City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, November 16, 2021

Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon

7:00 pm City Council Regular Meeting

Pursuant to House Bill 4212 (2020), this meeting will be conducted electronically and will be live streamed at
https://www.youtube.com/user/CityofSherwood

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AGENDA

SHERWOOD CITY COUNCIL
November 16, 2021

7:00 pm City Council Regular Meeting

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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 November 2, 2021 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
6. **CITIZEN COMMENTS**

Pursuant to House Bill 4212 (2020), citizen comments and testimony for public hearings must be submitted in writing to CityRecorder@Sherwoodoregon.gov. To be included in the record for this meeting, the email must clearly state either (1) that it is intended as a 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, and in either case must be received at least 24 hours in advance of the scheduled meeting time. 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.

7. **NEW BUSINESS**
   A. **Resolution 2021-096 Approving Sherwood Police Department Policy Updates November 2021** (Ty Hanlon, Police Captain)
8. **PUBLIC HEARINGS**
   A. **Ordinance 2021-010, Amending sections of the Sherwood Zoning and Community Development Code for Residential Design Standards** (Joy Chang, Senior Planner) *(First Reading)*
   B. **Ordinance 2021-011, Adopting the Sherwood Economic Opportunities Analysis 2021 as a Sub-Element of the Comprehensive Plan** (Erika Palmer, Planning Manager) *(First Reading)*
   C. **Ordinance 2021-012, Amending the Sherwood Comprehensive Plan Ordinance 1978-689, as amended to replace in its entirety the current Comprehensive Plan with Updated Comprehensive Plan goals and policies** (Erika Palmer, Planning Manager) *(First Reading)*
   D. **Resolution 2021-097, Adjusting Solid Waste and Recycling Collection Rates** (Craig Sheldon, Public Works Director)
   E. **Resolution 2021-098, Amending the City's FY2021-22 Fee Schedule** (David Bodway, Finance Director)

9. CITY MANAGER REPORT

10. COUNCIL ANNOUNCEMENTS

11. ADJOURN

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

SHERWOOD CITY COUNCIL MEETING MINUTES

22560 SW Pine St., Sherwood, Or

Pursuant to House Bill 4212 (2020), this meeting will be conducted electronically and will be live streamed at https://www.youtube.com/user/CityofSherwood

November 2, 2021

WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the work session to order at 6:17 pm.

2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Kim Young, Sean Garland, Renee Brouse, and Russell Griffin.

3. **STAFF PRESENT:** City Manager Keith D. Campbell, City Attorney Josh Soper, Community Services Director Kristen Switzer, IT Director Brad Crawford, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon, Finance Director David Bodway, Police Chief Jeff Groth, Police Captain Ty Hanlon, and City Recorder Sylvia Murphy.

4. **TOPICS:**

A. Langer Farms Parkway Roundabout Safety Upgrades

Public Works Director Craig Sheldon shared a map of the Langer Farms Parkway Roundabout (see record, Exhibit A) and recapped that a traffic study had been completed by DKS in March 2020. He recapped the key findings and stated that there were fewer crashes than expected for roundabouts of similar size and location area, field observation was minimal delay, there was some driver confusion on the westbound approach, and there was limited sight distance due to vegetation on the eastbound and northbound approaches. He reported that the vegetation that had been blocking sightlines had been removed in 2020, shortly after the report was released. He recapped the roundabout design assessment and reported that the roundabout was generally designed with best practices with very minor deficiencies and operated with excess capacity. He explained that the traffic report also included three different recommendations. Option 1 was a single lane re-striping only, which would improve sight distance and include some lighting upgrades and was estimated to cost $68,000-70,000 at the time of the report. Option 2 was a single lane permanent reconfiguration and included sight distance and lighting improvements and was estimated to cost $283,000-435,000 at the time of the report. He reported that there was a no-changes, multi-lane option that would improve sight distances for eastbound, northbound, and westbound approaches, the reinstallation of a missing sign, which had since been reinstalled in 2020, and re-striping and lighting improvements. He estimated this option to cost $62,000-66,000 at that time. He explained that potential lighting improvements included changing out the ornamental acorn lights to LED lights and would cost $25,000-28,000. He explained that there were some inappropriate lane assignments in the westbound approach and explained that the area had a right-turn-only lane and a shared through left lane, and reported that right-turn volumes

were low and the report had recommended changing the markings for the right-turn lane, but the City had not done so yet because staff was waiting to figure out what to do with the roundabout. Public Works Director Sheldon reported that one of the recommendations was to fix the eastbound and westbound approaches from Walmart going towards Langer Park and back and stated that a bid had been completed in August to complete those improvements, but the improvements had not been started because the option for a single-lane roundabout was discussed. He stated there were no options for only using markings, as only tubular vertical markers or rubber speed bumps could be used. He reported that Council had two options to choose from. Option 1 included the use of tubular vertical markers, reflectors, and pavement markings to close off one of the lanes in all directions. Option 2 included closing the lanes with pavement markings, reflectors, and rubber speedbumps. He explained that rubber speedbumps had to be installed with a long spike into the pavement. Mr. Sheldon explained that the roundabout was built in 2011, and the analysis calculated that a single-lane roundabout would be effective until 2030. He reported that the roundabout would need grinding and overlay in twenty years, and the holes in the pavement from the rubber speed bumps could be eliminated. He commented he did not like tubular markings because they created problems from a maintenance standpoint, and he did not like putting things into the asphalt because it created water and filtration issues. He explained that he recommended a third option, which was to leave the roundabout as it was and complete the traffic marking changes. Mr. Sheldon recapped Option 1 would cost roughly $85,000 and Option 2 was $110,000, and Option 3 was $3,000-5,000. Mayor Mays asked if the traffic engineer had stated in the report that the accident rate for the roundabout was lower than they had expected? Mr. Sheldon replied that was correct. Council President Rosener asked over what timeframe was that statement based on in the report? Mr. Sheldon replied that the crash database was 2013-2017, the most recent information they had at the time Council received the report. Councilor Scott asked if pedestrian accidents were differentiated from vehicle accidents in the accident report? Mr. Sheldon replied that no, they were not differentiated in the report. Councilor Scott asked if the lighting improvement recommendations had been completed, and if not, were they included in either of the options that had been presented to Council? Mr. Sheldon replied that the original numbers did not include lighting improvements, and the lighting improvements had not yet been completed. Councilor Scott asked if the lighting improvements could be completed at any time if Council chose to do so? Mr. Sheldon replied that was correct and stated that the PGE bid for the project was $25,000-28,000 last spring. Councilor Brouse asked what re-striping the roundabout would look like? Mr. Sheldon replied that re-striping would include replacing the traffic markings going from Walmart towards Langer Park. Councilor Griffin commented that he felt that Council was trying to fix something that was not broken since there was no report that stated that the roundabout had a deficiency that needed to be addressed and commented that completing the lighting improvements may be a good idea. He stated he preferred to defer to the traffic engineer's recommendations for any potential improvements. Council President Rosener asked what was included in the accident report for the area? Mr. Sheldon replied that all police reports for that intersection had been used to compile the accident report and included both pedestrian and vehicle crashes. He explained that the majority of the collisions at the intersection were rear-end collisions as well as pedestrian collisions which resulted in minor injuries and that four crashes had occurred at night and five crashes had occurred during the day. Council President Rosener commented that he felt that there were traffic issues at multiple points within the roundabout and that something needed to be done to address the driver confusion. Mr. Sheldon commented that those issues would have been addressed during the improvements that were scheduled to take place in August 2021. Discussion occurred. Mayor Mays asked City Manager Keith Campbell for his thoughts. Mr. Campbell replied that in his opinion, Option 3 was the best option as data suggested that the roundabout was safe and that the incidents that had occurred there were not bad. He commented he felt it was good that Council was looking at the roundabout and exploring options. Councilor Scott commented he was leaning towards Option 3 and stated he worried that the City could accidentally be creating a bigger issue by trying to change

the roundabout since drivers were now used to the established traffic patterns. He commented he was in favor of fixing the lane markings of the westbound approach from Century and completing the lighting improvements. He stated he was fine with Option 2, but not interested in Option 1. Mayor Mays asked what the recommended speed was for a roundabout and should that speed be posted? Mr. Sheldon replied it was 25 MPH and stated that additional speed signage could be added to the area. Councilor Garland commented he felt similarly to Councilor Scott and worried that making changes to the roundabout would result in more driver confusion and potentially more accidents. He commented he was in favor of increasing signage and increasing lane visibility, and he was leaning towards Option 3. Mr. Sheldon recapped that there was a total of nine crashes from 2013-2017, zero crashes with serious injury, two crashes with evident injuries, three crashes with possible injuries, and four property damage crashes, and the report include the 2018 pedestrian accident. Councilor Scott commented that it was impossible to determine what crashes were caused by the design of the roundabout and what crashes were caused by driver error. Council President Rosener commented that the report stated that single-lane roundabouts were safer than multi-lane roundabouts and commented that the crash timeframe data was before the Langer's Entertainment Center had opened. He commented he would go along with Council's decision, but he was leaning towards Option 2. Mayor Mays stated he was interested in Option 3 because he did not want to put anything into the asphalt, and he did not want to risk increasing driving speeds in the roundabout if tubular markings were not used, as the report had showed was often the case. Mayor Mays stated he was in favor of posting signage that encouraged a 20 MPH speed in the roundabout. Councilor Griffin commented he agreed with Mayor Mays. Mayor Mays commented that he was fine with staff completing the lighting improvements if they felt it was necessary. Councilor Young commented she was in favor of Option 3 as she also did not want to put things into the asphalt and she was unsure if any of the other options would solve the issues at the roundabout. She commented she wanted to make the roundabout as safe as possible and was in favor of additional signage that encouraged a 20 MPH speed in the roundabout. She stated if Option 3 was not an option, then Option 2 was her next preference. Councilor Garland commented he did not like having the pedestrian crosswalk so near to the entrances/exits of roundabouts, and therefore the shrubs near the crosswalks needed to be cut low and back in order to help with pedestrian visibility. Councilor Young asked if the crosswalks could be moved further back from the roundabout? Mr. Sheldon replied that there were already mid-block crossings in the area. Councilor Scott commented that he would like to see the pedestrian crossings moved further back for future roundabouts. He added that it was important to keep the shrubbery in the median areas low, and the center shrubbery should be allowed to grow up more to help keep a driver's eye focused on what was coming from their left or where they were going on the right, and not looking across the roundabout. Discussion regarding the MPH model used in the report occurred. Council President Rosener commented that he felt that roundabouts were created for better traffic flow but were inherently more dangerous for pedestrians. Councilor Brouse commented that she was in favor of Option 3 and was in favor of additional signage, she added that she was also in favor of leaving the roundabout as it was and evaluating it further at a later date. Mr. Sheldon confirmed that Council wished to proceed with Option 3, which included fixing the markings that came back in the study going from west to east, changing the acorn HPS bulbs to LED bulbs, and additional MPH signage at each of the approaches. Council President Rosener commented he was in favor of changing the bulbs out if it would improve safety. Mayor Mays asked that the MPH signage state 20 MPH, not 25 MPH. Councilor Scott recapped the changes he wished to see included additional signage, fixing the lane, and upgrading the lights. Council stated their agreement with Councilor Scott's comments.

5. ADJOURN:

Mayor Mays adjourned the work session at 6:55 pm and convened a regular session.

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:02 pm.

2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Kim Young, Sean Garland, Renee Brouse, and Russell Griffin.

3. **STAFF PRESENT:** City Manager Keith D. Campbell, City Attorney Josh Soper, Community Services Director Kristen Switzer, IT Director Brad Crawford, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon, Finance Director David Bodway, Police Chief Jeff Groth, Police Captain Ty Hanlon, and City Recorder Sylvia Murphy.

4. **APPROVAL OF AGENDA:**

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

   Mayor Mays addressed the next agenda item.

5. **CONSENT AGENDA:**

   A. **Approval of October 19, 2021 City Council Meeting Minutes**
   B. **Resolution 2021-093 Authorizing the City Manager to sign a signal maintenance agreement with ODOT for non-standard traffic signal equipment and luminaries**
   C. **Resolution 2021-094 Approving an amendment to the SPOA Agreement regarding Assignment to the Mental Health Response Team**

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

   Mayor Mays addressed the next agenda item.

6. **CITIZEN COMMENTS:**

   The City Recorder read aloud the comments submitted by Sherwood resident Dave Sweeney concerning the Brookman Road addition and the Cedar Creek Garden development and the potential loss of 70-80 giant Douglas Fir and Cedar trees on the site. He commented that the old growth trees located in that strip of land would make a wonderful natural park area which could include an extension of the Arbor Lane trail and would allow for the area to be enjoyed by the entire neighborhood and Sherwood residents who used the trail system. He asked that Council help to find a way to preserve and protect this “beautiful piece of Sherwood's history and legacy.” He referred to the October 4th Parks and Recreation Advisory Board meeting and reported that Board member Steve Munsterman stated, “If we're going to advocate for parks, we need to be in front of things not behind them, and we're behind this" in reference to the old growth trees located on the site and commented that this was a real opportunity for the City and the Parks and Recreation Advisory Board to get in front of the issue. Mr. Sweeney suggested that the two currently unannexed, 9+ acres of land immediately south of the Arbor Lane development should be acquired by the City and be delineated as either a nature preserve, a natural park area, an environmental/outdoor education center, or

all three. He stated that by connecting it to the Sherwood Trails System, the area could be accessed and used by Sherwood's residents and included a great deal of educational opportunies. He stated that the land offered Sherwood a unique opportunity to enhance the health and well-being of all its residents, as well as have a major impact on the education of every student that comes through the Sherwood School System. He commented that he felt there were many possible funding sources to acquire the land that included federal, state and local grants, endowment programs, EPA grants, Natural Resources Conservation Service, local businesses and corporations, local service clubs and organizations, and the Soil Conservation Board. Mr. Sweeney reported that recently he and Neil Shannon had visited the land owners of both of the two 9+ acres of un-annexed property directly south of Arbor Lane and reported that the property owners had no current plans to sell, but also did not like the idea of selling to a developer and seeing their land turned into a subdivision. He reported that the owners of the other parcel had already been approached by developers who had made them an offer for their land. He urged Council to “get in front of this” and become proactive in acquiring the last few giant, old growth trees and incorporate them into the Sherwood Parks system. He stated that with so little green space still available in Sherwood, it was his profound hope that as much land could be preserved and protected as possible and that we owe it to ourselves, our children and to generations to come. Mr. Sweeney reported that the Director of the North Willamette Research and Extension Center had offered to host a tour of the Hopkins Demonstration Forest in Clackamas for a group of Sherwood leaders.

Mayor Mays addressed the next agenda item.

7. NEW BUSINESS:

A. Resolution 2021-095 Establishing a Buy Back Program for feather signs

Community Development Director Julia Hajduk recapped that in September 2021, Council had adopted a municipal code update that clarified that feather signs were not permitted in the City, but Council was concerned regarding the potential financial impacts on businesses from prohibiting feather signs. She explained that staff had created a program to help compensate businesses for the loss of their feather signs. She outlined the buy back program and explained that in order to qualify for the program, businesses would need to have a valid business license and they would need to complete a form in order to receive compensation. She reported that compensation would vary based on how many signs a business turned in with one sign being eligible for a $50 rebate and three or more signs would be eligible for up to $200. She explained that businesses would be eligible to utilize the program one time and the program would run from the time it was enacted to February 1, 2022. She stated that that timeline would allow the Code Compliance Officer to educate local businesses about the program as well as time for businesses to utilize the program, with enforcement of the code beginning in February. She addressed the estimated financial impact of the program and stated that it was estimated that the program would cost the City roughly $4,000. Councilor Scott asked when the feather sign ban would go into effect? Ms. Hajduk replied that it was adopted on September 7th and went into effect 30-days later, so it was in effect now. Councilor Scott commented he was in favor of the buy back program. Council President Rosener commented he was in favor of the program and asked if the February 1st deadline was long enough for the Code Compliance Officer to educate businesses and for businesses to utilize the program? Community Development Director Hajduk replied that the Code Compliance Officer felt that the timeline was adequate. Councilor Young commented she was in favor of the program.

MOTION: FROM COUNCILOR YOUNG TO APPROVE RESOLUTION 2021-095 ESTABLISHING A BUY BACK PROGRAM FOR FEATHER SIGNS. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

8. CITY MANAGER REPORT:

City Manager Keith D. Campbell reported that Police Chief Jeff Groth would be retiring after 32 years in public safety and 14 years as Sherwood's Police Chief. City Manager Campbell reported that the City had engaged with a national recruiting firm to complete a search for Sherwood's next Police Chief. He stated that applications would be accepted through the end of the month. He gave his kudos to Angie Hass at the Police Department for organizing a recent document shred and food drive event and Bill Collins who assisted with the program. He reported that the leaf pickup program was currently underway and information on the schedule was available on the City's website.

Mayor Mays addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS:

Councilor Garland reported that he attended the WIF board meeting and stated that virtual tours of the Willamette Intake Facility were available on YouTube.

Councilor Scott reported that the fifth meeting of the Sherwood West Community Advisory Committee would be held on November 3rd where they would discussed the feedback they had received from the online open house. He reported that the Planning Commission had met last week where they held three public hearings on the adoption of the Economic Opportunities Analysis, adoption of Sherwood Residential Design Standards, and adoption of the 2040 Comprehensive Plan.

Councilor Young reported she attended the YMCA Board of Managers meeting and explained that the board was transitioning from being a Sherwood board of managers to more of a regional board of managers. She reported she attended the Police Advisory Board meeting where the board met City Manager Keith Campbell and discussed policy updates.

Councilor Griffin reported that the Winter Festival would be held on December 4th and the tree lighting ceremony would be held at 6:00 pm at Cannery Square. He reported that the Parks and Recreation Advisory Board had announced that the Parks Board Master Plan was complete and discussed potential future park location ideas.

Council President Rosener reported on the League of Oregon Cities recent meeting where he served on the nominating committee for new directors and president for next year. He reported that Mayor Mays's term as the LOC president would end on January 1st and thanked Mayor Mays for all of his work for the LOC over the past year.

Mayor Mays reported that he attended the League of Oregon Cities abbreviated annual conference and thanked Council President Rosener for serving on the nominating committee.

Councilor Young commented regarding whether or not Sherwood would extend the eviction date from the 60-days that the state currently had to 90-days as the county and some surrounding cities had done. She reported that City Manager Keith Campbell was currently gathering information on how many Sherwood residents had applied for rental assistance and would report back to Council for them to discuss the possibility of extending the dates.

10. ADJOURN:

Mayor Mays adjourned the regular session at 7:35 pm.

Attest:

Sylvia Murphy, MMC, City Recorder	Keith Mays, Mayor

City Council Meeting Date: November 16, 2021

Agenda Item: New Business

TO: Sherwood City Council

FROM: Ty Hanlon, Police Captain
Through: Keith D. Campbell, City Manager, and Josh Soper, City Attorney

SUBJECT: **Resolution 2021-096, Approving Sherwood Police Department Policy Updates November 2021**

Issue:
Should the City Council approve updates to the Police Department policy manual?

Background:
The Sherwood Police Department subscribes to Lexipol for its Police Department Policy System/Manual. That subscription includes, at a minimum, two (2) annual updates to the policy manual, generally in July and December every year. Updates also occur as a result of changes in case law, statutory changes and/or accepted best practices. Lexipol has been releasing a series of policy updates for the Sherwood Police Department Policy Manual as a result of the passage of multiple pieces of legislation by the Oregon Legislature. The November 2021 updates include several Senate and House Bill updates along with changes to language/content.

The updates are as follows;

- 303-Control Devices and Techniques: this policy was updated by Lexipol as a result of HB-2928, which created new regulations around crowd control device usage and law enforcement actions following usage.
- 305-Officer Involved Shootings and Deaths: this policy was updated by Lexipol to precisely define the term “involved officer” and to add a new subsection to describe the considerations around duty assignment restrictions.
- 306-Firearms: this policy was updated by police department staff to improve the language regarding storage of firearms and training.
- 311-Domestic Violence: this policy was updated by Lexipol as a result of SB-183, which amended the law surrounding foreign court orders and their entry into law enforcement data systems and to make grammatical and formatting corrections.
- 312-Search and Seizure: this policy was updated by police department staff to bring the language types of searches into compliance with accreditation standards (best practice).
- 313-Temporary Custody of Juveniles: this policy was updated by police department staff to modify the language regarding no contact and separation of juveniles and adults, as recommended by the Oregon Youth Development Division.
- 323-Standards of Conduct: this policy was updated by Lexipol to add a reference to gender identity in the context of misconduct reporting and intervention standards.

- 401-Biased Based Policing: this policy was updated by police department staff to bring the language regarding training into compliance with accreditation standards (best practice).
- 413-Immigration Violations: this policy was updated by Lexipol as a result of HB-3265 which amended existing law and created new law pertaining to immigration, and requiring that agencies notify individuals of certain rights after their detention, as well as prohibiting immigration status inquiries. (see also 900-Temporary Custody of Adults)
- 422 Medical Marijuana: this policy was updated by Lexipol as a result of HB-3000 which changed some of the terms and definitions within the policy.
- 425-Homeless Persons: this policy was updated by Lexipol to conform to emergency legislation regarding homelessness. Most notably, the policy now contains language regarding an agency liaison and adds several new responsibilities with respect to homeless persons and their property. It also reorganized the overall content.
- 429- First Amendment Assemblies: this policy was updated by Lexipol to conform to emergency legislation that describes how officers are expected to respond to public requests for identification.
- 504-Impaired Driving: this policy was updated by Lexipol as a result of HB-3140, which added psilocybin to the list of substances for which a urine test may be administered.
- 600-Investigation and Prosecution: this policy was updated by Lexipol as a result of SB-386, which required the development of protocol for interviewing child witnesses.
- 800-Property and Evidence: this policy was updated by police department staff to bring the language into compliance with accreditation standards (best practice) regarding property and evidence audits.
- 806-Protected Information: this policy was updated by Lexipol to correct the misidentification of a state agency.
- 900-Temporary Custody of Adults: this policy was updated by Lexipol as a result of HB-3265 which amended existing law and created new law pertaining to immigration, and requiring that agencies notify individuals of certain rights after their detention, as well as prohibiting immigration status inquiries. (see also 413-Immigration Violations)
- 1000-Recruitment and Selection: this policy was updated by Lexipol to correct formatting errors.
- 1011-Personnel Complaints: this policy was updated by Lexipol to correct grammatical and formatting errors.
- 1017-Employee Awards and Recognition: this policy was updated by police department staff as a result of a change to our awards and recognition system and program.

Lexipol law enforcement professionals and attorneys specializing in public safety law have thoroughly researched and reviewed these updates. The updates have also been reviewed and vetted by Chief Groth.

These updates were reviewed by the Sherwood Police Advisory Board during their regular meeting on October 21st, 2021. The Police Advisory Board recommends approval of the updates and resulting policies as attached.

Financial Impact:
No financial impact or additional funds needed by this resolution.

Recommendation:
Staff and the Sherwood Police Advisory Board respectfully recommend adoption of Resolution 2021-096, Approving Sherwood Police Department Policy Updates - November 2021.

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2021-096

APPROVING SHERWOOD POLICE DEPARTMENT POLICY UPDATES - NOVEMBER 2021

WHEREAS, in accordance with Sherwood Municipal Code 2.36.030(B)(1), the Sherwood Police Advisory Board will review all police policy amendments and make a recommendation to the Sherwood City Council; and

WHEREAS, in accordance with Sherwood Municipal Code 2.36.030(B)(2), the Sherwood City Council will review the police policy amendments, and the recommendation by the Sherwood Police Advisory Board, and approve the amendments by resolution; and

WHEREAS, the November 2021 police policy amendments contain updates to legislative passages and language improvements; and

WHEREAS, the Sherwood Police Advisory Board did review the November 2021 police policy amendments during their regular meeting on October 21st, 2021 and recommends approval by the Sherwood City Council; and

WHEREAS, Sherwood Police Chief has reviewed all the November 2021 updates and recommends the Sherwood City Council approve them; and

WHEREAS, the Sherwood City Council recognizes the need to maintain a current and legally sound police policy manual and approves the November 2021 police policy updates.

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

Section 1. The City Council approves the November 2021 updates to the police policy manual attached hereto as Exhibit 1.

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

Duly passed by the City Council this 16th of November, 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Control Devices and Techniques

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

303.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the City of Sherwood Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. The Police Chief may also authorize other positions or individual Agency members to use specific control devices.

303.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this agency only if the device has been issued by the Agency or approved by the Police Chief or the authorized designee.

Only officers who have successfully completed agency-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain, or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

303.4 RESPONSIBILITIES

303.4.1 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

303.4.2 SUPPORT CAPTAIN RESPONSIBILITIES

The Support Captain shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Support Captain or the designated instructor for a particular control device. The inspection shall be documented.

303.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Support Captain for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

303.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal, or against barricaded suspects based on the circumstances.

Only the Shift Supervisor, Incident Commander, or Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

303.7 CROWD CONTROL GUIDELINES

Chemical incapacitants as defined by 2021 Oregon Laws, HB 2928 § 2 shall not be used for crowd control except in circumstances that constitute a riot and the officer using the chemical incapacitant reasonably believes that the use is necessary to terminate the riot (2021 Oregon Laws, HB 2928 § 2).

A riot is when a person commits the crime of riot if while participating with five or more other persons, the person engages in tumultuous and violent conduct and thereby intentionally or recklessly creates a grave risk of causing public alarm (ORS 166.015; 2021 Oregon Laws, HB 2928 § 2).

303.7.1 ADDITIONAL CROWD CONTROL CONSIDERATIONS

Officers may not use a sound device for crowd control except to make announcements. When possible, announcements shall be made both audibly and visually (2021 Oregon Laws, HB 2928 § 2).

After deploying chemical incapacitants, kinetic impact projectiles, or sound devices, and when it is possible to do so safely, officers shall (2021 Oregon, HB 2928 § 2):

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(a) Attempt to take injured individuals to safety or allow them to seek medical help.

(b) Allow emergency medical personnel to reach injured individuals.

(c) Take reasonable action to accommodate individuals with disabilities when issuing or enforcing orders to disperse.

303.8 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

303.8.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

303.8.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine, or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

303.8.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

303.9 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle, or other enclosed area, officers should provide the owners or available occupants with notice of

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the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

303.10 KINETIC ENERGY PROJECTILE GUIDELINES

This agency is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

303.10.1 DEPLOYMENT AND USE

Only agency-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

303.10.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

(f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances.

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The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others (2021 Oregon Laws, HB 2928 § 2).

303.10.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not in use, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

303.11 TRAINING FOR CONTROL DEVICES

The Support Captain shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the officer's training file.

(c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

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303.12 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

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Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer.

In other incidents not covered by this policy, the Police Chief may decide that the investigation will follow the process provided in this policy.

305.2 POLICY

The policy of the City of Sherwood Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

(a) A criminal investigation of the suspect's actions.

(b) A criminal investigation of the involved officer's actions.

(c) An administrative investigation as to policy compliance by involved officers.

(d) A civil investigation to determine potential liability.

305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect’s crime occurred. For example, the City of Sherwood Police Department would control the investigation if the suspect’s crime occurred in Sherwood.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Police Chief and with concurrence from the other agency.

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305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS
The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this agency is involved, the criminal investigation will include at least one investigator from another law enforcement agency (ORS 181A.790).

Requests made of this agency to investigate a shooting or death involving an outside agency's officer shall be referred to the Police Chief or the authorized designee for approval.

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION
Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

305.5 INVESTIGATION PROCESS
The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES
Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved SPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved.

(b) Take reasonable steps to obtain emergency medical attention for injured individuals.

(c) Request additional resources from the Agency or other agencies.

(d) Coordinate a perimeter or pursuit of suspects.

(e) Check for injured persons and evacuate as needed.

(f) Brief the supervisor upon arrival.

305.5.2 SUPERVISOR RESPONSIBILITIES
Upon arrival at the scene, the first uninvolved SPD supervisor should ensure completion of the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any SPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

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2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

(c) Provide all available information to the Shift Supervisor and Dispatch. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional SPD members until properly relieved by another supervisor or other assigned personnel or investigator.

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

1. Each involved SPD officer should be given an administrative order not to discuss the incident with other involved officers or SPD members pending further direction from a supervisor.

2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

305.5.3 SHIFT SUPERVISOR RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Shift Supervisor shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Police Chief or a Section Commander.

All outside inquiries about the incident shall be directed to the Shift Supervisor.

305.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Police Chief
- Support Section Section Commander
- Washington County Officer Involved Shooting Protocol rollout team
- Outside agency investigators (if appropriate)
- Professional Standards Unit supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

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(a) Any request for legal representation will be accommodated.

1. Involved SPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
2. Requests from involved non-SPD officers should be referred to their employing agency.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with agency representatives/employee groups will be confidential only as to the discussion of non-criminal information.

(d) A mental health professional shall be provided by the Agency. The Agency shall pay for at least two sessions with a mental health professional for each involved SPD officer. The sessions shall take place within six months of the incident, and an involved officer shall attend at least one session. As it relates to this mandatory session, "involved officer" means (ORS 181A.790):

1. An officer whose official conduct, or official order to use deadly physical force, was a cause in fact of the death of a person.
2. An officer whose official conduct was not a cause in fact of the death of a person, but who was present before or during the deadly use of force and was reasonably likely exposed to more than a minor degree of stress or trauma.

(e) A mental health professional may also be provided to any other affected SPD members, upon request.

1. Interviews with a mental health professional will be considered privileged.
2. An interview or session with a mental health professional may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a mental health professional prior to providing a formal interview or report.
3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(f) Communications with peer counselors are confidential (except threats of suicide or admissions of criminal conduct) and may not be disclosed by any person participating in the peer support counseling session (ORS 181A.835). To be considered confidential communications under the statute, the peer counselor must:

1. Have been designated by SPD or employee assistance program to act as a peer counselor, and;
2. Have received training in counseling and in providing emotional and moral support to public safety personnel or emergency services personnel who have been involved in emotionally traumatic incidents by reason of their employment.

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Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved officer shall be given reasonable paid administrative leave following an officer-involved shooting. It shall be the responsibility of the Shift Supervisor to make schedule adjustments to accommodate such leave.

305.5.6 DUTY ASSIGNMENT RESTRICTIONS

The Agency should not return an involved officer to a duty assignment in which the officer may have to use deadly force for at least 72 hours after an incident where the application of deadly force resulted in the death of a person. The Agency shall maintain the regular pay and benefits for any involved officer whose assignment is adjusted pursuant to this section (ORS 181A.790). As it relates to this duty assignment restriction, “involved officer” means (ORS 181A.790):

(a) An officer whose official conduct, or official order to use deadly physical force, was a cause in fact of the death of a person.

(b) An officer whose official conduct was not a cause in fact of the death of a person, but who was present before or during the deadly use of force and was reasonably likely exposed to more than a minor degree of stress or trauma.

305.6 CRIMINAL INVESTIGATION

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this agency may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

(a) SPD supervisors and Professional Standards Unit personnel should not participate directly in any voluntary interview of SPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer’s statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

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(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 REPORTS BY INVOLVED SPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this agency shall retain the authority to require involved SPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved SPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/ witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved SPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

(a) Identification of all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Agency.

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1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigation Unit supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Agency investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related agency reports, except administrative and/or privileged reports, will be forwarded to the designated Investigation Unit supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Section Commander.

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this agency will conduct an internal administrative investigation of involved SPD officers to determine conformance with agency policy. This investigation will be conducted under the supervision of the Professional Standards Unit and will be considered a confidential officer personnel file.

Interviews of members shall be subject to agency policies and applicable laws.

(a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/ her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

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1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Professional Standards Unit shall compile all relevant information and reports necessary for the Agency to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

A member of this agency may be assigned to work exclusively under the direction of the legal counsel for the Agency to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

305.9 AUDIO AND VIDEO RECORDINGS

Any involved officer or witness officer, involved in a shooting or death may be permitted, with the exception outlined below, to review their own Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Exception: The District Attorney's Office shall have the option of not allowing the officer(s) to review the audio/video recordings prior to giving a voluntary statement or participating in a voluntary criminal interview.

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Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of, and in the presence of, assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

305.10 DEBRIEFING

Following an officer-involved shooting or death, the City of Sherwood Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

305.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Administration Section Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Agency directly involved in the incident, which can include support personnel (e.g., dispatcher, other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Agency, including supervisory and Professional Standards Unit personnel.

