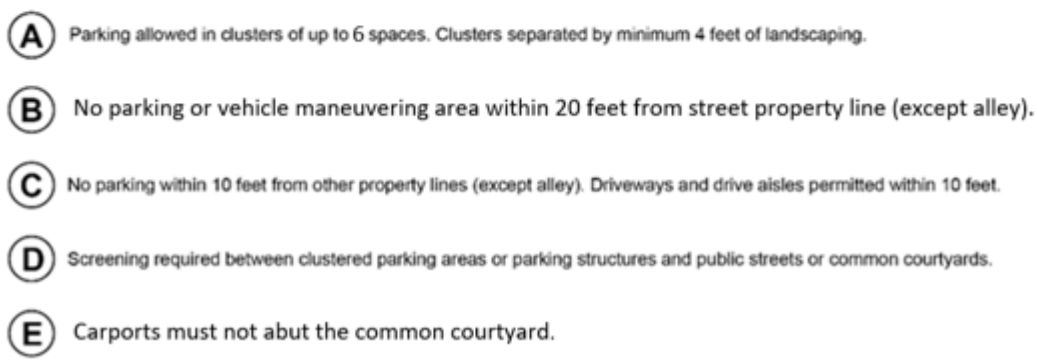


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- (A)** A minimum of 50% of cottages must be oriented to the common courtyard.
- (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C)** Cottages must be connected to the common courtyard by a pedestrian path.
- (D)** Cottages must abut the courtyard on at least two sides of the courtyard.
- (E)** The common courtyard must be at least 15 feet wide at its narrowest width.

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Figure 15. Cottage Cluster Parking Design



Chapter 16.40 Commentary

Amendments to this section clarify that cottage cluster developments that are unable to meet the clear and objective standards of Chapter 16.14 are subject to PUD review, and to clarify that all single detached and middle housing types are permitted in PUDs as required by HB2001.

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Subsection 16.40.050.C - Residential PUD, Development Standards is amended to include setback standards.

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Chapter 16.40 - PLANNED UNIT DEVELOPMENT (PUD)*

16.40.010 - Purpose

- A. PUDs integrate buildings, land use, transportation facilities, utility systems and open space through an overall site design on a single parcel of land or multiple properties under one or more ownerships. Applicants are not required to use the PUD process in this Chapter and can instead use the clear and objective processes available through other chapters of this Code. The PUD process is intended to be an alternative option an applicant may select in lieu of the clear and objective processes in order to allow creativity and flexibility in site design and review which cannot be achieved through a strict adherence to existing zoning and subdivision standards. As such, approval of a PUD is based on discretionary standards.
- B. The PUD process is intended to achieve the following objectives:
1. Encourage efficient use of land and resources that can result in savings to the community, consumers and developers.
 2. Preserve valuable landscape, terrain and other environmental features and amenities as described in the Comprehensive Plan or through site investigations.
 3. Provide diversified and innovative living, working or neighborhood shopping environments that take into consideration community needs and activity patterns.
 4. Achieve maximum energy efficiency in land uses.
 5. Promote innovative, pedestrian-friendly, and human scale design in architecture and/or other site features that enhance the community or natural environment.

(Ord. No. 2008-015, § 1, 10-7-2008; Ord. 2001-1119, § 1; Ord. 86-851, § 3)

16.40.020 - Preliminary Development Plan

A. Generally

A PUD Preliminary Development Plan shall be submitted for the review and approval in accordance with Chapter 16.72. PUDs may be considered only:

1. On sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of:
 - a. Natural features such as floodplains, wetlands, and extreme topography, or
 - b. Man-made features, such as parcel configuration and surrounding development, but not including man-made features on or resulting from other parcels owned by any owner of the property subject to the PUD application;
2. On parcels of land within an Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or

3. For a cottage cluster development that is unable to meet the standards of Section 16.14.040; or

34. In other areas deemed appropriated by Council during the adoption of a concept plan required by a Metro UGB expansion.

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16.40.030 - Final Development Plan

A. Generally

Upon approval of the PUD overlay zoning district and preliminary development plan by the Council, the applicant shall prepare a detailed Final Development Plan as per this Chapter, for review and approval of the Commission. The Final Development Plan shall comply with all conditions of approval as per Section 16.40.020. In addition, the applicant shall prepare and submit a detailed site plan for any non-single-family dwelling structure or use not addressed under Section 16.40.020(B)(6), for review and approval, pursuant to the provisions of Chapter 16.90. The site plan shall be processed concurrently with the Final Development Plan.

[...]

16.40.050 - Residential PUD

A. Permitted Uses

The following uses are permitted outright in Residential PUD when approved as part of a Final Development Plan:

1. Varied housing types, including but not limited to single-family detached dwellings, middle housing dwelling types ~~duplexes, townhomes~~, zero-lot line housing, and multi-family dwellings.
2. Related NC uses which are designed and located so as to serve the PUD district and neighborhood.
3. All other uses permitted within the underlying zoning district in which the PUD is located.

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Chapter 16.50 Commentary

This section is lightly amended to reflect the new cottage cluster design and development standards of Chapter 16.40.

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Chapter 16.50 - ACCESSORY STRUCTURES, ARCHITECTURAL FEATURES AND DECKS

16.50.010 - Standards and Definition

A. Reserved

B. Generally

For uses located within a residential zoning district, accessory uses, buildings, and structures shall comply with all requirements for principal uses, buildings, and structures except where specifically modified below; and shall also comply with the City of Sherwood Building Code as amended. Where this Code and the Building Code conflict, the most stringent shall apply.

C. Dimension and Setback Requirements

1. Any accessory building shall have not more than six hundred (600) square feet of ground floor area and shall be no taller than 15 feet in height, except as specified for cottage cluster community buildings per 16.14.040.C.
 2. No accessory building or structure over three (3) feet in height shall be allowed in any required front yard. Accessory buildings may be allowed in required side and rear building setbacks as described below.
 3. When a Building Permit is not required and the structure is less than 100 square of ground floor area feet and less than six feet tall, no rear or side yard setbacks are required and the structure may abut the rear or side property line.
 4. When a Building Permit is not required and the structure is over 100 square feet of ground floor area, but under 200 square feet and under ten (10) feet in height:
 - a. Detached accessory structures shall maintain a minimum 3-foot distance from any side or rear property line.
 - b. Attached accessory structures shall be setback a minimum of three (3) feet from any side property line and ten (10) feet from a rear property line.
 5. When a Building Permit is required:
 - a. No accessory building or structure over three (3) feet in shall be located closer than five (5) feet to any side property line and ten (10) feet from any rear property line.
 - b. Any accessory building or structure attached by a common wall or permanent roof or foundation to the principal building or structure must comply with all setbacks for the principal building or structure.
- D. No accessory building or structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way, including but not limited to streets, alleys, and public and/or private easements.

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Chapter 16.68 Commentary

These amendments update cross-references to other code sections and clarify that the floor area ratios (FARs) of this section do not apply to cottage clusters, which are subject to floor area maximums per HB2001.

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Chapter 16.68 - INFILL DEVELOPMENT STANDARDS*

[...]

5. The land division shall be conditioned, and a deed restriction recorded on each lot that contains less than the minimum lot size of the zone, requiring that building elevations and floor plans be submitted to the Planning Department for review and approval prior to issuance of a building permit on such lot, and such plans be binding on future building. Building plans required under this section shall meet the following standards as provided in Section 16.68.030;

(Ord. No. 2010-015, § 2, 10-5-2010)

16.68.030 - Building Design on Infill Lots

Structures exceeding twenty four (24) feet in height shall conform to the following standards:

- A. Floor Area: Floor area in any dwelling with a height greater than twenty four (24) feet shall not exceed the following floor area ratios, except that the first 200 square feet of floor area in a detached garage or other accessory structure shall be exempt, when the accessory structure is located behind a ~~single family~~ dwelling (dwelling is between accessory structure and abutting street), the lot is not a through lot, and the accessory structure does not exceed a height of ~~eighteen-fifteen~~ (1518) feet. Floor area shall not exceed:
 1. Low Density Residential (LDR): 50% of lot area
 2. Medium Density Residential Low (MDRL): 55% of lot area
 3. Medium Density Residential High (MDRH): 60% of lot area
 4. High Density Residential (HDR): 65% of lot area
 5. The floor area standards in this section do not apply to cottage clusters.

Division III. - ADMINISTRATIVE PROCEDURES

Division IV. - PLANNING PROCEDURES

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Chapter 16.88 Commentary

This chapter is revised to include new middle housing residential use types, and to clarify how cottage cluster development and townhome development are classified.

Because middle housing types now include quadplexes per HB2001, multi-dwelling thresholds increase from 3 dwelling units on one lot to 5 dwelling units on one lot.

Chapter 16.88 - INTERPRETATION OF SIMILAR USES

[...]

16.88.040 - Uses

This chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. The use categories provide a systematic basis for assignment of present and future uses to zones. The decision to allow or prohibit the use categories in the various zones is based on the goals and policies of the Comprehensive Plan. Uses are assigned to the category whose description most closely describes the nature of the primary use. A primary use is the activity, or combination of activities of chief importance on the site, and the main purposes for which the land or structures are intended, designed, or ordinarily used. Accessory uses are uses or activities which are a subordinate part of a primary use and are clearly incidental to a primary use on site.

A. Residential Use Types

1. Residential uses are intended for habitation by one (1) or more individuals on a wholly or primarily non-transient basis. These uses usually include accommodations for cooking, sleeping, bathing, and similar common areas typically associated with habitation. Residential uses include, but are not limited to the following housing types:
 - (1) Single-family detached - A structure consisting of a single dwelling unit which is for occupancy by one (1) or more persons on a single parcel or lot. Cottage clusters are a type of single family detached housing when each cottage is located on a single lot.
 - (2) Single-family attached - A structure consisting of one (1) or more attached single dwelling unit which is for occupancy by one (1) or more persons on separate parcels or lots. Examples include but are not necessarily limited to townhomes.
 - (3) Duplex - A structure consisting of two (2) dwelling units on the same parcel or lot. Two (2) family homes are commonly referred to as a duplex.
 - (4) Triplex – Three (3) attached dwelling units, in any configuration, located on a single lot or parcel.
 - (5) Quadplex – Four (4) attached dwelling units, in any configuration, located on a single lot or parcel.
 - (4) (6) Multi-Family dwelling - A structure consisting of five (5) or more dwelling units on the same parcel or lot. Multi-Family-dwelling homes include, but are not limited to garden apartments, apartments, condominiums. Multi-family dwellings do not include townhomes, which are located on individual lots.
 - (5) (7) Institutional and residential care facilities — A facility licensed by or under the authority of the Department of Health and Human Services under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Examples include residential care homes, group homes, halfway homes, etc.

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Chapter 16.89 Commentary

This is a new chapter and a new procedure that is applicable specifically to single detached and middle housing development.

There are four review types for new residential development that is subject to the design standards of Chapter 16.14:

- Ministerial Residential Design Checklist Review
- Type I Residential Design Checklist Review with Adjustment
- Type II Residential Design Checklist Review with Class B Variance
- Type IV Residential Design Review

No Type III review option is proposed; Type III review is a Hearings Officer review and the Planning Commission indicated a desire to review Residential Design applications against the applicable design guidelines. Planning Commission review is a Type IV review.

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Chapter 16.89 - RESIDENTIAL DESIGN CHECKLIST AND RESIDENTIAL DESIGN REVIEW

16.89.010 – Purpose and Intent

A. Purpose

The Residential Design Checklist Review and Residential Design Review are intended to provide an opportunity for the City of Sherwood to encourage development of a variety of housing types while providing for a review process that encourages traditional forms commonly found in Sherwood while providing for a variety of design and site-specific situations for these housing types.

This process is designed to provide a streamlined review process to encourage development of housing at a variety of types and scales. The Residential Design Checklist Review is a clear and objective review process and will be implemented at time of Residential Building Permit submittal. For projects seeking additional flexibility, the Residential Design Checklist Review may be paired with either a concurrent Type I Adjustment or Type II Class B Variance process referenced in Section 16.84.030.

For residential projects seeking the highest level of flexibility, the Residential Design Review is a Type IV discretionary review. Projects subject to Residential Design Review are to be reviewed against the design guidelines rather than against the degree of departure from the standard.

B. Intent

The following standards are intended to create walkable residential neighborhoods that are visually interesting, compatible with existing development, and avoid monotony in design. Should the Residential Design Review process be applied, see the design guidelines in Table 16.14-1, Residential Design Standards for design intent for each standard.

16.89.020 – Residential Design Checklist Review or Residential Design Review Required

- A. When Required.** Residential Design Checklist Review or Residential Design Review is required prior to new residential development, expansions or conversions that are subject to the design standards of 16.14, or any substantial change to a site or use and is required prior to issuance of building permits for a new residential dwelling, or for substantial alteration of an existing residential dwelling or use. Exemptions noted below.

Either a Residential Design Checklist Review or a Residential Design Review is required for the following housing types (multi-family dwellings are subject to Section 16.90 review):

1. Accessory Dwelling Unit
2. Single detached dwelling
3. Duplex
4. Townhouse
5. Triplex
6. Quadplex
7. Cottage Cluster development

- B. Applicability.** For the purposes of Section 16.89.020, the terms "substantial change" and "substantial alteration" mean any development activity as defined by this Code that generally requires a building permit and exhibits one or more of the following characteristics:

1. Construction of new residential dwelling(s).

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2. The activity involves changes in the use of a structure, building, or property from a non-residential to a residential use listed above.
 3. The activity involves non-conforming uses as defined in Chapter 16.48.
 4. The activity is identified as an expansion or conversion per 16.14.010.C.2
- C. Exemption to Residential Design Checklist Review Requirement
1. Residential accessory structure subject to Chapter 16.50.
- D. Required Standards
1. For the Residential Design Checklist Review application, all of the following are to be met:
 - a. All of the design standards noted in Subsection 16.14.010, Subsection 16.14.040, and/or Chapter 16.52 Accessory Dwelling Units
 - b. For a stand-alone Accessory Dwelling Unit, the standards and criteria in 16.52.020.H shall apply
 2. If the standards listed in Subsection D above cannot be met outright, there are two concurrent options with the Residential Design Checklist Review:
 - a. Adjustment. See Section 16.84.030 for a Type I Adjustment for up to 5 percent modifications of the design standards associated with Table 16.14-1, Residential Design Standards, A-C. Applying the Adjustment provision creates a concurrent review that is no longer clear and objective.
 - b. Variance. See Section 16.84.030 for a Type II Class B Variance for 5 to 10 percent modifications of the design standards associated with Table 16.14-1, Residential Design Standards, A-C. Applying the Variance provision, creates a concurrent review that is no longer clear and objective.

E. Time Limits

Residential Design Checklist approvals are void after one (1) year unless construction on the site has begun, as determined by the City. The City may extend approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010.

16.89.030 - Residential Design Review.

As an alternative to meeting the clear and objective standards in Sections 16.89.020.A, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the design guidelines of Section 16.14.010.B, Table 16.14-1:

- A. Intent. The intent of this Review is to provide a flexible option for projects which implement the design guidelines rather than the design standards.
- B. Approval Criteria:
1. The proposed development demonstrates conformance with the applicable design guidelines of Section 16.14.010.B, Table 16.14-1.
 2. The proposed development meets applicable zoning district standards and standards in Division II, and all applicable provisions of Divisions V, VI, VIII and IX unless revised through the Adjustment or Variance process
 3. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications

C. Time Limits

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Residential Design Review approvals are void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010.

Division V. - COMMUNITY DESIGN

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Chapter 16.90 Commentary

The new Chapter 16.89 will apply to new single detached and middle housing residential development. As a result, the applicability of Chapter 16.90 is revised to apply to multi-dwelling residential development (5 or more dwelling units), commercial, multi-family dwelling, institutional or mixed-use development. A new list of applicable development types has been added to make this application explicit.

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Chapter 16.90 - SITE PLANNING*

[...]

16.90.020 - Site Plan Review

A. Site Plan Review Required

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

Site Plan Review is required for the following development:

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

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

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

B. Exemption to Site Plan Requirement

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

C. Reserved

D. Required Findings

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

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

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2. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.
3. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.
4. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.
5. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant must provide adequate information, such as a traffic impact analysis (TIA) or traffic counts, to demonstrate the level of impact to the surrounding transportation system. The developer is required to mitigate for impacts attributable to the project, pursuant to TIA requirements in Section 16.106.080 and rough proportionality requirements in Section 16.106.090. The determination of impact or effect and the scope of the impact study must be coordinated with the provider of the affected transportation facility.
6. The proposed commercial, multi-family dwelling, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards include the following:
 - a. Primary, front entrances are located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.
 - b. Buildings are located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
 - c. The architecture of buildings are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding are prohibited. Street facing elevations have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.
 - d. As an alternative to the standards in Section 16.90.020.D.6.a—c, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.a—c. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.

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Chapter 16.94 Commentary

HB2001 establishes maximum parking requirements for duplex, triplex, quadplex, townhome, and cottage cluster development. HB2001 allows for 3 required parking spaces for triplexes on parcels greater than 5,000 sq. ft., and 4 required parking spaces for quadplexes on parcels equal to or greater than 7,000. Other middle housing types can be required to provide one space per dwelling unit. All amended and new parking standards comply with HB2001/OAR 660-046.