305.10.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Police Chief should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. Releases will be available to the Shift Supervisor, Support Section Section Commander and Public Information Officer in the event of inquiries from the media.

No involved SPD officershall make any comment to the media unless he/she is authorized by the Police Chief or a Section Commander.

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Agency members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

305.12 REPORTING

If the death of an individual resulted from an officer use of deadly force and occurred in the City of Sherwood Police Department jurisdiction, the Patrol Section Section Commander will ensure that the Support Captain is provided with enough information to meet the reporting requirements to the Department of Justice (ORS 181A.790).

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Firearms

306.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of department issued firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to department issued firearms and those members who are authorized to carry firearms.

306.2 POLICY

The City of Sherwood Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued, or approved by the Department, and have been thoroughly inspected by the Support Captain and/or armorer. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

Department members shall not carry any chemical weapons, electronic weapons or impact weapons that have not been issued by the department in the performance of their official duties. This exclusion does not apply to the carrying of edged weapons that are permitted by law.

306.3.1 HANDGUNS

The standard department-issued handgun is the Glock 9mm pistol, in various models as authorized by the department. Other handguns may be issued and/or authorized by the department as needed.

306.3.2 SHOTGUNS

The department will issue patrol shotguns for use by those members who are authorized to carry a shotgun and have received the required training.

Members may deploy the patrol shotgun in any circumstance where the member can articulate a reasonable expectation that the shotgun may be needed. Examples of some general guidelines for deploying the patrol shotgun may include, but are not limited to:

(a) Situations where the member reasonably anticipates an armed encounter.

(b) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

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(c) When a member reasonable believes there may be a need to fire upon a suspect behind a barricade, in a vehicle or wearing body armor.

(d) When authorized and/or requested by a supervisor.

When not deployed, shotguns shall be properly secured consistent with department training in the patrol vehicle.

306.3.3 PATROL RIFLES

The department will issue patrol rifles for use by those members who are authorized to carry a patrol rifle and have received the required training.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

(a) Situations where the member reasonably anticipates an armed encounter.

(b) When a member is faced with a situation that may require accurate and effective fire at long range.

(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

(e) When a member reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training inthe patrol vehicle.

306.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Police Chief or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

(a) The firearm shall be in good working order and on the department list of approved firearms.

(b) The firearm shall be inspected by the Support Captain prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

(d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Support Captain, who will maintain a list of the information.

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306.3.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

(a) The handgun shall be in good working order and approved by the department.

(b) Only one secondary handgun may be carried at a time.

(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.

(d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(e) The handgun shall be inspected by the Support Captain or armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Police Chief or the authorized designee shall approve the ammunition.

(g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Support Captain, who will maintain a list of the information.

306.3.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Police Chief but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

(a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.

1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

(b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(c) It will be the responsibility of the member to submit the firearm to the Support Captain for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Support Captain.

(d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Support Captain that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(e) The member will successfully qualify with the firearm prior to it being carried.

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(f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Support Captain, who will maintain a list of the information.

(g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

(h) Members shall only carry department-authorized ammunition.

(i) When armed, officers shall carry their badges and City of Sherwood Police Department identification cards under circumstances requiring possession of such identification.

306.3.7 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Support Captain when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

306.4 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm either on-duty or off-duty are required to complete training as follows;

- Members will attend department training and qualify with their on-duty firearm at least twice per year
- Members who carry a secondary firearm, either on-duty or off-duty, will attend department training and qualify at least twice per year with any firearm they carry

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

A certified firearms instructor will monitor all range activities and oversee and conduct all firearms training.

306.4.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

(a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

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(b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) No range credit will be given for the following:

1. Unauthorized range make-up
2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

306.5 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

(a) If on-duty at the time of the incident, the member shall file a written report with his/her Section Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

306.5.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

306.5.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

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306.5.3 WARNING AND OTHER SHOTS
Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.

306.6 SUPPORT CAPTAIN DUTIES

The range will be under the exclusive control of the Support Captain. All members attending will follow the directions of the Support Captain or designee. The Support Captain will maintain a roster of all members attending the range. Failure of any member to sign in and out with the Support Captain may result in non-participation or non-qualification.

The range shall remain operational and accessible to department members during hours established by the Department.

The Support Captain has the responsibility of making periodic inspection, as needed, of all duty firearms carried by members of this department to verify proper operation. The Support Captain has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by the Support Captain.

The Support Captain has the responsibility for insuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Support Captain shall complete documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Support Captain should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Support Captain.

306.7 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.

(b) Officers must carry their City of Sherwood Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Police Chief or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

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(c) The City of Sherwood Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the Officer's travel. If approved, TSA will send the City of Sherwood Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

(d) An official letter signed by the Police Chief authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.

(e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

(f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

(j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

306.8 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

(a) The officer shall carry his/her City of Sherwood Police Department identification card whenever carrying such firearm.

(b) The officer is not the subject of any current disciplinary action.

(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property,

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installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

306.9 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

306.9.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Support Captain.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Support Captain.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Support Captain.

306.9.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

306.9.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Support Captain. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

306.9.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Support Captain. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

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306.10 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Support Captain. Members shall not dry fire or practice quick draws except as instructed by the Support Captain or other firearms training staff.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where instructed.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

(e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for insuring firearms are not brought into the jail section.

(f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Support Captain approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Support Captain will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.10.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall insure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Handguns may be safely stored in lockers at the end of the shift so long as the locker is secured/locked. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in secured/locked storage in accordance with department training.

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306.10.2 STORAGE AT HOME

Members shall insure that all department issued firearms and ammunition are always under their immediate control or locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in discipline and/or civil liability.

306.10.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member’s senses or judgment.

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Domestic Violence

311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this agency to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

311.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

311.2 POLICY

The City of Sherwood Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this agency to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

311.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

311.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

(a) Calls of reported, threatened, imminent, or ongoing domestic violence, and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

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(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigation Unit in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

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311.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

311.4.2 IF NO ARREST IS MADE
If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

311.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim's behavior and actions may be affected.

(b) Provide the victim with the agency's domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

An officer who has probable cause to believe there are circumstances for a mandatory arrest or that a victim is in immediate danger of abuse may apply for an emergency protective order with the consent or permission of the victim (ORS 133.035).

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311.5.1 DOMESTIC VIOLENCE REPORTING

In any suspected incident of domestic violence, as defined in policy 319, the responding officer shall complete the Domestic Violence Risk Assessment (DVRA) and Domestic Violence Supplemental Report, as outlined in the report writing manual. The completed DVRA and DV Supplemental shall be included with the original report(s).

This requirement shall apply regardless of whether or not an arrest is made.

311.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable with a 2-car minimum response.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

311.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

311.7.1 ENTRY OF FOREIGN COURT ORDERS INTO DATA SYSTEMS

When an individual presents a copy of a foreign restraining order for entry into LEDS, the Sheriff shall enter the order into LEDS and NCIC after promptly verifying (ORS 24.190):

(a) The validity of the order.

(b) The order can be enforced pursuant to ORS 24.190.

(c) The individual restrained has been served a copy of the order or has notice of the order.

311.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

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(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

311.8.1 SERVICE OF COURT ORDERS

Officers should, if requested and practicable, serve any unserved restraining order when called to the scene of a disturbance. Any officer serving such a restraining order shall ensure that a copy of proof of service is returned to the Sheriff for entry into the Law Enforcement Data System (LEDS) and the National Crime Information Center (NCIC) system (ORS 107.720).

311.8.2 SERVICE OF EMERGENCY PROTECTIVE ORDERS

An officer who obtains an emergency protective order for a victim shall provide the victim with a certified copy and ensure that a certified copy of the order and the supporting declaration for the order is filed with the court (ORS 133.035).

The officer who obtained the emergency protective order shall serve the respondent personally. Upon completion of the service, the officer shall file a proof of service with the court and ensure that the order is entered into LEDS. If service cannot be completed within one day of the order's entry, the officer shall notify the court (ORS 133.035).

If an officer receives a termination order from the court, the officer shall ensure that the order is promptly removed from LEDS (ORS 133.035).

311.9 STANDARDS FOR ARREST

(a) Officers who respond to an incident of domestic disturbance and have probable cause to believe an assault has occurred between family or household members as defined in ORS 107.705, or who believe that one such person has created in the other a fear of imminent serious physical injury, shall arrest and take into custody the alleged assailant or potential assailant (ORS 133.055).

(b) Dual arrests are not required (ORS 133.055). Officers shall make reasonable efforts to identify and arrest the primary assailant in any incident. In identifying the primary assailant, an officer shall consider:

1. The comparative extent of the injuries inflicted or the seriousness of threats creating a fear of physical injury.
2. If reasonably ascertainable, the history of domestic violence between the persons involved.
3. Whether any alleged crime was committed in self-defense.

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4. The potential for future assaults.

(c) Once a suspect has been arrested under the provisions of ORS 133.055, the suspect shall be taken to jail. Officers have no authority to release the arrested person.

(d) Officers shall arrest and take a suspect into custody when the officer has probable cause to believe that a restraining order or emergency protective order has been issued, a copy of the order and proof of service on the suspect have been filed, and the suspect has violated the terms of the order (ORS 133.310).

311.10 REPORTS AND NOTIFICATIONS

Officers should document in their report that they provided each domestic violence victim with a copy of the agency's domestic violence victim information handout (ORS 133.055).

Reporting officers should also provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout. If the case number is not immediately available, an explanation should be given about how the victim can obtain the information at a later time.

311.10.1 EMERGENCY PROTECTIVE ORDERS

The Support Captain shall ensure that a system is in place that provides officers at the scene of an alleged violation of an emergency protective order of the terms and existence of the protective order (ORS 133.035).

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Search and Seizure

312.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for City of Sherwood Police Department personnel to consider when dealing with search and seizure issues.

312.2 POLICY

It is the policy of the City of Sherwood Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

312.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances
- Plain view

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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312.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation; the following guidelines should be followed whenever circumstances permit:

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.
2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

312.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

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Temporary Custody of Juveniles

313.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the City of Sherwood Police Department (34 USC § 11133).

Guidance regarding contacting juveniles at schools or those who may be victims is provided in the Child Abuse Policy.

313.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This includes a juvenile taken into protective custody pursuant to a court order or without an order when there is reasonable cause to believe that (ORS 419B.150; ORS 419B.152):

(a) An imminent threat of severe harm to the child exists.

(b) The child poses an imminent threat of severe harm to self or others.

(c) An imminent threat that the child may be removed from the jurisdiction of the juvenile court exists.

(d) The child has run away from home.

This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile under 18 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes a juvenile who possesses a handgun in violation of ORS 166.250 (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other agency member at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

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(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when an unsecure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

313.2 POLICY

The City of Sherwood Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the City of Sherwood Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

313.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the City of Sherwood Police Department:

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated

(e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the City of Sherwood Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

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If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

313.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the City of Sherwood Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the City of Sherwood Police Department without authorization of the arresting officer's supervisor or the Shift Supervisor.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond five hours from the time of his/her entry into the City of Sherwood Police Department (ORS 419B.160; ORS 419C.130).

313.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the City of Sherwood Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible (ORS 419B.165; ORS 419B.168; ORS 419B.152). Juvenile non-offenders may not be held in secure custody (34 USC § 11133; ORS 419B.160).

Prior to releasing a non-offender to the noncustodial parent, officers shall run a criminal records check on the noncustodial parent and any adults in the same home as the noncustodial parent (ORS 419B.165).

313.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

313.4.3 CUSTODY OF JUVENILE OFFENDERS

Generally, a juvenile offender may be taken into custody:

(a) When it reasonably appears that the juvenile is a fugitive from another state (ORS 419C.145).

(b) When there is a court order endorsed as provided in ORS 419C.306 and directing that the juvenile be taken into custody (ORS 419C.080).

(c) When, if the juvenile were an adult, he/she could be arrested without a warrant (ORS 419C.080).

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An officer shall take a juvenile into custody when the officer has probable cause to believe the juvenile, while in a public building or court facility within the last 120 days, unlawfully possessed a firearm or a destructive device (ORS 419C.080).

Generally, an officer may issue a citation in lieu of taking the juvenile into custody if a citation may be issued for the same offense and under the same circumstances to an adult. If a citation in lieu of custody is issued, a copy of the citation shall be sent to the District Attorney (ORS 419C.085).

Juvenile offenders should be held in non-secure custody while at the City of Sherwood Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

313.4.4 EXCEPTIONS TO RELEASE OF JUVENILE OFFENDERS

A juvenile offender shall be released to the custody of the juvenile's parent, guardian or other responsible person, except in any of the following circumstances (ORS 419C.100):

(a) The court has issued a warrant of arrest for the juvenile.

(b) The officer has probable cause to believe that release of the juvenile may endanger the welfare of the juvenile, the victim or others.

(c) When the officer has probable cause to believe that the juvenile, while in a public building or court facility within the last 120 days, unlawfully possessed a firearm or destructive device.

If a juvenile offender is not released to the parent, guardian or other responsible person, or to a person identified by the juvenile court, the officer shall take the juvenile to the county juvenile detention facility or appropriate shelter (ORS 419C.103).

313.5 NOTIFICATION TO PARENT OR GUARDIAN

As soon as practicable after a juvenile is taken into custody, the officer taking the juvenile into custody shall notify the juvenile's parent, guardian or other person responsible for the juvenile of the following (ORS 419B.160; ORS 419C.097):

(a) Reason the juvenile was taken into custody

(b) Location where the juvenile is being temporarily detained

(c) Intended disposition

(d) Time and place of any hearing

313.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Agency, the custody shall be promptly and properly documented in the juvenile custody log, including:

(a) Identifying information about the juvenile being held.

(b) Date and time of arrival and release from the City of Sherwood Police Department.

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(c) Shift Supervisor notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.

(e) Any changes in status.

(f) Time of all welfare checks.

(g) Any medical and other screening requested and completed.

(h) Circumstances that justify any secure custody.

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Shift Supervisor shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

313.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Agency (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the City of Sherwood Police Department shall remove the juvenile or adult from the area until separation can be re-established.

313.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the City of Sherwood Police Department shall ensure the following:

(a) The Shift Supervisor should be notified if it is anticipated that a juvenile may need to remain at the City of Sherwood Police Department more than four hours. This will enable the Shift Supervisor to ensure no juvenile is held at the City of Sherwood Police Department more than five hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal visual checks and significant incidents/activities shall be noted on the log.

(d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins.

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(f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.

(g) Juveniles shall have reasonable access to a drinking fountain or water.

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles should have privacy during family, guardian and/or lawyer visits.

(j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(k) Blankets should be provided as reasonably necessary.

(l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.

(o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

313.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the City of Sherwood Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Supervisor. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

313.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the City of Sherwood Police Department shall ensure a thorough search of the juvenile’s property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile’s presence and sealed into the bag. The property should be kept in a

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monitored or secure location until the juvenile is released from the custody of the City of Sherwood Police Department.

313.11 SECURE CUSTODY

Only juvenile offenders 14 years or older may be placed in secure custody. Shift Supervisor approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this agency should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody, rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

313.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

(a) The juvenile shall constantly be monitored by an audio/video system during the entire time in custody.

(b) Juveniles shall have constant auditory access to agency members.

(c) Initial placement into and removal from a locked enclosure shall be logged.

(d) Random personal visual checks of the juvenile by staff member shall occur no less than every 15 minutes.

1. All checks shall be logged.
2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
3. Requests or concerns of the juvenile should be logged.

(e) Males and females shall not be placed in the same locked room.

(f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

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313.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Shift Supervisor will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the City of Sherwood Police Department. The procedures will address:

(a) Immediate notification of the on-duty supervisor, Police Chief and Investigation Unit supervisor.

(b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the City Attorney.

(e) Evidence preservation.

313.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation. (See the Investigation and Prosecution Policy.)

313.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

A juvenile taken into custody under ORS 419C.080 shall be photographed and fingerprinted (ORS 419A.250(2)).

Other juveniles taken into custody may only be fingerprinted or photographed (ORS 419A.250(1)):

(a) Pursuant to a search warrant.

(b) According to laws concerning adults if the juvenile has been transferred to criminal court for prosecution.

(c) Upon consent of both the juvenile and the juvenile's parent after being advised that they are not required to give such consent.

(d) By order of the juvenile court.

Fingerprints and photographs of juveniles must be kept separate from those of adults. Fingerprints and photographs of juvenile offenders shall be sent to the central state depository in the same manner as fingerprint and photograph files or records of adults. Fingerprints and photographs of other juveniles should not be sent to any central state or federal depository (ORS 419A.250).

313.15 RECORDS

Fingerprint and photograph files or records of juveniles must be kept separate from those of adults (ORS 419A.250).

Reports and other material relating to juveniles is generally considered privileged and may not be disclosed directly or indirectly except as provided in the Records Maintenance and Release Policy.

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313.16 TRAINING

Agency members should be trained on and familiar with this policy and any supplemental procedures.

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Standards of Conduct

323.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the City of Sherwood Police Department and are expected of all agency members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this agency or a member's supervisors.

323.2 POLICY

The continued employment or appointment of every member of the City of Sherwood Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

323.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any agency supervisor or person in a position of authority, absent a reasonable and bona fide justification.

323.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or agency policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, agency policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

323.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

323.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Oregon constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty. All members have an absolute duty to report misconduct they witness or become aware of, and failure to report may be grounds for discipline.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

323.4.1 DUTY TO INTERVENE AND REPORT MISCONDUCT

An officer who observes another officer engaging in misconduct shall intervene to prevent or stop the conduct unless the officer cannot intervene safely. An officer who witnesses such conduct shall report the misconduct to a supervisor as soon as practicable, but not later than 72 hours after witnessing the misconduct (2020 Oregon Laws, c.5, § 2).

Failure to intervene or report the misconduct is grounds for discipline by the Agency or suspension or revocation of the officers certification by the Department of Public Safety Standards and Training (2020 Oregon Laws, c.5, § 2).

Misconduct means (2020 Oregon Laws, c.5, § 2):

(a) Unjustified or excessive force that is objectively unreasonable under the circumstances or in violation of the agency policies related to the use of force.

(b) Sexual harassment or sexual misconduct.

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(c) Discrimination against a person based on race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or age.

(d) A crime.

(e) A violation of the minimum standards for physical, emotional, intellectual, and moral fitness for public safety personnel under ORS 181A.410.

323.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient agency service.

323.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in agency or City manuals.

(b) Disobedience of any legal directive or order issued by any agency member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

(d) Failure to intervene and/or report misconduct by another member.

323.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the City of Sherwood Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-agency business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this agency and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

323.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected

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by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

323.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on--duty or through the use of one's official capacity.

(b) Engaging in on--duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this agency.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this agency.

323.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

323.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this agency.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this agency for personal or financial gain or without the express authorization of the Police Chief or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any agency property for personal use, personal gain, or any other improper or unauthorized use or purpose.

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(e) Using agency resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

323.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including but not limited to failure incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Agency within 24 hours of any change in residence address or contact numbers.

(f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

323.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work--related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any agency record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any agency--related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this agency or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this agency or subverts the good order, efficiency and discipline of this agency or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on agency premises.

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2. At any work site, while on--duty or while in uniform, or while using any agency equipment or system.

3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while on--duty at official legislative or political sessions.

2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on--duty or on agency property except as expressly authorized by City policy, the collective bargaining agreement, or the Police Chief.

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Police Chief.

(i) Any act on- or off--duty that brings discredit to this agency.

323.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this agency or the City.

(g) Use of obscene, indecent, profane or derogatory language while on--duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this agency.

(i) Unauthorized possession of, loss of, or damage to agency property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of agency property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of agency property or the property of another person.

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(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Police Chief of such action.

(m) Any other on-- or off--duty conduct which any member knows or reasonably should know is unbecoming a member of this agency, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this agency or its members.

323.5.10 SAFETY

(a) Failure to observe or violating agency safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but in any event within 24 hours.

323.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to agency members that affirms the City of Sherwood Police Department 's commitment to policing that is fair and objective (ORS 131.920).

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the agency's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

See the Personnel Complaints Policy regarding acceptance of complaints alleging profiling and investigation of such complaints.

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, language, religion, sex, sexual orientation, gender identity or expression, economic status, homelessness, age, cultural group, disability, political affiliation or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes profiling as defined by ORS 131.915.

401.2 POLICY

The City of Sherwood Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this agency to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this agency shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

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401.4.1 REASON FOR CONTACT
Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC AND PEDESTRIAN STOPS
Each time an officer makes an officer-initiated traffic or pedestrian stop, the officer shall record the required stop data in the method and manner prescribed by the Oregon Criminal Justice Commission (OCJC) (ORS 131.935).

401.5 SUPERVISOR RESPONSIBILITIES
Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
    1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
    1. Supervisors should document these periodic reviews.
    2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this agency who discloses information concerning bias-based policing.

401.6 STATE REPORTING

401.6.1 STATE REPORTING TO LAW ENFORCEMENT CONTACTS POLICY AND DATA REVIEW COMMITTEE
The Records Section shall annually provide Law Enforcement Contacts Policy and Data Review Committee (LECC) the following (ORS 131.925):

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(a) Copies of profiling complaints received by the Agency.

(b) A summary of each profiling complaint received by the Agency and the final disposition of the profiling complaint on the appropriate Department of State Police (DSP) form.

1. This form is to be submitted even if no profiling complaints were received by the Agency.

Summaries of complaints and copies of complaints provided to LECC may not include personal information concerning the complainant or an officer except as to any personal information on the DSP form (ORS 131.925).

The Records Section should provide LECC, upon request, data regarding stops or contacts as identified in ORS 131.906(5). Data provided may not identify an officer or an individual whose demographic data is collected (ORS 131.906).

401.6.2 STATE REPORTING TO OREGON CRIMINAL JUSTICE COMMISSION
The Records Section shall provide the OCJC with traffic and pedestrian stop data annually as prescribed by ORS 131.935.

Data may not include information that reveals the identity of any stopped individual or of any officer (ORS 131.935).

401.7 ADMINISTRATION

The Patrol Section Section Commander should review the efforts of the Agency to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Police Chief. The annual report should not contain any identifying information about any specific complainant, citizen, or officers. It should be reviewed by the Police Chief to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.8 TRAINING

Training on fair and objective policing, including a review of this policy, shall be conducted annually by the Support Captain or their designee.

401.8.1 DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING
The Support Captain should ensure that officers receive training implemented by the Department of Public Safety Standards and Training regarding procedures to facilitate the collection of officer-initiated traffic and pedestrian stop data (ORS 131.935).

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Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the City of Sherwood Police Department relating to immigration and interacting with federal immigration officials.

413.2 POLICY

It is the policy of the City of Sherwood Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this agency in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

413.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Oregon constitutions.

413.4 DETENTIONS

This agency does not participate in routine immigration investigation and enforcement activities (ORS 181A.820).

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

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An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer may arrest any person who is the subject of an arrest warrant issued by a federal magistrate for a criminal violation of federal immigration laws (ORS 181A.820).

An officer should notify a supervisor as soon as practicable whenever an individual is being detained or arrested for a criminal immigration violation.

413.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

413.4.2 IMMIGRATION INQUIRIES PROHIBITED

An officer shall not inquire into an individual's immigration status, citizenship status, or country of birth except where allowed by law (2021 Oregon Laws, H.B. 3265 § 2).

413.4.3 INDIVIDUAL RIGHT NOTIFICATION

To ensure compliance with all treaty obligations, including consular notification and state and federal laws, an officer should ensure individuals who are detained receive an explanation in writing, with interpretation into another language if requested, of the following (2021 Oregon Laws, H.B. 3265 § 2):

(a) The individual's right to refuse to disclose the individual's nationality, citizenship, or immigration status.

(b) That the disclosure of the individual's nationality, citizenship, or immigration status may result in a civil or criminal immigration enforcement, including removal from the United States.

413.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

413.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this agency should be directed to a supervisor. The Agency may provide available support services (unrelated to immigration enforcement), such as peacekeeping efforts (2021 Oregon Laws, H.B. 3265 § 3).

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413.6.1 FEDERAL IMMIGRATION ENFORCEMENT REQUESTS AND DOCUMENTATION

Any requests from federal immigration officials for assistance relating to immigration enforcement (other than a judicial subpoena) shall be declined and the communication or request shall be documented. The documentation shall be forwarded to the Police Chief or the authorized designee. The Police Chief or the authorized designee should ensure the documentation is forwarded to the Oregon Criminal Justice Commission (OCJC) as prescribed by the OCJC (2021 Oregon Laws, H.B. 3265 § 3).

413.7 INFORMATION SHARING

No member of this agency will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373, 2021 Oregon Laws, H.B. 3265 § 2):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in agency records

(c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under Oregon State Law.

413.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

413.7.2 NON-DISCLOSURE OF CERTAIN INFORMATION

Except as required by state or federal law, members should not disclose for the purpose of enforcement of federal immigration laws the following information about a person or his/her known relatives or associates, whether current or otherwise (ORS 180.805):

(a) The person’s address

(b) The person’s workplace or hours of work

(c) The person’s school or school hours

(d) The person’s contact information, including telephone number, email address, or social media account information

(e) The identity of known associates or relatives of the person

(f) The date, time, or location of a person’s hearings, proceedings, or appointments with the Agency that are not matters of public record

413.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

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Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigation Unit supervisor assigned to oversee the handling of any related case. The Investigation Unit supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner (ORS 147.620).

    1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

413.8.1 DENIAL OF CERTIFICATION

If certification is denied, the Investigation Unit supervisor shall inform the petitioner in writing regarding the reason for the denial as provided in ORS 147.620. A copy of the notice shall be kept for a minimum of three years and in accordance with the established records retention schedule (ORS 147.620).

413.8.2 TIME FRAME FOR COMPLETION

Except under circumstances where there is good cause for delay, the Investigation Unit supervisor shall process the certification for the U visa or T visa within 90 days of the request, unless the victim is in federal immigration removal proceedings, in which case the certification shall be executed within 14 days after the request is received (ORS 147.620).

413.8.3 U VISA AND T VISA DOCUMENTATION

The Investigation Unit supervisor shall collect written documentation regarding the number of certification forms that are (2019 Oregon Laws, c. 472, § 2):

(a) Requested by a victim.

(b) Granted.

(c) Denied, with the reason for denial.

The Investigation Unit supervisor or the authorized designee should ensure that the information collected regarding certification forms is transmitted in a timely manner to the Records Section for annual reporting to the OCJC.

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413.9 TRAINING

The Support Captain should ensure officers receive training on this policy.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

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Medical Marijuana

422.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this agency with guidelines for investigating the acquisition, possession, transportation, delivery, production, or use of marijuana under Oregon's medical marijuana laws (ORS 475B.785 et seq.).

This policy is not intended to address laws and regulations related to recreational use of marijuana.

422.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - Any patient or caregiver who has been issued a valid Registry Identification Card (RIC).

Caregiver (or designated primary caregiver) - An individual 18 years of age or older who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition and who is designated as the person responsible for managing the well-being of a person who has been diagnosed with a debilitating medical condition on either that person's application for a RIC or in other written notification submitted to the Oregon Health Authority. Caregiver does not include a person's attending physician; however, it may include an organization or facility that provides hospice, palliative, or home health care services. The caregiver may assist the cardholder with any matter related to the medical use of marijuana (ORS 475B.791; ORS 475B.807; ORS 475B.801).

Grower - A person, joint venture, or cooperative that produces industrial hemp (ORS 571.269).

Handler - A person, joint venture, or cooperative that receives industrial hemp for processing into commodities, products, or agricultural hemp seed and any other activities identified by the Oregon Department of Agriculture (ODA) by rule (ORS 571.269).

Mature marijuana plant - A marijuana plant that has flowers (ORS 475B.791).

Medical use of marijuana - The production, processing, possession, delivery, distribution, or administration of marijuana, or use of paraphernalia used to administer marijuana to mitigate the symptoms or effects of a debilitating medical condition (ORS 475B.791). The RIC may also identify a person applying to produce marijuana or designate another person to produce marijuana under ORS 475B.810.

Patient - A person who has been diagnosed with a debilitating medical condition within the previous 12 months and been advised by his/her attending physician that the medical use of marijuana may mitigate the symptoms or effects of that debilitating medical condition (ORS 475B.913). This includes a person who has been issued a valid RIC for his/her medical condition (ORS 475B.797).

Registry Identification Card (RIC) - A document issued by the Oregon Health Authority under ORS 475B.797 that identifies a person authorized to engage in the medical use of marijuana and,

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if the person has a designated primary caregiver under ORS 475B.804, the person's designated primary caregiver (ORS 475B.791). The RIC may also identify a person applying to produce marijuana or designate another person to produce marijuana under ORS 475B.810.

Statutory possession and grow site amounts - Amounts authorized by ORS 475B.831 and ORS 475B.834.

Usable marijuana - The dried leaves and flowers of marijuana. Usable marijuana does not include the seeds, stalks, and roots of marijuana or waste material that is a by-product of producing marijuana (ORS 475B.791).

422.2 POLICY

It is the policy of the City of Sherwood Police Department to prioritize resources to avoid making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Oregon medical marijuana laws are intended to protect patients and their doctors from criminal and civil penalties that may deter the use of small amounts of marijuana by those suffering from debilitating medical conditions (ORS 475B.785). However, Oregon's medical marijuana laws do not affect federal laws, and there is no medical exception under federal law for the possession or distribution of marijuana. The City of Sherwood Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Oregon law and the resources of the Agency.

422.3 INVESTIGATION

Investigations involving the possession, delivery, production, or use of marijuana generally fall into one of several categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations related to patient cardholders.

(c) Investigations related to patient non-cardholders.

422.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation. A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

422.3.2 INVESTIGATIONS RELATED TO PATIENT CARDHOLDERS

Officers shall not take enforcement action against a cardholder for engaging in the medical use of marijuana with amounts at or below statutory possession amounts or statutory grow site amounts. Officers shall not take enforcement action against a caregiver for assisting a patient cardholder in

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the medical use of marijuana with amounts at or below statutory possession amounts or statutory grow site amounts (ORS 475B.907).

Cardholders are required to possess a RIC when using or transporting marijuana, usable marijuana, medical cannabinoid products, cannabinoid concentrates, or cannabinoid extracts at a location other than the address on file with the Oregon Health Authority (ORS 475B.837). However, officers should treat a person without a RIC in his/her possession as if it were in his/her possession if the RIC can be verified through an Oregon State Police Law Enforcement Data Systems (LEDS) query or other sources.

422.3.3 INVESTIGATIONS RELATED TO PATIENT NON-CARDHOLDERS

Officers should not take enforcement action against a patient who does not have a RIC for possession or production of marijuana, or any other criminal offense in which possession or production of marijuana is an element, if the patient meets all of the following (ORS 475B.913):

(a) Is engaged in the medical use of marijuana

(b) Possesses, delivers, or manufactures a quantity at or below statutory possession quantity or the quantity cultivated is at or below statutory grow site amounts

Officers should not take enforcement action against a person who does not meet the definition of a patient if the person is taking steps to obtain a RIC; possesses, delivers, or manufactures marijuana at or below statutory possession quantities or below statutory grow site quantities; and the person's medical use claim appears genuine under the circumstances (ORS 475B.913).

422.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

(a) Grow sites are regulated in the following manner (ORS 475B.810):

1. The Oregon Health Authority must have issued a marijuana grow site registration card for a site to be valid.
2. The grow site registration card must be posted for each RIC holder for whom marijuana is being produced at a marijuana grow site.

(b) An officer who determines that the number of marijuana plants at an address exceeds quantities authorized by statute may confiscate only the excess number of plants (ORS 475B**.**831).

(c) Because enforcement of medical marijuana laws can be complex and time consuming and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at another time.
2. The case would benefit from review by a person with expertise in medical marijuana investigations.

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3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
4. Any other relevant factors exist, such as limited available agency resources and time constraints.

(d) Before proceeding with enforcement related to grow sites, a marijuana producer, or processing sites officers should consider conferring with appropriate legal counsel, the Oregon Health Authority, and/or Oregon Liquor and Cannabis Commission (ORS 475B.831; ORS 475B.136).

(e) Registration or proof of registration under ORS 475B.785 to ORS 475B.949 does not constitute probable cause to search the person or property of the registrant or otherwise subject the person or property of the registrant to inspection (ORS 475B.922).

(f) As a licensing authority, the Oregon Liquor and Cannabis Commission may assist with related questions regarding recreational marijuana (ORS 475B.070).