No revisions are proposed to the City's existing single detached or multi-dwelling parking standards.

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Chapter 16.94 - OFF-STREET PARKING AND LOADING

[...]

16.94.020 - Off-Street Parking Standards

A. Generally

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off - street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.

Table 1: Minimum and Maximum Parking Standards

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

	Minimum Parking Standard	Maximum Permitted Parking Zone A ¹	Maximum Permitted Parking Zone B ²
Accessory Dwelling Unit	None	None	None
Single Family detached and manufactured home on lot ³	1 per dwelling unit	None	None
Duplex	1 space per dwelling unit (total of 2 per duplex)	None	None
<u>Triplex</u>			
• <u>Lot area less than 3,000 SF</u>	<u>1 space total</u>	<u>None</u>	<u>None</u>
• <u>Lot area equal to or greater than 3,000 SF and less than 5,000 SF</u>	<u>2 spaces total</u>	<u>None</u>	<u>None</u>
• <u>Lot area equal to or greater than 5,000 SF</u>	<u>3 spaces total</u>	<u>None</u>	<u>None</u>
<u>Quadplex</u>			
• <u>Lot area less than 3,000 SF</u>	<u>1 space total</u>	<u>None</u>	<u>None</u>
• <u>Lot area equal to or greater than 3,000 SF and less than 5,000 SF</u>	<u>2 spaces total</u>	<u>None</u>	<u>None</u>

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<u>Lot area equal to or greater than 5,000 SF and less than 7,000 SF</u>	<u>3 spaces total</u>		
<u>Lot area equal to or greater than 7,000 SF</u>	<u>4 spaces total</u>	<u>None</u>	<u>None</u>
Townhome	1 space per unit	None	None
<u>Cottage Cluster</u>	<u>1 space per unit</u>	<u>None</u>	<u>None</u>
Multi-Family-dwelling ⁴	1 per unit under 500 sf 1.25 per 1 bdr 1.5 per 2 bdr 1.75 per 3 bdr	None	None

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

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

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

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

B. Dimensional and General Configuration Standards

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

[...]

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Chapter 16.96 Commentary

The revisions to this section clarify that middle housing types are exempt from requirements that do not apply to detached single housing, per HB2001.

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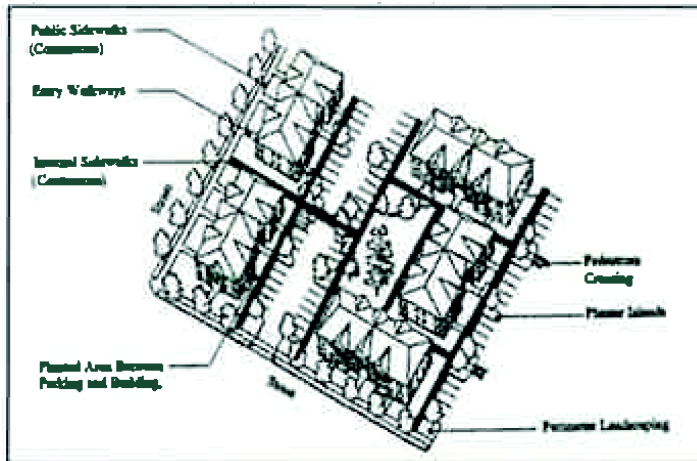
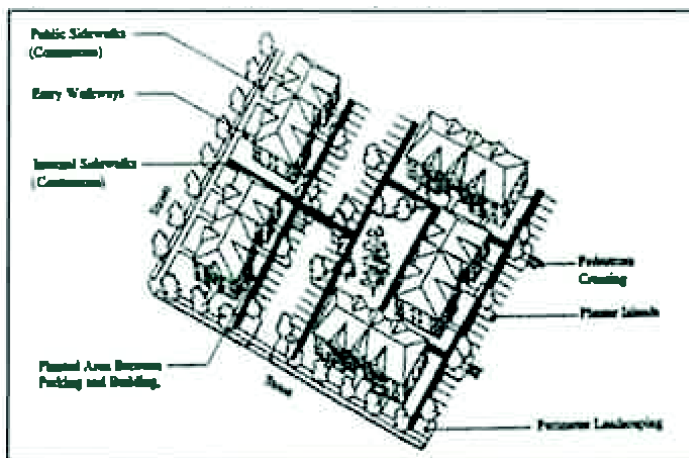
Chapter 16.96 - ON-SITE CIRCULATION

16.96.010 - On-Site Pedestrian and Bicycle Circulation

A. Purpose

On-site facilities shall be provided that accommodate safe and convenient pedestrian access within new subdivisions, multi-family dwelling developments, planned unit developments, shopping centers and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one-half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers. All new development, (except single-family detached and middle housing types other than cottage clusters housing), shall provide a continuous system of private pathways/sidewalks.

On-Site Circulation System (Multi-Family-Dwelling Example)



[...]

F. Access to Major Roadways

Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Appendix C of the Community Development Plan, Part II, shall be limited as follows:

1. Single Family Detached homes, Duplex, Townhomes, middle housing types, and Manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent

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driveway ingress or egress from Highway 99W and arterial roadways. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.

2. Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress.
3. All site plans or Residential Design Checklists for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.

G. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.

(Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, § 6; Ord. 86-851)

16.96.020 Minimum - Residential standards

Minimum standards for private, on-site circulation improvements in residential developments:

A. Driveways

1. ADU/Single-Family-Detached: One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%.
2. Duplex: One (1) shared driveway improved with hard surface pavement with a minimum width of twenty (20) feet; or two (2) driveways improved with hard surface pavement with a minimum width of ten (10) feet each.
3. Townhome: A maximum of one (1) driveway per unit improved with hard surface pavement with a minimum width of ten (10) feet. See also the provisions of 16.14.020.D.

4. Triplex and Quadplex: See the provisions of 16.14.030.A.

54. Multi-Family-Dwelling: Improved hard surface driveways are required as follows:

Number of Units	Number of Driveways	One Way Drive Width (Pair)	Two Way Drive Width
5—49	1	15 feet	24 feet
50 or more	2	15 feet	24 feet

56. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.

B. Sidewalks, Pathways and Curbs

1. Single Family Detached, Duplex, Triplex, Quadplex, Townhome, Cottage Cluster, and Manufactured Home on Individual Residential Lot: on-site sidewalks and curbs are not required when part of a proposed partition or subdivision. For cottage clusters, on-site pedestrian pathways are required consistent with Section 16.14.040.

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2. Multi-Family-Dwelling:

- a. A system of private pedestrian sidewalks/pathways extending throughout the development site shall connect each dwelling unit to vehicular parking areas, common open space, storage areas, recreation facilities, adjacent developments, transit facilities within five hundred (500) feet of the site, and future phases of development. Main building entrances shall also be connected to one another.
- b. Required private pathways/sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators, on one (1) side of approved driveways connecting to the public sidewalk or curb of the public street that provides required ingress and egress. Curbs shall also be required at a standard approved by the Review Authority.
- c. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, brick/masonry pavers, or other durable surface, at least five (5) feet wide and conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump).
- d. Exceptions Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

(Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, §§ 5, 8; 91-922)

Division VI. - PUBLIC INFRASTRUCTURE

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Chapter 16.104 Commentary

Language regarding Sufficient Infrastructure has been added for compliance with HB2001 and to clarify that the City can continue to require sufficient infrastructure to support middle housing development.

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Chapter 16.104 - GENERAL PROVISIONS^[46]

[...]

16.104.030 - Improvement Procedures

Except as otherwise provided, all public improvements shall conform to City standards and specifications found in the Engineering Design Manual and installed in accordance with Chapter 16.108. The Council may establish additional specifications to supplement the standards of this Code and other applicable ordinances. Except for public projects constructed consistent with an existing facility plan, a public improvements shall not be undertaken until land use approval has been granted, a public improvement plan review fee has been paid, all improvement plans have been approved by the City, and an improvement permit has been issued.

The City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a middle housing development application.

(Ord. No. 2011-011, § 1, 10-4-2011)

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Chapter 16.106 Commentary

Additional language has been added to clarify that where single detached dwellings are exempt from requirements, middle housing dwellings are also exempt per HB2001.

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Chapter 16.106 - TRANSPORTATION FACILITIES

16.106.040 - Design

[...]

M. Vehicular Access Management

[...]

2. Roadway Access

No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.

[...]

b. Neighborhood Routes:

Minimum spacing between driveways (Point "C" to Point "C") shall be fifty (50) feet with the exception of single family detached dwellings, ~~duplex, and townhomes~~ and middle housing dwellings on residential lots in a recorded subdivision. Such lots shall not be subject to a minimum spacing requirement between driveways (Point "C" to Point "C"). In all instances, access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than fifty (50) feet.

[...]

d. Arterials and Highway 99W - Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Figure 1 of the Community Development Plan, Part II, shall be limited as follows:

- (1) Single family-detached dwellings, ~~duplex, townhomes,~~ middle housing dwellings, and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W or arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.
- (2) Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress. Alternatives include shared or crossover access agreement between properties, consolidated access points, or frontage or backage roads. When alternatives do not exist, access shall comply with the following standards:
 - (a) Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').

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- (b) The access to Highway 99W will be considered temporary until an alternative access to public right-of-ways is created. When the alternative access is available the temporary access to Highway 99W shall be closed.
- (3) All site plans or Residential Design Checklists for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local, neighborhood route or collector streets, including frontage or backage roads, consistent with the Transportation Plan Map and Chapter 6 of the Community Development Plan.

[...]

**Division VII. - LAND DIVISIONS, SUBDIVISIONS, PARTITIONS, LOT LINE
ADJUSTMENTS AND MODIFICATIONS**

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Chapter 16.120 Commentary

One of the concepts that was identified at the Planning Commission work session was to provide an option for subdividing cottage clusters, so cottages can be on their own lots without going through a Planned Unit Development Review. Community comments received from the open house also expressed a need for more affordable options for first-time homebuyers and generally supported the characteristics of cottage cluster housing. Enabling individual ownership of cottage lots ("fee-simple" ownership), in addition to condominium ownership of cottages on a shared lot, provides a wider range of homeownership options.

A definition and procedure for Condominiums is added.

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Chapter 16.120 - SUBDIVISIONS^[51]

[...]

16.120.080 Filing and Recording of Final Subdivision Plat

A. County Review

When the City determines that the plat conforms to all requirements, the plat shall be authorized for review by the County.

B. Recording the Plat

After approval, the City shall authorize the transmittal of the final map, tracing, and other data to the County, to determine that there has been compliance with all provisions of State and local statutes. Approval of the final plat shall be null and void if the plat is not recorded within sixty (60) days after the date of the last required approving signatures have been obtained.

C. Effective Date

Subdivision approval shall become final upon the recording with the County of the approved subdivision plat or partition map together with any required documents. Development permits may be issued only after final approval, except for activities at the preliminary plat phase, specifically authorized by this Code.

(Ord. No. 2011-011, § 1, 10-4-2011)

16.120.090 CONDOMINIUMS

A. Definition

A condominium is a building, or group of buildings, in which units are individually owned, and the shared structures, common areas and facilities are owned by all of the unit owners on a proportional, undivided basis.

B. Procedure

A proposal for new construction of a condominium or conversion of existing units into condominiums is reviewed through the procedure applicable to the housing type (e.g., multi-family development or middle housing). All condominium proposals must meet the appropriate requirements of ORS Chapter 100 (Condominiums).

C. Public Improvements

1. An applicant must demonstrate a Adequate water, sanitary sewer and other public facilities exist to support the proposed condominium development as determined by the City and are in compliance with City standards. For the purposes of this section:

- a. Adequate water service shall mean: Ability to connect Connection to the City water supply system and the City water supply system has the capacity to provide service in compliance with City standards-shall be deemed to be adequate water service.
- b. Adequate sanitary sewer service shall mean: Ability to connect Connection to the City sanitary sewer system -and the City sanitary sewer system has the capacity to provide service in compliance with City standards, shall be deemed to be adequate sanitary sewer service if City sanitary sewer lines are located within three-hundred (300) feet of any point of the lot linesthe partition of the lot proposed for condominiums or if the lots created are less than 15,000 square feet in area.
- b.c. Installation of private on-site septic sewage disposal facilities shall be deemed adequate on-when the lot proposed for condominiums iss of 15,000 square feet or more if the private on-site septic system is

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permitted by Washington County Health and City sewer lines are not located within three-hundred (300) feet of any point of the lot lines of the lot proposed for condominiums.

~~e.d.~~ The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.

2. ~~An applicant must demonstrated that a~~All public improvements required for the condominium development have been installed and approved by the City Engineer or appropriate service provider (e.g., road authority). Alternatively, the developer has provided a performance guarantee in accordance with § 16.120.070.

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Chapter 16.128 Commentary

Because cottage clusters are required to be oriented to a common open space, and may be served by a private street, alley, or pathway, provisions were added to this section to allow cottage cluster lots to abut a public street, private street, shared open space, or a shared pathway.

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Chapter 16.128 - LAND DIVISION DESIGN STANDARDS

[...]

16.128.030 - Lots

A. Size and Shape

Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision or partition, and shall comply with applicable zoning district requirements, with the following exception:

1. Lots in areas not served by public sewer or water supply shall conform to any special County Health Department standards.

B. Access

All lots in a subdivision shall abut a public street, except as allowed for infill development under Chapter 16.68 or for cottage clusters as described below.

1. Cottage cluster lots shall abut a public street, private street, alley, shared open space, or a shared pathway.

[...]

Division VIII. - ENVIRONMENTAL RESOURCES

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Chapter 16.142 Commentary

A cross-reference to the cottage cluster open space requirements of 16.14.040 has been added, and the applicability of the previous single-family and duplex residential subdivision open space requirements has been extended to triplex, quadplex, and townhome developments.

The current provisions of 16.142.070 apply only to residential developments subject to Type II-IV land use review. Per HB2001, single detached and middle housing development is subject to Residential Design Checklist review, Type I review with Adjustment, Type II review with Class B Variance, or Type IV Design Review. This means that a residential development that meets all applicable development and design standards would not be subject to the tree retention provisions.

Additional language has been added to the text and table to clarify that residential developments are subject to these requirements based on the level of land use review required.

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Chapter 16.142 - PARKS, TREES AND OPEN SPACES

[...]

16.142.030 – All Residential Subdivisions

- A. A minimum of five percent (5%) of the net buildable site (after exclusion of public right-of-way and environmentally constrained areas) shall be maintained as "open space". Open space must include usable areas such as public parks, swimming and wading pools, grass areas for picnics and recreational play, walking paths, and other like space. Cottage cluster development is subject to the open space requirements of 16.14.40 and not to the requirements of this section. The following may not be used to calculate open space:
1. Required yards or setbacks.
 2. Required visual corridors.
 3. Required sensitive areas and buffers.
 4. Any area required to meet a standard found elsewhere in this code.
- B. Enhanced streetscapes such as "boulevard treatments" in excess of the minimum public street requirements may count toward a maximum of 10,000 square feet of the open space requirement.
1. Example: if a 52-foot-wide right-of-way [ROW] is required for a 1,000 foot-long street and a 62-foot wide ROW with 5-foot additional plantings/meandering pathway is provided on each side of the street, the additional 10-foot-wide area x 1,000 linear feet, or 10,000 square feet, counts toward the open space requirement.
- C. The open space shall be conveyed in accordance with one of the following methods:
1. By dedication to the City as public open space (if acceptable to the City). Open space proposed for dedication to the City must be acceptable to the City Manager or the Manager's designee with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities;
 2. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association or other legal entity, with the City retaining the development rights to the open space. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.
- D. The density of a residential subdivision shall be calculated based on the net buildable site prior to exclusion of open space per this Section.
1. Example: a 40,000 square foot net buildable site would be required to maintain 2,000 square feet (5%) of open space but would calculate density based on 40,000 square feet.
- E. If a proposed residential subdivision contains or is adjacent to a site identified as "parks" on the Acquisition Map of the Parks Master Plan (2006) or has been identified for acquisition by the Sherwood Parks and Recreation Board, establishment of open space shall occur in the designated areas if the subdivision contains the park site, or immediately adjacent to the parks site if the subdivision is adjacent to it.
- F. If the proposed residential subdivision does not contain or is not adjacent to a site identified on the Parks Master Plan map or otherwise identified for acquisition by the Parks and Recreation Board, the applicant may elect to convey off-site park/open space.
- G. This standard does not apply to a residential partition provided that a development may not use phasing or series partitions to avoid the minimum open space requirement. A partition of land that was part of an approved partition within the previous five (5) years shall be required to provide the minimum five percent (5%) open space in accordance with subsection (A) above.

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- H. The value of the open space conveyed under Subsection (A) above may be eligible for Parks System Development Charges (SDCs) credits based on the methodology identified in the most current Parks and Recreation System Development Charges Methodology Report.

[...]

D. Required Yard

Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited within the required visual corridor.

[...]

16.142.070 - Trees on Property Subject to Certain Land Use Applications

A. Generally

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

B. Applicability

All applications including a Type II - IV land use review, shall be required to preserve trees or woodlands, as defined by this Section to the maximum extent feasible within the context of the proposed land use plan and relative to other codes, policies, and standards of the City Comprehensive Plan.