422.3.5 EXCEPTIONS

Medical marijuana users are generally not exempt from other criminal laws and officers should enforce criminal laws not specifically covered by the Medical Marijuana Act appropriately. Officers may take enforcement action if the person (ORS 475B.910):

(a) Drives under the influence of marijuana as provided in ORS 813.010.

(b) Engages in the medical use of marijuana in a place where the general public has access (ORS 161.015), in public view, or in a correctional facility (ORS 162.135(2)), or in a youth correction facility (ORS 162.135(6)).

(c) Delivers marijuana to any individual who the person knows is not in possession of a RIC.

(d) Delivers marijuana to any individual or entity that the person knows has not been designated to receive marijuana or assigned a possessory interest in marijuana by an individual in possession of a RIC.

If an officer knows or has reasonable grounds to suspect a violation of the Adult and Medical Use of Cannabis Act (ORS 475B.010 to ORS 475B.545), the officer shall immediately notify the district attorney who has jurisdiction over the violation and provide any relevant information, including the names and addresses of any witnesses (ORS 475B.429).

422.3.6 INDUSTRIAL HEMP

Medicinal marijuana investigations may lead to separate issues related to industrial hemp. Growers and handlers who operate under the industrial hemp laws of Oregon must be licensed with the ODA to grow or handle industrial hemp or produce agricultural hemp seed. Growers and handlers who produce seed products incapable of germination are not required to be licensed with the ODA (ORS 571.281). Officers may contact the ODA's Commodity Inspection Division for information about industrial hemp sites and registration compliance.

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422.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

422.5 PROPERTY AND EVIDENCE SUPERVISOR RESPONSIBILITIES

The Property and Evidence supervisor shall ensure that marijuana, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed, harmed, neglected, or injured. The Property and Evidence supervisor is not responsible for caring for live marijuana plants (ORS 475B.922).

Marijuana should not be returned to any person unless authorized by the Investigation Unit supervisor and upon advice of city counsel. Any court order to return marijuana should be referred to city counsel.

The Property and Evidence supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigation Unit supervisor.

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Homeless Persons

425.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that agency members understand the needs and rights of the homeless, and to establish procedures to guide them during all contacts with the homeless, whether consensual or for enforcement purposes.

425.2 FIELD CONTACTS

Officers are encouraged to contact a homeless person to render aid, offer assistance, or to check the person's welfare. Officers also will take enforcement action when information supports a reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

When encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions, such as shelter referrals and counseling, in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

425.2.1 CONSIDERATIONS

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness, or suspect is homeless can, however, require special considerations for a successful investigation and prosecution. When handling investigations involving victims, witnesses, or suspects who are homeless, officers should consider:

(a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.

(b) Documenting locations the person may frequent.

(c) Providing victim/witness resources, when appropriate.

(d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.

(e) Whether the person may be an adult abuse victim and, if so, proceed in accordance with the Adult Abuse Policy.

(f) Arranging for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates no desire for prosecution.

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425.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting, and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure any personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed, and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the agency Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding, or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform a supervisor if such property appears to involve a trespass, is a blight to the community, or is the subject of a complaint.

425.3.1 STATE LAW ON UNCLAIMED PERSONAL PROPERTY

When a homeless individual is removed pursuant to a city policy, any unclaimed personal property stored by this agency shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined. Items that have no apparent utility or are in an unsanitary condition may be immediately discarded upon removal of the homeless individual from the camp site (ORS 203.079).

Weapons, controlled substances, and items that appear to be either stolen or evidence of a crime shall be stored pursuant to agency protocols and the Property and Evidence Policy.

425.4 MENTAL HEALTH ISSUES

When mental health issues are evident, officers should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person, and approved by a supervisor. Officers should consider detaining the person under civil commitment when facts and circumstances reasonably indicate such a detention is warranted (see the Civil Commitments Policy).

425.5 ECOLOGICAL ISSUES

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged

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to notify other appropriate agencies or City departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs, and supervisor notification.

425.6 POLICY

It is the policy of the City of Sherwood Police Department to protect the rights, dignity, and private property of all members of the community, including people who are homeless. Abuse of authority to harass any member of the community will not be permitted. The City of Sherwood Police Department will address the needs of homeless persons in balance with the overall mission of this agency.

Homelessness is not a crime and members will not use homelessness as the sole basis for detention or law enforcement action.

425.7 HOMELESS CAMPS ON PUBLIC PROPERTY

Prior to removing homeless individuals from an established campsite on public property, officers shall (ORS 203.079):

(a) Post the area with required written notice of pending removal at all entrances reasonably identifiable. Notice should be in English and Spanish and include all required information under ORS 203.079 (e.g., location of unclaimed property, required contact information for questions regarding location of property storage).

    1. Notice shall be posted at least 72 hours prior to removal except in certain circumstances (e.g., camping at cemeteries).

(b) Once notice is posted, notify the local agency that delivers social services to homeless individuals as to where the notice has been posted.

The 72-hour warning notice requirement is not necessary if officers reasonably believe that illegal activity unrelated to the camping is occurring at an established camping site or in the event of an exceptional emergency such as a possible site contamination by hazardous materials, a public health emergency, or other immediate danger to human life or safety (ORS 203.079).

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First Amendment Assemblies

429.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

429.2 POLICY

The City of Sherwood Police Department respects the rights of people to peaceably assemble. It is the policy of this agency not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

429.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential.

The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe agency members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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429.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating agency performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

429.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

429.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

429.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

429.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles, and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).

1. The plan shall include officer identifiers affixed to the uniform and helmet that comply with 2021 Oregon Laws, c. 306 § 2.

    (a) An officer shall not intentionally obscure any part of a uniform or helmet identifier.

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) Liaison with demonstration leaders and external agencies.

(h) Liaison with City government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief, and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests.

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(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

(t) Parameters for the use of body-worn cameras and other portable recording devices.

429.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

429.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

429.7 USE OF FORCE

Use of force is governed by current agency policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal

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or arrest of those acting in violation of the law). Control devices and TASER devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsicum (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this agency shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

429.8 ARRESTS

The City of Sherwood Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been or reasonably appear likely to be unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

429.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

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429.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

429.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, Dispatch records/tapes

(g) Media accounts (print and broadcast media)

429.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

429.12 TRAINING

Agency members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Agency should, when practicable, train with its external and mutual aid partners.

429.13 PUBLIC REQUEST OF OFFICER IDENTIFICATION

Officers shall provide their name, identification number, or unique identifier assigned by the Agency to a person when requested if it is practical, safe, and tactically sound to do so at the time of request (2021 Oregon Laws, c. 306 § 3).

The request may be satisfied by providing a agency-issued business card.

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429.13.1 INVESTIGATION OF OFFICER IDENTIFICATION

Upon request by a member of the public, the Agency shall conduct an investigation to identify an officer as follows (2021 Oregon Laws, c. 306 § 3):

The member of the public has provided the following:

- The member of the public has provided the following:
    - A partial name
    - A full or partial badge number, or other identifying number
    - A photo of the officer
    - A full or partial license plate, or other identifying number from a police vehicle
    - A physical description
    - The location, date, and time when the officer was present

Within seven days of receiving the request, the agency shall confirm to the requester receipt of the request.

- Within 14 days after receiving the request, the agency shall provide the requester:
    - The name and the number assigned to the officer by the Department of Public Safety Standards and Training; or
    - An explanation of why the identification could not be performed.
- If the requester provided a full badge number, the agency shall provide the name of the officer within 14 days after receiving the request.

Identification shall not be provided if the officer is participating in an undercover law enforcement operation (2021 Oregon Laws, c. 306 § 3).

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Impaired Driving

504.1 PURPOSE AND SCOPE

This policy provides guidance to those agency members who play a role in the detection and investigation of driving under the influence (DUI).

504.2 POLICY

The City of Sherwood Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Oregon's impaired driving laws.

504.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Patrol Captain will develop and maintain, in consultation with the prosecuting attorney, appropriate report forms to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in Oregon or another jurisdiction.

504.4 FIELD TESTS

The Patrol Captain should insure that only approved standardized FSTs and any approved alternate tests are used by officers when investigating violations of DUI laws.

504.5 CHEMICAL TESTS

A person implies consent under Oregon law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (ORS 813.100):

(a) The arresting officer has reasonable grounds to believe that the person was DUI.

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(b) The person is arrested for DUI and takes a breath test that discloses a blood alcohol content of less than 0.08 percent (ORS 813.131).

(c) The person is arrested for DUI and was involved in an accident resulting in injury or property damage (ORS 813.131).

(d) The person is receiving medical care at a health care facility immediately after a motor vehicle accident and the arresting officer has reasonable grounds to believe that the person was DUI.

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 BREATH SAMPLES

The Patrol Captain should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Captain.

504.5.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (ORS 813.160). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood test because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

504.5.3 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

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504.5.4 STATUTORY NOTIFICATIONS
Prior to administering any tests, the person shall be informed of the rights and consequences for DUI and refusals of testing (ORS 813.100; ORS 813.130; ORS 813.135).

504.5.5 ADDITIONAL REQUIREMENTS FOR URINE SAMPLES
An officer may not request that a person submit to a urine test unless the officer is certified by the Department of Public Safety Standards and Training as having completed the required training in the recognition of drug impaired driving. The officer must also have a reasonable suspicion to believe that the person arrested has been driving under the influence of cannabis, psilocybin, a controlled substance, an inhalant, or any combination of cannabis, psilocybin, an inhalant, a controlled substance, and intoxicating liquor (ORS 813.131).

The person providing the urine sample shall be given privacy and may not be observed by the officer when providing the sample (ORS 813.131).

504.5.6 ADDITIONAL TESTING
An officer requesting that a person submit to a chemical test shall also provide the person, upon request, with a reasonable opportunity to have a qualified medical professional of their choosing administer an additional chemical test. The test may be of the person's breath or blood if alcohol concentration is an issue or of the person's blood or urine if the presence of cannabis, psilocybin, a controlled substance, or an inhalant in the person's body is an issue (ORS 813.150).

504.6 REFUSALS
When an arrestee refuses to provide a chemical sample, officers should:

(a) Advise the arrestee of the requirement to provide a sample (ORS 813.100; ORS 813.130; ORS 813.131; ORS 813.135).

(b) Audio- and/or video-record the admonishment and the response when it is legal and practicable.

(c) Document the refusal in the appropriate report.

504.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL
Upon refusal to submit to a chemical test as required by law, officers shall personally serve the written notice of intent to suspend upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (ORS 813.100).

504.6.2 BLOOD SAMPLE WITHOUT CONSENT
A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained (ORS 813.100).

(b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency

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can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

504.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video when legal and practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force that reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.7 ARREST AND INVESTIGATION

504.7.1 OFFICER RESPONSIBILITIES

If a person refuses to submit to a chemical test or if a test discloses that the person had a prohibited alcohol concentration in his/her blood, the investigating officer shall cause the following items to be

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forwarded to the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) within 10 days of the arrest (ORS 813.100; OAR 735-090-0040):

- The completed Implied Consent Form
- Any confiscated license or permit belonging to the person
- A copy of the written report that complies with ORS 813.120

An officer confiscating a person's license pursuant to state DUI laws shall provide the person with a temporary driving permit unless (ORS 813.100; ORS 813.110):

- The driving privileges of the person were suspended, revoked or canceled at the time the person was arrested.
- The person whose license was confiscated was operating on an invalid license.
- The person was not entitled to driving privileges at the time of the arrest for any other reason.
- The person holds a license or permit granting driving privileges that was issued by another state or jurisdiction and that is not confiscated.

504.7.2 OFFENSE FOR REFUSAL
If a person refuses to submit to a breath or urine test, the arresting officer may charge the person with a separate offense (ORS 813.095).

504.8 RECORDS SECTION RESPONSIBILITIES
The Support Captain will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.9 ADMINISTRATIVE HEARINGS
The Support Captain will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

504.10 TRAINING
The Support Captain should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Support Captain should confer with the prosecuting attorney's office and update training topics as needed.

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Investigation and Prosecution

600.1 POLICY

It is the policy of the City of Sherwood Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.2 INITIAL INVESTIGATION

600.2.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:

1. An initial statement from any witnesses or complainants.
2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:

1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Supervisor.
4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
5. Collect any evidence.
6. Take any appropriate law enforcement action.
7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.2.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.2.3 INTERVIEWS OF CHILD WITNESSES

The Support Section Section Commander or the authorized designee is responsible for the development of child witness interview procedures that include parental notification and account

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for child safety. For purposes of this subsection, a child witness is an unmarried person who is under the age of 18 and who is not the victim of, suspect in, or related to the suspect in a child welfare, criminal, or delinquency investigation (2021 Oregon Laws, c.335).

600.3 COLLECTION OR MAINTENANCE OF SPECIFIC INFORMATION

The collection or maintenance of information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership shall occur only when the information directly relates to a criminal investigation and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct (ORS 181A.250).

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Generally, except where circumstances make it impracticable, custodial interviews regarding felony offenses should be electronically recorded. When such custodial interviews are conducted in a law enforcement facility, electronic recording of the interview is mandatory absent good cause not to record if the interview is conducted in connection with an investigation into aggravated murder, as defined in ORS 163.095, or a crime listed in ORS 137.700 or ORS 137.707 (ORS 133.400).

A custodial interview of a person 17 years of age or under involving an investigation into a misdemeanor or a felony or an allegation that the juvenile being interviewed committed an act that would be a misdemeanor or a felony if committed by an adult shall be recorded, absent good cause not to record the interview, if (ORS 133.402):

(a) The interview is conducted at a courthouse or at any law enforcement agency authorized to detain juvenile offenders; or

(b) The interview is conducted anywhere else and the officer is wearing a body-worn camera.

If an interviewee expresses an unwillingness to have the custodial interview electronically recorded but agrees to speak to investigators without such recording, the interviewing officer or detective should document the refusal in his/her report and request that the interviewee sign a written statement or provide a recorded statement of his/her refusal to have the interview recorded.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law (ORS 165.540).

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation Unit supervisor. Copies of

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recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate, and complete and are made only for authorized and legitimate law enforcement purposes. Electronic recording of a custodial interview shall be preserved until the conclusion of the criminal proceeding or youth adjudication proceeding, including post-conviction relief and habeas corpus appeals are exhausted, or until the prosecution of the offense is barred by law (ORS 133.400).

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.6 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

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600.7 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this agency. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using agency equipment.

Information obtained via the internet should not be archived or stored in any manner other than agency-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.8.1 ACCESS RESTRICTIONS

Information that can be accessed from any agency computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party’s account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

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600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION
Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.9 MODIFICATION OF CHARGES FILED
Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Section Commander or the Police Chief. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

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Property and Evidence

800.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

800.2 DEFINITIONS

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

Property - Includes all items of evidence, items taken for safekeeping, and found property.

Safekeeping - Includes the following types of property:

- Property obtained by the Agency for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

800.3 PROPERTY HANDLING

Any employee who first comes into possession of any property (except found bikes), shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Found bikes shall be left in the location of discovery and not be placed into storage unless they are considered evidence to a crime. Any person who finds a bike shall be advised of their rights as finder. Care shall be taken to maintain the chain of custody for all evidence. When not specifically addressed by this manual, collection and handling of all evidence and property should follow the guidelines established by the State of Oregon Physical Evidence Manual.

Employees will provide a receipt for all items of property or evidence that are received or taken from any person. If no person is present, and the property or evidence is removed from private property or a vehicle, the employee will leave a receipt prominently placed on the private property or the vehicle.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

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800.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

(a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

(b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.

(c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

(d) Place the case number in the upper right-hand corner of the bag.

(e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.

(f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

800.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs (including paraphernalia as defined by ORS 475.525(2)) shall be booked separately using a separate Property Record.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker accompanied by two copies of the form for the Records Section and Detectives. The remaining copy will be detached and submitted with the case report.

800.3.3 EXPLOSIVES/HAZARDOUS SUBSTANCES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Shift Supervisor. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives. In the event of military ordnance, the closest military unit shall be notified and will be responsible for removal of the device.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Community Services Officer is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

800.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

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(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking and packages should be labeled with a biohazard sticker.

(b)

(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Community Services Officer or placed in the bicycle storage area until a Community Services Officer can log the property.

(d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Shift Supervisor shall be contacted for cash in excess of $1,000 for special handling procedures.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

800.3.5 COLLECTION AND PRESERVATION OF DNA EVIDENCE

Because DNA evidence can play a key role in establishing guilt or innocence, it is important that such evidence be collected, handled, and preserved in a manner that will maintain its integrity for future testing. Unless impracticable to do so, officers should collect samples of all biological evidence that may reasonably be used to incriminate or exculpate any person as part of any criminal death investigation or a sex crime listed in ORS 163A.005. The Community Services Officer will be responsible to ensure that biological evidence is preserved in an amount and manner that is sufficient to develop a DNA profile.

Collection and preservation should follow established protocols as outlined in the Oregon Physical Evidence Manual.

800.3.6 COLLECTION AND PRESERVATION OF SAFE KITS

Under current law, victims of sexual assault may seek medical assessment and choose not to make a report to law enforcement, yet still have evidence collected and preserved. The City of Sherwood Police Department will collect and maintain the chain of evidence for all Oregon State Police Sexual Assault Forensic Evidence Kits (SAFE Kits) and any associated evidence collected by medical facilities in this jurisdiction for victims of sexual assault, regardless of where the assault may have occurred. Victims who choose to remain anonymous and not make a report shall not be required to do so (ORS 147.397).

The collection and preservation of SAFE Kits from anonymous victims shall be handled by the Support Section Section, which shall assign a detective to ensure their proper collection and preservation. When a medical facility notifies this agency that evidence of a sexual assault has been collected and a SAFE Kit is available, the assigned detective shall be responsible for the following:

(a) Respond promptly to the medical facility to retrieve the evidence.

(b) Provide a unique case number to a responsible representative of the medical facility, which will be provided to the victim. The case number will be used to identify all

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associated evidence so that a chain of evidence can be maintained in the event the victim later decides to report the assault.

(c) Ensure that no identifying information regarding the victim, other than the case number, is visible on the evidence packaging.

(d) Prepare and submit an evidence report and book the evidence in accordance with current evidence procedures.

A SAFE Kit collected for a victim whose identity is not disclosed should be maintained in the same manner as other SAFE Kits, but should not be opened until or unless the victim reports the assault. Opening SAFE Kits may compromise the admissibility of evidence in the event of a prosecution.

800.3.7 STORAGE OF SURRENDERED WEAPONS

Officers shall accept and store any weapons and ammunition from an individual who has been ordered by a court pursuant to an extreme risk protection order (ORS 166.527) or a protection order or judgment of conviction subject to the provisions of ORS 166.255 to surrender weapons and ammunition. The officer receiving the surrendered items shall prepare a property receipt and provide the individual with a copy. The officer should promptly forward the original receipt to the Support Captain for timely filing with the court (ORS 166.537).

800.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs

(b) Firearms (ensure they are unloaded and booked separately from ammunition). A flex cuff or similar device should be inserted through the chamber, barrel, or cylinder whenever possible.

(c) Property with more than one known owner

(d) Paraphernalia as described in ORS 475.525(2)

(e) Fireworks and other hazardous materials

(f) Contraband

800.4.1 PACKAGING CONTAINER

Employees shall package all property in a suitable container available for its size. Knife boxes should be used to package knives. All packages containing evidence must be sealed with evidence tape, initialed, and dated across the seal.

Needles or syringes will normally be disposed of in a sharps container and will not be submitted to the Property Room; however, when required for evidence in a serious crime or in a major investigation, a syringe tube should be used for packaging.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

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800.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

800.5 RECORDING OF PROPERTY

The Community Services Officer receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the City of Sherwood Police Department shall be noted in the property logbook.

800.6 PROPERTY ROOM SECURITY

Access to the Property Room shall be tightly controlled and limited to Community Services Officers unless visitors are logged in and out, including the time, date and purpose of entry. All personnel entering the Property Room must be accompanied at all times by a Community Services Officer.

800.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession. No evidence is to be released without first receiving written authorization from the assigned investigator or his/her supervisor.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Community Services Officer. This request may be filled out any time after the booking of property or evidence.

800.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The Community Services Officer releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property

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to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

800.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom released.

The Community Services Officer shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

800.6.4 RELEASE OF PROPERTY

Property may be released to a verified owner at the discretion of the Community Services Officer without further authorization. A Community Services Officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Section for filing with the case. If some items of property have not been released, the property card will remain with the property division. Upon release, the proper entry shall be documented in the Property Log.

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation. Property not claimed within 30 days after notification of owner of its availability for release will be auctioned, destroyed, or disposed of in accordance with these procedures and existing law.

Unless the owner is known, found property and property held for safekeeping will be held for at least 90 days.

800.6.5 RELEASE OF EVIDENCE

Evidence may only be released with the authorization of the DA’s office and the officer or detective assigned to the case.

Once a case has been adjudicated or passed the statute of limitations for prosecution, a Community Services Officer will request a disposition authorization from the DA’s office and the assigned officer or detective. Care should be taken to ensure there are no outstanding warrants for suspects or additional defendants for the same case prior to authorizing release.

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Release of evidence shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the assigned officer or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Once evidence has been authorized for release and is no longer needed for any pending criminal cases, it shall be considered property and released or disposed of in accordance with those procedures.

800.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the City of Sherwood Police Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the City of Sherwood Police Department may wish to file an interpleader to resolve the disputed claim (ORCP 31).

800.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Investigation Unit will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this agency.

800.6.8 RELEASE OF DEADLY WEAPONS IN EXTREME RISK PROTECTION ORDER MATTERS

If an extreme risk protection order is terminated or expires without renewal, a deadly weapon or concealed handgun license that was surrendered pursuant to the order shall be returned to the person after (ORS 166.540):

(a) Confirming through a background check, if the deadly weapon is a firearm, that the person is legally eligible to own or possess the firearm under federal and state law; and

(b) Confirming that the extreme risk protection order is no longer in effect.

If a third party claims lawful ownership or rightful possession to a deadly weapon that was surrendered pursuant to an extreme risk protection order, the Agency may return the weapon to the third party if the third party provides proof of ownership and affirms by sworn affidavit that (ORS 166.537(5)):

- He/she may lawfully possess the deadly weapon.
- He/she did not consent to the prior possession of the deadly weapon by the person subject to the extreme risk protection order.
- He/she will prevent the person subject to the order from accessing or possessing the deadly weapon in the future.

A deadly weapon that remains unclaimed shall be disposed of in accordance with Agency policies and procedures for disposal of deadly weapons (ORS 166.540).

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800.6.9 RELEASE OF FIREARMS IN DOMESTIC VIOLENCE PROTECTION ORDER MATTERS

If a protection order subject to the provisions of ORS 166.255 is terminated or expires without renewal, any firearms or ammunition surrendered pursuant to the order shall be returned upon the request of the respondent after the following actions are taken (ORS 166.257):

(a) Notify the Department of Justice of the request.

(b) Confirm that the protection order is no longer in effect.

(c) Confirm through a background check that the respondent is legally eligible to own or possess firearms and ammunition under federal and state law.

Return of the surrendered items will take place no earlier than 72 hours after the request was received (ORS 166.257).

Firearms and ammunition that remain unclaimed shall be disposed of in accordance with agency policies and procedures for disposal of deadly weapons (ORS 166.540).

800.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for 90 days or longer (60 days or more, plus 30 days after notice), where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Community Services Officer shall request a disposition or status on all property that has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective. ORS 98.245 and ORS 98.336 govern the disposition of property held by law enforcement agencies.

800.7.1 DEFINITIONS

As set out in ORS 98.245, the following definition applies to the disposition of property by law enforcement agencies:

Unclaimed Property - Personal property that was seized by the City of Sherwood Police Department as evidence, abandoned property, found property or stolen property, and that has remained in the physical possession of the City of Sherwood Police Department for a period of more than 60 days following conclusion of all criminal actions related to the seizure of the evidence, abandoned property, found property or stolen property, or conclusion of the investigation if no criminal action is filed.

800.7.2 DISPOSITION

Unclaimed property will be disposed of in accordance with the provisions of ORS 98.245. Disposal may consist of:

(a) Destruction

(b) Sale at public auction

(c) Retention for public use

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800.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence supervisor shall ensure that no biological evidence held by the Agency is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor

(d) Any sexual assault victim

(e) The Support Section Section supervisor

Biological evidence shall be retained for a minimum period established by law (ORS 133.707), the Property and Evidence supervisor or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Agency within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Support Section Section supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Police Chief and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Support Section Section Commander should be consulted and the sexual assault victim should be notified.

The Property and Evidence supervisor should incorporate OAR 137-140-0030 et seq. as applicable to the preservation and documentation of biological evidence. Sexual assault kits, including anonymous kits, shall be retained by the Agency no less than 60 years after the collection of the evidence (ORS 181A.325).

800.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) On at least an annual basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(b) Unannounced inspections of evidence storage areas shall be conducted as directed by the Police Chief.

(c) An annual audit of a random choice of evidence held by the Agency shall be conducted by a Section Commander appointed by the Police Chief who is not routinely or directly connected with evidence control and not in the evidence custodian's chain of command.

(d) Whenever a change is made in personnel who have access to the evidence room, or there is reason to believe any evidence/property has been tampered with, an inventory

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of all evidence/property shall be made by an individual(s) not associated with the property room or function to ensure that records are correct and all evidence property is accounted for.

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Protected Information

806.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the City of Sherwood Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Agency and not the public records information covered in the Records Maintenance and Release Policy.

806.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the City of Sherwood Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

806.2 POLICY

Members of the City of Sherwood Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

806.3 RESPONSIBILITIES

The Police Chief shall select a member of the Agency to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records, and Law Enforcement Data System (LEDS).

(b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice’s current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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806.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, City of Sherwood Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

806.4.1 ACCESS TO OREGON STATE POLICE OFFENDER INFORMATION

Access to Oregon State Police (OSP) criminal offender information may be granted when the information is to be used for the administration of criminal justice, employment, or the information is required to implement a federal or state statute, local ordinance, Executive Order, or administrative rule that expressly refers to criminal conduct and contains requirements or exclusions expressly based on such conduct, or other demonstrated and legitimate needs (OAR 257-010-0025).

806.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Support Captain for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Agency may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other agency members or the public is at risk. In those instances, cell phones should be used if possible. The transmission should be limited to essential details only, with maximized use of law enforcement codes (10 or 12 code), concealing information identifying individuals and offenses as much as possible. Plain text transmission of an entire record (summary or full) is prohibited.

Nothing in this policy is intended to prohibit broadcasting warrant information.

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806.5.1 REVIEW OF CRIMINAL OFFENDER RECORD
Individuals requesting to review their own Oregon criminal offender information shall be referred to OSP, Identification Services Section (OAR 257-010-0035).

An individual may review his/her local record on file with the Agency under the provisions of ORS 192.345(3), and after complying with all legal requirements.

This agency will not release information originated by any other agency (ORS 192.311 et seq). Individuals requesting this information shall be referred to the originating agency.

806.6 SECURITY OF PROTECTED INFORMATION

The Police Chief will select a member of the Agency to oversee the security of protected information.

The responsibilities of this position include but are not limited to:

(a) Developing and maintaining security practices, procedures, and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents including computer attacks.

(d) Tracking, documenting, and reporting all breach of security incidents to the Police Chief and appropriate authorities.

806.6.1 MEMBER RESPONSIBILITIES
Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

806.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

806.7.1 LEDS TRAINING
All members who operate a terminal to access the LEDS network shall complete a LEDS System Training Guide at a level consistent with the member’s duties. Each member who operates a terminal to access LEDS must be re-certified by the Agency every two years (OAR 257-015-0050).

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Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the City of Sherwood Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Agency.

Safety checks - Direct, visual observation by a member of this agency performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the City of Sherwood Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The City of Sherwood Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Agency. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than four hours (ORS 169.005).

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the City of Sherwood Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported (ORS 169.105).

(b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.

(c) Any individual who is seriously injured.

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(d) Individuals who are a suspected suicide risk (see the Civil Commitments Policy).

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated (ORS 430.399).

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized agency member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision (ORS 169.078). Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female agency member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

(a) Authorized members entering for official business purposes.

(b) Emergency medical personnel when necessary.

(c) Any other person authorized by the Shift Supervisor.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

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900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the Shift Supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

(a) Advise the Shift Supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
    (a) Continuous, direct sight and sound supervision.
    (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
4. Ensure males and females are separated by sight and sound when in cells.
5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

(c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

(d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

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900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Section Section Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to agency members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Agency members assigned to process a foreign national shall:

(a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
    1. This notification should be documented.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
    1. If the country is on the mandatory notification list, then:
        (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
        (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
        (c) Forward any communication from the individual to his/her consular officers without delay.
        (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
    2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
        (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
        (b) Forward any communication from the individual to his/her consular officers without delay.

900.4.3 INDIVIDUAL RIGHT NOTIFICATION

To ensure compliance with all treaty obligations, including consular notification and state and federal laws, an officer should ensure an individual who is in temporary custody receives an explanation in writing, with interpretation into another language if requested, of the following (2021 Oregon Laws, HB 3265 § 2):

(a) The individual's right to refuse to disclose the individual's nationality, citizenship, or immigration status.

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(b) That the disclosure of the individual's nationality, citizenship, or immigration status may result in a civil or criminal immigration enforcement, including removal from the United States.

900.5 SAFETY, HEALTH, AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the City of Sherwood Police Department, the custody shall be promptly and properly documented in a custody log, including:

(a) Identifying information about the individual, including his/her name.

(b) Date and time of arrival at the Agency.

(c) Any charges for which the individual is in temporary custody and any case number.

(d) Time of all safety checks.

(e) Any medical and other screening requested and completed.

(f) Any emergency situations or unusual incidents.

(g) Any other information that may be required by other authorities, such as compliance inspectors.

(h) Date and time of release from the City of Sherwood Police Department.

The Shift Supervisor should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Shift Supervisor should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.

(b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
2. This does not apply to surreptitious and legally obtained recorded interrogations.

(c) There is reasonable access to toilets and wash basins (ORS 169.078).

(d) There is reasonable access to a drinking fountain or water.

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy during attorney visits.

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(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(j) Adequate furnishings are available, including suitable chairs or benches (ORS 169.078).

900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to agency members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor shall meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the City of Sherwood Police Department. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift Supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

1. The Agency should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

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(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed (ORS 169.078). They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.5.8 NONDISCRIMINATION

The City of Sherwood Police Department shall not deny services, benefits, privileges, or opportunities to an individual in custody based on a known or suspected immigration status, the existence of an immigration detainer, hold, notification, or other related federal immigration request, or a civil immigration warrant, except as required by law (2021 Oregon Laws, HB 3265 § 2).

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

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The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the City of Sherwood Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS
Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Agency shall maintain a copy of the property receipt.

The Shift Supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift Supervisor shall attempt to prove or disprove the claim.

900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.

(c) The individual shall have constant auditory access to agency members.

(d) The individual's initial placement into and removal from a locked enclosure shall be logged.

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(e) Safety checks by agency members shall occur no less than every 15 minutes.

1. Safety checks should be at varying times.
2. All safety checks shall be logged.
3. The safety check should involve questioning the individual as to his/her well-being.
4. Individuals who are sleeping or apparently sleeping should be awakened.
5. Requests or concerns of the individual should be logged.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol Section Section Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the City of Sherwood Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the Shift Supervisor, Police Chief and Support Section Section Commander.

(c) Notification of the spouse, next of kin or other appropriate person.

(d) Notification of the appropriate prosecutor.

(e) Notification of the City Attorney.

(f) Notification of the Medical Examiner.

(g) Evidence preservation.

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

(d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the City of Sherwood Police Department unless escorted by a member of the Agency.

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(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

1. The agency member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

900.11 ASSIGNED ADMINISTRATOR

The Patrol Section Section Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues (ORS 169.078):

(a) General security

(b) Key control

(c) Sanitation and maintenance

(d) Emergency medical treatment

(e) Escapes

(f) Evacuation plans

(g) Fire- and life-safety

(h) Disaster plans

(i) Building and safety code compliance

900.12 TRAINING

Agency members should be trained and familiar with this policy and any supplemental procedures.

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the City of Sherwood Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the City of Sherwood Police Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Agency does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Agency will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.2.1 SELECTION

The selection of non-sworn employees will be administered by the City of Sherwood Department of Human Resources Manager and will include participation of police department personnel as designated by the Police Chief. Finalists will be interviewed by the Police Chief prior to appointment. A conditional job offer will be made contingent on submission of inked fingerprints for criminal history clearance as required by the Oregon State Police Criminal Justice Information System Division.

The recruitment and selection process for police officers will ensure that the applicant meets the standards and is tested as required by the Oregon Department of Public Safety and Training, (Oregon Administrative Rules, Chapter 259-008.) The initial phase of the selection process will determine whether the applicant meets the minimum qualifications as set forth in the job description. A formal job description will be established for every position within the agency, and will be periodically reviewed and updated. The City of Sherwood Human Resources Manager will maintain current and accurate job descriptions that include required duties and responsibilities for all positions within the Sherwood Police Department. The subsequent phases of the process will progressively eliminate unsuitable candidates and advance the most qualified applicants; who must successfully complete the following:

- Oregon Physical Abilities Test
- National Police Officer Selection Test

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- Panel interviews
- Submission of a background packet, Personal History Questionnaire, and California Personality Inventory
- Initial non-medical assessment of the Personal History Questionnaire
- Submission of inked fingerprints for criminal records check
- Interview by command staff
- Conditional job offer
- Background investigation
- Review of background investigation
- Psychological assessment
- Medical test
- Appointment

This process may be modified to accommodate specific conditions or requirements of assignments. (An example of such modification may pertain to officers applying for lateral transfer that are currently certified in Oregon.)

1000.3 RECRUITMENT

The Administration Section Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive agency website and the use of agency-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

(e) Employee referral and recruitment incentive programs.

(f) Consideration of shared or collaborative regional testing processes.

The Administration Section Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Agency should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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1000.4 SELECTION PROCESS

The Agency shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Agency should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

  (a) The personnel records of any applicant for officer or reserve officer shall be requested from any law enforcement agency where the applicant was previously employed and reviewed prior to extending an offer of employment (2020 Oregon Laws, c.7, § 4).

(b) Driving record

(c) Reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.) and ORS 659A.320

(g) Local, state, and federal criminal history record checks

(h) Medical and psychological examination (may only be given after a conditional offer of employment)

(i) Review board or selection committee assessment

1000.4.1 VETERAN PREFERENCE

Veterans of the United States Armed Forces who served on active duty and who meet the minimum qualification for employment may receive preference pursuant to ORS 408.230.

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the City of Sherwood Police Department (OAR 259-008-0015).

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

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1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Administration Section Commander shall not require candidates to provide passwords, account information or access to password-protected social media accounts (ORS 659A.330).

The Administration Section Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate and validated.

(c) The Agency fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administration Section Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.5 STATE NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with ORS 659A.320.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public

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- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (OAR 259-008-0010; OAR 259-008-0300). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Agency and the community.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by the Oregon Department of Public Safety Standards and Training (DPSST), including the following (OAR 259-008-0010; OAR 259-008-0300):

(a) Be a citizen of the United States or a nonimmigrant legally admitted to the United States under a Compact of Free Association within 18 months of hire date

(b) Be at least 21 years of age

(c) Be fingerprinted for a check by the Oregon State Police Identification Services Section within 90 days of employment

(d) Be free of convictions for any of the following:

1. Any felony
2. Any offense for which the maximum term of imprisonment is more than one year
3. Any offense related to the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug
4. Any offense that would subject the candidate to a denial or revocation of a peace officer license

(e) Meet the moral fitness standards

(f) Possess a high school diploma, GED equivalent, or a four-year post-secondary degree

(g) Complete a medical examination

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(h) Meet the physical standards requirements

(i) Complete a psychological screening (ORS 181A.485)

(j) Complete a law enforcement skills proficiency test

1000.7.2 STANDARDS FOR DISPATCHERS

Candidates shall meet the minimum standards established by DPSST, including the following (OAR 259-008-0011; OAR 259-008-0300):

(a) Be fingerprinted for a check by the Oregon State Police Identification Services Section within 90 days of employment

(b) Be free of convictions for any of the following:

1. Any felony
2. Any offense for which the maximum term of imprisonment is more than one year
3. Any offense related to the unlawful use, possession, delivery, or manufacture of a controlled substance, narcotic, or dangerous drug
4. Any offense that would subject the candidate to a denial or revocation of a telecommunicator license

(c) Meet the moral fitness standards

(d) Possess a high school diploma, GED equivalent, or a four-year advanced degree

(e) Complete a medical examination

(f) Meet the physical standards requirements

1000.8 PROBATIONARY PERIODS

The Administration Section Commander should coordinate with the Sherwood Department of Human Resources to identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

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Personnel Complaints

1011.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the City of Sherwood Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1011.2 POLICY

The City of Sherwood Police Department takes seriously all complaints regarding the service provided by the Agency and the conduct of its members.

The Agency will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this agency to ensure that the community can report misconduct without concern for reprisal or retaliation.

1011.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of agency policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate agency policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Agency.

1011.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Professional Standards Unit, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Professional Standards Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1011.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any agency member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1011.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1011.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the agency website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1011.4.2 ACCEPTANCE

All complaints will be courteously accepted by any agency member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1011.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Agency should audit the log and send an audit report to the Police Chief or the authorized designee.

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1011.5.1 COMPLAINTS ALLEGING PROFILING
Complaints related to profiling should be clearly marked to assist in reporting as required in the Bias-Based Policing Policy (ORS 131.920).

1011.6 ADMINISTRATIVE INVESTIGATIONS
Allegations of misconduct will be administratively investigated as follows.

1011.6.1 SUPERVISOR RESPONSIBILITIES
In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Police Chief or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
    1. The original complaint form will be directed to the Shift Supervisor of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
    2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Section Commander or the Police Chief, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.
    1. Follow-up contact with the complainant should be made within 24 hours of the Agency receiving the complaint.
    2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Supervisor.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Supervisor and Police Chief are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Department of Human Resources and the Shift Supervisor for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Shift Supervisor, who will determine whether to contact the complainant or assign the complaint for investigation.

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(g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:

1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed.

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

(k) Providing the complainant with periodic updates on the status of the investigation, as appropriate.

1011.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Professional Standards Unit, the following applies to employees covered by the provisions of ORS 236.350 through ORS 236.360.

(a) Interviews of an accused employee shall be conducted during reasonable (normal waking) hours and preferably when the employee is on-duty, unless the seriousness of the investigation requires otherwise. If the employee is off-duty, he/she shall be compensated.

(b) Unless waived by the employee, interviews of an accused employee shall be at the City of Sherwood Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused employee.

(d) The interviewers shall inform the employee of their authority to compel a statement and of the identity of the investigators and all persons present during the interview.

(e) Prior to any interview, an employee should be informed of the nature of the investigation and of facts reasonably sufficient to inform the employee of the circumstances surrounding the allegations under investigation.

(f) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.

(g) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.

(h) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable

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steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(i) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview, and upon request any existing transcripts of the interview or reports describing the interview, shall be provided to the employee prior to any subsequent interview.

(j) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(k) In a disciplinary or administrative investigation, the employee's chosen representative cannot be required to disclose, or be subject to disciplinary action for refusing to disclose, statements made by the employee to the representative for purposes of the representation.

(l) As soon as it is determined that the employee may be charged with a criminal offense, the employee shall be informed of the employee's right to consult with criminal defense counsel with respect to the criminal charge.

(m) All employees shall provide complete and truthful responses to questions posed during interviews.

(n) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1011.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

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Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1011.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve agency members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1011.6.5 COMPLETION OF INVESTIGATIONS

The Administration Supervisor shall ensure that investigations are completed and peace officers are provided notification of intended discipline no later than six months from the date of the first interview. The Police Chief or Administration Supervisor may extend the investigation to a maximum of 12 months from the date of the first interview, provided that, before the extended period begins, the Agency gives written notice explaining the reason for the extension to the peace officer and the peace officer’s chosen representative and union representative, if any (ORS 236.360(6)(a)).

The above time limits do not apply when (ORS 236.360(6)(b)):

(a) The investigation involves a peace officer who is incapacitated or unavailable.

(b) The investigation involves an allegation of workers' compensation or disability fraud by the peace officer.

(c) The peace officer, in writing, waives the limit.

(d) The investigation requires a reasonable extension of time for coordination with one or more other jurisdictions.

(e) The investigation involves more than one peace officer and requires a reasonable extension of time.

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(f) The alleged misconduct is also the subject of a criminal investigation or criminal prosecution. Time does not run for the period during which the criminal investigation or criminal prosecution is pending.

(g) The investigation involves a matter in civil litigation in which the peace officer is a named defendant or the peace officer's actions are alleged to be a basis for liability. Time does not run for the period during which the civil action is pending.

(h) The investigation is the result of a complaint by a person charged with a crime. Time does not run for the period during which the criminal matter is pending.

1011.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS
The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1011.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1011.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Agency, the Police Chief or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any agency badge, identification, assigned weapons and any other agency equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1011.8.1 RESIGNATIONS/RETIREMENTS PRIOR TO COMPLETION OF INVESTIGATIONS
In the event that an employee tenders a written resignation or retirement prior to the completion of an investigation, such action shall be noted in the investigative file.

The tender of a resignation or retirement by itself shall not serve as grounds for the suspension of the investigation.

1011.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

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The Police Chief shall be notified as soon as practicable when a member is accused of criminal conduct. The Police Chief may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The City of Sherwood Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1011.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Police Chief through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Police Chief may accept or modify any classification or recommendation for disciplinary action. Forms of discipline include, but are not limited to, training, counseling and punitive action.

1011.10.1 SECTION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Section Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Section Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Police Chief, the Section Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Police Chief, the Section Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1011.10.2 POLICE CHIEF RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Police Chief shall review the recommendation and all accompanying materials. The Police Chief may modify any recommendation and/or may return the file to the Section Commander for further investigation or action.

Once the Police Chief is satisfied that no further investigation or action is required by staff, the Police Chief shall determine the amount of discipline, if any that should be imposed. In the event disciplinary action is proposed, the Police Chief shall provide the member with a written notice and the following:

(a) Access to all of the materials considered by the Police Chief in recommending the proposed discipline.

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(b) An opportunity to respond orally or in writing to the Police Chief within five days of receiving the notice.

1. Upon a showing of good cause by the member, the Police Chief may grant a reasonable extension of time for the member to respond.
2. If the member elects to respond orally, the presentation shall be recorded by the Agency. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Police Chief shall consider all information received in regard to the recommended discipline. The Police Chief shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Police Chief has issued a written decision, the discipline shall become effective.

1011.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT
The Police Chief or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (ORS 181A.830).

If the complaint is related to profiling, the complainant shall be notified in writing with a statement of the final disposition within a reasonable time after the conclusion of the investigation (ORS 131.920).

1011.10.4 NOTICE REQUIREMENTS
If an investigation of an officer of this agency results from a complaint, the Agency may disclose to the complainant the disposition of the complaint and if necessary provide a written summary of the information obtained in the investigation (ORS 181A.830).

1011.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Police Chief after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Police Chief to consider.

(d) In the event that the Police Chief elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.

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(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Police Chief on the limited issues of information raised in any subsequent materials.

1011.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1011.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement and/or personnel rules.

1011.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Police Chief or the authorized designee.

Any probationary period may be extended at the discretion of the Police Chief in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1011.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Files Policy.

1011.16 DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING COMPLAINTS

Complaints received from the Department of Public Safety Standards and Training (DPSST) that involve officers or dispatchers will be investigated as outlined in this policy. The Police Chief or the authorized designee is responsible for notifying DPSST of the disposition of the complaint (OAR 259-008-0400).

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Employee Awards and Recognition

1017.1 PURPOSE AND SCOPE

The City of Sherwood Police Department's Awards and Recognition Program provides ongoing recognition to employees for achievements that occur throughout the year. The awards and recognition program focuses on achievements that are considered above and beyond the regular scope of employment and seeks to recognize members for their exceptional, meritorious or distinguished service, heroism and bravery.

1017.2 PROCEDURES

Throughout the year, the Police Chief, or his designee, shall solicit award nominations from members of the department. The solicitation should happen every other month and will include the forwarding of an awards nomination form to all members of the department. This solicitation can be done via electronic email. Each year the Police Chief shall form a standing Awards Committee which will be made up of the following persons; Police Chief, Police Captains, Police Sergeants, one representative from the Sherwood Police Officer's Association, and one member of non-sworn staff.

The committee shall convene as necessary, but no less than once a quarter, to review all award nominations and make final determination of the recipients. Any committee member that has been nominated for any award will be excused from deliberating for that award. Once the final determination of awards has been made, the Police Chief, or his designee, will assure that all awards, medals and/or appropriate plaques are ordered as needed.

The Police Chief, or his designee, shall plan ongoing employee recognition events throughout the year, no less than once every quarter, and an Annual Award Ceremony to issue any end of year awards and to recap the awards and recognitions from the year. The quarterly events may be held at the police department and the end of year ceremony will be held at a place and time as determined by location and schedule availability. The end of year ceremony should take place no later than January 31st.

1017.3 AWARD CATEGORIES

The Sherwood Police Department will recognize and bestow the following awards according to the listed classifications:

Medal of Valor - This medal may be issued to any employee who demonstrates bravery, courage and heroism in the face of danger and in an emergency situation that involved risk. The member must have clearly demonstrated a selfless attitude and devotion to duty. The act may have occurred either on-duty or off-duty and the member clearly demonstrated a selfless attitude and devotion to duty.

Distinguished Service Medal - This medal may be issued to any employee who demonstrates exceptional service that occurred either as a single act or event, or as a series of acts or events

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over the course of a specified period of time. Exceptional service shall be defined as service which is clearly above and beyond the regular call or tour of duty, or involves unique courage, but does not rise to the level of valor. The service may have occurred either on-duty or off-duty.

Lifesaving Medal - This medal may be issued to any employee who takes decisive and specific action that saves the life of another human being, and but for the employee's action the person would have perished. The act may have occurred either on-duty or off-duty.

Chief's Medal- This medal should be issued to any employee solely upon selection of the Police Chief. For determination of the recipient of this award, the Police Chief shouldconsider who best exemplifies the mission and values of the police department, has brought tremendous credit to the department, and/or has demonstrated leadership qualities and a personal commitment to the success of the department.

Police Officer of the Year Award - This award will be issued to one sworn police officer as selected by the Sherwood Police Officer's Association. The focus of this award should be based on performance and activity during the previous year.

General Staff Award - This award will be issued to one staff member (Captain, Sergeant, or civilian employee), as selected by the Sherwood Police Officer's Association, that distinguishes themselves above others. This award may be issued based on the recipient's exceptional attitude and willingness to assist others, their mentorship and/or leadership.

Meritorious Service Award - This award may be issued to any employee who demonstrates and/or performs exceptional service while on duty and representing the department. Exceptional service is defined as service that is a part of the employee's regular job but clearly exceeds the usual standards and expectations of the position.

Team Award - This award should be issued to either an individual or group of individuals that best represents teamwork and cooperation. The award should be based on the level of collaboration demonstrated by the recipient(s) during the course of duty.

1017.4 OTHER AWARDS

In addition to the above mentioned and described City of Sherwood Police Department awards, department members are also eligible to receive other awards from professional and reputable organizations such as, but not limited to, IACP, OACP, and OPOA.

Nothing in this policy shall preclude any member from receiving other awards as earned. In cases where members are eligible for additional non-departmental awards, the Chief of Police, or his designee, shall insure that proper nomination has been made for these awards. Any member who is the recipient of any non-departmental awards shall immediately notify their supervisor of the award.

The City of Sherwood Police Department shall recognize the following medals, earned by department members while employed with a previous law enforcement agency;

(a) Any medals of honor, valor or bravery

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(b) Any lifesaving medals

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City Council Meeting Date: November 16, 2021

Agenda Item: Public Hearing *(First 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 2021-010, Amending sections of the Sherwood Zoning and Community Development Code for Residential Design Standards** *(First Reading)*

Issue:
Shall the City Council amend sections of the Sherwood Zoning and Community Development Code for clear and objective Residential Design Standards?

Background: For many years, the Sherwood Planning Commission had discussed the need for residential design standards. Furthermore, 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.

Oregon Administrate Rule (OAR) 660-046-0020(4) define Design Standard as: "Design Standard" means a standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.

Residential Design Standards ensure that housing design maintains the context, scale, and compatibility with the Sherwood community. The standards focus on the following: entry location and orientation; garage and off-street parking areas; window coverage; minimum landscaping required in all residential zones; and other specific detail designs.

In addition, the residential design standards were developed with upcoming requirements in mind by ensuring that they were clear and objective and applicable to all housing types regulated by the 2019 House Bill (HB) 2001. As a reminder, that bill requires cities within the Metro Boundary to allow for "middle-housing" within traditional single-family zones areas by June 30, 2022. Amendments to comply with HB 2001 will be addressed next year prior to the June 30th deadline.

Planning staff and the Planning Commission (also the Advisory Committee for this project) have been working diligently on the proposed Residential Design Standards. Since December 8, 2020, there has been 15 Planning Commission work sessions on the Residential Design Standards. Furthermore, Sherwood City Council held two work session briefings on the proposed Residential Design Standards.

Through the Commission and Council's work sessions on Residential Design Standards, it was identified that additional code amendments were necessary to fully implement the proposed text amendments. These include the following:

- Front-yard landscaping standards
- Adjustments and Variances to interior side-yard setbacks for all housing types are not allowed
- Garages minimum design standards to assist with functionality
- Planned Unit Development (PUD) was amended for clarity and to address proposed interior side yard setback; and
- Review by Council that allows for Council to review a decision by a hearing's authority.

The Sherwood Planning Commission held a public hearing on October 26, 2021, to take testimony and consider the application (LU 2021-016 PA). No testimony was received specifically for the public hearing. However, written, and verbal testimony during the previous Planning Commission work sessions and in-person Open House were addressed and read into record. After the Planning Commission, public testimony was received from David Weekley Homes. Concerns include the standards regarding: the 60% maximum garage street facing elevation, House Plan Variety, and Window/Door Openings. These concerns have been addressed as part of various Planning Commission Work sessions. The public testimony received are attached to this staff report (Attachment 2 A-C). The Planning Commission has recommended the draft language with changes, attached as Attachment 1 (red lined version) and Exhibit 1 to the Ordinance (clean version), to Council for consideration.

Financial Impacts:

There is no specific financial impact associated with this change, the proposed amendments are for clear and objective design standards that would allow the development community a clear path in meeting the required design standards, making it feasible for more housing construction. The proposed amendments can provide a positive economic impact on the local economy while preserving residential development capacity.

Recommendation:

Staff respectfully recommends City Council hold the first hearing on Ordinance 2021-010, Amending sections of the Sherwood Zoning and Community Development Code for Residential Design Standards. If needed, a second hearing on this Ordinance has been scheduled for December 7, 2021.

Attachments

1. Planning Commission Recommendation to Council with redlined code language
2. Public Testimony
   A. Schiewe and Mays letter dated September 7, 2021
   B. Munson, Riverside Homes email correspondence dated August 9, 2021
   C. David Weekley Homes
3. Ordinance with Exhibit 1

CITY OF SHERWOOD

Date: November 5, 2021

Planning Commission Recommendation to the City Council
Residential Design Standards

File No: LU 2021-016 PA

Recommendation of the Planning Commission

The Sherwood Planning Commission held a public hearing on October 26, 2021, to take testimony and consider the application (LU 2021-016 PA). No testimony was received specifically for the public hearing. However, written and verbal testimony during the previous Planning Commission work sessions and in-person Open House were addressed and read into record. The Planning Commission recommended the following changes to the proposed Residential Design Standards:

- Section 16.14.020 – Additional Townhome Design Standards was amended by removing provisions that that allowed the creation of a private 20-foot driveway, without on street parking. *This will be furthered reviewed as part of the Middle Housing Choices and Transportation System Plan Amendment next year;*
- Sections 16.84 Variances and 16.89 Residential Design Checklist and Residential Design Review were amended to reflect 5 percent Adjustment allowance and 5-10 percent Variance allowance for Residential Design Standards; and
- Clarifying and formatting changes were also made.

Once the above amendments were identified, the Commission voted to close the hearing. After considering the application materials, the proposed amendments, and the findings in the staff report, the Planning Commission voted to recommend the proposed text amendments to the City Council.

Joy L. Chang
Senior Planner

Proposal: The City of Sherwood is proposing to adopt clear and objective criteria for Residential Design Standards by amending the Sherwood Zoning and Community Development Code (SZCDC). These proposed standards would typically apply to all residentially zoned parcels submitting a new residential building permit.

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

B. Location: The proposed amendments are to the text of the SZCDC and apply to all Residential Zoning Districts.
- Very Low Density Residential (VLDR)
- VLDR Planned Unit Development Density Standards
- Low Density Residential (LDR)
- Medium Density Residential (MDRL)
- Medium Density Residential High (MDRH)
- High Density Residential (HDR)

C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission is scheduled to consider the matter on October 26, 2021. At the close of this hearing, the Planning Commission will forward a recommendation to the City Council, who will consider the proposal and make the final recommendation whether to approve, modify, or deny the proposed language. The City Council public hearings are tentatively scheduled for November 16, 2021 and December 7, 2021. Any appeal of the City Council's final decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).

D. Public Notice and Hearing: Notice of the October 26, 2021, Planning Commission hearing and tentative November 16, 2021, City Council hearing on the proposed amendment were published in *The Times* on October 14th, and 21st, 2021. Notice was also posted in five public locations around town and on the website on October 3, 2021. Notice to the Oregon Department of Land Conservation and Development (DLCD) was submitted on September 22, 2021 and notice to agencies was sent via email on October 12, 2021. Email notice was also sent to the *House Bill 2001-Residential Design Standards Update* Email Subscription Listing on October 12, 2021.

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

F. Background: For many years, the Sherwood Planning Commission had discussed the need for residential design standards. Furthermore, 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.

Oregon Administrate Rule (OAR) 660-046-0020(4) define Design Standard as: *"Design Standard" means a standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.*

Residential Design Standards ensure that housing design maintains the context, scale, and compatibility with the Sherwood community. The standards focus on the following: entry location and orientation; garage and off-street parking areas; window coverage; minimum landscaping required in all residential zones; and other specific detail designs.

In addition, the residential design standards were developed with upcoming requirements in mind by ensuring that they were clear and objective and applicable to all housing types regulated by the 2019 House Bill (HB) 2001. As a reminder, that bill requires cities within the Metro Boundary to allow for "middle-housing" within traditional single-family zones areas by June 30, 2022. Amendments to comply with HB 2001 will be addressed next year prior to the June 30th deadline.

Planning staff and the Planning Commission (also the Advisory Committee for this project) have been working diligently on the proposed Residential Design Standards. Since December 8, 2020, there has been 15 Planning Commission work sessions on the Residential Design Standards. Furthermore, Sherwood City Council held two work session briefings on the proposed Residential Design Standards.

Through the Commission and Council's work sessions on Residential Design Standards, it was identified that additional code amendments were necessary to fully implement the proposed text amendments. These include the following:

- Front-yard landscaping standards
- Adjustments and Variances to interior side-yard setbacks for all housing types are not allowed
- Garages minimum design standards to assist with functionality
- Planned Unit Development (PUD) was amended for clarity and to address proposed interior side yard setback; and
- Review by Council that allows for Council to review a decision by a hearing's authority.

II. PUBLIC COMMENTS

No testimony was received specifically for the public hearing. However, written, and verbal testimony during the previous Planning Commission work sessions and in-person Open House were received and are listed below:

- Matt Schiewe and Marilyn Mays letter dated September 7, 2021, expressed concerns with additional design guidelines.
    - They state that the 219 individuals who took the Visual Preference Survey (VSP) only reflects 1% of Sherwood's population and therefore meaningless.
    - Proposed added design guidelines go too far without a proper or solid base of reason
    - Added design guidelines are arbitrary design rules based on taste
    - What does "keep Sherwood, Sherwood" mean?
    - Design Guidelines should be based on scientific reasons for a healthier environment

    Response: For many years, the Planning Commission has discussed the need for residential standards. The Visual Preference Survey and the Online Open House information, was sent to all individuals with a utility billing account in Sherwood, and additional outreach included city social media platforms (Facebook, Twitter, and Nextdoor). The design guidelines also support draft housing policies in the updated Comprehensive Plan that focus on encouraging neighborhoods that are designed to enhance Sherwood's small town character through architectural balance and design that is accessible and inviting to all. The draft plan also promotes housing and site design that supports the conservation, enhancement and continued vitality of areas with special historic, architectural, or cultural value.

- Niki Munson, Riverside Homes email correspondence dated August 9, 2021. Her concerns consist of developer's vesting rights for subdivisions at time of preliminary land use submittal.

  Response: The City Attorney has reviewed subdivision vesting rights and have determined that ORS 92.040 would apply to the proposed residential design standards. As a result, construction of a subdivision would only be subject to the code in place at the time of the subdivision application, unless the subdivision approval(s) expire first.

- In-Person Open House, July 29 and July 31, 2021 - Overall community comments consisted of Residential design elements being too prescriptive and requesting allowance for more design options. Parking was also identified as a community need.

  Response: Based on the In-Person Open House comments staff have amended the design elements by including more design options for the development community to utilize. Parking needs will be addressed with the implementation of Middle Housing Choices in 2022.

III. AGENCY COMMENTS

Notice to DLCD was sent on September 22, 2021, and an e-notice to Metro and agency partners was sent on October 12, 2021.

As of this writing, no comments have been received.

IV. REQUIRED FINDINGS FOR PLAN TEXT AMENDMENT

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

SZCDC 16.80.030 - Review Criteria

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

Community Need

The proposal seeks to amend chapters of the Sherwood Zoning and Community Development Code (SZCDC) Volume III, of the Comprehensive Plan. The specific text amendments do not include changes to the goals and policies of the Comprehensive Plan; it would only amend the language of the Sherwood Zoning Community Development Code.

For many years, the Sherwood Planning Commission had discussed the need for residential design standards. Furthermore, 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. City Council held two work sessions on the proposed Residential Design Standards and agreed to move the standards forward.

The proposed Residential Design Standards will assist in implementing HB 2001 Middle Housing legislation. Residential Design Standards will ensure that all housing types maintain design features that are within the context, scale, and compatibility with the Sherwood community. The standards focus on the following: entry location and orientation; garage and off-street parking areas; window coverage; minimum landscaping required in all residential zones; and other specific detail designs.

FINDING: The Sherwood City Council and Planning Commission have identified the need for proposed amendments.

Consistency with the Comprehensive Plan

Comprehensive Plan II – Chapter 4 Land Use have specific objectives and policies that are applicable to the proposed standards as discussed below:

2. RESIDENTIAL PLANNING DESIGNATIONS

a. GENERAL OBJECTIVES:

***

2. See to provide housing which meets local needs with regard to style, price, density, quality and energy efficiency.

***

b. POLICIES AND STRATEGIES

Policy 1 Residential areas will be developed in a manner which will insure that the integrity of the community is preserved and strengthened.

Strategy:

***

- *New housing will be located so as to be compatible with existing housing…*
- *Buffering techniques shall be used to prevent the adverse effects of one use upon another. These techniques may include varying densities and types of residential use, design features and special construction standards.*

***

The proposed Residential Design Standards will influence the local building style of the Sherwood Community. The proposed minimum design elements required will provide for a home that include architectural features creating a quality product. The integrity of the community is also preserved and strengthened by requiring residential design elements to new homes.

FINDING: The proposed text amendments preserves the integrity of the community through design standards, consistent with the Sherwood Community Development Plan, Volume II of the Comprehensive Plan.

Consistency with the City's Transportation System Plan

The proposed Residential Design Standards text amendments are not inconsistent with the City's Transportation System Plan. The proposal would not present any impacts to the existing City transportation system, the Transportation System Plan, or how the City analyzes future transportation impacts. At the time of land use application submittal and review, transportation impacts are analyzed and addressed.

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

Consistency with other City Planning Documents

The proposed text amendments impact only the Sherwood Zoning and Development Code and does not impact any other City Planning documents. Therefore, the proposed text amendments are consistent with other City Planning documents.

FINDING: As noted above, the proposed text amendments is consistent with other City Planning documents since amendments are only to the Sherwood Zoning and Development Code.

Consistency with Oregon Statewide Planning Goals

Goal 1: Citizen Involvement

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

Response: There has been several public engagement activities that allowed citizen involvement as listed below:

- Online Visual Preference Survey –The visual preference survey was conducted to gather thoughts and opinions on residential design features (window coverage, building façade and articulation, parking, and landscaping). The survey received 219 responses.

- Virtual Public Open House/Workshop – An online Open House shared the status of the project and requested input from the community on the general direction of the amendments. There were over 477 views of the virtual open house and 43 visitors

responded to the questions raised. Generally, there was a high level of support for the proposed approach to the development code amendments.

- In-Person Public Open House – Two in-person Open Houses last July that showcased draft code language specific to Residential Design Standards. Over 20 community members attended the open houses and provided input on the proposed residential design standards for ALL housing types.

In addition to the above public engagement efforts, the Planning Commission, acting as the Advisory Committee for this project, have been working diligently on implementation of the Residential Design Standards. Since December 8, 2020, there has been 15 Planning Commission work sessions on the Residential Design Standards with opportunity for public involvement. Furthermore, Sherwood City Council held two work session briefings on the proposed Residential Design Standards also with opportunity for public involvement.

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

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

Goal 2: Land Use Planning
It is the purpose of this Goal to establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

Response: The development of the proposed amendments has followed the City's established land use planning process and included public meetings, public outreach through information on the city's website, and opportunities for public comment. As stated above, the proposed Residential Design Standards are to assist with the implementation of Middle Housing Choices per HB 2001. The legislation allows the local jurisdiction to place design standards so long as they are clear and objective and applicable to all housing types.

FINDING: The proposed text amendments are consistent with Goal 2, and provides for clear and objective design standards applicable to all housing types.

Goal 3: Agricultural Lands
The purpose of this goal is to identify farmland, designate it as such on the comprehensive plan map, and zone it exclusive farm use (EFU).

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

Goal 4: Forest Lands
This goal requires counties to identify forest land, designate it as such on the comprehensive plan map, and zone it consistently with state rules.

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

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces
It is the purpose of this Goal to protect natural resources and conserve scenic and historic areas and open spaces.

Response: The City of Sherwood downtown has been designated as historic area. Preservation of the historic downtown is through the creation of the Old Town (OT) Overlay District. The OT overlay zone recognizes the unique and significant characteristics of Old Town, and is intended to provide development flexibility with respect to uses, site size, setbacks, heights, and site design elements, in order to preserve and enhance the area's commercial viability and historic character. Furthermore, the OT District is divided into two distinct areas, the "Smockville" and the "Old Cannery Area," which have specific criteria or standards related to architectural design, height, and off-street parking. Since OT Overlay District are in place and have specific criteria or standards related to architectural design, the proposed Residential Design Standards would not apply to the OT Overlay District. Any residential housing types proposed in the OT Overlay District would be required to meet the design standards of the OT Overlay District.

FINDING: Based on the analysis above, the proposed text amendments are not applicable to the protection and conservation of natural resources, historic areas and open spaces.

Goal 6: Air, Water and Land Resources Quality
This goal instructs local governments to consider the protection of air, water, and land resources from pollution and pollutants when developing comprehensive plans.

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

Goal 7: Natural Hazards:
This goal requires local comprehensive plans to address Oregon's natural hazards.

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

Goal 8: Recreational Needs
It is the purpose of this Goal to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities.

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

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

FINDING: The proposed text amendments would require residential design standards for all new residential housing types. Therefore, the proposed text amendments are not applicable to economic growth and development opportunities (typically through commercial and industrial lands) within the Sherwood community.

Goal 10: Housing
The purpose of this goal is to make sure that a community has adequate housing supply for the twenty-year planning period through a range of densities to choose from and serves people at a variety of income levels.

Response: The City has an approved 2019-2039 Housing Needs Analysis (HNA), Ordinance 2020-010, that meets the requirements of State Land Use Goal 10, Housing and its Administrative Rule 660-007. The proposed residential design standards do not impact the City's needed housing supply. The proposed amendments do not affect residential lot dimensional standards, residential densities, or change residential land use designations on the City's General Plan/Zoning Map. The proposed standards do not implement new housing choices. The proposed text amendments are for residential design standards that are clear and objective, and applicable to all housing types. The proposed text amendments will continue to allow residential developments within all residential zones. The proposed amendments will not reduce the amount of land for residential housing or change the City's General Plan/Zoning Map affecting residential housing supply.