[...]

D. Retention requirements

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

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

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

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

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

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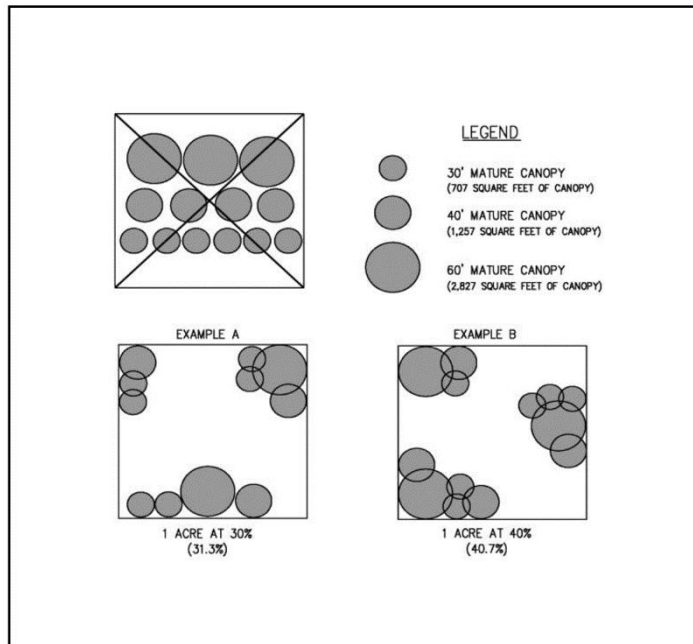
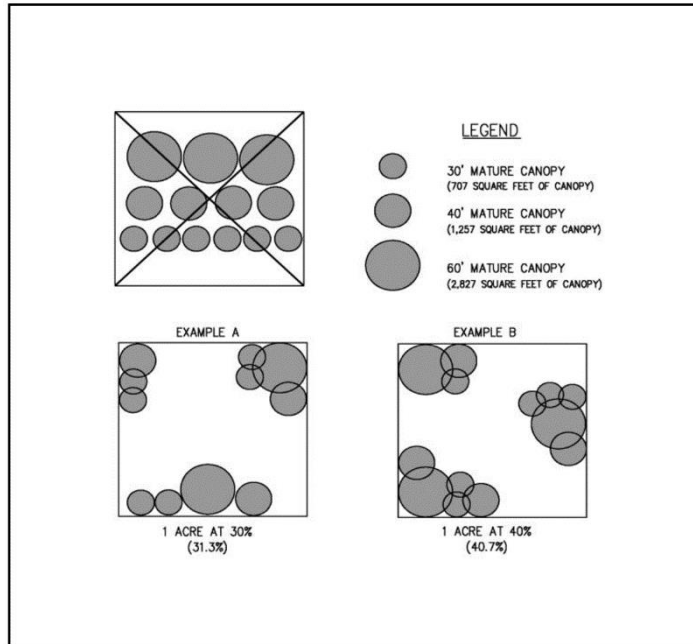
equation πr^2 to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.

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

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

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



4. The City may determine that, regardless of D.1 through D.3, that certain trees or woodlands may be required to be retained. The basis for such a decision shall include; specific findings that retention of

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said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:

- a. Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or
 - b. A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or
 - c. Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Clean Water Services stormwater management plans and standards of the City Comprehensive Plan, or
 - d. Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or
 - e. Otherwise merit retention because of unusual size, size of the tree stand, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.
5. Tree retention requirements for properties located within the Old Town Overlay or projects subject to the infill standards of Chapter 16.68 are only subject to retention requirements identified in D.4. above.
 6. The Notice of Decision issued for the land use applications subject to this Section shall indicate which trees and woodlands will be retained as per subsection D of this Section, which may be removed or shall be retained as per subsection D of this Section and any limitations or conditions attached thereto.
 7. All trees, woodlands, and vegetation located on any private property accepted for dedication to the City for public parks and open space, greenways, Significant Natural Areas, wetlands, floodplains, or for storm water management or for other purposes, as a condition of a land use approval, shall be retained outright, irrespective of size, species, condition or other factors. Removal of any such trees, woodlands, and vegetation prior to actual dedication of the property to the City shall be cause for reconsideration of the land use plan approval.

[...]

16.142.080 - Trees on Private Property — not subject to a land use action

A. Generally

In general, existing mature trees on private property shall be retained unless determined to be a hazard to life or property. For the purposes of this section only, existing mature trees shall be considered any deciduous tree greater than ten (10) inches diameter at the breast height (dbh) or any coniferous tree greater than twenty (20) inches dbh.

B. Residential (Single Family Detached and ~~Duplex~~-Middle Housing) Standards

In the event a property owner determines it necessary to remove existing mature trees on their property that are not a hazard, they may remove the trees as described below;

1. Removal of up to five (5) trees, or up to 10 percent of the number of trees on site, whichever is greater, within a twelve month period. No review or approval required provided that trees are not located within a wetland, floodplain or protected through prior land use review per section 3.b. (1.) - (5.) below, that the planning department is notified in writing 48 hours prior to removing the tree, including the property address, property owner name and contact information, and provided with the type and size

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of the tree. Failure to notify the Planning Department shall not result in a violation of this code unless it is determined that the tree removal is located within a wetland, floodplain or protected through prior land use review per section 3.b. (1.) - (5.) below, or in excess of that permitted outright.

2. Removal of six (6) or more trees, or more than 10 percent of the number of trees on site, whichever is greater, within a twelve month period except as allowed in subsection 1, above.
 - a. The applicant shall submit the following;
 - (1.) A narrative describing the need to remove the tree(s),
 - (2.) A statement describing when and how the Homeowner's Association (HOA) was informed of the proposed tree cutting and their response. If there is not an active HOA, the applicant shall submit as statement indicating that there is not a HOA to contact.
 - (3.) A plan showing the location of the tree and
 - (4.) The applicant shall submit a replacement tree plan. Half of the number of trees removed shall be replaced on site with native trees within six months from the date of removal.

[...]

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Chapter 16.156 Commentary

A new applicability statement has been added to clarify that these standards do not apply to single detached or middle housing residential development.

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Chapter 16.156 - ENERGY CONSERVATION*

Sections:

16.156.010 - Purpose

This Chapter and applicable portions of Chapter 5 of the Community Development Plan provide for natural heating and cooling opportunities in new development. The requirements of this Chapter shall not result in development exceeding allowable densities or lot coverage, or the destruction of existing trees.

(Ord. 91-922, § 3)

16.156.020 – Applicability

The standards in this Chapter shall apply to any new uses or changes to existing uses in multi-dwelling, commercial, industrial and institutional zones. The standards in this Chapter do not apply to accessory dwelling unit or single detached, or middle housing development in residential zones.

16.156.030 - Standards

- A. Building Orientation - The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 AM and 3:00 PM, Pacific Standard Time on December 21st.
- B. Wind - The cooling effects of prevailing summer breezes and shading vegetation shall be accounted for in site design. The extent solar access to adjacent sites is not impaired vegetation shall be used to moderate prevailing winter wind on the site.

(Ord. 91-922, § 3)

16.156.040 - Variance to Permit Solar Access

Variances from zoning district standards relating to height, setback and yard requirements approved as per Chapter 16.84 may be granted by the Commission through a Type IV review where necessary for the proper functioning of solar energy systems, or to otherwise preserve solar access on a site or to an adjacent site.

(Ord. 91-922, § 3)

END OF PROPOSED AMENDMENTS

April 18, 2022
Housing Choices Standards

DEVELOPMENT CODE CROSS REFERENCES TABLE

[Removed from draft]



ORDINANCE 2022-004

AMENDING SECTIONS OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE FOR NEW HOUSING CHOICES TO COMPLY WITH OREGON HB 2001

WHEREAS, Oregon House Bill 2001 (2019) aims to expand housing types in residential zones to include duplexes, tri and quad plexes, townhomes, and cottage clusters; and

WHEREAS, the Oregon Land Conservation and Development Commission adopted a set of Oregon Administrative Rules (OARs) that outlined the minimum standards large-sized cities must apply to middle housing to comply with HB 2001; and

WHEREAS, Sherwood is considered a large-size city because it is part of the Metro region, and Large Cities must comply with House Bill 2001 and adopt standards to implement it by the statutory deadline of June 30, 2022; and

WHEREAS, the proposed Housing Choices amendments, attached hereto as Exhibit 1, comply with the minimum standards identified in the OARs and will provide for a diversity of housing that can meet the needs of the Sherwood community; and

WHEREAS, the proposed Housing Choices amendments are consistent with the 2040 Comprehensive Plan by providing a diversity of housing types; and

WHEREAS, the proposed amendments will allow for a variety of housing choices making it feasible for more housing construction through clear and objective standards; and

WHEREAS, the Planning Commission (acting as the Advisory Committee for this project) has conducted 17 work sessions on Residential Design Standards and the proposed Housing Choices amendments; and

WHEREAS, the City Council held three work session briefings on Residential Design Standards and the proposed Housing Choices amendments; and

WHEREAS, at its meeting on March 22, 2022, the Planning Commission conducted a public hearing, considered proposed Housing Choices development 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 April 19, 2022 and a second public hearing on May 3, 2022.

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

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

Section 2. 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 30 days from its adoption

Duly passed by the City Council this 3rd of May, 2022.

Keith Mays, Mayor

Date

Attest:

Sylvia Murphy, MMC, City Recorder

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

Title 16

ZONING AND COMMUNITY DEVELOPMENT CODE

Proposed Amendments

This document presents the “Clean” copy of the proposed Residential Design Standards code amendments.

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

Division I. - GENERAL PROVISIONS

March 22, 2022
Housing Choices Standards

Chapter 16.02 - INTRODUCTION*

16.02.020 - Purpose

This Code is enacted to:

- A. Encourage the most appropriate use of land.
- B. Conserve and stabilize the value of property.
- C. Preserve natural resources.
- D. Facilitate fire and police protection.
- E. Provide adequate open space for light and air.
- F. Minimize congestion on streets.
- G. Promote orderly growth of the City.
- H. Prevent undue concentrations of population.
- I. Facilitate adequate provision of community facilities.
- J. Promote in other ways the public health, safety, convenience, and general welfare.
- K. Enable implementation of the Sherwood Comprehensive Plan in compliance with State Land Use_Goals.
- L. Provide opportunities for a range of housing options that offer choices in home size and price.

March 22, 2022
Housing Choices Standards

Chapter 16.10 - DEFINITIONS

[...]

16.10.020 - Specifically

The following terms shall have specific meaning when used in this Code:

Common Courtyard: A common area for use by residents of townhomes, multi-family, and cottage cluster developments. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

Common-Wall Dwelling: Dwelling units with shared walls such as two-family, and multi-family dwellings. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages

Driveway Approach: The edge of a driveway where it abuts a public right-of-way.

Dwelling Types:

- **Accessory Dwelling Unit:** An interior, attached, or detached dwelling unit that is used in connection with, or that is accessory to, a single dwelling on a single lot or parcel. Also known as an ADU.
- **Cottage Cluster:** A grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as "cluster housing," "cottage housing," "bungalow court," "cottage court," or "pocket neighborhood."
- **Cottage Cluster, Community Building:** A building that is part of a cottage cluster for the shared use of residents that provides space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, community eating areas, or other similar uses.
- **Cottage Cluster Development:** A development site with one or more cottage clusters.
- **Duplex:** Two (2) attached dwelling units, in any configuration, located on a single lot or parcel.
- **Dwelling, Single-Family Detached:** A detached structure on a lot or parcel that is comprised of a single dwelling unit.
- **Dwelling, Single-Family Attached:** A single structure on two lots, containing two individual dwelling units, but with a common wall and a common property line. Otherwise identical to a two-family dwelling.
- **Dwelling, Two-Family or Duplex:** A single structure on one lot containing two individual dwelling units, sharing a common wall, but with separate entrances.
- **Dwelling, Townhome or Row House:** A single-family dwelling unit which is attached on one or both sides to a similar adjacent unit(s) on similar lot(s). The attachment is made along one or more common walls which are jointly owned. The units may either be on individual platted lots or may be located on a single lot as individual condominium units. The units are distinct from each other by scale, color, massing, or materials.
- **Dwelling, Multi-Family:** A single structure containing five (5) or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwellings include structures commonly called garden apartments, apartments and condominiums.

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Housing Choices Standards

- **Townhome:** A dwelling unit that is part of a row of two (2) or more attached dwelling units, where each unit is located on an individual lot or parcel and shares at least one common wall with an adjacent dwelling unit.
- **Townhome Block:** A unit of a townhome development consisting of no less than two (2) and no more than six (6) townhomes.
- **Townhome Project:** One or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhome property lines and the any commonly owned property.
- **Triplex:** Three (3) attached dwelling units, in any configuration, located on a single lot or parcel.
- **Quadplex:** Four (4) attached dwelling units, in any configuration, located on a single lot or parcel.

Dwelling Unit: Any room, suite of rooms, enclosure, building or structure designed or used as a residence for one household as defined by this Code, and containing sleeping, kitchen and bathroom facilities.

Entrance, Main: The entrance to a dwelling or building that most pedestrians are expected to use. Typically, this is the front door of a dwelling unit. Each dwelling may have a main entrance from the outside, or multiple dwellings may share one main entrance. In multi-dwelling or multitenant buildings, main entrances open directly into the building's lobby or principal interior ground-level circulation space. When a multi-dwelling or multitenant building does not have a lobby or common interior circulation space, each dwelling unit or tenant's outside entrance is a main entrance.

Façade, Street-Facing: The wall planes of a structure that are visible from, and at an angle of 45 degrees or less to, a front lot line or street side lot line. Angle measurements for curved front or street side lot lines shall be based on a straight line connecting the opposing lot corners of the front or street side lot line.

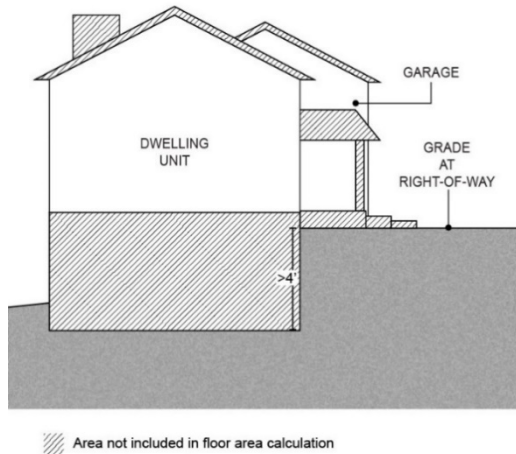
Family: Any-number of individuals living together regardless of familial or non-familial relationship.

Floor area: The total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following (see Figure 1):

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way;
- Roof area, including roof top parking;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.

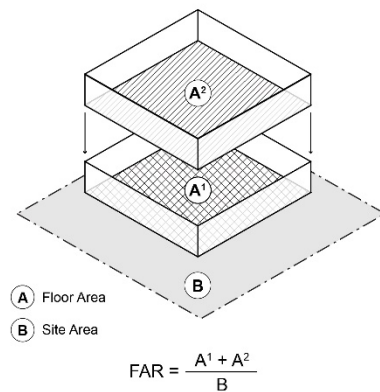
Figure 1. Areas Excluded from Floor Area Calculation

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Housing Choices Standards



Floor area ratio (FAR): The amount of floor area of a building or structure in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 0.7 to 1 means 0.7 square feet of floor area for every one square foot of site area. FAR is calculated by dividing the total floor area of all buildings on a site by the total site area (See Figure 2).

Figure 2. Floor Area Ratio (FAR) Calculation



Household: One person living alone or a group of people living together as a single unit, excluding occupants of a boardinghouse, fraternity, hotel, accessory dwelling unit, or similar use.

Middle Housing: A term for residential uses that includes duplexes, triplexes, quadplexes, cottage clusters, and townhomes.

Open Space, Common: Private open space provided within a development which is provided for, and which is permanently accessible to, all residents/tenants of the development.

Porch: A roofed shelter, usually open at the sides, projecting from the face of a building and used to protect the entrance to a building; a carport is not considered a porch.

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Housing Choices Standards

Primary Use: A primary use is the activity, or combination of activities of chief importance on the site, and the main purposes for which the land or structures are intended, designed, or ordinarily used.