The City's adopted HNA *"demonstrates how the existing city zones provides for the needed housing types outline in ORS 197.303. The forecasted growth rate in the HNA 2019-2039 is 1.1% based on Metro's forecast. The HNA includes a Buildable Lands Inventory (BLI) for housing within Urban Growth Boundary. The BLI demonstrates that current land use designation provides an adequate short- and long-term land supply for housing development for meeting existing needs and 65% projected growth over the next 2O-years. However, Sherwood has a deficit of land for 608 dwelling units."* The proposed text amendments still allow for residential uses with clear and objective design standards. The proposed amendments will not change lot dimensional standards, residential densities, or change residential land use designations on the City's General Plan/Zoning Map.

FINDING: The proposed amendments would not decrease the supply of needed housing within Sherwood. Furthermore, the proposed amendments are for clear and objective design standards that would allow the development community a clear path in meeting the required design standards, making it feasible for more housing construction. Therefore, the proposed amendments meet the intent of Goal 10, Housing.

Goal 11: Public Facilities and Services
It is the purpose of this Goal to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

FINDING: The proposed amendments do not affect public facilities and services.

Goal 12: Transportation
This goal requires cities, counties and the state to create a transportation system plan that takes into account all relevant modes of transportation: mass transit, air, water, rail, highway, bicycle and pedestrian**.**

FINDING: The City has an adopted Transportation System Plan (TSP) and the proposed amendments are not applicable.

Goal 13: Energy
This goal requires local governments to consider the effects of its comprehensive planning decision on energy consumption.

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

Goal 14: Urbanization
The purpose of this goal is to ensure land inside a UGB, is considered urbanizable. A city must plan to include a twenty year supply of land for housing, employment, industry, open space and recreational needs. A UGB should also provide plans for transition from urban to rural land uses to avoid conflicts and encourage efficient use of the land to provide more livable, walkable, and densely built communities.

FINDING: The proposed amendments would affect all new residential development areas in Sherwood, land considered urbanizable. The proposed amendments are consistent with the City's Comprehensive Plan and, therefore, this goal.

The following State Land Use Goals are not applicable to this proposal:
Goal 15: Willamette River Greenway,
Goal 16: Estuarine Resources,
Goal 17: Coastal Shorelands,
Goal 18: Beaches and Dunes; and
Goal 19: Ocean Resources

Metro's Regional Framework Plan

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

1. People live, work, and play in vibrant communities where their everyday needs are easily accessible.
2. Current and future residents benefit from the region's sustained economic competitiveness and prosperity.
3. People have safe and reliable transportation choices that enhance their quality of life.

4. The region is a leader in minimizing contributions to global warming.
5. Current and future generations enjoy clean air, clean water, and healthy ecosystems.
6. The benefits and burdens of growth and change are distributed equitably**.**

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

SZCDC Review Criteria 16.80.030.C – Transportation Planning Rule Consistency

FINDING: This amendment does not impact the state Transportation Planning Rule. The proposed amendment, as stated above, does not affect the City's Transportation Systems Plan.

V. RECOMMENDATION

As proposed, the draft amendments to the Sherwood Zoning and Community Development Code (SZCDC), supports and meets the intent of City's Comprehensive Plan, and all applicable state and regional criteria.

STAFF RECOMMENDATION

Based on the above findings and applicable code criteria, staff recommends that Council approves the proposed text amendments to the Sherwood Zoning and Community Development Code, Case File LU 2021-016 PA, and move the Ordinance to a second hearing on December 7, 2021.

VI. EXHIBIT

A. Proposed Code Amendments to the Sherwood Zoning and Community Development Code (Track Changes and Commentary)

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 as reflected below.

BLUE UNDERLINED = NEW RESIDENTIAL DESIGN STANDARD TEXT TO BE ADOPTED

~~BLUE STRIKETHROUGH~~ = TEXT TO BE DELETED

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

Commentary

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

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Division I. - GENERAL PROVISIONS

Chapter 16.10 Commentary

New definitions are added to define components of middle housing developments related to access and open space, and update definitions of single detached dwellings and households to reflect best practices.

Definitions and figures for Floor Area Ratio (FAR) are not required by HB2001 but were requested by City staff to clarify the existing use of FAR in Chapter 16.68.

The definition for "duplex" has been refined per direction from the Planning Commission. New dwelling unit definitions remain under the heading of "Dwelling Units" but have been further indented to clarify that they are subordinate to the "Dwelling Unit" heading.

A definition for "Sufficient Infrastructure" was added because its use in HB2001/OAR Division 46 rules is specific and allows the City to evaluate new middle housing development to verify the availability of sufficient infrastructure.

The definition for "Family" has been amended to clarify that it can be any number of individuals living together regardless of familial or non-familial relationship.

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 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.
- **Duplex:** Two (2) attached dwelling units, in any configuration, located on a single lot or parcel.
- ~~Dwelling, Single-Family: A structure containing one dwelling unit.~~
- **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 three 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-family dwellings include structures commonly called garden apartments, apartments and condominiums. Multi-family dwellings that are attached on one or both sides to similar adjacent but distinct units are considered townhomes (see definition above).~~
- **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.
- **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.

Dwelling Unit: Any room, suite of rooms, enclosure, building or structure designed or used as a residence for one ~~family~~ 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.

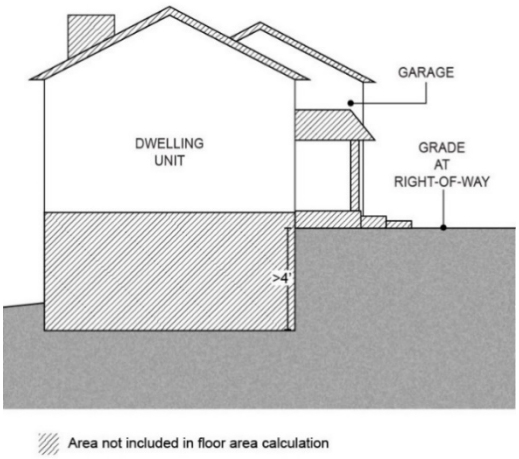
Façade, Street-Facing: The wall planes of a structure that are visible from, and at an angle of 45 degrees or less to, a front lot line or street side lot line. Angle measurements for curved front or street side lot lines shall be based on a straight line connecting the opposing lot corners of the front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

Family: ~~One person living alone or two or more persons related by blood, marriage, or adoption; or a group not exceeding five persons living together as a single housekeeping unit, excluding occupants of a boardinghouse, fraternity, hotel, or similar use.~~ 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):

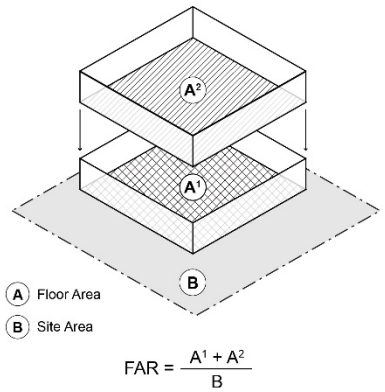
- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way;
- Roof area, including roof top parking;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height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

Figure 1. Areas Excluded from Floor Area Calculation



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: ~~All persons occupying a group of rooms or a single room which constitutes a dwelling unit.~~ 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.

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.

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]

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.]

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 (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.

~~D~~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. [Figure 8-4 of the Transportation System Plan illustrates collector cross-sections.]

~~E~~F. Cul-de-Sac: A short street that terminates in a vehicular turnaround. See Section 16.108.060.

~~F~~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.

~~G~~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.]

~~H~~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. [Figure 8-5a of the Transportation System Plan illustrates the cross-sections of a frontage or backage road.]

~~I~~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. [Figure 8-5a of the Transportation System Plan illustrates the neighborhood route cross-section.]

~~J~~K. Principal Arterial: Principal arterials are streets that provide connectivity at a regional level, and are typically State routes. [Figures 8-2 and 8-3b in the Transportation System Plan illustrates the principal arterial cross-section].

Townhome: See "Dwelling Types: Townhome ~~or Row House~~."

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

Division II. - LAND USE AND DEVELOPMENT

Chapter 16.12 Commentary

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

- 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.
- Subsection 16.12.040 – Community Design was updated to include residential landscaping standards for front-yards.

Additional amendments are proposed for consistency within the development code, and are not related to HB2001 requirements:

- Per Planning Commission direction, the minimum lot width and depths in the VLDR and VLDR-PUD zones were updated to reflect the minimum lot widths and depths of other residential zones.
- Subsection 16.12.040 – Community Design was updated to reflect minimum dimensional standards for residential garages to increase functionality.
- Per City Council direction, Adjustments and Variances to interior side-yard setbacks for all housing types are not allowed as reflected as Note 6, Subsection 16.12.030.C.
- Footnotes have been converted to end notes for ease of reference.

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.

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 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.

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.

(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. 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 ~~two-family~~ duplex housing, manufactured housing and other related uses with a density of 5.6 to 8 dwelling units per acre. 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, ~~two-family~~ duplex housing, manufactured housing, multi-family housing, and other related uses with a density of 5.5 to 11 dwelling units per acre. 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. Minor land partitions shall be exempt from the minimum density requirement.

(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 ~~Attached or~~ Detached Dwellings	P	P	P	P	P
• Duplex ~~Two Family Dwelling Units~~	N	N	P	P	P
• Multi-Family Dwellings	N	N	N	P	P
• Townhomes ~~subject to Chapter 16.44~~	N	N	N	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 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) ~~Chapter 16.44 (Townhomes),~~ 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 development is 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
• 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
~~• Single Family Attached~~	~~40,000~~	~~10,000~~	~~7,000~~	~~5,000~~	~~4,000~~	~~4,000~~
• ~~Two or~~ Multi-Family Dwelling: for the first 2 units	X	X	X	10,000	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 ~~1~~2: (in feet)						
• Single Family Detached; Duplex; ~~Single-Family~~	~~None~~ 60	~~None~~ 60	60	50	50	50
• Townhome	20	20	20	20	20	20
~~• Two-Family~~	~~X~~	~~X~~	~~X~~	~~60~~	~~60~~	~~60~~
• Multi-Family dwelling	X	X	X	X	60	60

~~1~~[1]~~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.~~

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
Lot Depth	~~None~~ 80	~~None~~ 80	80	80	80	80
Maximum Height (in feet) [23]						
• 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[34]	50	50	50	50	55	60
Setbacks (in feet)						
• Front yard [105]	~~20~~ 30	20	20	14	14	14
• Face of garage	~~20~~ 35	20	20	20	20	20
• Interior side yard [6]						
• Single-Family Detached; Duplex;	5	5	5	5	5	5
• Townhome	0	0	0	0	0	0
~~• Single-Family Attached~~	~~20~~	~~20~~	~~20~~	~~20~~	~~20~~	~~20~~
~~• Two-Family~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~
• Multi-Family Dwelling						
• 18 ft. or less in height	X	X	X	X	5	5

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
• 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; Townhome ~~or Two Family~~	20	20	20	15	15	15
• Multi-Family Dwelling	X	X	X	X	20	30
• Rear yard	20	20	20	20	20	20
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. ~~1~~ 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. ~~2~~ Maximum height is the lesser of feet or stories.
4. ~~3~~ 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. ~~4~~ 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
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 all residential housing types excluding Multi-family housing that is subject to provisions under Section 16.90 Site Planning.

16.14.010 – Residential Building Design Standards for all housing types except for Multi-family

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

The proposed design standards are a combination of TGM Model Code standards that are applied frequently in communities similar in size to Sherwood; specific standards that are consistent with feedback received from the Visual Preference Survey; and standards requested by the Planning Commission and/or City staff.

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

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.

16.14.020 – Additional Townhome Design Standards [relocated from Chapter 16.44]

The existing townhouse standards of Chapter 16.44 Townhomes were relocated to this section for organizational consistency, and edited to remove discretionary standards, design requirements that conflict with HB2001, and parking requirements that conflict with HB2001.

Chapter 16.14 - RESIDENTIAL BUILDING DESIGN *[NEW SECTION]*

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. 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.

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.	Garages should not be a dominant feature of the front residential elevation. Garage doors should be articulated to reduce their visual impact.

Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
2. The width of all garages on the street-facing elevation shall not exceed 60 percent of the total width of that 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
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 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 design[1]	
1. All single detached dwellings, and duplexes 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	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.

Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
below. The other two required elements may come from any subsection (a through e) 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. c. Window elements:	

Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
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	

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.	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. 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.	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.

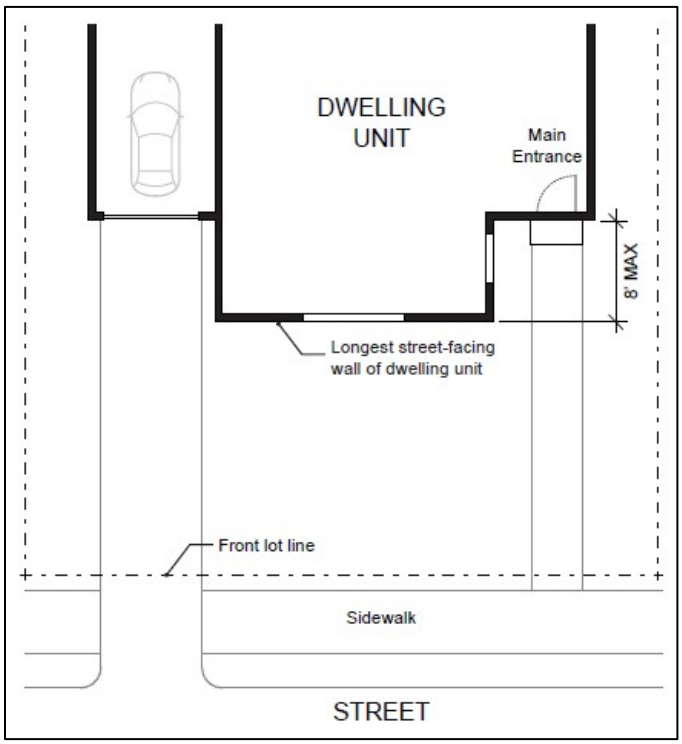
Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
3. Materials. The plans specify different exterior cladding materials, a different combination of materials, or different dimensions, spacing, or arrangement of the same materials. This standard does 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

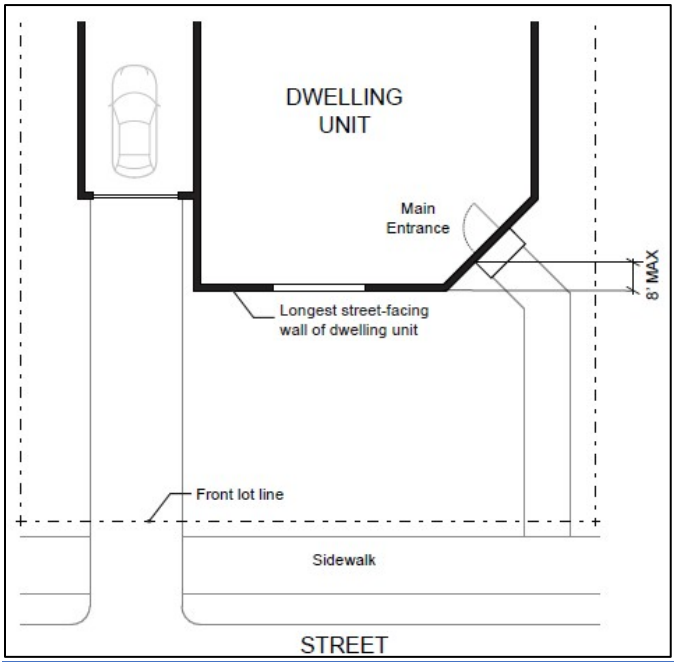
Notes:

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.

D. Illustrations

Figure 3. Entry Location and Orientation – Main Entrance





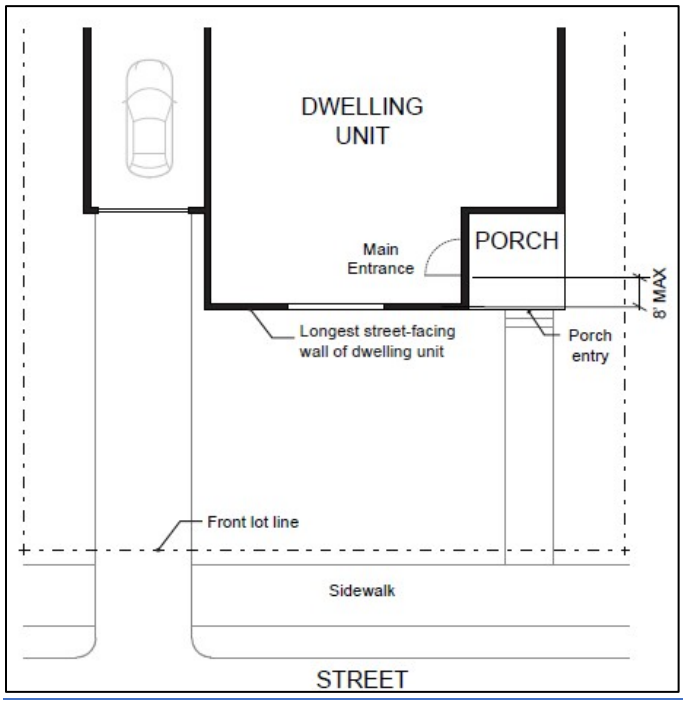


Figure 4. Entrance Location and Orientation – Triplex and Quadplex with Attached Interior Units

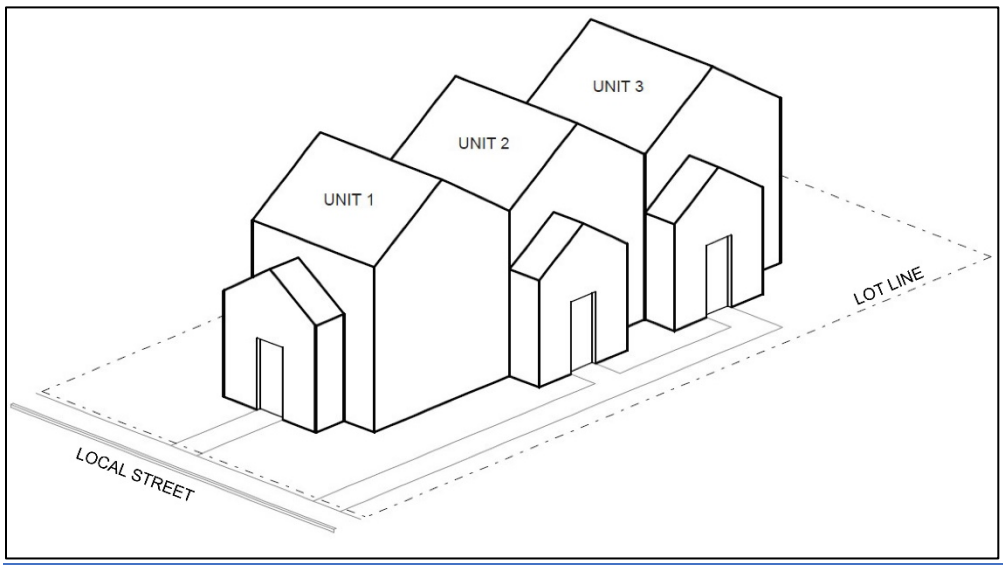


Figure 5. Example Entrance Location and Orientation – Side-by-Side or Stacked Units

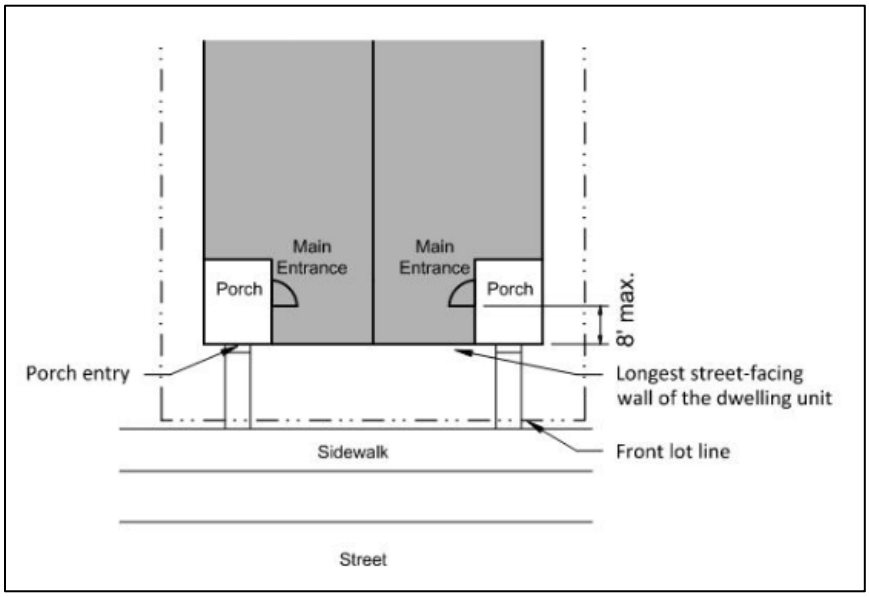


Figure 6. Window Coverage Calculations

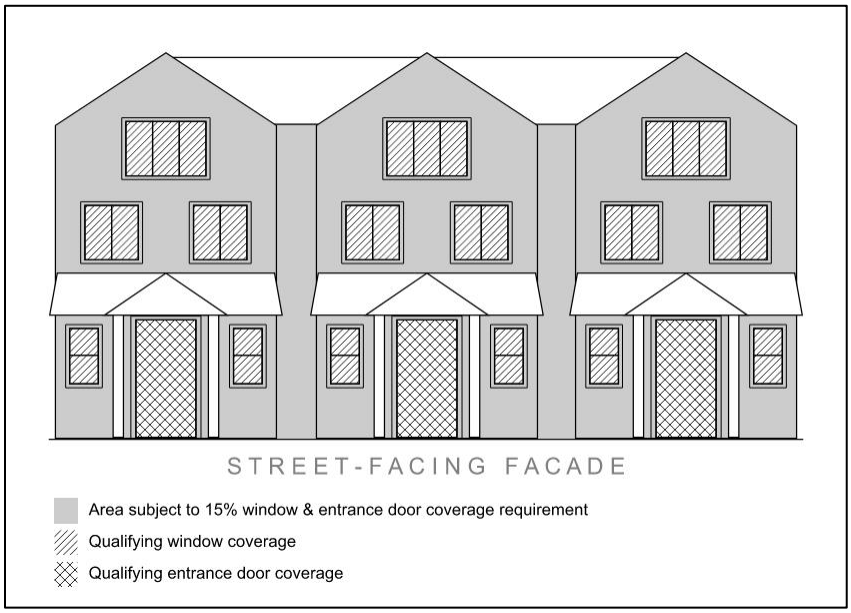


Figure 7. Example of Detailed Design – Single Detached (5 elements required)

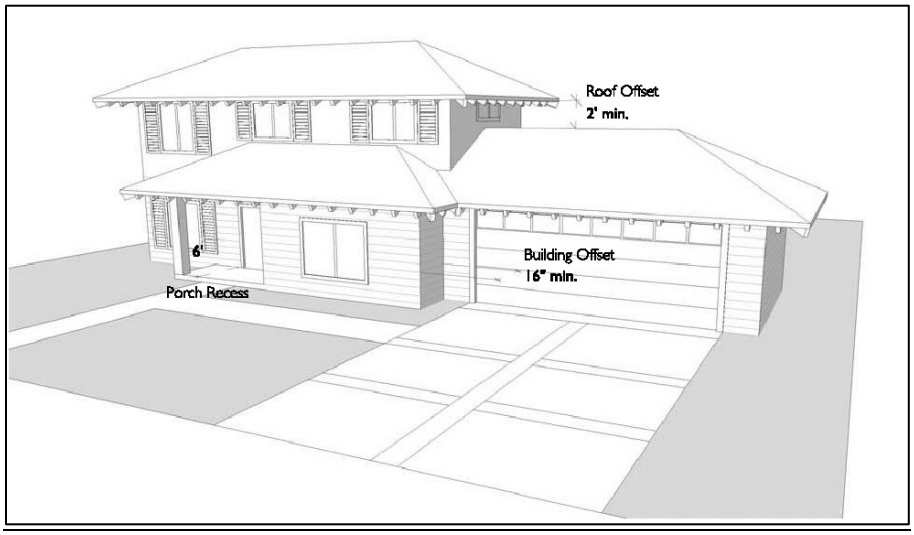
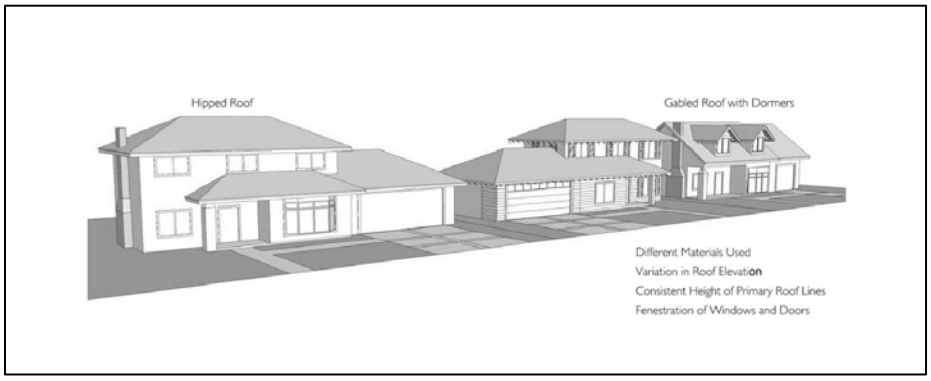


Figure 8. Example of Detailed Design -Townhome (2 elements required)

Figure 9. House Plan Variety – Single Detached



16.14.020 – Additional Townhome Design Standards *[relocated from Chapter 16.44]*

A. Generally

~~A townhome may be located on property zoned MDRH, HDR, or in other zones as specified in an approved Planned Unit Development or as a Conditional Use on property zoned RC in the Old Cannery area in the Old Town Overlay District, provided that the townhome meets the standards contained below, and other applicable standards of Division V - Community Design. Such developments that propose townhomes can do so as condominiums on one parent lot, or in a subdivision, but shall do so in groups known as "townhome blocks," which consist of groups no less than two attached single-family dwellings and no more than six in a block, that meet the general criteria of Subsection B below, and specific design and development criteria of this Chapter.~~

Townhomes are located in groups known as "townhome blocks," which consist of no less than two (2) attached dwellings and no more than six (6) attached dwellings on their own lots.

~~B. Standards~~

~~1. Each townhome shall have a minimum dwelling area of twelve-hundred (1,200) square feet in the MDRH zone, and one-thousand (1,000) square feet in the HDR zone. Garage area is not included within the minimum dwelling area.~~

~~2. Lot sizes shall average a minimum of two-thousand five-hundred (2,500) square feet in the MDRH zone, and one-thousand eight-hundred (1,800) square feet in the HDR zone, unless the property qualifies as "infill," and meets the criteria of Subsection D below. If proposed as a subdivision, lots shall be platted with a width of no less than twenty (20) feet, and depth no less than seventy (70) feet.~~

~~3. The townhome shall be placed on a perimeter foundation, the units must meet the front yard, street-side yard, and rear yard setbacks of the underlying zone, if abutting a residential zone designated for, or built as, single-family detached housing.~~

~~4. All townhomes shall include at least two (2) off-street parking spaces in the HDR zone, and two and one-half (2-½) spaces in the MDRH zone; garages and/or designated shared parking spaces may be included in this calculation. The City Engineer may permit diagonal or angle-in parking on public streets within a townhome development, provided that adequate lane width is maintained. All townhome developments shall include a parking plan, to be reviewed and approved with the Site Plan application.~~

~~5. All townhomes shall have exterior siding and roofing which is similar in color, material and appearance to siding and roofing commonly used on residential dwellings within the City, or otherwise consistent with the design criteria of Subsection E, Design Standards.~~

~~6. All townhomes in the MDRH zone shall have an attached or detached garage.~~

~~7. All other community design standards contained in Divisions V, VIII and IX 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 that are not specifically varied by this Chapter, shall apply to townhome blocks.~~

~~8. All townhome developments shall accommodate an open space or park area no less than five percent (5%) of the total subject parcel (prior to exclusion of public right-of-way and environmentally constrained areas). Parking areas may not be counted toward this five percent (5%) requirement.~~

~~9. Side yard setbacks shall be based on the length of the townhome block; a minimum setback to the property line* on the end of each "townhome block" shall be provided relative to the size of the block, as follows:~~

~~a.~~	~~100 feet to 150 feet~~	~~6 feet minimum~~
~~b.~~	~~Less than 100 feet~~	~~5 feet minimum~~

~~* In the case of condominium projects where no property line may exist at the end of each townhome block, the setback shall be applied as a minimum area of separation, as applied to each townhome block.~~

~~C. Occupancy~~

~~1. No occupancy permit for any townhome shall be issued by the City until the requirements of site plan review and the conditions of the approved final site plan are met. Substantial alteration from the approved plan must be resubmitted to the City for review and approval, and may require additional site plan review before the original hearing authority.~~

~~2. The owner(s) of the townhomes, or duly authorized management agent, shall be held responsible for all alterations and additions to a townhome block or to individual homes within the block, and shall ensure that all necessary permits and inspections are obtained from the City or other applicable authority prior to the alterations or additions being made.~~

~~D. Infill Standard~~

~~The minimum lot size required for single-family, attached dwellings (townhomes) may be reduced by a maximum of 15% if the subject property is 1.5 acres or less, and the subject property is surrounded by properties developed at or in excess of minimum density for the underlying zone~~.

~~E. Design Standards~~

~~Each townhome block development shall require the approval of a site plan, under the provisions of Section 16.90.020, and in compliance with the standards listed below. The site plan shall indicate all areas of townhome units, landscaping, off-street parking, street and driveway or alley locations, and utility access easements. The site plan shall also include a building elevation plan, which show building design, materials, and architectural profiles of all structures proposed for the site.~~

~~1~~B. Building Mass

The minimum number of attached townhomes is two (2); the maximum number ~~and width~~ of consecutively attached townhomes shall not exceed six (6) units. ~~or one-hundred fifty (150) feet from end wall to end wall.~~ Each of these groups is a Townhome Block.

C. Garages.

Townhomes with frontage on a public street shall meet the following standards:

1. Garages on the front façade of a townhome, off-street parking areas in the front yard, and driveways in front of a townhome are prohibited unless the following standards are met.
   a. Each townhome lot has a street frontage of at least 20 feet on a street.
   b. A maximum of one (1) driveway approach is allowed for every townhome. Driveways may be shared.

c. Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.

d. The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.

~~2~~D. Designation of Access/Alleys: Townhomes shall receive vehicle access only from the front or rear lot line exclusively, not both. If alleys are used for access they shall be created at the time of subdivision approval and built to City standards as illustrated in the Transportation System Plan.

~~3. Street Access: Townhomes fronting on a neighborhood route, collector, or arterial shall use alley access, either public or private, and comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances and conflicts with other transportation users, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management. Direct access to local streets shall only be used if it can be demonstrated that due to topography or other unique site conditions precludes the use of alleys.~~

a. Alley loaded garages shall be set back a minimum five feet to allow a turning radius for vehicles and provide a service area for utilities.

b. If garages face the street, the garage doors shall be recessed behind the front elevation (living area, covered porch, or other architectural feature) by a minimum of one (1) foot.