Street: A public or private road, easement or right-of-way that is created to provide access to one (1) or more lots, parcels, areas or tracts of land. Categories of streets include:

- A. Alley: A narrow street, typically abutting to the rear lot or property line. [See the adopted Transportation System Plan]
- B. Arterial: Arterial streets provide connectivity at a regional level, but are not State routes. [See the adopted Transportation System Plan]
- C. Bikeway: Any road, path or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. Bikeways may include:
 - (1) Multi-use Path. A paved way (typically eight (8) to twelve (12) feet wide) separate from vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
 - (2) Bike Lane. A portion of the street (typically four (4) to six (6) feet wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
 - (3) Shoulder Bikeway. The paved shoulder of a street that does not have curbs or sidewalks that is four feet or wider and is typically shared with pedestrians.
 - (4) Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles. Also called "bike route."
 - (5) Multi-use Trail. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians (See the adopted Transportation System Plan).
- D. Common Green: A street that provides for pedestrian and bicycle access, but not vehicle access, to abutting property and generally provides a common area for use by residents. A common green may function as a community yard. Hard and soft landscape features may be included in a common green, such as groundcover, trees, shrubs, surfaced paths, patios, benches, or gazebos.
- E. Collector: Collectors are streets that provide citywide or district-wide connectivity. Collectors are primarily used or planned to move traffic between the local street system, and onto major streets, but may also accommodate through traffic. [See the adopted Transportation System Plan].
- F. Cul-de-Sac: A short street that terminates in a vehicular turnaround. See Section 16.108.060.
- G. Half Street: A portion of the width of a street, usually along the edge of a development, where the remaining portion of the street has been or could be provided by another development.
- H. Local Street: Local streets provide the highest level of access to adjoining land uses. Local streets do not provide through connection at any significant regional, citywide or district level. [Figures 8-5a and 8-5b of the Transportation System Plan illustrate local street cross-sections.]
- I. Marginal Access Street (frontage or backage road): A minor street parallel and adjacent to a principal arterial or arterial street providing access to abutting properties, but protected from through traffic. [See the adopted Transportation System Plan.]
- J. Neighborhood Route: Neighborhood routes are streets that provide connections within or between neighborhoods, but not citywide. Neighborhood routes are primarily used or planned to move traffic between the local street system, and onto collectors and arterials. [See the adopted Transportation System Plan.]

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- K. **Principal Arterial:** Principal arterials are streets that provide connectivity at a regional level, and are typically State routes. [See the adopted Transportation System Plan].
- L. **Shared Court:** A street that is designed to accommodate – within the same circulation space – access for vehicles, pedestrians, and bicycles to abutting property. Instead of a sidewalk area that is separate from vehicle areas, a shared court is surfaced with paving blocks, bricks or other ornamental pavers to clearly indicate that the entire street is intended for pedestrians as well as vehicles. A shared court may also include traffic calming measures to ensure safe co-existence of pedestrians, vehicles, and bicycles. Like a common green, a shared court may function as a community yard. Hard and soft landscape features and street furniture may be included in a shared court, such as trees, shrubs, lighting fixtures, and benches.

Sufficient Infrastructure: Per OAR 660-046-020, the following level of public services to serve new Triplexes, Quadplexes, Townhomes, or Cottage Cluster development:

- Connection to a public sewer system capable of meeting established service levels.
- Connection to a public water system capable of meeting established service levels.
- Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
- Storm drainage facilities capable of meeting established service levels for storm drainage.

Townhome: See "Dwelling Types: Townhome"

Window area: The aggregate area of the glass within each window, including any interior grids, mullions, or transoms.

Division II. - LAND USE AND DEVELOPMENT

March 22, 2022
Housing Choices Standards

Chapter 16.12 - RESIDENTIAL LAND USE DISTRICTS

The residential districts are intended to promote the livability, stability and improvement of the City's neighborhoods.

16.12.010 - Purpose and Density Requirements

A. Very Low Density Residential (VLDR)

1. Standard Density

The VLDR zoning district provides for low density, larger lot single-family housing and other related uses in natural resource and environmentally sensitive areas that warrant preservation but are otherwise deemed suitable for limited development. Standard density in the VLDR zone is 0.7 to 1 dwelling unit per acre (except middle housing types pursuant to 16.12.010.F).

2. VLDR Planned Unit Development Density Standards

Property in the VLDR zone that is developed through the Planned Unit Development (PUD) process under Chapter 16.40, if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, may develop to a density of 1.4 to 2.0 dwelling units per net buildable acre (except middle housing types pursuant to 16.12.010.F) under the following conditions:

- a. The minimum lot size is not less than 10,000 square feet;
- b. The following areas are dedicated to the public or preserved as common open space: floodplains under Section 16.134.020 (Special Resource Zones); natural resources areas as shown on the Natural Resources and Recreation Plan Map, attached as Appendix C, or as specified in Chapter 5 of the Community Development Plan; and wetlands defined and regulated under current Federal regulation and Division VIII of this Code; and
- c. The higher density development will better preserve natural resources as compared to one (1) unit per acre.

3. Southeast Sherwood Master Planned Unit Development

- a. Property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan may develop to a maximum density of four (4.0) dwelling units per net buildable acre (except middle housing types pursuant to 16.12.010.F).
- b. Development under Section 16.12.010.A.3 must generally follow the development pattern shown as Alternative B/C in the SE Sherwood Master Plan (2006) and address the following factors:
 - (1) Varied lot sizes are allowed with a minimum lot area of 10,000 square feet if it can be shown that adequate buffering exists adjacent to developed properties with screening, landscaping, roadways or open space.
 - (2) The open space areas as required by Chapter 16.40 (Planned Unit Development), where feasible, should include parks and pathways that are located within the general vicinity of Alternative B/C in the SE Sherwood Master Plan.
 - (3) There is a pedestrian-friendly transportation system that links the site with nearby residential developments, schools, parks, commercial areas and other destinations.
 - (4) The unique environmental opportunities and constraints identified in the SE Sherwood Master Plan.
 - (5) The view corridors identified in the SE Sherwood Master Plan.

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Housing Choices Standards

- (6) The housing design types that are compatible with both surrounding and existing development.
 - c. A density transfer under Chapter 16.40.050.C.2. is not permitted for development under this Section 16.12.010.A.3.
 - d. The Planning Commission will consider the specific housing design types identified and the preservation of the identified view corridors at the time of final development review to ensure compatibility with the existing and surrounding development.
- B. Low Density Residential (LDR)
- The LDR zoning district provides for single-family housing and other related uses with a density of 3.5 to 5 dwelling units per acre (except middle housing types pursuant to 16.12.010.F). Minor land partitions shall be exempt from the minimum density requirement.
- C. Medium Density Residential (MDRL)
- The MDRL zoning district provides for single-family and duplex housing, manufactured housing and other related uses with a density of 5.6 to 8 dwelling units per acre (except middle housing types pursuant to 16.12.010.F). Minor land partitions shall be exempt from the minimum density requirements.
- D. Medium Density Residential High (MDRH)
- The MDRH zoning district provides for housing and other related uses with a density of 5.5 to 11 dwelling units per acre (except middle housing types pursuant to 16.12.010.F). Minor land partitions are exempt from the minimum density requirement.
- E. High Density Residential (HDR)
- The HDR zoning district provides for housing and other related uses with density of 16.8 to 24 dwelling units per acre (except middle housing types pursuant to 16.12.010.F). Minor land partitions shall be exempt from the minimum density requirement.
- F. Density Standards for Middle Housing.
- In the residential zones, density standards shall be applied to middle housing types as established here. Middle housing types include: duplex, triplex, quadplex, townhome, and cottage cluster.
- 1. Maximum density standards shall not be applied to duplex, triplex, quadplex or cottage cluster development.
 - 2. Cottage clusters must meet a minimum density of four (4) units per net buildable acre.
 - 3. For townhome development, the follow maximum densities shall apply:
 - a. VLDR Zone: 4 units/acre
 - b. VLDR PUD Zone: 8 units/acre
 - c. SE Sherwood Master PUD Zone: 16 units/acre
 - d. LDR Zone: 20 units/acre
 - e. MDRL Zone: 25 units/acre
 - f. MDRH Zone: 25 units/acre
 - g. HDR Zone: 25 units/acre

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(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2013-003, § 2, 9-3-2013; Ord. No. 2011-003, § 2, 4-5-2011)

16.12.020 - Allowed Residential Land Uses

A. Residential Land Uses

The table below identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and defined in Chapter 16.10.

USES	VLDR	LDR	MDRL	MDRH	HDR
RESIDENTIAL					
• Single Family Detached Dwellings	P	P	P	P	P
• Duplex	P	P	P	P	P
• Triplex and Quadplex	P	P	P	P	P
• Cottage Cluster	P	P	P	P	P
• Multi-Family Dwellings	N	N	N	P	P
• Townhomes	P	P	P	P	P
• Planned Unit Developments (PUDs)-subject to Chapter 16.40	P	P	P	P	P
• Manufactured Homes on Individual Lots	P	P	P	P	P
• Manufactured Home Park-subject to Chapter 16.46	N	N	P	P	N
• Accessory Dwelling Unit-subject to Chapter 16.52	P	P	P	P	P
• Group Homes ¹	P	P	P	P	P
Whereas P=Permitted, C=Conditional, N=Not Allowed					

¹ Group homes not to exceed five (5) unrelated persons in residence provided such facilities are substantially identical, in the city's determination, in physical form to other types of housing allowed in the zoning district.

B. Any use not otherwise listed that can be shown to be consistent or associated with the permitted uses or conditionally permitted uses identified in the residential zones or contribute to the achievement of the

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Housing Choices Standards

objectives of the residential zones will be allowed or conditionally permitted using the procedure under Chapter 16.88 (Interpretation of Similar Uses).

- C. Any use that is not permitted or conditionally permitted under this zone that cannot be found to be consistent with the allowed or conditional uses identified as in B. is prohibited in the residential zone using the procedure under Chapter 16.88 (Interpretation of Similar Uses).

(Ord. No. 2012-006, § 2, 3-6-2012; Ord. No. 2011-003, § 2, 4-5-2011)

16.12.030 - Residential Land Use Development Standards

A. Generally

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Variance and Adjustments)

B. Development Standards

Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 (Wetland, Habitat and Natural Areas), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.

Creation of new lots or parcels as part of a townhome or cottage cluster developments are subject to the applicable land division or Planned Unit Development approval process.

C. Development Standards per Residential Zone

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
Minimum Lot areas:(in square ft.)						
• Single Family Detached	40,000	10,000	7,000	5,000	5,000	5,000
• Duplex	40,000	10,000	7,000	5,000	5,000	5,000
• Triplex	40,000	10,000	7,000	5,000	5,000	5,000
• Quadplex	40,000	10,000	7,000	7,000	7,000	7,000
• Cottage Cluster	40,000	10,000	7,000	7,000	7,000	7,000
• Townhome ¹ :	Average of 1,500 SF per unit	Average of 1,500 SF per unit	Average of 1,500 SF per unit	Average of 1,500 SF per unit	Average of 1,500 SF per unit	Average of 1,500 SF per unit

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Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
• Multi-Family-Dwelling: for the first 2 units	X	X	X	X	8,000	8,000
• Multi-Family-Dwelling: each additional unit after first 2	X	X	X	X	3,200	1,500
Minimum Lot width at front property line: (in feet)	25	25	25	25	25	25
Minimum Lot width at front property line: (in feet) – Townhomes only	20	20	20	20	20	20
Minimum Lot width at building line ² : (in feet)						
• Single Family Detached; Duplex; Triplex; Quadplex and Cottage Cluster	60	60	60	50	50	50
• Townhome	20	20	20	20	20	20
• Multi-Family dwelling	X	X	X	X	60	60
Lot Depth	80	80	80	80	80	80
<u>Maximum Height (in feet) ³</u>						
• Cottage Clusters	1.5 stories not to exceed 25 feet	1.5 stories not to exceed 25 feet	1.5 stories not to exceed 25 feet	1.5 stories not to exceed 25 feet	1.5 stories not to exceed 25 feet	1.5 stories not to exceed 25 feet
• All other dwelling types	30 feet or 2 stories	30 feet or 2 stories	30 feet or 2 stories	30 feet or 2 stories	35 feet or 2.5 stories	40 feet or 3 stories
• Amateur Radio Tower	70	70	70	70	70	70
• Chimneys, Solar or Wind Devices, Radio and TV aerials ⁴	50	50	50	50	55	60

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Housing Choices Standards

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
Setbacks (in feet)						
• Front yard ⁵	30	20	20	14	14	14
• Front yard – Cottage Clusters only	10	10	10	10	10	10
• Face of garage	35	20	20	20	20	20
• Interior side yard ⁶						
• Single-Family Detached; Duplex; Triplex; Quadplex; Cottage Cluster	5	5	5	5	5	5
• Townhome	0	0	0	0	0	0
• Multi-Family Dwelling						
• 18 ft. or less in height	X	X	X	X	5	5
• Between 18—24 ft. in height	X	X	X	X	7	7
• If over 24 ft. in height	X	X	X	X	§ 16.68 Infill	§ 16.68 Infill
• Corner lot street side						
• Single-Family Detached; Duplex; Triplex; Quadplex; Townhome	20	20	20	15	15	15
• Cottage Cluster	10	10	10	10	10	10
• Multi-Family Dwelling	X	X	X	X	20	30
• Rear yard	20	20	20	20	20	20
• Rear yard – Cottage Clusters only	10	10	10	10	10	10

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Housing Choices Standards

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
Floor Area						
Cottage Cluster	1st floor building foot print less than 900 sq. ft. 2nd floor shall not exceed 50% of square footage of the 1st floor.	1st floor building foot print less than 900 sq. ft. 2nd floor shall not exceed 50% of square footage of the 1st floor.	1 st floor building foot print less than 900 sq. ft. 2 nd floor shall not exceed 50% of square footage of the 1 st floor.	1 st floor building foot print less than 900 sq. ft. 2 nd floor shall not exceed 50% of square footage of the 1 st floor.	1 st floor building foot print less than 900 sq. ft. 2 nd floor shall not exceed 50% of square footage of the 1 st floor.	1 st floor building foot print less than 900 sq. ft. 2 nd floor shall not exceed 50% of square footage of the 1 st floor.
Footnote: If the lot is an irregular shape see definition for Lot Line, Rear, Section 16.10 Definitions						

Notes:

1. For townhomes, interior units may have different lot sizes than exterior or corner units, as long as the average of all lots is not greater than 1,500 square feet.
2. Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard.
3. Maximum height is the lesser of feet or stories.
4. Some accessory structures, such as chimneys, stacks, water towers, radio or television antennas, etc. may exceed these height limits with a conditional use permit, per Chapter 16.62 (Chimneys, Spires, Antennas and Similar Structures).
5. Reductions in front yard setbacks for architectural features as described in 16.50.050 are not permitted in the MDRL, MDRH, or HDR zoning districts.
6. Adjustments and Variances to interior side-yard setbacks for all housing types are not allowed.

(Ord. No. 2018-007, § 2, 10-2-2018; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2014-006, § 2, 3-4-2014; Ord. No. 2012-006, § 2, 3-6-2012; Ord. No. 2011-003, § 2, 4-5-2011)

16.12.040 - Community Design

- A. Residential garages shall meet the minimum design standards listed on the table below:

	Minimum Width	Minimum Depth	Minimum Garage Door Width

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Housing Choices Standards

One (1) Car Garage	12 ft.	20 ft.	8 ft.
Two (2) Car Garage	18 ft.	20 ft.	16 ft.
Three (3) Car Garage	26 ft.	20 ft.	Single Door – 8 ft. Double Door – 16 ft.

- B. The vehicle parking area(s) shall be functional based on the minimum design standards listed on the table above, 16.12.040.A. Furnaces, stairs, etc. shall not be located within the garage designated parking areas.
- C. Residential Front-Yard Landscaping – the front-yard area of a lot shall be fully landscaped excluding paved off-street parking areas, paved pedestrian paths, and utility areas. Landscaping materials shall meet standards identified in Section 16.92.020 Landscaping Materials.
- D. For additional standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII, IX.

(Ord. No. 2011-003, § 2, 4-5-2011)

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Chapter 16.14 - RESIDENTIAL BUILDING DESIGN

16.14.010 – Residential Building Design Standards for all housing types except for Multi-family housing that is subject to the provisions of Chapter 16.90 Site Planning.

A. Purpose

The following standards are intended to create walkable residential neighborhoods that are visually interesting, compatible with existing development, and avoid monotony in design.

The standards in this section are intended to be clear and objective to allow a streamlined review process per the Residential Design Checklist provisions of Chapter 16.89. Each standard has an associated guideline that provides flexibility for discretionary Design Review by the Planning Commission per Chapter 16.89, Residential Design Review if necessary or desired by the applicant. Adjustments or variances to the standards below can be requested through one of the review processes described in B below.

B. Review Process. The following review processes can be used to review those housing types that are subject to these standards per 16.14.010.C and 16.89.020.A through D. The applicable review process depends on the level of compliance with the clear and objective standards in this section.

1. If all applicable standards from this section are met, Residential Design Checklist review is applied per Chapter 16.89.
2. If any standards of Table 16.14-1 - A, B or C are not met outright, a Type I Adjustment or Type II Class B Variance is required, in addition to the Residential Design Checklist, per Chapter 16.89. The Detailed Design standards of Table 16.14-1.D cannot be adjusted.
3. If the applicant chooses to meet the design guidelines instead of the design standards, a Type IV Design Review is required, per Chapter 16.89.

C. Applicability

1. The standards in this section apply to all new residential development, unless otherwise indicated per the subsections below or per applicable overlay zones. Manufactured home parks and manufactured homes on individual residential lots are subject to the provisions of Chapter 16.46 Manufactured Homes. Additional standards are located in 16.14.020, 16.14.030, and 16.14.040. Multi-family development is subject to the provisions of Chapter 16.90 Site Planning.
2. Expansions and conversions of residential structures in Chapter 16.14. The standards in this section apply to expansions of existing residential structures or conversions of existing single detached dwellings into a duplex, triplex, quadplex or townhome that add more than 50 percent of area to any building elevation(s) adjacent to a public right-of-way or public accessway, as follows:
 - a. The expansion or conversion shall include design elements from Table 16.14-1 below that bring the overall building elevation(s) adjacent to a public right-of-way or public accessway closer to conformance with applicable standards; and
 - b. The expansion or conversion shall not bring the overall building elevation(s) adjacent to a public right-of-way or public accessway further out of conformance with applicable standards. Elements of the existing building elevation(s) adjacent to a public right-of-way or public accessway that are currently out of conformance shall not be made more non-conforming. Elements of the existing building elevation(s) adjacent to a public right-of-way or public accessway that are currently in conformance shall not be made non-conforming.

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Table 16.14-1. Residential Design Standards

Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
A. Entry location and orientation	
These standards apply to all new residential development, except for Multi-family, at the time of building permit submittal. At least one main entrance for each residential structure, or each townhome unit, must meet the following standards. 1. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit. 2. The entrance must either: a. Face the street; or b. Be at an angle of up to 45 degrees from the street; or c. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or d. Open onto a porch. If the entrance opens onto a porch, the porch must: 1) Be at least 25 square feet in area with a minimum four-foot depth; 2) Have at least one porch entry facing the street; 3) Have a roof that is no more than 12 feet above the floor of the porch; and 4) Have a roof that covers at least 30% of the porch area.	Building elevations facing streets, shared courts, and common greens should include pedestrian oriented entrances. Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance.
Additional provisions:	None
B. Garages and Off-Street Parking Areas	
These standards apply to all residential housing development except for townhomes and Multi-family development. Where one or more garages face a street, all of the following standards apply: 1. The front elevation of the garage(s) may not extend in front of the longest, street-facing elevation of the primary dwelling structure. 2. The width of all garages on the street-facing elevation shall not exceed 60 percent of the total width of that	Garages should not be a dominant feature of the front residential elevation. Garage doors should be articulated to reduce their visual impact.

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
elevation. The width of the garage shall be measured from the edges of the finished exterior garage wall. 3. Garages that face a street shall contain at least one of the following design features: a. Garage trellis or pergola extending at least 12 inches from the building face b. Windows on 15 percent of the garage door c. Natural wood finish d. A recess of at least three (3) feet behind the primary dwelling e. Use of multiple materials finish or colors	
Additional provisions:	16.14.020 – Additional Townhome Design Standards 16.14.030 – Additional Triplex and Quadplex Design Standards
C. Windows and Doors	
These standards apply to all residential housing development except for Multi-family development. A minimum of 15 percent of the area of the primary building elevation adjacent to a public right-of-way, or common courtyard elevations must include windows or entrance doors. For side building elevations, adjacent to a public right-of-way or public accessway, a minimum of 10 percent of area is required. Percentage calculation can include window trims and shutters. First floor roof elevations are excluded from the calculations. Elevations separated from the street property line by a dwelling are exempt from meeting this standard. For townhomes, this standard applies on each individual unit.	Building elevations adjacent to streets, shared courts, and common greens should include ample levels of glazing to ensure articulation on the façade, daylighting of interior spaces and visibility into the public realm.
Additional provisions:	None
D. Detailed design¹	
1. All single detached dwellings, duplexes, triplexes and quadplexes shall incorporate at least five (5) of the following elements on the primary building elevation adjacent to a public right-of-way. At least one element shall be incorporated from each of Subsections a, b and c below. The other two required elements may come from any subsection (a through e) below.	Primary building elevations adjacent to streets, shared courts, and common greens should include pedestrian oriented design elements and other design features that provide articulation, variety, interest and quality.

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
All cottages in a cottage cluster shall incorporate at least three (3) of the following elements on the building elevation(s) facing a public right-of-way and/or common courtyard-facing elevation. At least one element shall be incorporated from each of Subsections a, b and c below. All townhome units shall incorporate at least two (2) of the following elements on the primary building elevation adjacent to a public right-of-way. At least one element shall be incorporated from two (2) of Subsections a, b and c below. For corner lots, this standard applies to both street-facing elevations. a. Porches, entries and other offsets: i. Covered porch at least 36 square feet with a depth not less than six (6) feet as measured perpendicular from the face of the main building façade to the edge of the porch. ii. Recessed entry area at least two (2) feet deep, as measured horizontally from the face of the main building façade, and at least five feet wide. iii. Offset on the building face of at least 16 inches from one exterior wall surface to the other. iv. Balcony that is at least three (3) feet deep, five (5) feet wide, and accessible from an interior room. b. Roof elements: i. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls. ii. Roof line offsets of at least two (2) feet from the top surface of one roof to the top surface of the other. iii. Any roofing materials other than asphalt shingles. iv. Gable roof, hip roof, shed roof, or gambrel roof design. v. Dormer that is at least four (4) feet wide. vi. Decorative eave braces.	

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
c. Window elements: i. Window trim around all windows at least three (3) inches wide and five-eighths (5/8) inches deep. ii. Window recesses, in all windows, of at least three (3) inches as measured horizontally from the face of the building façade. iii. Bay window at least one (1) foot deep and three (3) feet wide. iv. Shutters on the exterior of ground floor windows. v. Window Grids. d. Garage elements: i. Attached garage width, as measured between the edges of the exterior finished garage wall, of 30 percent or less of the total width of that elevation. ii. A balcony that extends out over the garage and includes columns. iii. Two separate doors for two car garages instead of one large door. iv. Decorative windows on the garage door. v. Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail. e. Building materials: i. Horizontal lap siding between three (3) to eight (8) inches wide (the visible portion once installed). ii. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40 percent of the street-facing façade. iii. Vertical board and batting siding three (3) to eight (8) inches wide (the visible portion once installed). iv. Belly band trim v. Four (4) Paint Color Scheme	

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
Additional provisions:	None
E. Building Materials	
Prohibited building materials include: 1. Aluminum 2. Vinyl 3. T-111 siding	Residential buildings should utilize durable and high-quality exterior building materials that create a visually appealing façade.
F. Limitation on parking	
Off-street parking is not allowed within the front yard of a dwelling except within a designated driveway or garage or per the provisions of 16.14.020 and 16.14.030.	Parking is located in a manner that does not overwhelm the street-facing façade.
G. House plan variety	
This standard applies to new residential subdivisions and townhome developments only. It does not apply to cottage clusters. 1. No two directly adjacent or opposite dwellings in a single dwelling detached development of more than four units may have the same front or street-facing facade. This standard is met when front or street-facing facades differ from one another by at least three of the elements listed in subsections (3) through (8) below. Where facades repeat on the same block face, they must have at least three intervening lots between them that meet this standard. 2. No two directly adjacent or opposite townhome blocks in a development of more than two (2) townhome blocks may have the same front or street-facing façade. a. For this standard a townhome block is the entire structure of attached townhome units. b. This standard does not apply to individual units within the townhome block. c. This standard is met when front or street-facing facades differ from one townhome block to another by at least three of the elements listed in subsections (3) through (8) below. 3. Materials. The plans specify different exterior cladding materials, a different combination of materials, or different dimensions, spacing, or arrangement of the	New residential developments should provide a variety of house styles and means of articulation along the front façade to avoid repetitive facades along a block face.

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Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
same materials. This standard does not require or prohibit any combination of materials; it only requires that plans not repeat or mirror one another. 4. Articulation. The plans have different offsets, recesses, or projections; or the front building elevations break in different places. For example, a plan that has a stoop entry (recess) varies from one that has an entry under a front porch (projection). For this standard to apply, a recess must have a minimum depth of four (4) feet and a projection or offset must be at least four (4) feet in depth. 5. Variation in roof elevation. The plans have different roof forms (e.g., gable versus gambrel or hip), different roof height (by at least 10 percent), different orientation (e.g., front-facing versus side-facing gable), different roof projections (e.g., with and without dormer or shed, or different type of dormer or shed), or different roof pitch by more than 2 feet of vertical rise to 12 feet of horizontal run. 6. Entry or porch. The plans have different configuration or detailing of the front porch or covered entrance. 7. Fenestration. The plans have different placement, shape, or orientation of windows or different placement of doors. 8. Height. The elevation of the primary roofline (along the axis of the longest roofline) changes by not less than four (4) feet from building to building, or from dwelling unit to dwelling unit, on abutting lots, as applicable. Changes in finished grade of eight (8) feet or more from one lot to the adjacent lot are counted toward change in height for purposes of evaluating facade variation.	
Additional provisions:	16.14.020 – Additional Townhome Design Standards 16.14.030 – Additional Triplex and Quadplex Design Standards

Notes:

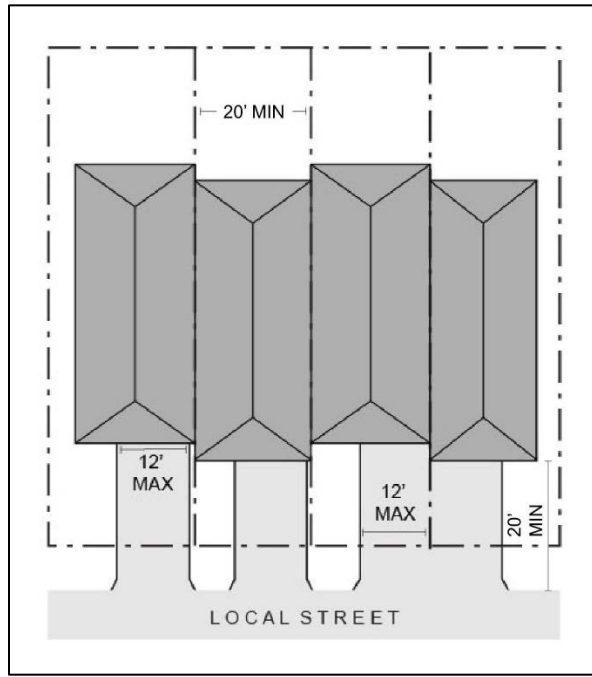
1. The Detailed Design standards in Subsection D of Table 16.14-1 cannot be adjusted through an Adjustment or Variance per Chapter 18.64. If a Detailed Design standard from Subsection D cannot be met for a development, then the development should utilize another option from the list.

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D. Illustrations

16.14.020 – Additional Townhome Design Standards

Figure 10. Townhome Garages



16.14.030 – Additional Triplex and Quadplex Design Standards

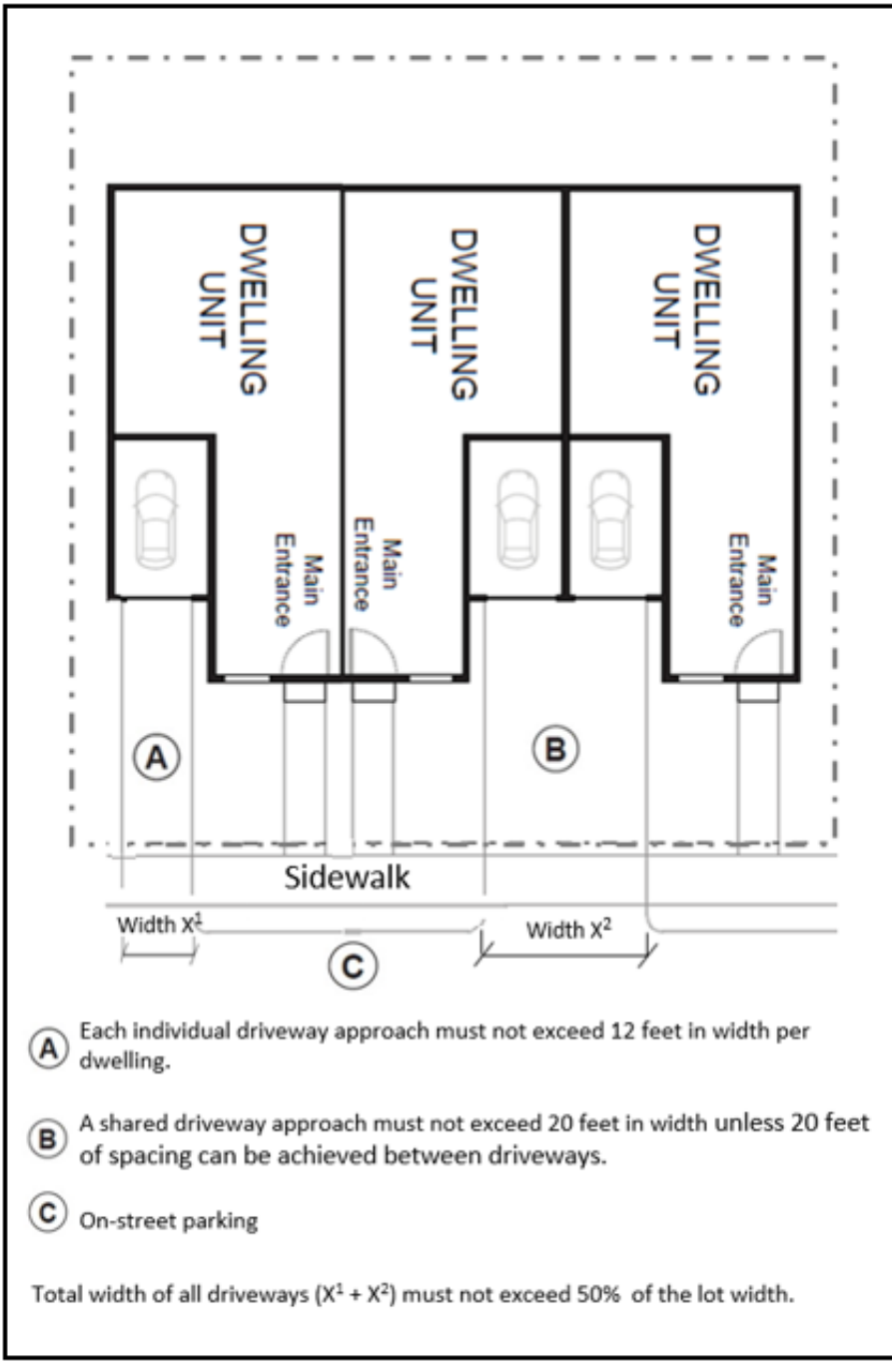
A. Driveway Approach.

Driveway approaches shall comply with the following:

1. Each individual driveway approach must not exceed 12 feet in width per dwelling. For lots or parcels with more than one frontage, see subsection (5) below.
2. Total width of all driveways shall not exceed 50 percent of the lot width.
3. To maximize on-street parking opportunities, one shared driveway for every two units is required. A shared driveway approach must not exceed 20 feet in width unless 20 feet of spacing can be achieved between driveways.
4. Driveway approaches must meet applicable driveway spacing standards for local streets.
5. In addition, lots or parcels with more than one frontage must comply with the following:
 - a. Lots or parcels must access the street with the lowest classification. For lots or parcels abutting an alley, access must be taken from the alley.
 - b. Lots or parcels with frontages only on collectors and/or arterial streets must meet the applicable driveway access standards for collectors and/or arterials.