~~c. The maximum allowable driveway width facing the street is two (2) feet greater than the width of the garage door. The maximum garage door width per unit is sixty percent (60%) of the total building width. For example, a twenty (20) foot wide unit may have one 12-foot wide recessed garage door and a fourteen (14) foot wide driveway. A 24-foot wide unit may have a 14-foot, 4-inch wide garage door with a 16-foot, 4-inch wide driveway.~~

~~4. Building Design: The intent of the following standards is to make each housing unit distinctive and to prevent garages and blank walls from being a dominant visual feature.~~

~~a. The front facade of a townhome may not include more than forty percent (40%) of garage door area.~~

~~b. The roofs of each attached townhome must be distinct from the other through either separation of roof pitches or direction, variation in roof design, or architectural feature. Hipped, gambrel, gabled, or curved (i.e. barrel) roofs are required. Flat roofs are not permitted.~~

~~c. A minimum of fifty percent (50%) of the residential units within a block's frontage shall have a front porch in the MDRH zone. Front porches may encroach six (6) feet beyond the perimeter foundation into front yard, street-side yard, and landscape corridor setbacks for neighborhood routes and collectors, and ten (10) feet for arterials, and are not subject to lot coverage limitations, in both the MDRH and HDR zones. Porches may not encroach into the clear vision area, as defined in Section 16.58.010.~~

~~d. Window trim shall not be flush with exterior wall treatment for all windows facing public right-of-ways. Windows shall be provided with architectural surround at the jamb, head and sill.~~

~~e. All building elevations visible from the street shall provide doors, porches, balconies, windows, or architectural features to provide variety in facade. All front street-facing elevations, and a minimum of fifty percent (50%) of side and rear street-facing building elevations, as applicable, shall meet this standard. The standard applies to each full and partial building story. Alternatively, in lieu of these standards, the Old Town Design Standards in Chapter 16.162 may be applied.~~

~~f. The maximum height of all townhomes shall be that of the underlying zoning district standard, except that: twenty-five percent (25%) of townhomes in the MDRH zone may be 3-stories, or a maximum of forty (40) feet in height if located more than one-hundred fifty (150) feet from adjacent properties in single-family (detached) residential use.~~

~~5~~ E. Vehicular Circulation: All streets shall be constructed in accordance with applicable City standards in the Transportation System Plan. ~~The minimum paved street improvement width shall be:~~

~~a. Local Street: Twenty-eight (28) feet, with parking allowed on one (1) side.~~

~~b. Neighborhood Route: Thirty-six (36) feet, with parking on both sides.~~

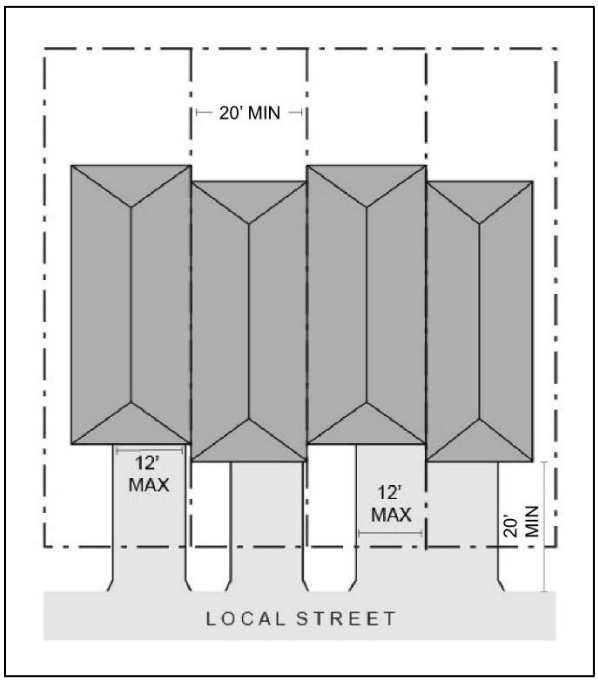
~~c. Collector: Thirty-four (34) feet with parking on one side, fifty (50) feet with parking on both sides.~~

~~d~~1. ~~In lieu of a new public street, or available connection to an existing or planned public street, a private 20-foot minimum driveway, without on-street parking, and built to public improvement standards is allowed for infill properties as defined in Section 16.44.010(D).~~ ~~All townhome developments in excess of thirty (30) units require a secondary access.~~

~~e. Any existing or proposed street within the townhome block that, due to volumes of traffic, connectivity, future development patterns, or street location, as determined by the City, functions as a neighborhood route or collector or higher functional classification street based on connectivity, shall be constructed to full City public improvement standards.~~

(Ord. No. 2017-001, § 1, 4-4-2017; Ord. No. 2011-009, § 2, 7-19-2011; Ord. 2002-1126, § 2)

Figure 10. Townhome Garages



Chapter 16.22 Commentary

Amendments to this section are focused on updating dwelling descriptions for consistency with the residential code updates.

Chapter 16.22 - COMMERCIAL LAND USE DISTRICTS

[…]

D. Additional limitations for specific uses are identified in the footnotes of this table.

	OC	NC [1]	RC	GC
RESIDENTIAL				
• Multi-Family dwelling housing, subject to the dimensional requirements of the High Density Residential (HDR) zone in 16.12.030 when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.	P	P	P	P

Chapter 16.40 Commentary

Amendments to this section clarifies that 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.

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

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~~s~~ 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 ~~district~~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 ~~shall~~ may be considered only:

~~a.)~~ 1. ~~o~~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. N~~n~~atural features such as floodplains, wetlands, and extreme topography, or

b. M~~m~~an-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;

~~b.)~~ 2. O~~o~~n parcels of land within ~~the~~ an Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or

~~c.~~ 3. I~~i~~n other areas deemed appropriated by Council during the adoption of a concept plan required by a Metro UGB expansion.

B. Content

The Preliminary Development Plan application shall include the following documentation:

1. Existing conditions map(s) showing: All properties, existing uses, and zoning districts within three hundred (300) feet, topography at five (5) foot intervals, floodplain, significant natural vegetation and

features, private and public facilities including but not limited to utilities, streets, parks, and buildings, historic and cultural resources, property boundaries, lot lines, and lot dimensions and area.

2. Listing of all property owners adjacent to the proposed PUD as per Section 16.72.020, including names and addresses, and a listing of all persons, including names and addresses, with an interest in the property subject to the PUD application.
3. Proposal map(s) showing: Alterations to topography, floodplain, natural vegetation, trees and woodlands, and other natural features, all streets, utility alignments and easements, parks and open space, historic and cultural resources, other public and utility structures, and any other dedicated land features or structures, the parceling, lot consolidation, adjustments, or subdivision of land including basic parcel dimensions and areas, the phasing of the PUD, siting and orientation of proposed new structures, including an identification of their intended use.
4. Narrative describing: the intent of the PUD and how general PUD standards as per this Chapter are met, details of the particular uses, densities, building types and architectural controls proposed, form of ownership, occupancy and responsibility for maintenance for all uses and facilities, trees and woodlands, public facilities to be provided, specific variations from the standards of any underlying zoning district or other provisions of this Code, and a schedule of development.
5. If the PUD involves the subdivision of land, the proposal must also include a preliminary subdivision plat and meet all requirements of Chapter 16.120. The preliminary subdivision will be processed concurrently with the PUD.
6. Architectural Pattern Book: A compendium of architectural elevations, details, and colors of each building type shall be submitted with any PUD application. The designs shall conform to the site plan urban design criteria in Section 16.90.020(G) or any other applicable standards in this Code. A pattern book shall act as the architectural control for the homeowner's association or the commercial owner. An Architectural Pattern Book shall address the following:
    a. Illustrative areas within the development application covered by the pattern book.
    b. An explanation of how the pattern book is organized, and how it is to be used.
    c. Define specific standards for architecture, color, texture, materials, and other design elements.
    d. Include a measurement or checklist system to facilitate review of the development for conformity with the pattern book.
    e. Include the following information for each building type permitted outright or conditionally proposed in the PUD:
        (1) Massing, facades, elevations, roof forms, proportions, materials, and color palette.
        (2) Architectural relevance or vernacular to the Pacific Northwest.
        (3) Doors, windows, siding, and entrances, including sash and trim details.
        (4) Porches, chimneys, light fixtures, and any other unique details, ornamentation, or accents.
        (5) A fencing plan with details that addresses the relationship between public space and maintaining individual privacy subject to Section 16.58.020.

***

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 attached dwellings,~~ single family detached dwellings, duplexes, townhomes, zero-lot line housing~~, row houses, duplexes, cluster units,~~ 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.

***

C. Development Standards

***

3. Minimum Lot Size and Setbacks

The minimum lot size and setbacks shall be consistent with the provisions in the underlying zone with the exceptions listed below: ~~required for single-family, detached dwellings is 5,000 square feet, unless the subject property is either:~~

a) Where there are multiple zones within a single PUD, lot sizes and setbacks shall meet the following:
    1) Lots on the perimeter boundary of the PUD shall be consistent with the underlying zone.
    2) All remaining lots, not on the perimeter boundary of the PUD, may utilize the provision of average lot size of the underlying zones.

~~a. Located within the High Density Residential zone (HDR). In that case, there is no minimum lot size provided the applicant demonstrates that the proposal meets the purpose and intent of the Zoning and Development Code and the Sherwood Comprehensive Plan until February 4, 2015.~~

~~b. Or qualifies as infill, defined as: parent parcel of 1.5 acres or less proposed for land division, where a maximum 15% reduction in lot size may be allowed from the minimum lot size.~~

Chapter 16.44 Commentary

The standards of this section have been relocated to the new Chapter 16.14 for ease of reference.

Chapter 16.44 - TOWNHOMES* (Deleted per Ordinance 2022-…)

~~16.44.010 - Townhome Standards~~

~~A. Generally~~

~~A townhome may be located on property zoned MDRH, HDR, or in other zones as specified in an approved Planned Unit Development or as a Conditional Use on property zoned RC in the Old Cannery area in the Old Town Overlay District, provided that the townhome meets the standards contained below, and other applicable standards of Division V - Community Design. Such developments that propose townhomes can do so as condominiums on one parent lot, or in a subdivision, but shall do so in groups known as "townhome blocks," which consist of groups no less than two attached single-family dwellings and no more than six in a block, that meet the general criteria of Subsection B below, and specific design and development criteria of this Chapter.~~

~~B. Standards~~

~~1. Each townhome shall have a minimum dwelling area of twelve-hundred (1,200) square feet in the MDRH zone, and one-thousand (1,000) square feet in the HDR zone. Garage area is not included within the minimum dwelling area.~~

~~2. Lot sizes shall average a minimum of two-thousand five-hundred (2,500) square feet in the MDRH zone, and one-thousand eight-hundred (1,800) square feet in the HDR zone, unless the property qualifies as "infill," and meets the criteria of Subsection D below. If proposed as a subdivision, lots shall be platted with a width of no less than twenty (20) feet, and depth no less than seventy (70) feet.~~

~~3. The townhome shall be placed on a perimeter foundation, the units must meet the front yard, street-side yard, and rear yard setbacks of the underlying zone, if abutting a residential zone designated for, or built as, single-family detached housing.~~

~~4. All townhomes shall include at least two (2) off-street parking spaces in the HDR zone, and two and one-half (2 ½) spaces in the MDRH zone; garages and/or designated shared parking spaces may be included in this calculation. The City Engineer may permit diagonal or angle-in parking on public streets within a townhome development, provided that adequate lane width is maintained. All townhome developments shall include a parking plan, to be reviewed and approved with the Site Plan application.~~

~~5. All townhomes shall have exterior siding and roofing which is similar in color, material and appearance to siding and roofing commonly used on residential dwellings within the City, or otherwise consistent with the design criteria of Subsection E, Design Standards.~~

~~6. All townhomes in the MDRH zone shall have an attached or detached garage.~~

~~7. All other community design standards contained in Divisions V, VIII and IX 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 that are not specifically varied by this Chapter, shall apply to townhome blocks.~~

~~8. All townhome developments shall accommodate an open space or park area no less than five percent (5%) of the total subject parcel (prior to exclusion of public right-of-way and environmentally constrained areas). Parking areas may not be counted toward this five percent (5%) requirement.~~

~~9. Side yard setbacks shall be based on the length of the townhome block; a minimum setback to the property line* on the end of each "townhome block" shall be provided relative to the size of the block, as follows:~~

~~a. 100 feet to 150 feet 6 feet minimum~~

b. Less than 100 feet 5 feet minimum

* In the case of condominium projects where no property line may exist at the end of each townhome block, the setback shall be applied as a minimum area of separation, as applied to each townhome block.

C. Occupancy

1. No occupancy permit for any townhome shall be issued by the City until the requirements of site plan review and the conditions of the approved final site plan are met. Substantial alteration from the approved plan must be resubmitted to the City for review and approval, and may require additional site plan review before the original hearing authority.

2. The owner(s) of the townhomes, or duly authorized management agent, shall be held responsible for all alterations and additions to a townhome block or to individual homes within the block, and shall ensure that all necessary permits and inspections are obtained from the City or other applicable authority prior to the alterations or additions being made.

D. Infill Standard

The minimum lot size required for single-family, attached dwellings (townhomes) may be reduced by a maximum of 15% if the subject property is 1.5 acres or less, and the subject property is surrounded by properties developed at or in excess of minimum density for the underlying zone.

E. Design Standards

Each townhome block development shall require the approval of a site plan, under the provisions of Section 16.90.020, and in compliance with the standards listed below. The site plan shall indicate all areas of townhome units, landscaping, off-street parking, street and driveway or alley locations, and utility access easements. The site plan shall also include a building elevation plan, which show building design, materials, and architectural profiles of all structures proposed for the site.

1. Building Mass: The maximum number and width of consecutively attached townhomes shall not exceed six (6) units or one-hundred fifty (150) feet from end-wall to end-wall.

2. Designation of Access/Alleys: Townhomes shall receive vehicle access only from the front or rear lot line exclusively, not both. If alleys are used for access they shall be created at the time of subdivision approval and built to City standards as illustrated in the Transportation System Plan.

3. Street Access: Townhomes fronting on a neighborhood route, collector, or arterial shall use alley access, either public or private, and comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances and conflicts with other transportation users, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management. Direct access to local streets shall only be used if it can be demonstrated that due to topography or other unique site conditions precludes the use of alleys.

a. Alley loaded garages shall be set back a minimum five feet to allow a turning radius for vehicles and provide a service area for utilities.

b. If garages face the street, the garage doors shall be recessed behind the front elevation (living area, covered porch, or other architectural feature) by a minimum of one (1) foot.

c. The maximum allowable driveway width facing the street is two (2) feet greater than the width of the garage door. The maximum garage door width per unit is sixty percent (60%) of the total building width. For example, a twenty (20) foot wide unit may have one 12-foot wide recessed garage door and a fourteen (14) foot wide driveway. A 24-foot wide unit may have a 14-foot, 4-inch wide garage door with a 16-foot, 4-inch wide driveway.

4. Building Design: The intent of the following standards is to make each housing unit distinctive and to prevent garages and blank walls from being a dominant visual feature.

   a. The front facade of a townhome may not include more than forty percent (40%) of garage door area.

   b. The roofs of each attached townhome must be distinct from the other through either separation of roof pitches or direction, variation in roof design, or architectural feature. Hipped, gambrel, gabled, or curved (i.e. barrel) roofs are required. Flat roofs are not permitted.

   c. A minimum of fifty percent (50%) of the residential units within a block's frontage shall have a front porch in the MDRH zone. Front porches may encroach six (6) feet beyond the perimeter foundation into front yard, street-side yard, and landscape corridor setbacks for neighborhood routes and collectors, and ten (10) feet for arterials, and are not subject to lot coverage limitations, in both the MDRH and HDR zones. Porches may not encroach into the clear vision area, as defined in Section 16.58.010.

   d. Window trim shall not be flush with exterior wall treatment for all windows facing public right-of-ways. Windows shall be provided with architectural surround at the jamb, head and sill.

   e. All building elevations visible from the street shall provide doors, porches, balconies, windows, or architectural features to provide variety in facade. All front street-facing elevations, and a minimum of fifty percent (50%) of side and rear street-facing building elevations, as applicable, shall meet this standard. The standard applies to each full and partial building story. Alternatively, in lieu of these standards, the Old Town Design Standards in Chapter 16.162 may be applied.

   f. The maximum height of all townhomes shall be that of the underlying zoning district standard, except that: twenty-five percent (25%) of townhomes in the MDRH zone may be 3-stories, or a maximum of forty (40) feet in height if located more than one-hundred fifty (150) feet from adjacent properties in single-family (detached) residential use.

5. Vehicular Circulation: All streets shall be constructed in accordance with applicable City standards in the Transportation System Plan. The minimum paved street improvement width shall be:

   a. Local Street: Twenty-eight (28) feet, with parking allowed on one (1) side.

   b. Neighborhood Route: Thirty-six (36) feet, with parking on both sides.

   c. Collector: Thirty-four (34) feet with parking on one side, fifty (50) feet with parking on both sides.

   d. In lieu of a new public street, or available connection to an existing or planned public street, a private 20 foot minimum driveway, without on-street parking, and built to public improvement standards, is allowed for infill properties as defined in Section 16.44.010(D). All townhome developments in excess of thirty (30) units require a secondary access.

   e. Any existing or proposed street within the townhome block that, due to volumes of traffic, connectivity, future development patterns, or street location, as determined by the City, functions as a neighborhood route or collector or higher functional classification street based on connectivity, shall be constructed to full City public improvement standards.

(Ord. No. 2017-001, § 1, 4-4-2017; Ord. No. 2011-009, § 2, 7-19-2011; Ord. 2002-1126, § 2)

Chapter 16.52 Commentary

Additional review procedure language was added to reflect the new Residential Design Checklist and Residential Design Review applications proposed in Chapter 16.89.

Amendments to owner-occupancy and off-street parking requirements reflect HB2001 clarifications for ADUs. Per HB2001, jurisdictions cannot require that an ADU or primary dwelling be owner-occupied, and cannot require additional off-street parking for ADUs.

Minor revisions are proposed to the ADU design standards for consistency with the proposed residential design standards in Table 16.14-1:

- Revised ADU window and door trim width from 3.5 in. to 3 in. and apply to windows only
- Expand the width of siding to 8 in. per industry standard
- Remove vinyl from permitted siding materials as the new Table 16.14-1 lists it as a prohibited material.

Chapter 16.52 - ACCESSORY DWELLING UNITS

16.52.010 - Purpose

~~A.~~ An accessory dwelling unit (ADU) is a habitable living unit that provides the basic requirements for shelter, heating, cooking and sanitation. The purpose of an ADU is to provide homeowners with a means of obtaining rental income, companionship and security. ADUs provide Sherwood residents another affordable housing option and a means to live independently ~~with relatives~~.

(Ord. No. 2019-003, § 2, 3-5-2019; Ord. 2000-1108, § 3)

~~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 of the standards are not met outright, a Type I Adjustment or Type II Variance is required, in addition to the Residential Design Checklist, per Chapter 16.89.~~

~~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.~~

16.52.020 - Requirements for all accessory dwelling units

All accessory dwelling units must meet the following standards:

A. Creation: One accessory dwelling unit per single-family detached dwelling may only be created through the following methods:

1. Converting existing living area, attic, basement or garage;
2. Adding floor area;
3. Constructing a detached ADU on a site with an existing house;
4. Constructing a new house with an internal or detached ADU.

~~B. Owner occupancy: The property owner, which shall include the holders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence for at least six months out of the year, and at no time receive rent for the owner-occupied unit.~~

~~C. Number of residents: An ADU shall not be occupied by more than 3 persons.~~

~~D.~~ B. Location of entrances: The entrance to a detached ADU shall not be visible from the street that the primary residence is addressed from.

~~E.~~ C. Parking: ~~Additional parking shall be in conformance with the off-street parking provisions for single-family dwellings. If the ADU has more than one bedroom conformance with the Multi-Family parking standards shall apply.~~ No off-street parking is required for an Accessory Dwelling Unit. [1]

~~F.~~ D. Floor area: The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 800 square feet.

~~G.~~ F. Setbacks and dimensional requirements: The ADU shall comply with the setback and dimensional requirements of the underlying zone. A detached ADU shall only be located in the rear yard or above a detached garage.

~~H.~~ G. Design and appearance:

Height: The height of a detached ADU shall be no higher than the primary residence.

A detached and attached ADU shall meet the following standards for design and appearance.

Design and appearance standards: Detached ADUs must meet one option from each row below:

Exterior finish materials	Must be the same or visually match in type, size and placement, the exterior finish material of the primary structure	OR	Siding made from wood~~,~~ or composite boards~~, vinyl or aluminum products. Siding must be a shingle pattern or in a horizontal clapboard or shiplap pattern ≤ 6 inches in width.~~ Horizontal lap siding between three (3) to eight (8) inches wide (the visible portion once installed).
Roof pitch	Predominant roof pitch must be the same as the predominant roof pitch of the primary structure	OR	Roof pitch must be at least 6/12
Trim	Must be the same in type, size, and location as the trim used on the primary structure	OR	All window~~s and door~~ trim must be at least 3~~.5~~ inches wide
Eaves	Same projection distance as primary structure	OR	All eaves project at least ~~1 foot~~ 12 inches from the building walls

[1] Per 2017 Senate Bill 1051 and 2019 House Bill 2001

Chapter 16.60 Commentary

This chapter is amended to reflect the middle housing allowances and revised minimum lot size for townhomes in 16.12.30 (an average of 1,500 sq. ft.) required by HB2001.

Chapter 16.60 - YARD REQUIREMENTS

[…]

16.60.040 - Lot Sizes and Dimensions

A. If a lot or parcel, or the aggregate of contiguous lots or parcels, recorded or platted prior to the effective date of this Code, has an area or dimension which does not meet the requirements of this Code, the lot or aggregate lots may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located.

B. Exceptions

1. Residential uses are limited to ~~a single-family dwelling, or to~~ the number of dwelling units consistent with the density requirements of the zone. However, a dwelling cannot be built on a lot with less area than thirty-two hundred (3,200) square feet, except for townhomes, and as provided in Chapter 16.68.

2. Yard requirements of the underlying zone may be modified for infill developments as provided in Chapter 16.68 (Infill Development).

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

Chapter 16.64 Commentary

This item was deleted per staff direction. It is unrelated to HB2001 compliance, but removes ambiguity from the code.

Chapter 16.64 - DUAL USE OF REQUIRED SPACE* (Deleted per Ordinance 2021-_____)

~~16.64.010 - Generally~~

~~Except as otherwise provided, no lot area, setback, yard, landscaped area, open space, off-street parking or loading area, which is required by this Code for one use, shall be allowed as the required lot area, yard, open space, off-street parking or loading area for another use.~~

~~(Ord. 91-922, § 3)~~

Division III. - ADMINISTRATIVE PROCEDURES

Chapter 16.70 Commentary

A new Residential Design Checklist review is proposed for single detached and middle housing. This review is a clear and objective review, as required by HB2001. Per City staff direction, the application requirements are streamlined and include a Residential Design Checklist form and building elevations. Planning staff will review the proposed residential development against the design standards of Chapter 16.14 at time of building permit submittal.

Currently, site development requirements (setbacks, height, landscaping, parking, etc.) are reviewed separately at the time of building permit submittal. This process is expected to continue to apply to new residential development; therefore, materials demonstrating compliance with site development standards (such as site plans, landscape plans etc.) are not included in the list of required materials for the Residential Design Checklist review.

Chapter 16.70 - GENERAL PROVISIONS

16.70.030 - Application Requirements

A. Form

Any request for a land use action shall be made on forms prescribed and provided by the City and shall be prepared and submitted in compliance with this Code. A land use application shall be reviewed against the standards and criteria effective at the time of application submittal. Original signatures from all owners or their legal representative must be on the application form.

B. Copies

To assist in determining the compliance of proposed land use actions with the Comprehensive Plan and provisions of this Code, applicants shall submit one (1) complete electronic copy of the full application packet, one reduced (8½ × 11) copy of the full application packet and the required number of hard copies as outlined on the applicable forms prescribed and provided by the City.

C. Content

1. In addition to the required application form, all applications for Residential Design Checklist approval must include the following:

   a. Residential Design Checklist.

   b. Building elevations including enough detail to confirm conformance with the design standards of Chapter 16.14.

2. In addition to the required application form, all applications for Type I approval must include the following:

   a. Appropriate fee(s) for the requested land use action required based on the City of Sherwood Fee Schedule.

   b. Tax Map showing property within at least 300 ft. with scale (1" = 100' or 1" = 200'), north arrow, date, and legend

   c. Vicinity Map

~~1.~~ 3. In addition to the required application form, all applications for Type II-V land use approval must include the following:

   a. Appropriate fee(s) for the requested land use action required based on the City of Sherwood Fee Schedule.

   b. Documentation of neighborhood meeting per 16.70.020.

   c. Tax Map showing property within at least 300 feet with scale (1" = 100' or 1" = 200') north point, date and legend.

   d. Two (2) sets of mailing labels for property owners of record within 1,000 feet of the subject site, including a map of the area showing the properties to receive notice and a list of the property owners, addresses and tax lots. Ownership records shall be based on the most current available information from the Tax Assessor's office.

   e. Vicinity Map showing a minimum radius of 500 feet around the property and the closest intersection of two Principal Arterial, Arterial, Collector or Neighborhood roads.

   f. A narrative explaining the proposal in detail and a response to the Required Findings for Land Use Review for the land use approval(s) being sought.

g. Two (2) copies of a current preliminary title report.

h. Existing conditions plan drawn to scale showing: property lines and dimensions, existing structures and other improvements such as streets and utilities, existing vegetation, any floodplains or wetlands and any easements on the property.

i. Proposed development plans sufficient for the Hearing Authority to determine compliance with the applicable standards. Checklists shall be provided by the City detailing information typically needed to adequately review specific land use actions.

j. A traffic study, if required by other sections of this Code.

k. Other special studies or reports that may be identified by the City Manager or his or her designee to address unique issues identified in the pre-application meeting or during project review including but not limited to:

1) Wetland assessment and delineation;

2) Geotechnical report;

3) Traffic study;

4) Verification of compliance with other agency standards such as CWS, DSL, Army Corps of Engineers, ODOT, PGE, BPA, Washington County.

l. Plan sets must have:

1) The proposed name of the development. If a proposed project name is the same as or similar to other existing projects in the City of Sherwood, the applicant may be required to modify the project name.

2) The name, address and phone of the owner, developer, applicant and plan producer.

3) North arrow,

4) Legend,

5) Date plans were prepared and date of any revisions

6) Scale clearly shown. Other than architectural elevations, all plans must be drawn to an engineer scale.

7) All dimensions clearly shown.

2. Exemptions can be made when items in 16.70.030.C.1 are not necessary in order to make a land use decision, such as for text amendments to the development code. Additional written documentation may be necessary to adequately demonstrate compliance with the criteria.

(Ord. No. 2018-007, § 2, 10-2-2018; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3)

Chapter 16.72 Commentary

This section has been updated to include four new review procedures for single detached and middle housing residential development:

- A new Residential Design Checklist Review application and process. This review process is available to proposals that meet all of design standards of Chapters 16.14. As noted in Chapter 16.70, per City staff direction, the Residential Design Checklist Review is intended to address only the design standards of Chapter 16.14 and not the development standards of Chapter 16.12 and others.
- Type I Residential Design Checklist Review with Adjustment. As described further in Chapter 16.84, this option is available for proposals that request adjustment of up to 5 percent of the development standards of 16.12.30 and/or the design standards of Table 16.14-1.A-C.
- Type II Residential Design Checklist Review with Class B Variance. As described further in Chapter 16.84, this option is available for proposals that request adjustment of 5-10 percent of the development standards of 16.12.30 and/or the design standards of Table 16.14-1.A-C.
- A new Type IV Residential Design Review. As described further in Chapter 16.84, this option is available for proposals that request adjustment of more than 10 percent of the development standards of 16.12.30 and/or the design standards of Table 16.14-1.A-C, or opt to address the design guidelines of Table 16.14-1 rather than the design standards. The Planning Commission would review these proposals against the design guidelines of Table 16.14-1.

The description of the review types have been revised to reflect the definitions of ORS 197.015 and common practices.

Section 16.72.010.B has been rearranged and references to Planning Director changed to Community Development Director per City staff direction, and to clarify that Type IV Residential Design Review applications do not need to address the Conditional Use criteria of Section 16.82.020.

Section 16.72.010.B.3(f) has been amended to include a new review process "Review by Council".

Chapter 16.72 - PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 - Generally

A. Classifications

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all ministerial, administrative, and quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

1. Residential Design Checklist Review

The Community Development Director, or designee, without public notice and without a public hearing, makes ministerial decisions through the Residential Design Checklist Review procedure. Ministerial decisions are those where City standards and criteria do not require the exercise of discretion (i.e., they are clear and objective standards).

The Community Development Director, or designee, reviews proposals for all residential housing types, except for multi-dwelling development that are subject to Section 16.90, requiring a clear and objective review using the Residential Design Checklist. The Residential design Checklist is a preliminary review that is intended to ensure a project proposal meets the basic requirements of Chapter 16.14 before more detailed plans are prepared and before the City authorizes the Building Official to issue a building permit.

~~1~~2. Type I

The following ~~quasi-judicial~~ administrative actions shall be subject to a Type I review process:

a. Signs;

b. Property line adjustments;

c. Interpretation of similar uses;

d. Temporary uses;

e. Final subdivision and partition plats;

f. Final site plan review;

g. Time extensions of approval, per Sections 16.90.020; 16.124.010;

h. Class A home occupation permits;

i. Interpretive decisions by the city manager or his/her designee;

j. Tree removal permit—Street trees over five inches DBH, per section 16.142.050.B.2 and 3;

k. Adjustments;

l. Re-platting, lot consolidations and vacations of plats;

m. Minor modifications to approved site plans;

n. Accessory dwelling units;

o. Residential Design Checklist Review with Adjustment

~~2~~3. Type II

The following ~~quasi-judicial~~ administrative actions shall be subject to a Type II review process:

a. Land Partitions (creation of 3 or fewer lots within 1 calendar year)

b. Expedited Land Divisions - The ~~Planning Director~~ Community Development Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the ~~Planning Director~~ Community Development Director if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.

c. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to a Conditional Use Permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.A.4.

d. "Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.D.6.d.

e. Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in Section 16.90.020.D.7.b.

f. Homeowner's association street tree removal and replacement program extension.

g. Class B Variance

h. Street Design Modification

i. Subdivisions between 4—10 lots

j. Medical marijuana dispensary permit

k. Residential Design Checklist Review with Class B Variance

~~3~~4. Type III

The following quasi-judicial actions shall be subject to a Type III review process:

a. Conditional Uses

b. Site Plan Review — between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010.A.

c. Subdivisions between 11—50 lots.

~~4~~5. Type IV

The following quasi-judicial actions shall be subject to a Type IV review process:

a. Site Plan review and/or "Fast Track" Site Plan review of new or existing structures in the Old Town Overlay District.

b. All quasi-judicial actions not otherwise assigned to a Hearing Authority under this section.

c. Site Plans — Greater than 40,000 square feet of floor area, parking or seating capacity.

d. Site Plans subject to Section 16.90.020.D.6.f.

e. Industrial Site Plans subject to Section 16.90.020.D.7.b.

f. Subdivisions — over 50 lots.

g. Class A Variance

h. Residential Design Review

~~5~~6. Type V

The following legislative actions shall be subject to a Type V review process:

a. Plan Map Amendments

b. Plan Text Amendments

c. Planned Unit Development — Preliminary Development Plan and Overlay District.

B. Hearing and Appeal Authority

~~3~~1. The ~~quasi-judicial~~ Hearing and Appeal Authorities shall be as follows:

a. The Residential Design Checklist review authority is the Community Development Director or their designee. The decision is final on the date it is signed by the Community Development Director. It is not a land use decision as defined by ORS 197.015, and therefore is not subject to local appeal or appeal to the state Land Use Board of Appeals (LUBA).

~~a~~b. The Type I Hearing Authority is the ~~Planning Director~~ Community Development Director and the Appeal Authority is the Planning Commission.

(1) The ~~Planning Director~~ Community Development Director 's decision shall be made without public notice or public hearing. Notice of the decision shall be provided to the applicant.

(2) The applicant may appeal the ~~Planning Director~~ Community Development Director's decision.

~~b~~c. The Type II Hearing Authority is the ~~Planning Director~~ Community Development Director and the Appeal Authority is the Planning Commission.

(1) The ~~Planning Director~~ Community Development Director 's decision shall be made without a public hearing, but not until at least fourteen (14) days after a public notice has been mailed to the applicant and all property owners within 1,000 feet of the proposal. Any person may submit written comments to the ~~Planning Director~~ Community Development Director which address the relevant approval criteria of the Zoning and Development Code. Such comments must be received by the Planning Department within fourteen (14) days from the date of the notice.

(2) Any person providing written comments may appeal the ~~Planning Director~~ Community Development Director 's decision.

~~c~~d. The Type III Hearing Authority is the Hearings Officer and the Appeal Authority is the Planning Commission.

(1) The Hearings Officer shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.

(2) Any person who testified before the Hearings Officer at the public hearing or submitted written comments prior to the close of the record may appeal the Hearings Officer's decision.

~~d~~e. The Type IV Hearing Authority is the Planning Commission and the Appeal Authority is the City Council.

(1) The Planning Commission shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.

(2) Any person who testified before the Planning Commission at the public hearing or submitted written comments prior to the close of the record may appeal the Planning Commission's decision.

~~e~~f. The Type V Hearing Authority is the City Council, upon recommendation from the Planning Commission and the Appeal Authority is the Land Use Board of Appeals (LUBA).

g. Review by Council

(1) Review of a decision by a Hearing Authority may be initiated by the City Council when the Council determines that:

a. The matter involves important issues of policy; and

b. The original decision likely involves errors of law or was not supported by substantial evidence.

(2) Review by Council must be initiated by resolution of the City Council within fourteen (14) calendar days after the date of mailing of the final written decision of the Hearing Authority. Any City Council resolution calling a decision up for review shall specify whether the City Council will review the decision called up on the record or de novo and whether it intends to limit the issues on review to certain specified issues.

(3) Approval of such a resolution shall stay the original decision until the decision on review has become final. No right or benefit accorded by the original decision may be exercised until the decision on review has become final.

(4) Review shall include a public hearing conducted by the City Council. Except as otherwise provided in this Section, the public notice and hearing procedures shall be the same as the procedures used in initially taking the action which is being reviewed.

(5) The City Council may act to affirm, reverse, remand, or amend the action being reviewed. The action of the City Council shall be the final City of Sherwood action on the application, unless remanded to the Hearing Authority. Upon remand, the decision of the Hearing Authority shall be the final City of Sherwood action. The decision upon Council review shall become final on the date when written notice of the decision is mailed to persons entitled to notice of the decision.

2. Each quasi-judicial development permit application shall potentially be subject to two (2) levels of review, with the first review by a Hearing Authority and the second review, if an appeal is filed, by an Appeal Authority. The decision of the Hearing Authority shall be the City's final decision, unless an appeal is properly filed within fourteen (14) days after the date on which the Hearing Authority took final action. In the event of an appeal, the decision of the Appeal Authority shall be the City's final decision.

~~1~~3. Each Type V legislative land use action shall be reviewed at a public hearing by the Planning Commission with a recommendation made to the City Council. The City Council shall conduct a public hearing and make the City's final decision.

C. Approval Criteria

1. The approval criteria for each development permit application shall be the approval standards and requirements for such applications as contained in this Code. Each decision made by a Hearing Authority or Appeal Authority shall list the approval criteria and indicate whether the criteria are met. It is the applicant's burden to demonstrate to the Hearing Authority and Appeal Authority how each of the approval criteria are met. An application may be approved with conditions of approval imposed by the

Hearing Authority or Appeal Authority. On appeal, the Appeal Authority may affirm, reverse, amend, refer, or remand the decision of the Hearing Authority.

2. In addition to Section 1 above, all Type IV quasi-judicial applications except Residential Design Review shall also demonstrate compliance with the Conditional use criteria of Section 16.82.020.

(Ord. No. 2019-003, § 2, 3-5-2019; Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-011, § 1, 10-4-2011; Ord. No. 2011-003, § 2, 4-5-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2010-05, § 2, 4-6-2010; Ord. No. 2009-005, § 2, 6-2-2009; Ord. 2003-1148, § 3; 2001-1119; 99-1079; 98-1053)

Chapter 16.76 Commentary

This section has been amended to replace Planning Director with Community Development Director per City staff direction.

Chapter 16.76 - APPEALS*

16.76.010 - Generally

[…]

16.76.020 - Appeal Deadline

Land use actions taken pursuant to this Code shall be final unless a petition for review is filed with the ~~Planning Director~~ Community Development Director not more than fourteen (14) calendar days after the date on which the Hearing Authority took final action on the land use application, and written notice of the action has been mailed to the address provided by the person in the record. If the person did not provide a mailing address, then the appeal must be filed within fourteen (14) calendar days after the notice has been mailed to persons who did provide a mailing address.

(Ord. 2003-1148, § 3; 2001-1119; 91-922)

Division IV. - PLANNING PROCEDURES

Chapter 16.84 Commentary

The existing Adjustment and Class B variance approval criteria are amended to include adjustments and variances to the new residential design standards of Chapter 16.14. For simplicity, the City's existing approval criteria is applied to these adjustment and variance requests.

The intent of the Residential Design Checklist with Adjustment and Residential Design Checklist with Class B Variance is to provide a measure of flexibility for residential development on lots that have unusual characteristics. As proposed, the approval criteria are not intended to be onerous.

Chapter 16.84 - VARIANCES

[…]

16.84.030 - Types of Variances

As provided in this Section, there are three types of variances: Adjustments, Class A variance and Class B variance; the type of variance required depends on the extent of the variance request and the discretion involved in the decision making process.

A. Adjustments

1. ~~Applicability~~ Generally and Approval Process: The following ~~variances~~ Adjustments and Residential Design Checklist with Adjustment are reviewed using a Type I procedure, as governed by Chapter 16.72, using the approval criteria in Subsection 2, below:

   a. Front yard setbacks Up to a 10 percent change to the front yard setback standard in the land use district.

   b. ~~Interior~~ Rear yard setbacks Up to a 10 percent reduction of the dimensional standards for the ~~side and~~ rear yard setbacks required in the base land use district so long as the three foot setback is maintained based on Building Code requirements where applicable.

   c. Interior side yard setbacks: Adjustments to interior side yard setbacks for all residential housing types are not allowed.

   d. Landscape area Up to a 10~~%~~ percent reduction in landscape area (overall area or interior parking lot landscape area.

   e. A 5~~%~~ percent increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section and not applicable at the time of the subdivision or partition approval.

   f. Up to a 5 percent adjustment to one or more of the residential design standards of Section 16.14, Table 16.14-1.A-C (no adjustments to the Detailed Design standards in 16.14, Table 16.14-1.D are permitted).

2. Approval Criteria: Adjustments subject to the provisions of this section shall be granted if the applicant demonstrates compliance with all of the following criteria:

   a. The adjustment requested is required due to the lot configuration, or other conditions of the site;

   b. The adjustment does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;

   c. The adjustment will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate adjustment request.

   d. An application for an adjustment is limited to one lot or parcel per application.

   e. No more than three adjustments may be approved for one lot or parcel in 12 months.

B. Class B Variances

1. Generally

   a. The Class B variance standards apply to individual platted and recorded lots only.

   b. A variance shall not be approved that would vary the "permitted uses" or "prohibited uses" of a land use zoning district.

c. Front yard setbacks: Up to a 20 percent change to the front yard setback standard in the land use district.

d. ~~Interior~~ Rear yard setbacks: Up to a 20 percent reduction of the dimensional standards for the ~~side and~~ rear yard setbacks required in the base land use district so long as the three foot setback is maintained if required by the Building Code requirements.

e. Interior side yard setbacks: Variances to interior side yard setbacks for all residential housing types are not allowed.

f. A 20% or less increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section.

g. Between 5 percent and 10 percent adjustment to one or more of the residential design standards of Section 16.14, Table 16.14-1.A-C .

2. Approval Process: Class B variances and Residential Design Checklist with Class B Variance shall be reviewed using a Type II procedure. In addition to the application requirements contained in Chapter 16.72.010, the applicant shall provide a written narrative describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.

3. Approval Criteria (subject to the provisions of this section): The City shall approve, approve with conditions, or deny an application for a Class B Variance based on the following criteria:

a. The variance requested is required due to the lot configuration, or other conditions of the site;

b. The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;

c. The variance will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate variance request.

d. An application for a Class B variance is limited to three or fewer lots per application.

e. The variance will have minimal impact to the adjacent properties.

f. The variance is the minimum needed to achieve the desired result and the applicant has considered alternatives.

C. Class A Variances

1. Generally

a. The Class A variance procedure may be used to modify a standard for three (3) or fewer lots, including lots yet to be created through a partition process.

b. An applicant who proposes to vary a standard for lots yet to be created through a subdivision process may not utilize the Class A variance procedure. Approval of a Planned Unit Development shall be required to vary a standard for lots yet to be created through a subdivision process, where a specific code section does not otherwise permit exceptions.

c. A Class A Variance shall not be approved that would vary the "permitted, conditional or prohibited uses" of a land use district.

2. Approval Process:

a. Class A Variances shall be processed using a Type IV procedure, as governed by Chapter 16.84, using the approval criteria in subsection 3, below.

b. In addition to the application requirements contained in Chapter 16.72.010, the applicant shall provide a written narrative describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.

3. Approval Criteria: The City shall approve, approve with conditions, or deny an application for a Class A Variance based on the following criteria:

   a. The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;

   b. A hardship to development exists which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);

   c. The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;

   d. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;

   e. The hardship is not self-imposed; and

   f. The variance requested is the minimum variance that would alleviate the hardship.

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

Chapter 16.88 Commentary

This chapter is revised to clarify how 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.

The term "rowhouse" is deleted because it is not used or defined elsewhere in the zoning code.

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.

   (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 ~~and rowhouses~~.

   (3) ~~Two-family~~ 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) Multi-Family dwelling - A structure consisting of ~~three~~ five (~~3~~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~~, and in some cases attached townhomes or rowhouses on a single lot or parcel~~. Multi-dwellings do not include townhomes, which are located on individual lots.

   (5) 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.

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.

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

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).
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

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

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.

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

C. Reserved

D. Required Findings

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

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

2. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.

3. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.

4. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.

5. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant must provide adequate information, such as a traffic impact analysis (TIA) or traffic counts, to demonstrate the level of impact to the surrounding transportation system. The developer is required to mitigate for impacts attributable to the project, pursuant to TIA requirements in Section 16.106.080 and rough proportionality requirements in Section 16.106.090. The determination of impact or effect and the scope of the impact study must be coordinated with the provider of the affected transportation facility.

6. 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.

Chapter 16.92 Commentary

The amendments to this chapter reflect the revised applicability of site plan review per Chapter 16.90, and clarifies that perimeter screening is required between residential zones and other zones rather than between housing types.

Applicability language is added to parking area landscaping requirements to apply to parking areas of 4 or more spaces. Typically, this size of parking area would accompany a quadplex, multi-dwelling, or a cottage cluster proposal and reflects the minimum number of cottages required. The suggested number of spaces is a starting point for discussion.

Chapter 16.92 - LANDSCAPING

16.92.010 - Landscaping Plan Required

All proposed developments for which ~~a~~ site plan review is required pursuant to Section 16.90.020 shall submit a landscaping plan that meets the standards of this Chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan.

(Ord. No. 2012-008, § 2, 7-17-2012; Ord. 2006-021; Ord. 86-851, § 3)

[…]

16.92.030 - Site Area Landscaping and Perimeter Screening Standards

A. Perimeter Screening and Buffering

1. Perimeter Screening Separating Residential Zones:

   A minimum six-foot high sight-obscuring wooden fence, decorative masonry wall, or evergreen screen, shall be required along property lines separating ~~single and two-family uses from multi- family uses, and along property lines separating~~ residential zones from commercial, institutional/public or industrial zones subject to the provisions of Chapter 16.48.020 (Fences, Walls and Hedges).

   a. For new uses adjacent to inventoried environmentally sensitive areas, screening requirements shall be limited to vegetation only to preserve wildlife mobility. In addition, the Review Authority may require plants and other landscaping features in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of adjoining uses.

   b. The required screening shall have breaks, where necessary, to allow pedestrian access to the site. The design of the wall or screening shall also provide breaks or openings for visual surveillance of the site and security.

   c. Evergreen hedges used to comply with this standard shall be a minimum of thirty-six (36) inches in height at maturity, and shall be of such species, number and spacing to provide the required screening within one (1) year after planting.

2. Perimeter Landscaping Buffer

   a. A minimum ten (10) foot wide landscaped strip comprised of trees, shrubs and ground cover shall be provided between off-street parking, loading, or vehicular use areas on separate, abutting, or adjacent properties.

   b. The access drives to rear lots in the residential zones (i.e. flag lot) shall be separated from abutting property(ies) by a minimum of forty-two-inch sight-obscuring fence or a forty-two-inch to an eight (8) feet high landscape hedge within a four-foot wide landscape buffer. Alternatively, where existing mature trees and vegetation are suitable, Review Authority may waive the fence/buffer in order to preserve the mature vegetation.

3. Perimeter Landscape Buffer Reduction

   If the separate, abutting property to the proposed development contains an existing perimeter landscape buffer of at least five (5) feet in width, the applicant may reduce the proposed site's required perimeter landscaping up to five (5) feet maximum, if the development is not adjacent to a residential zone. For example, if the separate abutting perimeter landscaping is five (5) feet, then applicant may reduce the perimeter landscaping to five (5) feet in width on their site so there is at least five (5) feet of landscaping on each lot.

B. Parking Area Landscaping

1. Purpose

The standard is a landscape treatment that uses a combination of trees, shrubs, and ground cover to provide shade, storm water management, aesthetic benefits, and screening to soften the impacts of large expanses of pavement and vehicle movement. It is applied to landscaped areas within and around the parking lot and loading areas.

2. Applicability. The provisions of this section apply to off-street parking areas of more than four (4) parking and/or loading spaces.

~~2~~3. Definitions

a. Parking Area Landscaping: Any landscaped area on the site that is not required as perimeter landscaping § 16.92.030 (Site Landscaping and Screening).

b. Canopy Factor

(1) Landscape trees are assigned a canopy factor to determine the specific number of required trees to be planted. The canopy factor is calculated based on the following formula:

Canopy Factor = Mature Height (in feet) × Canopy Spread (in feet) × Growth Rate Factor × .01

(2) Growth Rate Factor: The growth rate factor is three (3) for fast-growing trees, two (2) for medium growing trees, and one (1) for slow growing trees. The growth rate of a tree is identified in the "Suggested Plant Lists for Required Landscaping Manual."

~~3~~4. Required Landscaping

There shall be at least forty-five (45) square feet parking area landscaping for each parking space located on the site. The amount of required plant materials are based on the number of spaces as identified below.

~~4~~5. Amount and Type of Required Parking Area Landscaping

a. Number of Trees required based on Canopy Factor

Small trees have a canopy factor of less than forty (40), medium trees have a canopy factor from forty (40) to ninety (90), and large trees have a canopy factor greater than ninety (90);

(1) Any combination of the following is required:

(i) One (1) large tree is required per four (4) parking spaces;

(ii) One (1) medium tree is required per three (3) parking spaces; or

(iii) One (1) small tree is required per two (2) parking spaces.

(iv) At least five (5) percent of the required trees must be evergreen.

(2) Street trees may be included in the calculation for the number of required trees in the parking area.

b. Shrubs:

(1) Two (2) shrubs are required per each space.

(2) For spaces where the front two (2) feet of parking spaces have been landscaped instead of paved, the standard requires one (1) shrub per space. Shrubs may be evergreen or deciduous.

c. Ground cover plants:

(1) Any remainder in the parking area must be planted with ground cover plants.

(2) The plants selected must be spaced to cover the area within three (3) years. Mulch does not count as ground cover.

~~5~~6. Individual Landscape Islands Requirements

a. Individual landscaped areas (islands) shall be at least ninety (90)square feet in area and a minimum width of five (5) feet and shall be curbed to protect the landscaping.

b. Each landscape island shall be planted with at least one (1) tree.

c. Landscape islands shall be evenly spaced throughout the parking area.

d. Landscape islands shall be distributed according to the following:

(1) Residential uses in a residential zone: one (1) island for every eight (8) contiguous parking spaces.

(2) Multi or mixed-uses, institutional and commercial uses: one (1) island for every ten (10) contiguous parking spaces.

(3) Industrial uses: one (1) island for every twelve (12) contiguous parking spaces.

e. Storm water bio-swales may be used in lieu of the parking landscape areas and may be included in the calculation of the required landscaping amount.

f. Exception to Landscape Requirement

Linear raised or marked sidewalks and walkways within the parking areas connecting the parking spaces to the on-site buildings may be included in the calculation of required site landscaping provide that it:

(1) Trees are spaced a maximum of thirty (30) feet on at least one (1) side of the sidewalk.

(2) The minimum unobstructed sidewalk width is at least six (6) feet wide.

(3) The sidewalk is separated from the parking areas by curbs, bollards, or other means on both sides.

~~6~~7. Landscaping at Points of Access

When a private access-way intersects a public right-of-way or when a property abuts the intersection of two (2) or more public rights-of-way, landscaping shall be planted and maintained so that minimum sight distances shall be preserved pursuant to Section 16.58.010.

~~7~~8. Exceptions

a. For properties with an environmentally sensitive area and/or trees or woodlands that merit protection per Chapters 16.142 (Parks, Trees and Open Space) and 16.144 (Wetland, Habitat and Natural Areas) the landscaping standards may be reduced, modified or "shifted" on-site where necessary in order to retain existing vegetation that would otherwise be removed to meet the above referenced landscaping requirements.

b. The maximum reduction in required landscaping buffer permitted through this exception process shall be no more than fifty (50) percent. The resulting landscaping buffer after reduction may not be less than five (5) feet in width unless otherwise permitted by the underlying zone. Exceptions to the required landscaping may only be permitted when reviewed as part of a land use action application and do not require a separate variance permit.

C. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas

All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and any adjacent residential zones. If unfeasible to fully screen due to policies and standards, the applicant shall make efforts to minimize the visual impact of the mechanical equipment.

D. Visual Corridors

Except as allowed by subsection 6. above, new developments shall be required to establish landscaped visual corridors along Highway 99W and other arterial and collector streets, consistent with the Natural Resources and Recreation Plan Map, Appendix C of the Community Development Plan, Part II, and the provisions of Chapter 16.142(Parks, Trees, and Open Space). Properties within the Old Town Overlay are exempt from this standard.

(Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2011-003, § 2, 4-5-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 91-922, § 3; Ord. 86-851 § 3)

[…]

Chapter 16.94 Commentary

E. Location has been revised to clarify that on-street parking spaces may count toward off-street parking requirements for non-residential uses only.

I. Parking and Loading Plan has been revised to exempt middle housing types from this requirement, since single detached dwellings are exempt.

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.

Per HB2001 clarifications, no additional parking spaces can be required for ADUs. The off-street parking requirements for ADUs have been added to Table 1 and revised to clarify that no additional parking is required per HB2001.

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

Chapter 16.94 - OFF-STREET PARKING AND LOADING

[…]

E. Location

1. Residential off-street parking spaces:
   a. Shall be located on the same lot or development as the residential use.
   b. Shall not include garages or enclosed buildings with the exception of a parking structure in multi-family dwelling developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).
2. For other non-residential uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within five hundred (500) feet of the use. The distance from the parking, area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.
3. Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to the side or rear of buildings where feasible.
   a. All new development with forty (40) employees or more shall include preferential spaces for carpool/vanpool designation. Carpool and vanpool parking spaces shall be located closer to the main employee entrance than all other parking spaces with the exception of ADA parking spaces. Carpool/vanpool spaces shall be clearly marked as reserved for carpool/vanpool only.
   b. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.

[…]

I. Parking and Loading Plan

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

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

[…]

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 ~~1 per 1 bdr~~ ~~1.5 per 2 bdr~~ ~~1.75 per 3 bdr~~	None	None
Single~~, two~~-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
Townhome	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 ~~residential unit~~ (includes ~~single-family detached or attached, two-family dwelling or~~ a manufactured home on an individual lot) if the abutting street is twenty-eight (28) feet or wider, one (1) standard (9 ft. × 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.

[…]

5. Credit for On-Street Parking

a. On-Street Parking Credit. Except for residential uses, the ~~The~~ amount of off-street parking required shall be reduced by one (1) off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards.

b. The following constitutes an on-street parking space:

(1) Parallel parking, each twenty-four (24) feet of uninterrupted curb;

(2) Forty-five (45)/sixty (60) degree diagonal, each with ten (10) feet of curb;

(3) Ninety (90) degree (perpendicular) parking, each with eight (8) feet of curb;

(4) Curb space must be connected to the lot which contains the use;

(5) Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and;

(6) On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

Chapter 16.96 Commentary

The revisions to this section update the residential dwelling names per the revised definitions, and clarify that middle housing types are exempt from requirements that do not apply to detached single housing, per HB2001.

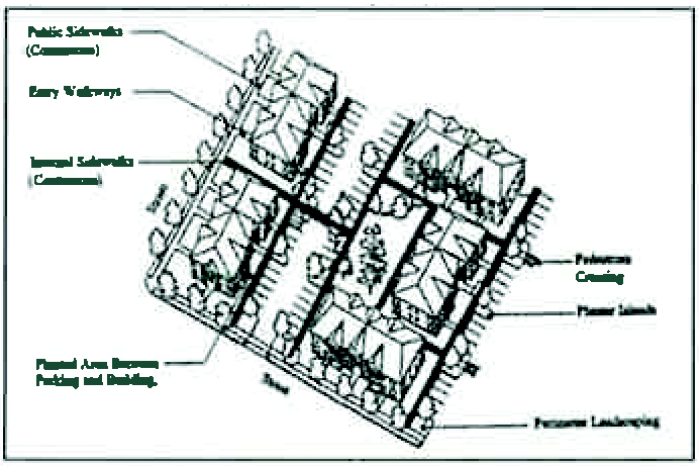
Chapter 16.96 - ON-SITE CIRCULATION

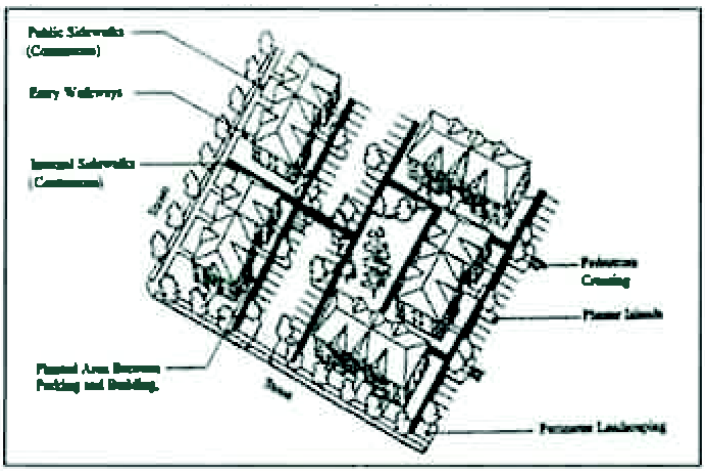
16.96.010 - On-Site Pedestrian and Bicycle Circulation

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 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 ~~and two-family uses~~ Family Detached homes, Duplex, Townhomes, and ~~m~~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 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%. ~~Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.~~

2. ~~Two-Family~~ 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. ~~Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.~~

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.

~~3~~4. 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
~~3~~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, ~~Two-Family~~ Duplex, Townhome, and Manufactured Home on Individual Residential Lot: ~~No~~ on-site sidewalks and curbs are not required when ~~not~~ part of a proposed partition or subdivision.

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)

Chapter 16.100 - PERMANENT SIGNS

[…]

16.100.015 Sign - Related definitions

L. Permanent Residential Development Sign: Any permanent sign erected within 100-feet of any entrance to a residential ~~single-family attached, single-family detached, duplex or townhome subidivison~~ subdivision or Planned Unit Development (PUD).

[…]

16.100.030 - Sign Regulations by Zone

A. Residential Zones

No permanent sign requiring a permit shall be allowed in residential zones except for the following:

1. Public/Semi-Public Uses

   For churches, schools and other public uses located within a residential or institutional public zone:

   a. One (1) wall sign not exceeding thirty-six (36) square feet shall be permitted on a maximum of two (2) building elevations. Wall signs must be attached flat against the building face.

   b. One (1) free-standing sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted. A minimum setback of fifteen (15) feet from property lines adjacent to public streets is required. The maximum height of any portion of a free-standing sign shall be limited to six (6) feet from ground level at its base.

2. Multi-Family-Dwelling Development Signs

   a. One (1) non-illuminated free-standing sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted, the maximum height of any portion of a free-standing sign shall be limited to six (6) feet from ground level at its base.

3. Non-Residential Signs

   a. One (1) monument sign not more than sixteen (16) square feet in area identifying a permitted use in a residential zone shall be allowed.

[…]

Division VI. - PUBLIC INFRASTRUCTURE

Chapter 16.106 Commentary

Additional language has been added to clarify that where single detached dwellings, duplexes, and townhomes are exempt from requirements per HB2001.

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 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 ~~and two-family uses~~ family detached dwellings, duplex, townhomes, 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.

(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

Chapter 16.120 Commentary

Proposed revisions remove references to Chapter 16.44, which has been consolidated into Chapter 16.14. Per HB2001, open space requirements cannot be applied townhome development unless they are also applied to single detached dwellings.

The Oregon Legislature approved Senate Bill 458 (SB458) on May 17, 2021. SB458 is effective June 30, 2022, and requires jurisdictions to permit land division for middle housing through an expedited land division (ELD) process. Implementation of this legislation will require revisions to the City's Subdivision and Land Division regulations.

Chapter 16.120 - SUBDIVISIONS[51]

[…]

16.120.040 - Approval Criteria: Preliminary Plat

No preliminary plat shall be approved unless:

A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.

B. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.

C. The plat complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX. The subdivision complies with Chapter 16.128 (Land Division Design Standards).

D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.

E. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.

F. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.

G. Tree and woodland inventories have been submitted and approved as per Section 16.142.060.

H. The plat clearly shows the proposed lot numbers, setbacks, dedications and easements.

I. A minimum of five percent (5%) open space has been provided per ~~Section 16.44.010.B.8 (Townhome Standards) or~~ Section 16.142.030 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-011, § 1, 10-4-2011)

Division VIII. - ENVIRONMENTAL RESOURCES

Chapter 16.142 Commentary

References to Chapter 16.44 have been removed, as the townhome standards have been incorporated into Chapter 16.14.

The applicability of the previous single-family and duplex residential subdivision open space requirements has been extended to 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.

Chapter 16.142 - PARKS, TREES AND OPEN SPACES

[…]

16.142.020 - Multi-Family-Dwelling Developments

A. Standards

Except as otherwise provided, recreation and open space areas shall be provided in new multi-family dwelling residential developments to the following standards ~~(townhome development requirements for open space dedication can be found in Chapter 16.44.B.8- Townhome Standards):~~

1. Open Space

A minimum of twenty percent (20%) of the site area shall be retained in common open space. Required yard parking or maneuvering areas may not be substituted for open space.

2. Recreation Facilities

A minimum of fifty percent (50%) of the required common open space shall be suitable for active recreational use. Recreational spaces shall be planted in grass or otherwise suitably improved. A minimum area of eight-hundred (800) square feet and a minimum width of fifteen (15) feet shall be provided.

3. Minimum Standards

Common open space and recreation areas and facilities shall be clearly shown on site development plans and shall be physically situated so as to be readily accessible to and usable by all residents of the development.

4. Terms of Conveyance

Rights and responsibilities attached to common open space and recreation areas and facilities shall be clearly specified in a legally binding document which leases or conveys title, including beneficial ownership to a home association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions suitable to the City for guaranteeing the continued use of such land and facilities for its intended purpose; continuity of property maintenance; and, when appropriate, the availability of funds required for such maintenance and adequate insurance protection.

(Ord. No. 2011-009, § 2, 7-19-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3)

16.142.030 - ~~Single-Family or Duplex~~ 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. 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 ~~single-family~~ 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.

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~~, with the exception of front porches on townhomes, as permitted in Section 16.44.010(E)(4)(c)~~.

[…]

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 – ~~Single Family Detached, Duplex, and Townhomes~~ All Residential Developments ~~(Single Family Attached, Single Family Detached and Two - Family)~~ subject to Type II-~~I~~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.

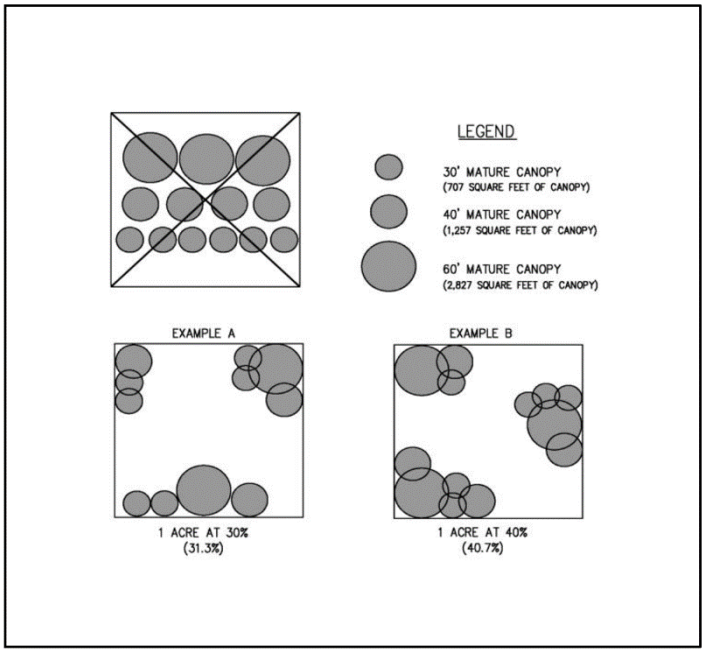
3. Required Tree Canopy - Non-Residential and Multi-Family Dwelling Developments

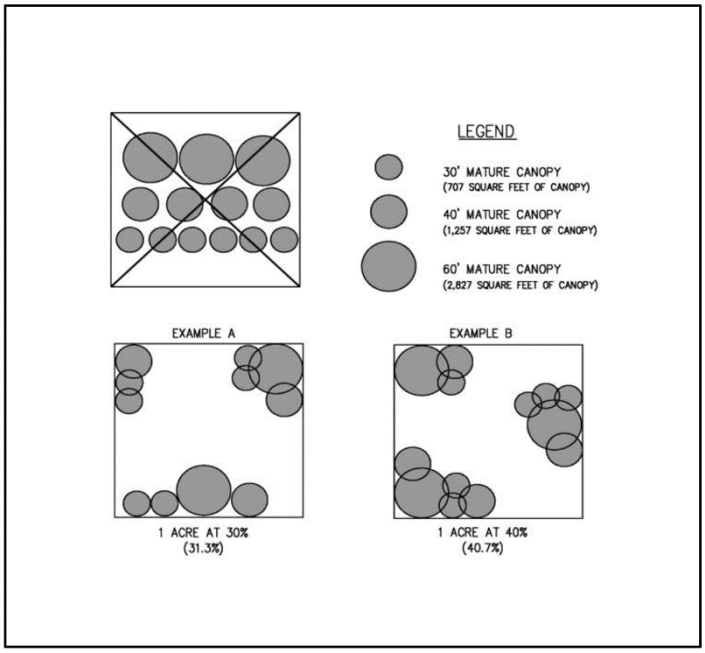
   Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of each tree. The expected mature canopy is counted 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 & ~~two family~~ duplex developments) subject to Residential Design Checklist or Type I review	Residential (single family detached & ~~two family~~ duplex 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*radius ^{2}) (This is the calculation to measure the square footage of a circle. The Mature Canopy is given in diameter. In gardening and horticulture reference books, therefore to get the radius you must divide the diameter in half.				
Canopy Calculation Example: Pin Oak Mature canopy = 35' (3.14159* 17.5 ^{2}) = 962 square feet				





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 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.

E. Tree Preservation Incentive

Retention of existing native trees on site which are in good health can be used to achieve the required mature canopy requirement of the development. The expected mature canopy can be calculated twice for existing trees. For example, if one existing tree with an expected mature canopy of 10 feet (78.5 square feet) is retained it will count as twice the existing canopy (157 square feet).

F. Additional Preservation Incentives

1. General Provisions. To assist in the preservation of trees, the City may apply one or more of the following flexible standards as part of the land use review approval. To the extent that the standards in this section conflict with the standards in other sections of this Title, the standards in this section shall apply except in cases where the City determines there would be an unreasonable risk to public health, safety, or welfare. Flexibility shall be requested by the applicant with justification provided within the tree preservation and protection report as part of the land use review process and is only applicable to trees that are eligible for credit towards the effective tree canopy cover of the site. A separate adjustment application as outlined in Section 16.84.030.A is not required.

2. Flexible Development Standards. The following flexible standards are available to applicants in order to preserve trees on a development site. These standards cannot be combined with any other reductions authorized by this code.

a. Lot size averaging. To preserve existing trees in the development plan for any Land Division under Division VII, lot size may be averaged to allow lots less than the minimum lot size required in the underlying zone as long as the average lot area is not less than that allowed by the underlying zone. No lot area shall be less than 80 percent of the minimum lot size allowed in the zone;

b. Setbacks. The following setback reductions will be allowed for lots preserving existing trees using the criteria in subsection (1) below. The following reductions shall be limited to the minimum reduction necessary to protect the tree.