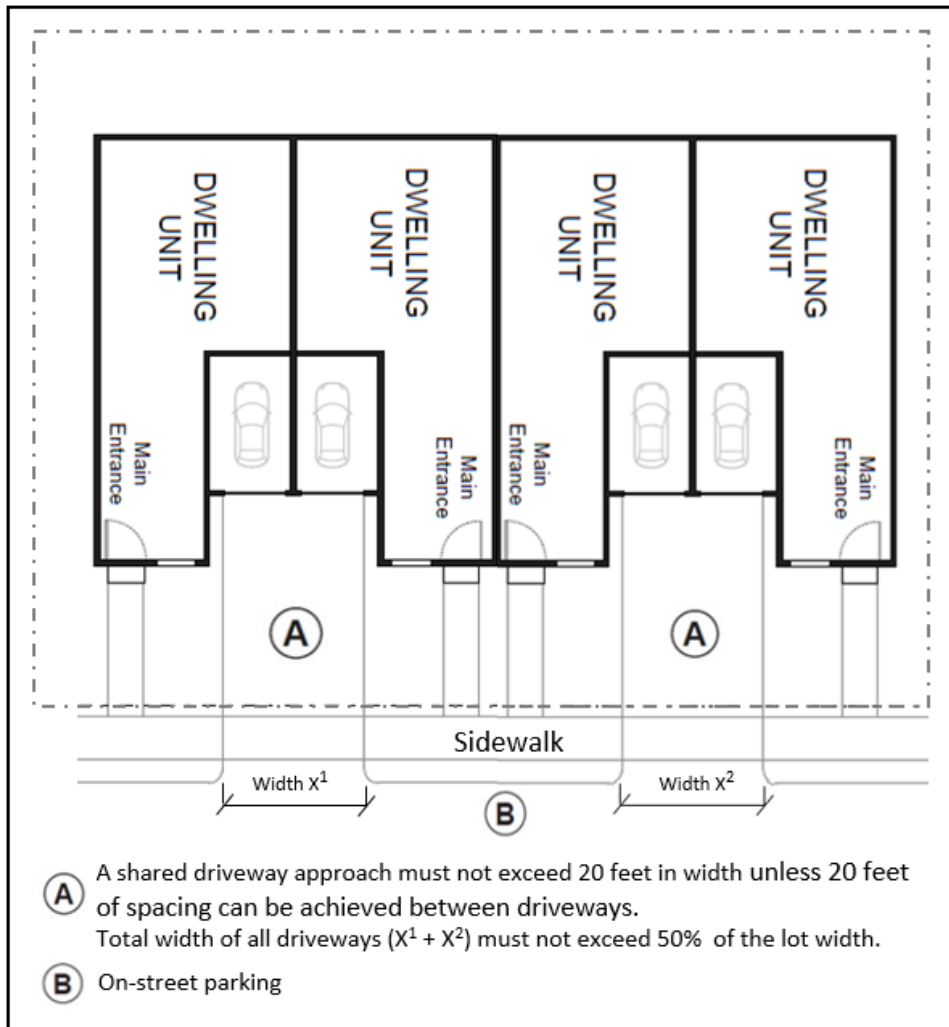
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Figure 11-A. Side-by-Side Triplex/Quadplex Driveway Approaches – Local Street



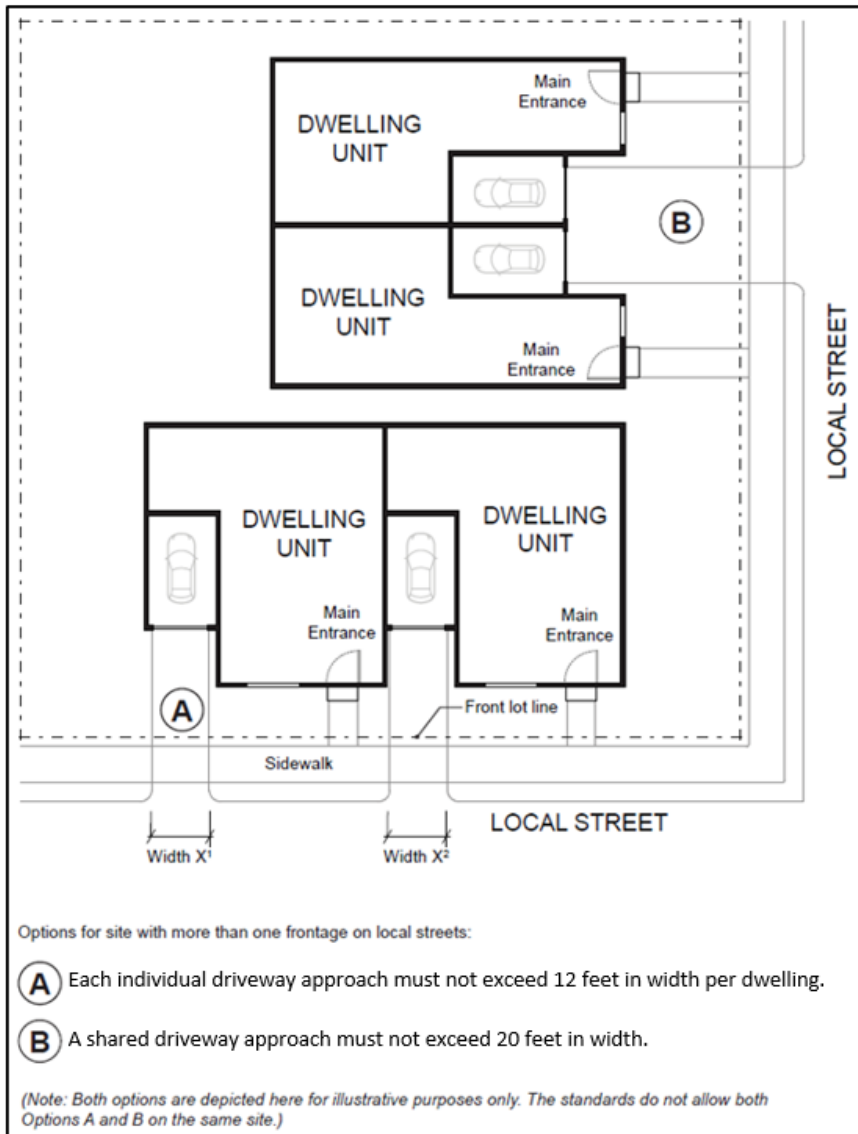
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Figure 11-B. Side-by-Side Triplex/Quadplex Driveway Approaches – Local Street



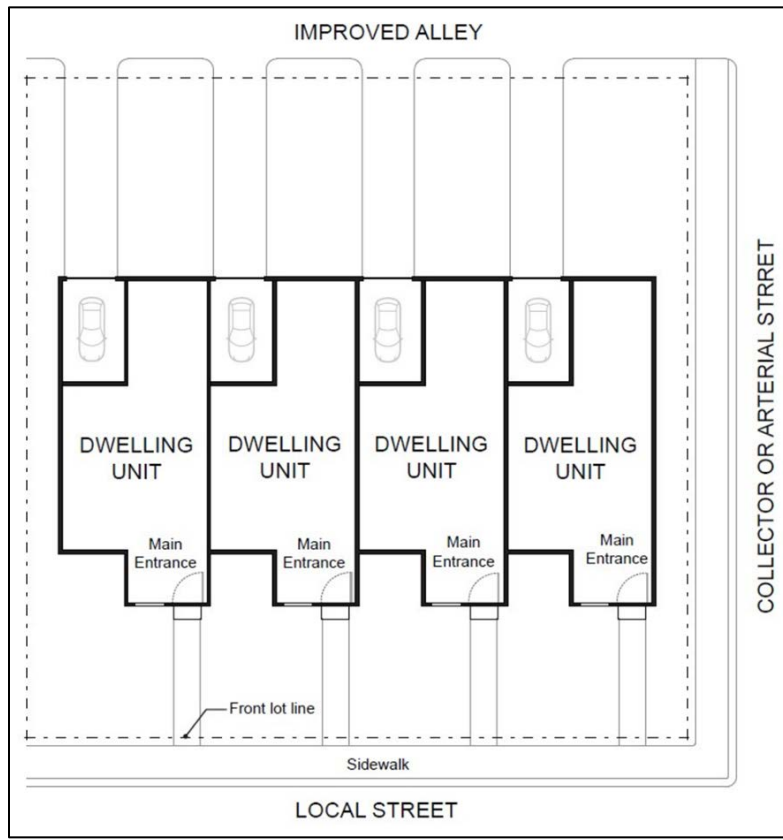
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Figure 12. Side-by-Side Triplex/Quadplex Driveway Approaches – More Than One Frontage



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Figure 13. Side-by-Side Triplex/Quadplex Driveway Approaches – Alley Access from Collector or Arterial Street



16.14.040 – Additional Cottage Cluster Development and Design Standards

A. Purpose

The purpose of these cottage cluster standards is to promote development of clusters of small homes that are designed around a common open space or courtyard. The cottage cluster is intended to provide opportunity for community gathering; pedestrian connections within the cluster and to surrounding streets; clustered parking that is located to the side or behind the cottages; and smaller homes that are oriented inward toward the common courtyard rather than the adjacent streets.

B. Development Standards

1. Cottage clusters must include at least 4 dwellings and no more than 12 dwellings are allowed to share a single common courtyard.
2. The footprint of individual cottage units within a cottage cluster must be less than 900 sq. ft. An attached carport up to 200 sq. ft. may be exempted from the building footprint calculation.
3. Garages are not allowed in Cottage Cluster development.

C. Design Standards

1. Cottage Design. Cottages are subject to applicable design standards of Table 16.14-1 in addition to these standards.
2. Each cottage shall have the master bedroom located on the main floor.
3. The second floor of each cottage cannot exceed 50 percent of the square footage of the first floor.

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4. Cottage Orientation. Cottages must be clustered around a common area/courtyard and must meet the following standards:
 - a. Each cottage within a cluster must either abut the common area/courtyard or must be directly connected to it by a pedestrian path.
 - b. A minimum of 50 percent of the total number of cottages within a cluster must be oriented to the common area/courtyard and must:
 - 1) Have a main entrance facing the common area;
 - 2) Be within 10 feet from the common area, measured from the façade of the cottage to the nearest delineation of the common area; and
 - 3) Be connected to the common area by a pedestrian path.
 - c. Cottages within 20 feet of a street property line may have their entrances facing the street.
 - d. Cottages not facing the common area or the street must have their main entrances facing a pedestrian path that is directly connected to the common area.
5. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard to provide a sense of openness and community for residents. Each cottage cluster as part of a cottage cluster development must have its own common courtyard. Common courtyards must meet the following standards:
 - a. The common space must be a single, contiguous area of land.
 - b. Cottages must abut the common area on at least two sides of the courtyard.
 - c. The common area must contain a minimum of 150 square feet per cottage within the associated cluster.
 - d. The common area must be a minimum of 15 feet wide at its narrowest dimension for those areas to be counted towards the minimum requirement.
 - e. The common area shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, and/or paved courtyard area. Impervious elements of the common area shall not exceed 75 percent of the total common area.
 - f. Pedestrian paths qualify as part of a common area. Parking areas, required setbacks, and driveways do not qualify as part of a common area.
6. Community Buildings. Cottage cluster development may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
 - a. One single-story community building is allowed that has a maximum of 1,800 square feet.
 - b. The primary use for the community building is not a primary residence.
 - c. Community buildings must meet the design and development standards applicable to cottages within the development.
 - d. A community building is not considered an accessory structure.
7. Pedestrian Access.
 - a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - 1) The common courtyard;
 - 2) Shared parking areas;

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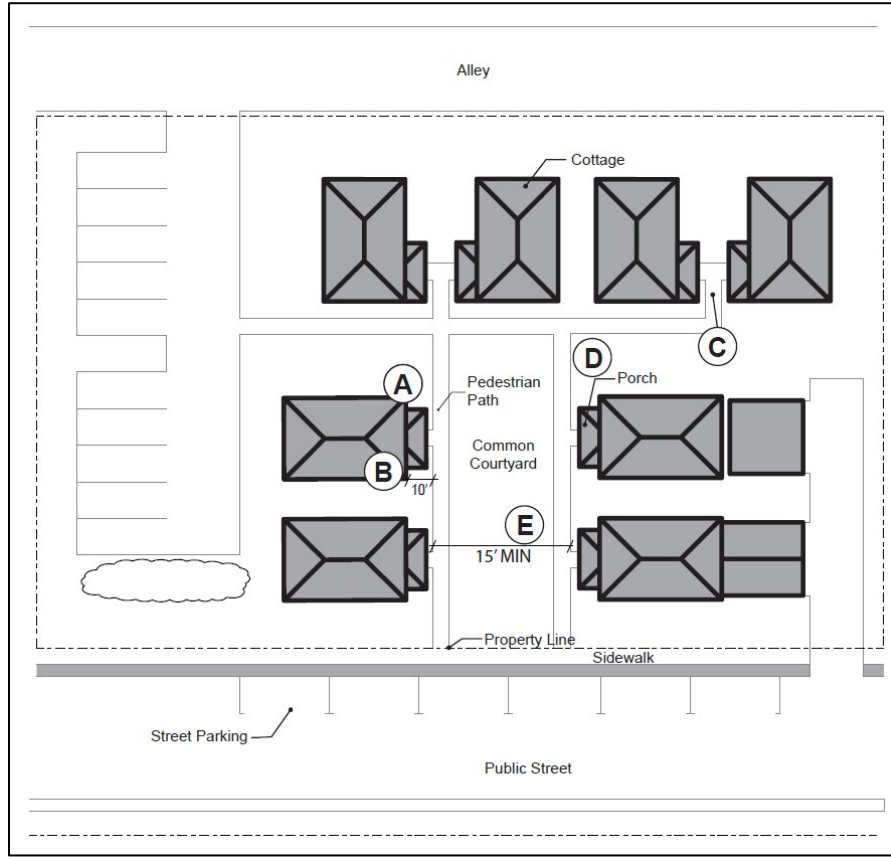
- 3) Community buildings; and
- 4) Sidewalks in public rights-of-way abutting the site or roadways if there are no sidewalks.
- b. The pedestrian path must be hard-surfaced and a minimum of five (5) feet wide.
8. Windows. Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single detached dwellings in the same zone.
9. Parking Design.
 - a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
 - i. Cottage cluster developments are permitted parking clusters of not more than six (6) contiguous spaces.
 - ii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.
 - iii. Clustered parking areas may be covered.
 - b. Off-street parking spaces and vehicle maneuvering areas shall not be located:
 - 1) Within of 20 feet from any street property line, except alley property lines;
 - 2) Between a street property line, except alley property lines, and cottages abutting the street property line.
 - c. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
 - d. Screening. Landscaping or architectural screening at least 3 feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
 - e. Carports
 - 1) Carports (whether shared or individual) must not abut common courtyards.
 - 2) Individual attached carports up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
 - 3) Individual detached carports must not exceed 400 square feet in floor area.
8. Vehicular Access – a public alley can be utilized for vehicular access.
9. Accessory Structures. Accessory structures in cottage cluster developments must not exceed 400 square feet in floor area and are subject to the standards of Chapter 16.50.
10. Existing Structures. On a lot or parcel to be used for a cottage cluster project, a pre-existing detached single dwelling may remain within the cottage cluster project area under the following conditions:
 - a. The existing dwelling may be nonconforming with respect to the requirements of this code.
 - b. Existing dwellings may be expanded up to the maximum height or footprint allowed or required by this code; however, existing dwellings that exceed the maximum height, footprint, and/or unit size of this code may not be expanded.
 - c. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection 16.14.040.C.1.b.
- D. Review Process. The following review processes shall be used to review a cottage cluster development. The applicable review process depends on the level of compliance with the clear and objective standards in this section.
 1. If all applicable standards from this section are met, a Residential Design Checklist review is applied per Chapter 16.89.

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2. If any of the standards are not met outright, a Planned Unit Development review process is applied per Chapter 16.40. For the Architectural Pattern Book in Section 16.40.020.B.6, direct reference shall be given to the Residential Design Standards in Table 16.14-1 of this section.

E. Condominium Process. Cottage Cluster condominium shall meet standards in Section 16.120.090 CONDOMINIUMS.

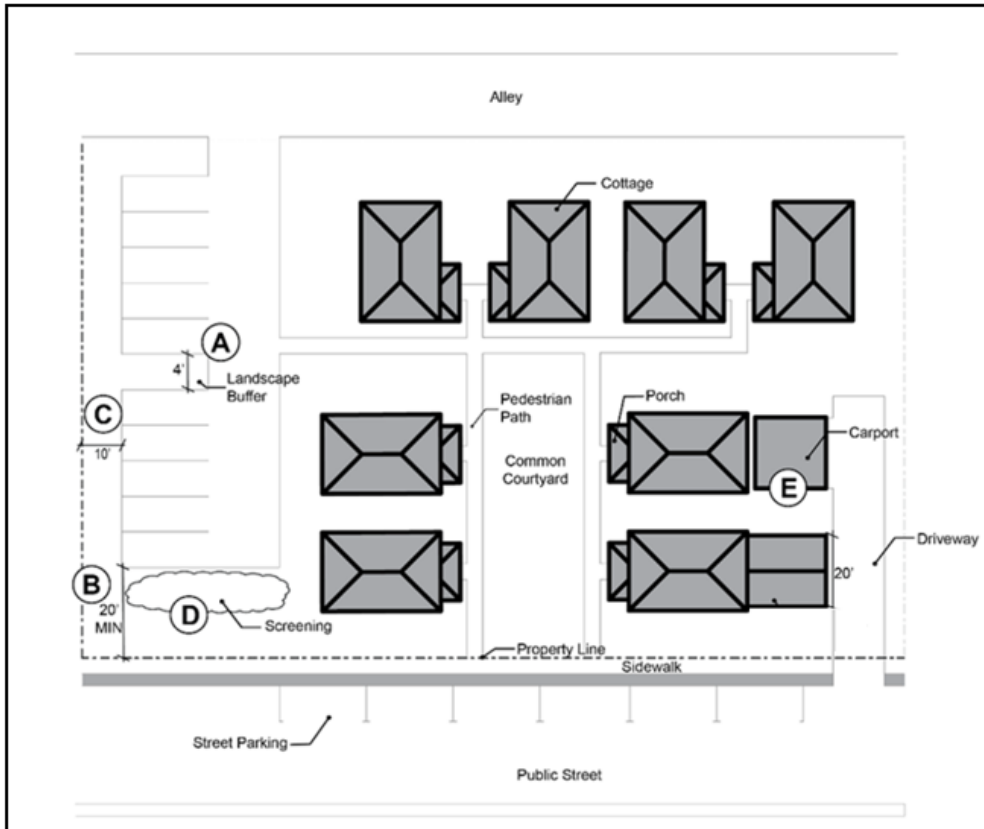
Figure 14. Cottage Cluster Orientation and Courtyard Design



- A** A minimum of 50% of cottages must be oriented to the common courtyard.
- B** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- C** Cottages must be connected to the common courtyard by a pedestrian path.
- D** Cottages must abut the courtyard on at least two sides of the courtyard.
- E** The common courtyard must be at least 15 feet wide at its narrowest width.

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Figure 15. Cottage Cluster Parking Design



- A** Parking allowed in clusters of up to 6 spaces. Clusters separated by minimum 4 feet of landscaping.
- B** No parking or vehicle area within 20 feet from street property line (except alley).
- C** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- D** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- E** Carports must not abut the common courtyard.

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Chapter 16.40 - PLANNED UNIT DEVELOPMENT (PUD)*

16.40.010 - Purpose

- A. PUDs integrate buildings, land use, transportation facilities, utility systems and open space through an overall site design on a single parcel of land or multiple properties under one or more ownerships. Applicants are not required to use the PUD process in this Chapter and can instead use the clear and objective processes available through other chapters of this Code. The PUD process is intended to be an alternative option an applicant may select in lieu of the clear and objective processes in order to allow creativity and flexibility in site design and review which cannot be achieved through a strict adherence to existing zoning and subdivision standards. As such, approval of a PUD is based on discretionary standards.
- B. The PUD process is intended to achieve the following objectives:
 - 1. Encourage efficient use of land and resources that can result in savings to the community, consumers and developers.
 - 2. Preserve valuable landscape, terrain and other environmental features and amenities as described in the Comprehensive Plan or through site investigations.
 - 3. Provide diversified and innovative living, working or neighborhood shopping environments that take into consideration community needs and activity patterns.
 - 4. Achieve maximum energy efficiency in land uses.
 - 5. Promote innovative, pedestrian-friendly, and human scale design in architecture and/or other site features that enhance the community or natural environment.

(Ord. No. 2008-015, § 1, 10-7-2008; Ord. 2001-1119, § 1; Ord. 86-851, § 3)

16.40.020 - Preliminary Development Plan

A. Generally

A PUD Preliminary Development Plan shall be submitted for the review and approval in accordance with Chapter 16.72. PUDs may be considered only:

- 1. On sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of:
 - a. Natural features such as floodplains, wetlands, and extreme topography, or
 - b. Man-made features, such as parcel configuration and surrounding development, but not including man-made features on or resulting from other parcels owned by any owner of the property subject to the PUD application;
- 2. On parcels of land within an Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or
- 3. For cottage cluster development that is unable to meet the standards of Section 16.14.040; or
- 4. In other areas deemed appropriated by Council during the adoption of a concept plan required by a Metro UGB expansion.

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16.40.030 - Final Development Plan

A. Generally

Upon approval of the PUD overlay zoning district and preliminary development plan by the Council, the applicant shall prepare a detailed Final Development Plan as per this Chapter, for review and approval of the Commission. The Final Development Plan shall comply with all conditions of approval as per Section 16.40.020. In addition, the applicant shall prepare and submit a detailed site plan for any non-single-family dwelling structure or use not addressed under Section 16.40.020(B)(6), for review and approval, pursuant to the provisions of Chapter 16.90. The site plan shall be processed concurrently with the Final Development Plan.

[...]

16.40.050 - Residential PUD

A. Permitted Uses

The following uses are permitted outright in Residential PUD when approved as part of a Final Development Plan:

1. Varied housing types, including but not limited to single-family detached dwellings, middle housing dwelling types, zero-lot line housing, and multi-family dwellings.
2. Related NC uses which are designed and located so as to serve the PUD district and neighborhood.
3. All other uses permitted within the underlying zoning district in which the PUD is located.

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Chapter 16.50 - ACCESSORY STRUCTURES, ARCHITECTURAL FEATURES AND DECKS

16.50.010 - Standards and Definition

A. Reserved

B. Generally

For uses located within a residential zoning district, accessory uses, buildings, and structures shall comply with all requirements for principal uses, buildings, and structures except where specifically modified below; and shall also comply with the City of Sherwood Building Code as amended. Where this Code and the Building Code conflict, the most stringent shall apply.

C. Dimension and Setback Requirements

1. Any accessory building shall have not more than six hundred (600) square feet of ground floor area and shall be no taller than 15 feet in height, except as specified for cottage cluster community buildings per 16.14.040.C.
2. No accessory building or structure over three (3) feet in height shall be allowed in any required front yard. Accessory buildings may be allowed in required side and rear building setbacks as described below.
3. When a Building Permit is not required and the structure is less than 100 square of ground floor area feet and less than six feet tall, no rear or side yard setbacks are required and the structure may abut the rear or side property line.
4. When a Building Permit is not required and the structure is over 100 square feet of ground floor area, but under 200 square feet and under ten (10) feet in height:
 - a. Detached accessory structures shall maintain a minimum 3-foot distance from any side or rear property line.
 - b. Attached accessory structures shall be setback a minimum of three (3) feet from any side property line and ten (10) feet from a rear property line.
5. When a Building Permit is required:
 - a. No accessory building or structure over three (3) feet in shall be located closer than five (5) feet to any side property line and ten (10) feet from any rear property line.
 - b. Any accessory building or structure attached by a common wall or permanent roof or foundation to the principal building or structure must comply with all setbacks for the principal building or structure.

D. No accessory building or structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way, including but not limited to streets, alleys, and public and/or private easements.

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Chapter 16.68 - INFILL DEVELOPMENT STANDARDS*

[...]

5. The land division shall be conditioned, and a deed restriction recorded on each lot that contains less than the minimum lot size of the zone, requiring that building elevations and floor plans be submitted to the Planning Department for review and approval prior to issuance of a building permit on such lot, and such plans be binding on future building. Building plans required under this section shall meet the following standards as provided in Section 16.68.030;

(Ord. No. 2010-015, § 2, 10-5-2010)

16.68.030 - Building Design on Infill Lots

Structures exceeding twenty four (24) feet in height shall conform to the following standards:

- A. Floor Area: Floor area in any dwelling with a height greater than twenty four (24) feet shall not exceed the following floor area ratios, except that the first 200 square feet of floor area in a detached garage or other accessory structure shall be exempt, when the accessory structure is located behind a dwelling (dwelling is between accessory structure and abutting street), the lot is not a through lot, and the accessory structure does not exceed a height of eighteen (18) feet. Floor area shall not exceed:
 1. Low Density Residential (LDR): 50% of lot area
 2. Medium Density Residential Low (MDRL): 55% of lot area
 3. Medium Density Residential High (MDRH): 60% of lot area
 4. High Density Residential (HDR): 65% of lot area
 5. The floor area standards in this section do not apply to cottage clusters.

Division IV. - PLANNING PROCEDURES

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Chapter 16.88 - INTERPRETATION OF SIMILAR USES

[...]

16.88.040 - Uses

This chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. The use categories provide a systematic basis for assignment of present and future uses to zones. The decision to allow or prohibit the use categories in the various zones is based on the goals and policies of the Comprehensive Plan. Uses are assigned to the category whose description most closely describes the nature of the primary use. A primary use is the activity, or combination of activities of chief importance on the site, and the main purposes for which the land or structures are intended, designed, or ordinarily used. Accessory uses are uses or activities which are a subordinate part of a primary use and are clearly incidental to a primary use on site.

A. Residential Use Types

1. Residential uses are intended for habitation by one (1) or more individuals on a wholly or primarily non-transient basis. These uses usually include accommodations for cooking, sleeping, bathing, and similar common areas typically associated with habitation. Residential uses include, but are not limited to the following housing types:
 - (1) Single-family detached - A structure consisting of a single dwelling unit which is for occupancy by one (1) or more persons on a single parcel or lot. Cottage clusters are a type of single detached housing when each cottage is located on a single lot.
 - (2) Single-family attached - A structure consisting of one (1) or more attached single dwelling unit which is for occupancy by one (1) or more persons on separate parcels or lots. Examples include but are not necessarily limited to townhomes.
 - (3) Duplex - A structure consisting of two (2) dwelling units on the same parcel or lot. Two (2) family homes are commonly referred to as a duplex.
 - (4) Triplex – Three (3) attached dwelling units, in any configuration, located on a single lot or parcel.
 - (5) Quadplex – Four (4) attached dwelling units, in any configuration, located on a single lot or parcel.
 - (6) Multi-Family dwelling - A structure consisting of five (5) or more dwelling units on the same parcel or lot. Multi-Family-dwelling homes include, but are not limited to garden apartments, apartments, condominiums. Multi-dwellings do not include townhomes, which are located on individual lots.
 - (7) Institutional and residential care facilities — A facility licensed by or under the authority of the Department of Health and Human Services under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Examples include residential care homes, group homes, halfway homes, etc.

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Chapter 16.89 - RESIDENTIAL DESIGN CHECKLIST AND RESIDENTIAL DESIGN REVIEW

16.89.010 – Purpose and Intent

A. Purpose

The Residential Design Checklist Review and Residential Design Review are intended to provide an opportunity for the City of Sherwood to encourage development of a variety of housing types while providing for a review process that encourages traditional forms commonly found in Sherwood while providing for a variety of design and site-specific situations for these housing types.

This process is designed to provide a streamlined review process to encourage development of housing at a variety of types and scales. The Residential Design Checklist Review is a clear and objective review process and will be implemented at time of Residential Building Permit submittal. For projects seeking additional flexibility, the Residential Design Checklist Review may be paired with either a concurrent Type I Adjustment or Type II Class B Variance process referenced in Section 16.84.030.

For residential projects seeking the highest level of flexibility, the Residential Design Review is a Type IV discretionary review. Projects subject to Residential Design Review are to be reviewed against the design guidelines rather than against the degree of departure from the standard.

B. Intent

The following standards are intended to create walkable residential neighborhoods that are visually interesting, compatible with existing development, and avoid monotony in design. Should the Residential Design Review process be applied, see the design guidelines in Table 16.14-1, Residential Design Standards for design intent for each standard.

16.89.020 – Residential Design Checklist Review or Residential Design Review Required

- A. When Required.** Residential Design Checklist Review or Residential Design Review is required prior to new residential development, expansions or conversions that are subject to the design standards of 16.14, or any substantial change to a site or use and is required prior to issuance of building permits for a new residential dwelling, or for substantial alteration of an existing residential dwelling or use. Exemptions noted below.

Either a Residential Design Checklist Review or a Residential Design Review is required for the following housing types (multi-family dwellings are subject to Section 16.90 review):

1. Accessory Dwelling Unit
2. Single detached dwelling
3. Duplex
4. Townhouse
5. Triplex
6. Quadplex
7. Cottage Cluster development

- B. Applicability.** For the purposes of Section 16.89.020, the terms "substantial change" and "substantial alteration" mean any development activity as defined by this Code that generally requires a building permit and exhibits one or more of the following characteristics:

1. Construction of new residential dwelling(s).

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2. The activity involves changes in the use of a structure, building, or property from a non-residential to a residential use listed above.
 3. The activity involves non-conforming uses as defined in Chapter 16.48.
 4. The activity is identified as an expansion or conversion per 16.14.010.C.2
- C. Exemption to Residential Design Checklist Review Requirement
1. Residential accessory structure subject to Chapter 16.50.
- D. Required Standards
1. For the Residential Design Checklist Review application, all of the following are to be met:
 - a. All of the design standards noted in Subsection 16.14.010, Subsection 16.14.040, and/or Chapter 16.52 Accessory Dwelling Units
 - b. For a stand-alone Accessory Dwelling Unit, the standards and criteria in 16.52.020.H shall apply
 2. If the standards listed in Subsection D above cannot be met outright, there are two concurrent options with the Residential Design Checklist Review:
 - a. Adjustment. See Section 16.84.030 for a Type I Adjustment for up to 5 percent modifications of the design standards associated with Table 16.14-1, Residential Design Standards, A-C. Applying the Adjustment provision creates a concurrent review that is no longer clear and objective.
 - b. Variance. See Section 16.84.030 for a Type II Class B Variance for 5 to 10 percent modifications of the design standards associated with Table 16.14-1, Residential Design Standards, A-C. Applying the Variance provision, creates a concurrent review that is no longer clear and objective.

E. Time Limits

Residential Design Checklist approvals are void after one (1) year unless construction on the site has begun, as determined by the City. The City may extend approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010.

16.89.030 - Residential Design Review.

As an alternative to meeting the clear and objective standards in Sections 16.89.020.A, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the design guidelines of Section 16.14.010.B, Table 16.14-1:

- A. Intent. The intent of this Review is to provide a flexible option for projects which implement the design guidelines rather than the design standards.
- B. Approval Criteria:
1. The proposed development demonstrates conformance with the applicable design guidelines of Section 16.14.010.B, Table 16.14-1.
 2. The proposed development meets applicable zoning district standards and standards in Division II, and all applicable provisions of Divisions V, VI, VIII and IX unless revised through the Adjustment or Variance process
 3. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications

C. Time Limits

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Residential Design Review approvals are void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010.

Division V. - COMMUNITY DESIGN

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Chapter 16.90 - SITE PLANNING*

[...]

16.90.020 - Site Plan Review

A. Site Plan Review Required

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

Site Plan Review is required for the following development:

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

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

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

B. Exemption to Site Plan Requirement

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

C. Reserved

D. Required Findings

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

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

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2. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.
3. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.
4. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.
5. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant must provide adequate information, such as a traffic impact analysis (TIA) or traffic counts, to demonstrate the level of impact to the surrounding transportation system. The developer is required to mitigate for impacts attributable to the project, pursuant to TIA requirements in Section 16.106.080 and rough proportionality requirements in Section 16.106.090. The determination of impact or effect and the scope of the impact study must be coordinated with the provider of the affected transportation facility.
6. The proposed commercial, multi-family dwelling, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards include the following:
 - a. Primary, front entrances are located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.
 - b. Buildings are located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
 - c. The architecture of buildings are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding are prohibited. Street facing elevations have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.
 - d. As an alternative to the standards in Section 16.90.020.D.6.a—c, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.a—c. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.

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Chapter 16.94 - OFF-STREET PARKING AND LOADING

[...]

16.94.020 - Off-Street Parking Standards

A. Generally

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off - street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.

Table 1: Minimum and Maximum Parking Standards

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

	Minimum Parking Standard	Maximum Permitted Parking Zone A ¹	Maximum Permitted Parking Zone B ²
Accessory Dwelling Unit	None	None	None
Single Family detached and manufactured home on lot ³	1 per dwelling unit	None	None
Duplex	1 space per dwelling unit (total of 2 per duplex)	None	None
Triplex			
Lot area less than 3,000 SF	1 space total	None	None
Lot area equal to or greater than 3,000 SF and less than 5,000 SF	2 spaces total	None	None
Lot area equal to or greater than 5,000 SF	3 spaces total	None	None
Quadplex			
Lot area less than 3,000 SF	1 space total	None	None
Lot area equal to or greater than 3,000 SF and less than 5,000 SF	2 spaces total	None	None

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Lot area equal to or greater than 5,000 SF and less than 7,000 SF	3 spaces total		
Lot area equal to or greater than 7,000 SF	4 spaces total	None	None
Townhome	1 space per unit	None	None
Cottage Cluster	1 space per unit	None	None
Multi-Family-dwelling ⁴	1 per unit under 500 sf 1.25 per 1 bdr 1.5 per 2 bdr 1.75 per 3 bdr	None	None

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

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

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

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

B. Dimensional and General Configuration Standards

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

[...]

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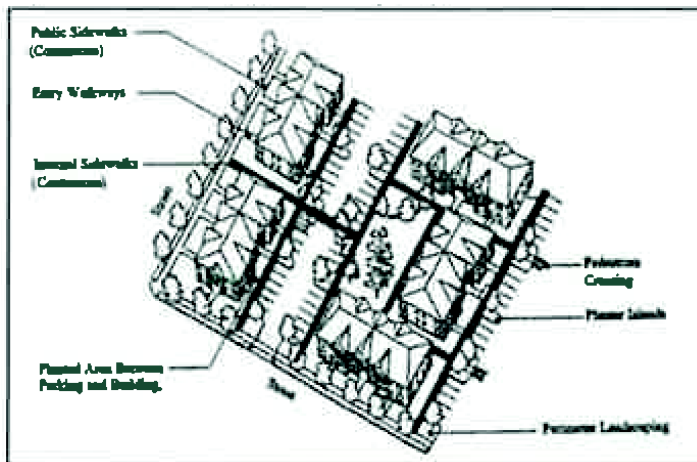
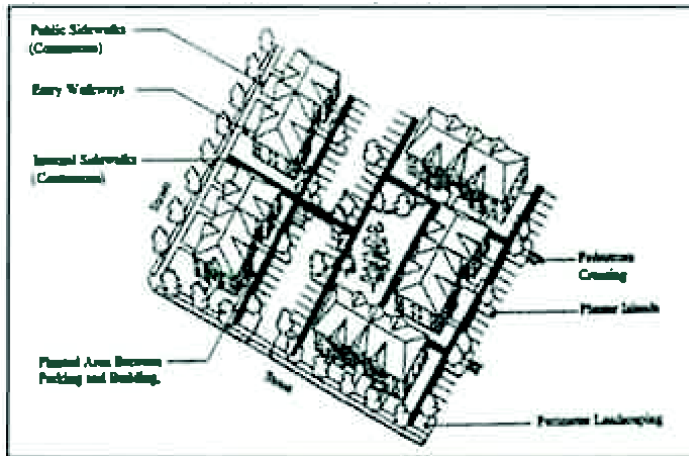
Chapter 16.96 - ON-SITE CIRCULATION

16.96.010 - On-Site Pedestrian and Bicycle Circulation

A. Purpose

On-site facilities shall be provided that accommodate safe and convenient pedestrian access within new subdivisions, multi-family dwelling developments, planned unit developments, shopping centers and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one-half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers. All new development, (except single-family detached and middle housing types), shall provide a continuous system of private pathways/sidewalks.

On-Site Circulation System (Multi-Family-Dwelling Example)



[...]

F. Access to Major Roadways

Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Appendix C of the Community Development Plan, Part II, shall be limited as follows:

1. Single Family Detached homes, middle housing types, and Manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W and arterial roadways. If alternative public access is not available at the time

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of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.

2. Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress.
3. All site plans or Residential Design Checklists for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.

G. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.

(Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, § 6; Ord. 86-851)

16.96.020 Minimum - Residential standards

Minimum standards for private, on-site circulation improvements in residential developments:

A. Driveways

1. ADU/Single-Family-Detached: One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%.
2. Duplex: One (1) shared driveway improved with hard surface pavement with a minimum width of twenty (20) feet; or two (2) driveways improved with hard surface pavement with a minimum width of ten (10) feet each.
3. Townhome: A maximum of one (1) driveway per unit improved with hard surface pavement with a minimum width of ten (10) feet. See also the provisions of 16.14.020.D.
4. Triplex and Quadplex: See the provisions of 16.14.030.A.
5. Multi-Family-Dwelling: Improved hard surface driveways are required as follows:

Number of Units	Number of Driveways	One Way Drive Width (Pair)	Two Way Drive Width
5—49	1	15 feet	24 feet
50 or more	2	15 feet	24 feet

5. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.

B. Sidewalks, Pathways and Curbs

1. Single Family Detached, Duplex, Triplex, Quadplex, Townhome, Cottage Cluster, and Manufactured Home on Individual Residential Lot: on-site sidewalks and curbs are not required when part of a proposed partition or subdivision. For cottage clusters, on-site pedestrian pathways are required consistent with Section 16.14.040.
2. Multi-Family-Dwelling:

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- a. A system of private pedestrian sidewalks/pathways extending throughout the development site shall connect each dwelling unit to vehicular parking areas, common open space, storage areas, recreation facilities, adjacent developments, transit facilities within five hundred (500) feet of the site, and future phases of development. Main building entrances shall also be connected to one another.
- b. Required private pathways/sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators, on one (1) side of approved driveways connecting to the public sidewalk or curb of the public street that provides required ingress and egress. Curbs shall also be required at a standard approved by the Review Authority.
- c. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, brick/masonry pavers, or other durable surface, at least five (5) feet wide and conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump).
- d. Exceptions Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

(Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, §§ 5, 8; 91-922)

Division VI. - PUBLIC INFRASTRUCTURE

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Chapter 16.104 - GENERAL PROVISIONS^[46]

[...]

16.104.030 - Improvement Procedures

Except as otherwise provided, all public improvements shall conform to City standards and specifications found in the Engineering Design Manual and installed in accordance with Chapter 16.108. The Council may establish additional specifications to supplement the standards of this Code and other applicable ordinances. Except for public projects constructed consistent with an existing facility plan, a public improvements shall not be undertaken until land use approval has been granted, a public improvement plan review fee has been paid, all improvement plans have been approved by the City, and an improvement permit has been issued.

The City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a middle housing development application.

(Ord. No. 2011-011, § 1, 10-4-2011)

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Chapter 16.106 - TRANSPORTATION FACILITIES

16.106.040 - Design

[...]

M. Vehicular Access Management

[...]

2. Roadway Access

No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.

[...]

b. Neighborhood Routes:

Minimum spacing between driveways (Point "C" to Point "C") shall be fifty (50) feet with the exception of single family detached dwellings and middle housing dwellings on residential lots in a recorded subdivision. Such lots shall not be subject to a minimum spacing requirement between driveways (Point "C" to Point "C"). In all instances, access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than fifty (50) feet.

[...]

d. Arterials and Highway 99W - Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Figure 1 of the Community Development Plan, Part II, shall be limited as follows:

- (1) Single family-detached dwellings, middle housing dwellings, and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W or arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.
- (2) Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress. Alternatives include shared or crossover access agreement between properties, consolidated access points, or frontage or backage roads. When alternatives do not exist, access shall comply with the following standards:
 - (a) Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').
 - (b) The access to Highway 99W will be considered temporary until an alternative access to public right-of-ways is created. When the alternative access is available the temporary access to Highway 99W shall be closed.

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- (3) All site plans or Residential Design Checklists for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local, neighborhood route or collector streets, including frontage or backage roads, consistent with the Transportation Plan Map and Chapter 6 of the Community Development Plan.

[...]

**Division VII. - LAND DIVISIONS, SUBDIVISIONS, PARTITIONS, LOT LINE
ADJUSTMENTS AND MODIFICATIONS**

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Chapter 16.120 - SUBDIVISIONS^[51]

[...]

16.120.080 Filing and Recording of Final Subdivision Plat

A. County Review

When the City determines that the plat conforms to all requirements, the plat shall be authorized for review by the County.

B. Recording the Plat

After approval, the City shall authorize the transmittal of the final map, tracing, and other data to the County, to determine that there has been compliance with all provisions of State and local statutes. Approval of the final plat shall be null and void if the plat is not recorded within sixty (60) days after the date of the last required approving signatures have been obtained.

C. Effective Date

Subdivision approval shall become final upon the recording with the County of the approved subdivision plat or partition map together with any required documents. Development permits may be issued only after final approval, except for activities at the preliminary plat phase, specifically authorized by this Code.

(Ord. No. 2011-011, § 1, 10-4-2011)

16.120.090 CONDOMINIUMS

A. Definition

A condominium is a building, or group of buildings, in which units are individually owned, and the shared structure, common areas and facilities are owned by all of the unit owners on a proportional, undivided basis.

B. Procedure

A proposal for new construction of a condominium or conversion of existing units into condominiums is reviewed through the procedure applicable to the housing type (e.g., multi-family development or middle housing). All condominium proposals must meet the appropriate requirements of ORS Chapter 100 (Condominiums).

C. Public Improvements

- 1. Adequate water, sanitary sewer and other public facilities exist to support the proposed condominium development as determined by the City and are in compliance with City standards.**

For the purposes of this section:

- a. Connection to the City water supply system shall be deemed to be adequate water service.
- b. Connection to the City sewer system shall be deemed to be adequate sanitary sewer service if sewer lines are within three-hundred (300) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within three-hundred (300) feet.

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- c. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.
- 2. All public improvements required for the condominium development have been installed and approved by the City Engineer or appropriate service provider (e.g., road authority). Alternatively, the developer has provided a performance guarantee in accordance with § 16.120.070.

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Chapter 16.128 - LAND DIVISION DESIGN STANDARDS

[...]

16.128.030 - Lots

A. Size and Shape

Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision or partition, and shall comply with applicable zoning district requirements, with the following exception:

1. Lots in areas not served by public sewer or water supply shall conform to any special County Health Department standards.

B. Access

All lots in a subdivision shall abut a public street, except as allowed for infill development under Chapter 16.68 or for cottage clusters as described below.

1. Cottage cluster lots shall abut a public street, private street, alley, shared open space, or a shared pathway.

[...]

Division VIII. - ENVIRONMENTAL RESOURCES

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Chapter 16.142 - PARKS, TREES AND OPEN SPACES

[...]

16.142.030 – All Residential Subdivisions

- A. A minimum of five percent (5%) of the net buildable site (after exclusion of public right-of-way and environmentally constrained areas) shall be maintained as "open space". Open space must include usable areas such as public parks, swimming and wading pools, grass areas for picnics and recreational play, walking paths, and other like space. Cottage cluster development is subject to the open space requirements of 16.14.40 and not to the requirements of this section. The following may not be used to calculate open space:
 - 1. Required yards or setbacks.
 - 2. Required visual corridors.
 - 3. Required sensitive areas and buffers.
 - 4. Any area required to meet a standard found elsewhere in this code.
- B. Enhanced streetscapes such as "boulevard treatments" in excess of the minimum public street requirements may count toward a maximum of 10,000 square feet of the open space requirement.
 - 1. Example: if a 52-foot-wide right-of-way [ROW] is required for a 1,000 foot-long street and a 62-foot wide ROW with 5-foot additional plantings/meandering pathway is provided on each side of the street, the additional 10-foot-wide area x 1,000 linear feet, or 10,000 square feet, counts toward the open space requirement.
- C. The open space shall be conveyed in accordance with one of the following methods:
 - 1. By dedication to the City as public open space (if acceptable to the City). Open space proposed for dedication to the City must be acceptable to the City Manager or the Manager's designee with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities;
 - 2. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association or other legal entity, with the City retaining the development rights to the open space. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.
- D. The density of a residential subdivision shall be calculated based on the net buildable site prior to exclusion of open space per this Section.
 - 1. Example: a 40,000 square foot net buildable site would be required to maintain 2,000 square feet (5%) of open space but would calculate density based on 40,000 square feet.
- E. If a proposed residential subdivision contains or is adjacent to a site identified as "parks" on the Acquisition Map of the Parks Master Plan (2006) or has been identified for acquisition by the Sherwood Parks and Recreation Board, establishment of open space shall occur in the designated areas if the subdivision contains the park site, or immediately adjacent to the parks site if the subdivision is adjacent to it.
- F. If the proposed residential subdivision does not contain or is not adjacent to a site identified on the Parks Master Plan map or otherwise identified for acquisition by the Parks and Recreation Board, the applicant may elect to convey off-site park/open space.
- G. This standard does not apply to a residential partition provided that a development may not use phasing or series partitions to avoid the minimum open space requirement. A partition of land that was part of an approved partition within the previous five (5) years shall be required to provide the minimum five percent (5%) open space in accordance with subsection (A) above.

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- H. The value of the open space conveyed under Subsection (A) above may be eligible for Parks System Development Charges (SDCs) credits based on the methodology identified in the most current Parks and Recreation System Development Charges Methodology Report.

[...]

D. Required Yard

Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited within the required visual corridor.

[...]

16.142.070 - Trees on Property Subject to Certain Land Use Applications

A. Generally

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

B. Applicability

All applications including a Type II - IV land use review, shall be required to preserve trees or woodlands, as defined by this Section to the maximum extent feasible within the context of the proposed land use plan and relative to other codes, policies, and standards of the City Comprehensive Plan.

[...]

D. Retention requirements

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

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

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

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

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

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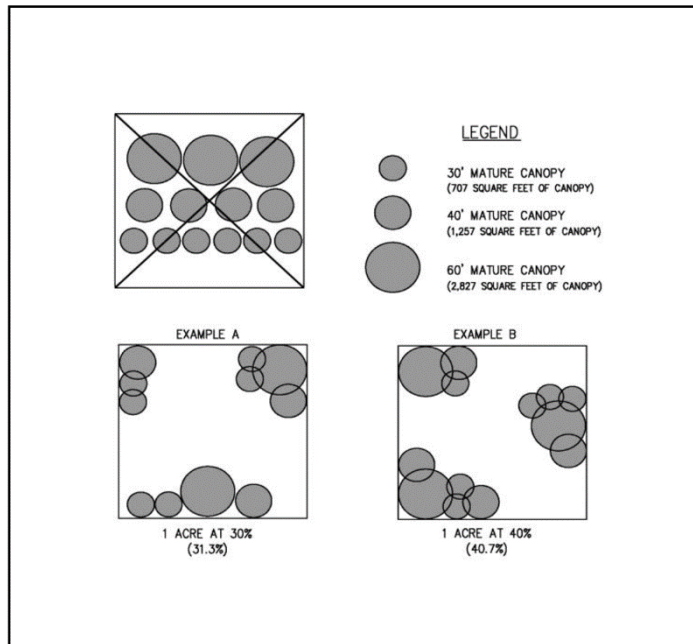
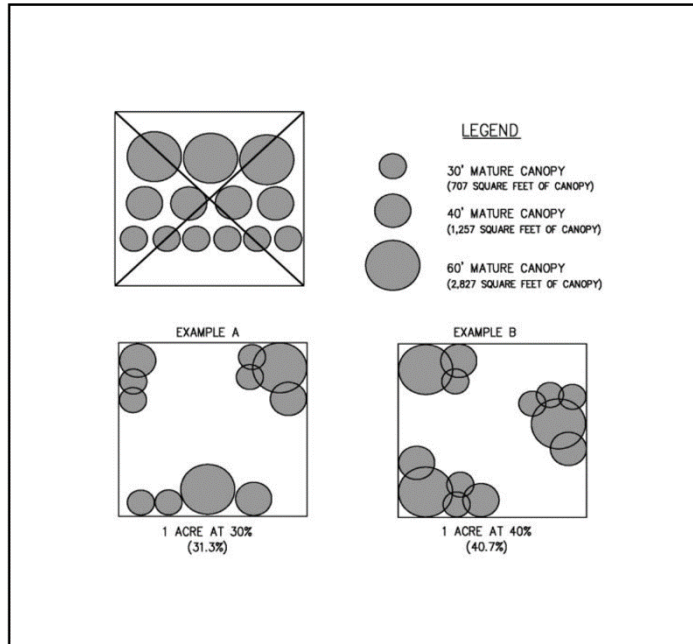
equation πr^2 to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.

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

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

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



4. The City may determine that, regardless of D.1 through D.3, that certain trees or woodlands may be required to be retained. The basis for such a decision shall include; specific findings that retention of

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said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:

- a. Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or
 - b. A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or
 - c. Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Clean Water Services stormwater management plans and standards of the City Comprehensive Plan, or
 - d. Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or
 - e. Otherwise merit retention because of unusual size, size of the tree stand, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.
5. Tree retention requirements for properties located within the Old Town Overlay or projects subject to the infill standards of Chapter 16.68 are only subject to retention requirements identified in D.4. above.
 6. The Notice of Decision issued for the land use applications subject to this Section shall indicate which trees and woodlands will be retained as per subsection D of this Section, which may be removed or shall be retained as per subsection D of this Section and any limitations or conditions attached thereto.
 7. All trees, woodlands, and vegetation located on any private property accepted for dedication to the City for public parks and open space, greenways, Significant Natural Areas, wetlands, floodplains, or for storm water management or for other purposes, as a condition of a land use approval, shall be retained outright, irrespective of size, species, condition or other factors. Removal of any such trees, woodlands, and vegetation prior to actual dedication of the property to the City shall be cause for reconsideration of the land use plan approval.

[...]

16.142.080 - Trees on Private Property — not subject to a land use action

A. Generally

In general, existing mature trees on private property shall be retained unless determined to be a hazard to life or property. For the purposes of this section only, existing mature trees shall be considered any deciduous tree greater than ten (10) inches diameter at the breast height (dbh) or any coniferous tree greater than twenty (20) inches dbh.

B. Residential (Single Family Detached and Middle Housing) Standards

In the event a property owner determines it necessary to remove existing mature trees on their property that are not a hazard, they may remove the trees as described below;

1. Removal of up to five (5) trees, or up to 10 percent of the number of trees on site, whichever is greater, within a twelve month period. No review or approval required provided that trees are not located within a wetland, floodplain or protected through prior land use review per section 3.b. (1.) - (5.) below, that the planning department is notified in writing 48 hours prior to removing the tree, including the property address, property owner name and contact information, and provided with the type and size

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of the tree. Failure to notify the Planning Department shall not result in a violation of this code unless it is determined that the tree removal is located within a wetland, floodplain or protected through prior land use review per section 3.b. (1.) - (5.) below, or in excess of that permitted outright.

2. Removal of six (6) or more trees, or more than 10 percent of the number of trees on site, whichever is greater, within a twelve month period except as allowed in subsection 1, above.
 - a. The applicant shall submit the following;
 - (1.) A narrative describing the need to remove the tree(s),
 - (2.) A statement describing when and how the Homeowner's Association (HOA) was informed of the proposed tree cutting and their response. If there is not an active HOA, the applicant shall submit as statement indicating that there is not a HOA to contact.
 - (3.) A plan showing the location of the tree and
 - (4.) The applicant shall submit a replacement tree plan. Half of the number of trees removed shall be replaced on site with native trees within six months from the date of removal.

[...]

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Chapter 16.156 - ENERGY CONSERVATION*

Sections:

16.156.010 - Purpose

This Chapter and applicable portions of Chapter 5 of the Community Development Plan provide for natural heating and cooling opportunities in new development. The requirements of this Chapter shall not result in development exceeding allowable densities or lot coverage, or the destruction of existing trees.

(Ord. 91-922, § 3)

16.156.020 – Applicability

The standards in this Chapter shall apply to any new uses or changes to existing uses in multi-dwelling, commercial, industrial and institutional zones. The standards in this Chapter do not apply to accessory dwelling unit or single detached, or middle housing development in residential zones.

16.156.030 - Standards

- A. Building Orientation - The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 AM and 3:00 PM, Pacific Standard Time on December 21st.
- B. Wind - The cooling effects of prevailing summer breezes and shading vegetation shall be accounted for in site design. The extent solar access to adjacent sites is not impaired vegetation shall be used to moderate prevailing winter wind on the site.

(Ord. 91-922, § 3)

16.156.040 - Variance to Permit Solar Access

Variances from zoning district standards relating to height, setback and yard requirements approved as per Chapter 16.84 may be granted by the Commission through a Type IV review where necessary for the proper functioning of solar energy systems, or to otherwise preserve solar access on a site or to an adjacent site.

(Ord. 91-922, § 3)

END OF PROPOSED AMENDMENTS

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DEVELOPMENT CODE CROSS REFERENCES TABLE

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