(1) Reductions allowed:

(a.) Front yard - up to a 25 percent reduction of the dimensional standard for a front yard setback required in the base zone. Setback of garages may not be reduced by this provision.

(b.) Interior setbacks - up to a 40 percent reduction of the dimensional standards for an interior side and/or rear yard setback required in the base zone.

(c.) Perimeter side and rear yard setbacks shall not be reduced through this provision.

c. Approval criteria:

(1.) A demonstration that the reduction requested is the least required to preserve trees; and

(2.) The reduction will result in the preservation of tree canopy on the lot with the modified setbacks; and

(3.) The reduction will not impede adequate emergency access to the site and structure.

3. Sidewalks. Location of a public sidewalk may be flexible in order to preserve existing trees or to plant new large stature street trees. This flexibility may be accomplished through a curb-tight sidewalk or a meandering public sidewalk easement recorded over private property and shall be reviewed on a case by case basis in accordance with the provisions of the Engineering Design Manual, Street and Utility Improvement Standards. For preservation, this flexibility shall be the minimum required to achieve the desired effect. For planting, preference shall be given to retaining the planter strip and separation between the curb and sidewalk wherever practicable. If a preserved tree is to be utilized as a street tree, it must meet the criteria found in the Street Tree section, 16.142.060.

4. Adjustments to Commercial and Industrial development Standards. […]

G. Tree Protection During Development

The applicant shall prepare and submit a final Tree and Woodland Plan prior to issuance of any construction permits, illustrating how identified trees and woodlands will be retained, removed or protected as per the Notice of Decision. Such plan shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. At a minimum, trees to be protected shall have the area within the drip line of the tree protected from grading, stockpiling, and all other construction related activity unless specifically reviewed and recommended by a certified arborist or other qualified professional. Any work within the dripline of the tree shall be supervised by the project arborist or other qualified professional onsite during construction.

H. Penalties

Violations of this Section shall be subject to the penalties defined by Section 16.02.040, provided that each designated tree or woodland unlawfully removed or cut shall be deemed a separate offense.

(Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-009, § 2, 7-19-2011; Ord. 2006-021; Ord. 91-922, § 3)

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 ~~Two-Family~~Duplex) 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 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.

3. The City may determine that, regardless of B.1 through B.2, that certain trees or stands of trees may be required to be retained.

    a. If removal is proposed within a wetland, floodplain or protected through prior land use review per section 3.b. (1.) - (5.) below, the applicant shall submit documentation from a licensed qualified professional in natural resources management such as a wetland scientist, a botanist, or biologist, discussing the proposed tree removal and how it would or would not compromise the integrity of the resource. It shall also discuss the feasibility and practicality of tree removal relative to policies and standards of the City Comprehensive Plan, listed in section 3.b. below.

    b. The basis for such a City decision shall include; specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical relative to other policies and standards of the City Comprehensive Plan, and are:

        (1.) 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

        (2.) 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

        (3.) 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

        (4.) Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or

(5.) 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.

C. Non-Residential and Multi-family dwelling 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. Trees required by a land use decision after the effective date of this code can be removed. Any trees removed shall be replaced within six months of removing the tree with an appropriate tree for the area.
2. Trees that were not required by land use or planted prior to the effective date of this code can be removed after receiving approval from the City of Sherwood.
   a. Removal of up to 25 percent of the trees on site can be removed and replaced through a ~~t~~Type I review process. The applicant shall submit the following;
      (1.) A narrative describing the need to remove the trees,
      (2.) A plan showing the location of the trees and
      (3.) A replacement tree plan. One-half (1/2) of the number of trees removed shall be replaced. The replacement shall take place on site with similar trees within six months from the date of removal.
      (4.) Exemption to replacement. If less than one-half (1/2) of the trees removed will be replanted due to site crowding and constraints precluding the healthy growth of additional trees, a report from a qualified professional shall describe the site specific crowding or constraints, and provide a report to the City requesting the exemption in order to be exempt from replacing the removed trees.
   b. Removal of more than 25 percent of the trees on site can be removed and replaced through a type II review process. The applicant shall submit the following;
      (1.) An arborists report describing the need to remove the trees. The cause for removal must be necessitated by the trees,
      (2.) A plan showing the location of the tree and
      (3.) A replacement tree plan. Two-thirds of the number of trees removed shall be replaced on site with similar trees within six months from the date of removal.
      (4.) Exemption to replacement. If less than one-half (½) of the trees removed will be replanted due to site crowding and constraints precluding the healthy growth of additional trees, a report from a qualified professional shall describe the site specific crowding or constraints, and provide a report to the City requesting the exemption in order to be exempt from replacing the removed trees.
3. The City may determine that, regardless of C.1 through C.2, that certain trees or stands of trees may be required to be retained.
   a. The applicant shall submit documentation from a licensed qualified professional in natural resources management such as wetland scientist, botanist or biologist, discussing the proposed tree removal within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, listed in section 3.b. below.
   b. The basis for such a City decision shall include; specific findings that retention of 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:

(1.) 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

(2.) 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

(3.) 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

(4.) Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or

(5.) 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.

(Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-009, § 2, 7-19-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010)

Chapter 16.156 Commentary

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

The City may want to discuss this proposed approach to determine if that exemption is appropriate. Alternatives include:

- Apply to residential land divisions, and exempt infill development
- Apply to subdivisions that require dedication and construction of public streets

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 development in residential zones.

16.156.~~020~~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.~~0~~30040 - 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)

Division IX. - HISTORIC RESOURCES

Chapter 16.162 Commentary

The Old Town Overlay District is considered a Goal 5 protected area and the City can request exemption from HB2001 compliance on that basis. Therefore, no revisions are proposed to this section.

Edits to the townhome standards are proposed to reflect the revised definition of townhomes (as shared wall dwellings on separate lots) and deletion of Chapter 16.44.

Chapter 16.162 - OLD TOWN (OT) OVERLAY DISTRICT*

[…]

16.162.030 - Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Division VIII:

A. Uses permitted outright in the RC zone, Section 16.28.020; the HDR zone, Section 16.20.020; and the MDRL zone, Section 16.16.020; provided that uses permitted outright on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by this Section and Section 16.162.040.

(Ord. 2006-009 § 2)

B. In addition to the home occupations permitted under Section 16.42.020, antique and curio shops, cabinet making, arts and crafts galleries, artists cooperatives, and bookshops, are permitted subject to the standards of Chapter 16.42 and this Chapter, in either the underlying RC or MDRL zones.

C. Boarding and rooming houses, bed and breakfast inns, and similar accommodations, containing not more than five (5) guest rooms, in the underlying RC, HDR and MDRL zones.

D. Motels and hotels, in the underlying RC zone only.

E. Residential apartments when located on upper or basement floors, to the rear of, or otherwise clearly secondary to commercial buildings, in the underlying RC zone only.

F. Other similar commercial uses or similar home occupations, subject to Chapter 16.88.

G. Offices or architects, artists, attorneys, dentists, engineers, physicians, accountants, consultants and similar professional services.

H. Uses permitted outright in the RC zone are allowed within the HDR zone when limited to the first floor, adjacent to and within 100 feet of, Columbia Street within the Old Town Overlay District.

(Ord. 2002-1128 § 3; 94-990; 92-946; 87-859)

16.162.040 - Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Division VIII, and are approved in accordance with Chapter 16.82:

A. Uses permitted as conditional uses in the RC zone, Section 16.28.020, HDR zone, Section 16.20.020, and the MDRL zone, Section 16.16.020, provided that uses permitted as conditional uses on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by Section 16.162.030 and this Section.

B. Townhouses ~~(shared wall single-family attached)~~ on property zoned RC in the Old Cannery area subject to ~~Chapter 16.44 and the~~ HDR standards and Chapter 16.14. In addition, any garages shall use alley access. RC zone setback standards may be used in lieu of other applicable standards.

C. Public and commercial (non-accessory) parking within residential zoning districts when both of the following apply:

1. On May 1, 2016, no buildings existed on the property where the parking is to be located; and

2. The property has street frontage on an arterial and/or collector street as identified within the Sherwood Transportation System Plan.

(Ord. No. 2017-001, § 1, 4-4-2017; Ord. No. 2016-010, § 2, 6-21-2016; Ord. 2006-009 § 2; Ord. 2002-1128 § 3; 94-990; 92-946; 87-859)

16.162.050 - Prohibited Uses

The following uses are expressly prohibited in the OT overlay zone, notwithstanding whether such uses are permitted outright or conditionally in the underlying RC, HDR or MDRL zones:

A. Adult entertainment businesses.

B. Manufactured homes on individual lots.

C. Manufactured home parks.

D. Restaurants with drive-through.

(Ord. 2002-1128 § 3; 94-990; 92-946; 87-859)

E. Stand alone cellular or wireless communication towers and facilities. Co-location of existing legally permitted facilities is acceptable.

(Ord. 2006-009 § 2)

16.162.060 - Dimensional Standards

In the OT overlay zone, the dimensional standards of the underlying RC, HDR and MDRL zones shall apply, with the following exceptions:

A. Lot Dimensions - Minimum lot area (RC zoned property only): Twenty-five hundred (2,500) square feet.

B. Setbacks - Minimum yards (RC zoned property only): None, including structures adjoining a residential zone, provided that Uniform Building Code, Fire District regulations, and the site design standards of this Code, not otherwise varied by this Chapter, are met.

C. Height - The purpose of this standard is to encourage 2 to 4 story mixed-use buildings in the Old Town area consistent with a traditional building type of ground floor active uses with housing or office uses above.

Except as provided in Section 16.162.080, subsection C below, the maximum height of structures in RC zoned property shall be forty (40) feet (3 stories) in the "Smockville Area" and fifty (50) feet (4 stories) in the "Old Cannery Area". Limitations in the RC zone to the height of commercial structures adjoining residential zones, and allowances for additional building height as a conditional use, shall not apply in the OT overlay zone. However, five foot height bonuses are allowed under strict conditions. Chimneys, solar and wind energy devices, radio and TV antennas, and similar devices may exceed height limitations in the OT overlay zone by ten (10) feet.

Minimum height: A principal building in the RC and HDR zones must be at least sixteen (16) feet in height.

(Ord. 2006-009 § 2)

D. Coverage - Home occupations permitted as per Chapter 16.42 and Section 16.162.030 may occupy up to fifty percent (50%) of the entire floor area of all buildings on a lot.

END OF PROPOSED AMENDMENTS

DEVELOPMENT CODE CROSS REFERENCES TABLE

[Removed from draft]

September 7, 2021

RECEIVED
SEP 08 2021
City of Sherwood
Planning Dept.

To: Joy Chang - Senior Planner
Planning Department, City of Sherwood Oregon
22560 SW Pine Street
Sherwood, Oregon 97140

cc: Erika Palmer - Planning Manager
Julia Hajduk - Community Development Director

Re: Residential Design Standards

Dear Sherwood Planning,

We were invited and attended the Residential Design Standards Open House on 07/29/21. We appreciate the desire to make Sherwood a comfortable and healthy place to live. And we have some concerns about the additional design guidelines being developed to the state's new housing choice Bill 2001 program, and we would like to express some of our thoughts here.

First in attempting to understand the community's preferences, the VSP survey had only 219 people. This number is only about 1% of Sherwood's population and probably even a smaller percentage if you count all the people from surrounding communities who spend time in and value Sherwood. We believe it would be a mistake to make any design guide lines based on an almost meaningless number of people in Sherwood's growing population.

Second, Although the theme of "an opportunity to shape the look and feel of new neighborhoods and to create more transitional types of housing that are compatible within existing neighborhoods" seems admirable, the proposed added guidelines go to far without a proper or solid base of reason.

The added guidelines will result in arguments and constant reconsidering of rules because people disagree with seemingly arbitrary design rules based on taste.

The added guide has also made an unspecific assumption in, as we heard at the planning open house, that "we want to keep Sherwood Sherwood." This seems like a rather restrictive guide line, although if it used, then the plan should state more specifically what is "Sherwood". For example is it the Sherwood of a century ago and it's desire for brick, or the Sherwood of the 1950's and '60's with ranch houses and predominantly white inhabitants, or the Sherwood of the honored original inhabitants, the Tualatins, or should Sherwood be of the currently more and move culturally diverse and exciting community that it is becoming? Of course to pick and define period which is "Sherwood" seems impossible and certain to come up short. And an attempt to designate exactly what Sherwood is to look like might be of value to a small European town which exists only by tourism and it's view from the port, but not for the diverse economy and population of our city. And we believe the plan's current desire to keep things as they are because of current tastes will just stagnate every part of life in Sherwood and not allow the new discoveries and developments from happening that we will need in our built environment.

Third with this design guide plan, it seems the planning department is both reaching into areas that are already address by other rules, and they are not using what we think might be of their expertise. It

seems much of the guides for amounts of windows, doors, and such are already determined by building codes regarding light and ventilation, access, and fire and life safety. And the plan's attempt to add more layers on these with only perceived common tastes seems wasteful. Much energy will be put into these guidelines only to be thrown aside because of weak unsupported value.

It also seems that the city's planners may know from their education, more scientific or academic studies that show reasons to making guidelines for building and environmental design. For example, there may be studies of how humans react to various qualities of public space, semi-public space, semi-private space, and private space which could give us guidelines for designs of our streets, walks, porches, yards, and building walls. We believe the people of Sherwood might uphold design guidelines if they had a more scientific reason for a healthier environment.

In closing we feel Sherwood's current building design guidelines need much more thought and much more community input before laying down any rules.

Thank you very much,

Matt Schiewe & Marilyn Mays
15649 #2 SW Willamette St.
Sherwood, OR 97140
(Mailing address:)
7630 SW 89th Ave.
Portland, OR 97223

Joy Chang

From: Niki Munson <NMunson@riversidehome.com>
Sent: Monday, August 9, 2021 1:46 PM
To: Joy Chang; Jennifer Doty
Cc: Erika Palmer; Eric Rutledge; Matt Sprague; Wayne Hayson
Subject: RE: HB 2001 Project Info

Follow Up Flag: Follow up
Flag Status: Completed

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Well, then I guess I do have feedback for you ☺.

The cost of vertical house construction goes into a development pro forma when a developer is determining if a projects works or does not work. Architectural standards of the homes are a material component to the cost of vertical construction. Developers understand that all bets are off until land use is approved. By adopting a new architectural standard and then not allowing vesting of projects that received land use approval under older code, the City is moving a material goal post (to a developer) very late in the game. Our understanding in other jurisdictions is that the requirements of the vertical improvements are vested under the code that was in place at the time land use was approved. In this case, it is even worse, because the City has conditioned us to wait on another developer to finish before we can even begin site improvements.

I'd like to respectfully ask staff and Planning Commission to reconsider. Thanks for considering our position.

Niki Munson, Land Acquisition Manager
Riverside Homes
17933 NW Evergreen Place, Ste 370, Beaverton, OR 97006
503-645-0986 ext 104 (office) or 971-222-9965 (cell)

We are moving!
As of September 1, 2021 our new address will be:
15350 SW Sequoia Parkway, Suite 320
Portland, OR 97224

From: Joy Chang <ChangJ@SherwoodOregon.gov>
Sent: Monday, August 9, 2021 1:33 PM
To: Niki Munson <NMunson@riversidehome.com>; Jennifer Doty <JDoty@riversidehome.com>
Cc: Erika Palmer <PalmerE@SherwoodOregon.gov>; Eric Rutledge <RutledgeE@SherwoodOregon.gov>
Subject: RE: HB 2001 Project Info

Niki,

Currently, staff and the Planning Commission is not considering land use approval vesting allowances. As proposed, the Residential Design Standards will be implemented at the of Building Permit submittal.

Joy L. Chang
Senior Planner

DURING THIS TIME OF HEALTH EMERGENCY WE ARE ENCOURAGING THE USE OF EMAIL AND MAKING APPOINTMENTS WITH STAFF. THANK YOU FOR UNDERSTANDING

From: Niki Munson <NMunson@riversidehome.com>
Sent: Monday, August 9, 2021 1:23 PM
To: Joy Chang <ChangJ@SherwoodOregon.gov>; Jennifer Doty <JDoty@riversidehome.com>
Cc: Erika Palmer <PalmerE@SherwoodOregon.gov>; Eric Rutledge <RutledgeE@SherwoodOregon.gov>
Subject: RE: HB 2001 Project Info

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

Thanks Joy. I am adding our Marketing/Sales Manager, Jennifer Doty, to this email. Jennifer knows how our plans meet architectural standards in other jurisdictions and will have the most valuable feedback. I know glazing percentages can be difficult on skinnier house product.

I am waiting for Eric to confirm Riverside at Cedar Creek will be vested under the code that was in place when the land use approval was granted.

Niki Munson, Land Acquisition Manager
Riverside Homes
17933 NW Evergreen Place, Ste 370, Beaverton, OR 97006
503-645-0986 ext 104 (office) or 971-222-9965 (cell)

We are moving!
As of September 1, 2021 our new address will be:
15350 SW Sequoia Parkway, Suite 320
Portland, OR 97224

From: Joy Chang <ChangJ@SherwoodOregon.gov>
Sent: Monday, August 9, 2021 9:42 AM
To: Niki Munson <NMunson@riversidehome.com>
Cc: Erika Palmer <PalmerE@SherwoodOregon.gov>; Eric Rutledge <RutledgeE@SherwoodOregon.gov>
Subject: RE: HB 2001 Project Info

CAUTION - This message originated outside of the Company.
Niki,

Input on this project is always welcome. I'm available to further discuss the HB 2001 project with you at any time.

Joy L Chang
Senior Planner

City of Sherwood
22560 SW Pine St. Sherwood, OR 97140
O:503.625.4214 F:503-625-0629 C:971.979.5369
www.sherwoodoregon.gov
changj@sherwoodoregon.gov

DURING THIS TIME OF HEALTH EMERGENCY WE ARE ENCOURAGING THE USE OF EMAIL AND MAKING APPOINTMENTS WITH STAFF. THANK YOU FOR UNDERSTANDING

From: Eric Rutledge <RutledgeE@SherwoodOregon.gov>
Sent: Friday, August 6, 2021 10:57 AM
To: Niki Munson <NMunson@riversidehome.com>
Cc: Erika Palmer <PalmerE@SherwoodOregon.gov>; Joy Chang <ChangJ@SherwoodOregon.gov>
Subject: HB 2001 Project Info

Hi Niki,

Thanks for the call today. I'll be following up with Erika and Joy to answer your question regarding when the new residential design standards would be applied to subdivisions approved prior to the code being adopted. E.g. are the standards and code applied at the land division or building permit stage.

Erika and Joy – Niki is with Riverside Homes and may have some input on the HB 2001 update.

HB 2001 Project Page: https://www.sherwoodoregon.gov/planning/page/residential-design-standards-code-update-and-implementation-house-bill-2001-housing

Thanks,

Eric Rutledge
City of Sherwood
Associate Planner
rutledgee@sherwoodoregon.gov
Desk 503.625.4242
Work Cell 971.979.2315

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Testimony for Case File LU 2021-016 PA – Residential Design Standards

David Weekley Homes

Good Afternoon.

Below are some of our concerns about the proposed Sherwood Residential Design Standards

We will be building in the Reserve at Cedar Creek Community that is currently under development.

1. The typical lot at Reserve at Cedar Creek is 47 feet wide and 100 feet deep. Interior lots have side setbacks of 5 feet. So, the buildable width is 37.

A Corner lot has a setback of 14 feet. Which allows for a buildable width of 28 feet.

B. Garages and Off-Street Parking Areas

The width of all garages on the street- facing elevation shall not exceed 60% of the total width of that elevation. The width of the garage shall be measured from the edges of the finished exterior garage wall.

A 2-car garage door is 16'-3" – and that would meet the 60% requirement.

Garage finished exterior framing is typically 18'-4" – width allows a foot on either side of the garage door.

With a 28' wide home there is no way to comply with this requirement. That would force us to go to a 1 car garage. Which no one wants to buy, and it will cause parking congestion in the community – since only 1 car would fit in a driveway.

a. We know of no other jurisdiction that measures the garage door in this manner.

2. E. House Plan Variety. We inquired how the city would track the elevation reuse in a community. The response was that the city was considering requiring a master elevation plan for the entire community. We prefer to allow our customers to pick the lot plan and elevation they prefer; we would adhere to the spacing requirements but do want to maintain maximum flexibility to meet our customers' expectations for their dream home.

3. How to determine the garage location –the Reserve at Cedar Creek Community is set up with a 14' front set back and an additional 6' to the garage face. The driveway is 20' which allows a car to park

and not overhang the sidewalk. We would like clarification that the street facing elevation of the primary dwelling structure would be to a porch if that element is included in the design.

4. Windows

We would request a change to the front window glazing to 12% instead of 15%. Customers do not like full glass front doors and achieving 15% glazing can be difficult with a front facing garage door.

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

ORDINANCE 2021-010

AMENDING SECTIONS OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE FOR RESIDENTIAL DESIGN STANDARDS

WHEREAS, the Sherwood Planning Commission had discussed the need for residential design standards for many years; and

WHEREAS, the Sherwood Planning Commission identified the adoption of residential design standards as part of the Sherwood 2040 project; and

WHEREAS, the community's desire for residential design standards were reinforced through the Visual Preference Survey and Virtual Open House; and

WHEREAS, the proposed amendments are for clear and objective design standards that would allow the development community a clear path in meeting the required design standards, making it feasible for more housing construction; and

WHEREAS, the Planning Commission (acting as the Advisory Committee for this project) have conducted 15 Planning Commission work sessions on the proposed Residential Design Standards.

WHEREAS, Sherwood City Council held two work session briefings on the proposed Residential Design Standards.

WHEREAS, at its meeting on October 26, 2021, the Planning Commission conducted a public hearing, considered proposed clear and objective Residential Design 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 November 16, 2021.

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 16th of November, 2021.

Keith Mays, Mayor Date

Attest:

Sylvia Murphy, MMC, City Recorder

	AYE	NAY
Scott	____	____
Griffin	____	____
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.

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Division I. - GENERAL PROVISIONS

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 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.
- **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.
- **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.

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.

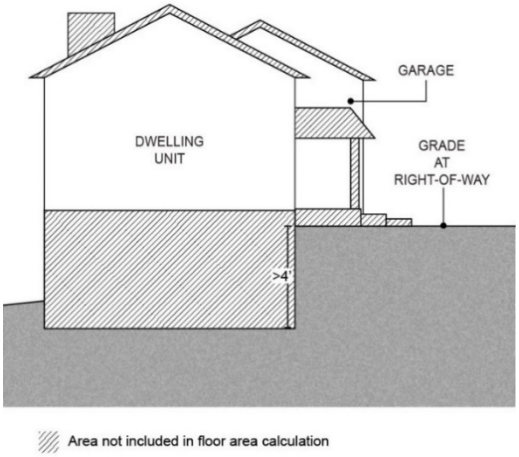
Façade, Street-Facing: The wall planes of a structure that are visible from, and at an angle of 45 degrees or less to, a front lot line or street side lot line. Angle measurements for curved front or street side lot lines shall be based on a straight line connecting the opposing lot corners of the front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

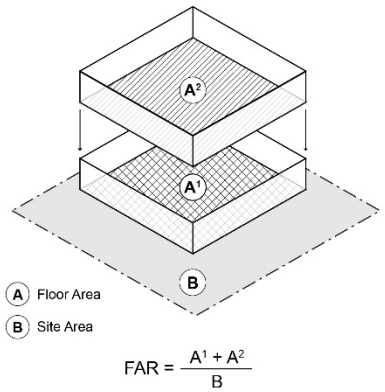
- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way;
- Roof area, including roof top parking;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height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

Figure 1. Areas Excluded from Floor Area Calculation



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.

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.

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]

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.]

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 (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. [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. [Figure 8-5a of the Transportation System Plan illustrates the cross-sections of a frontage or backage road.]

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. [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. [Figures 8-2 and 8-3b in the Transportation System Plan illustrates the principal arterial cross-section].

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

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.

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 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.

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.

(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. 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. 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. 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. Minor land partitions shall be exempt from the minimum density requirement.

(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	N	P	P	P
• Multi-Family Dwellings	N	N	N	P	P
• Townhomes	N	N	N	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 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 development is 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
• 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	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 ~~1~~2: (in feet)						
• Single Family Detached; Duplex;	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) ~~2~~3						

~~1~~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.

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[~~3~~4]	50	50	50	50	55	60
Setbacks (in feet)						
• Front yard [5]	30	20	20	14	14	14
• Face of garage	35	20	20	20	20	20
• Interior side yard [6]						
• Single-Family Detached; Duplex	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; Townhome	20	20	20	15	15	15

Development Standard by Residential Zone-	VLDR	VLDR-PUD	LDR	MDRL	MDRH	HDR
• Multi-Family Dwelling	X	X	X	X	20	30
• Rear yard	20	20	20	20	20	20
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
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 - 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. 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.

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.	Garages should not be a dominant feature of the front residential elevation. Garage doors should be articulated to reduce their visual impact.

Design Standard **(Objective Process)**	**Design Guideline** **(Discretionary Process: Residential Design Review)**
2. The width of all garages on the street-facing elevation shall not exceed 60 percent of the total width of that 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
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 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 design[1]	
1. All single detached dwellings, and duplexes 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	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.

Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
below. The other two required elements may come from any subsection (a through e) 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. c. Window elements:	

Design Standard **(Objective Process)**	**Design Guideline** **(Discretionary Process: Residential Design Review)**
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	

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.	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. 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.

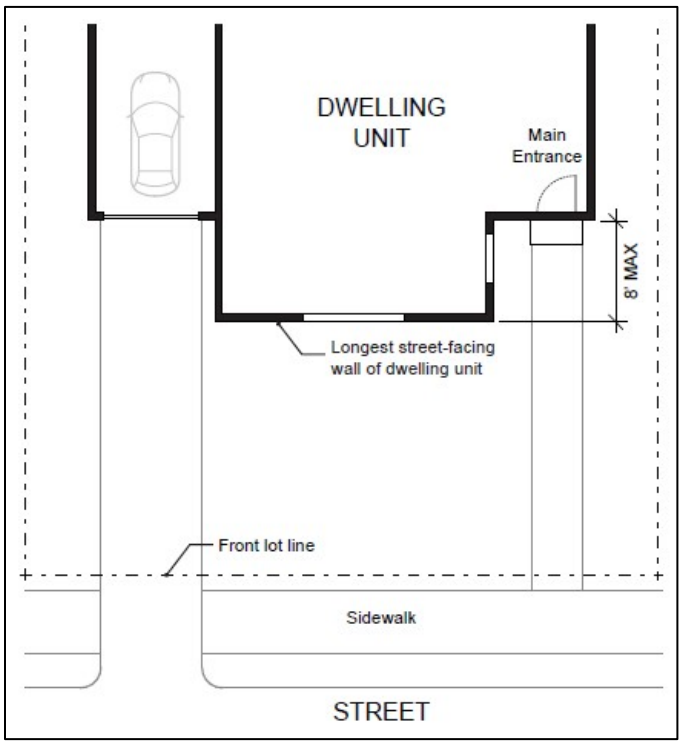
Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
same materials. This standard does not require or prohibit any combination of materials; it only requires that plans not repeat or mirror one another. 4. Articulation. The plans have different offsets, 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

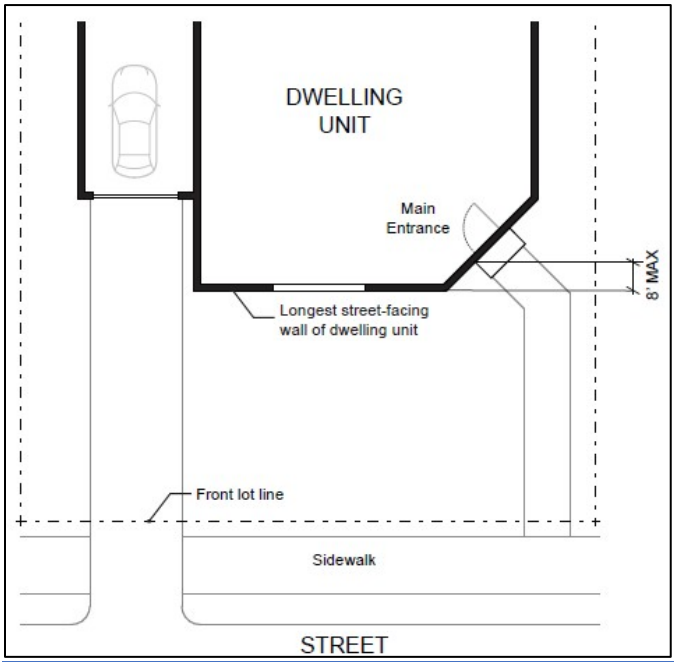
Notes:

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.

D. Illustrations

Figure 3. Entry Location and Orientation – Main Entrance





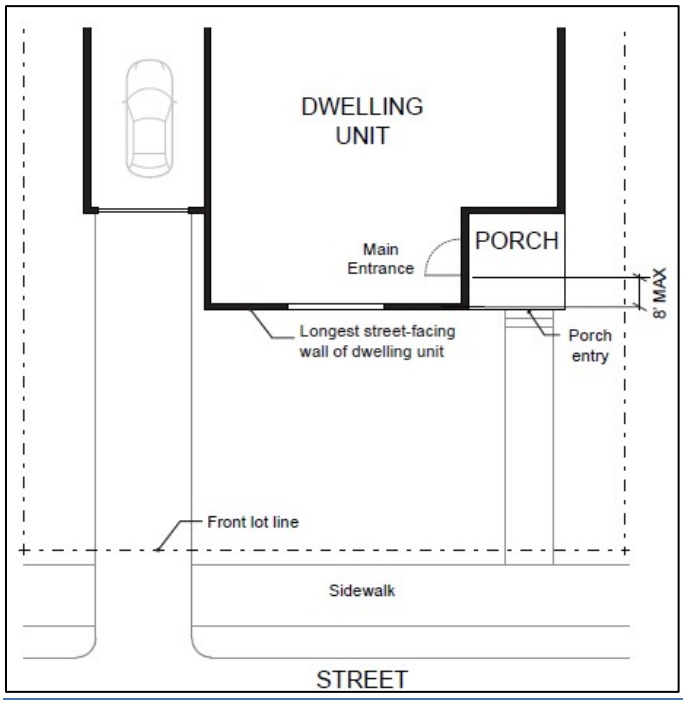


Figure 4. Entrance Location and Orientation – Triplex and Quadplex with Attached Interior Units

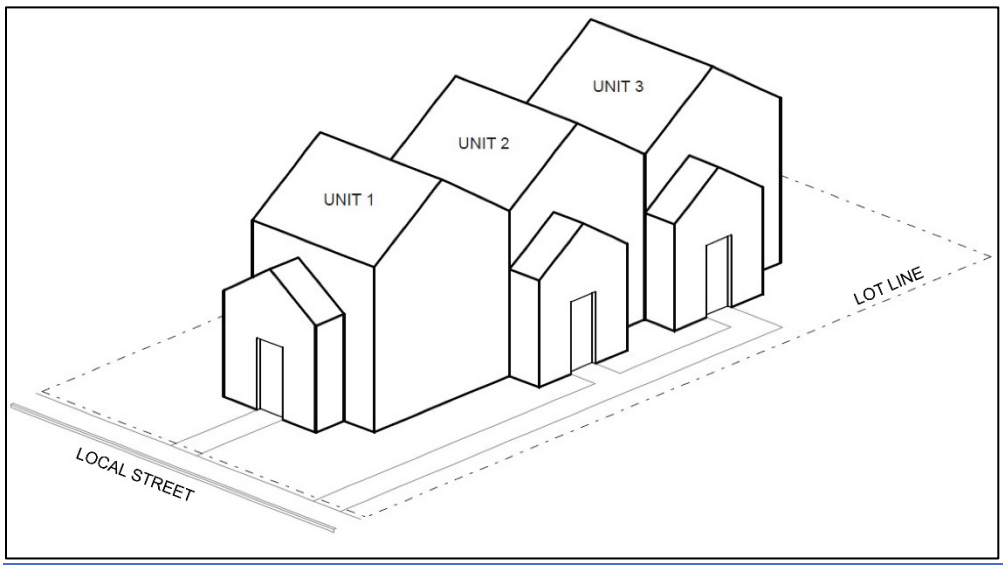


Figure 5. Example Entrance Location and Orientation – Side-by-Side or Stacked Units

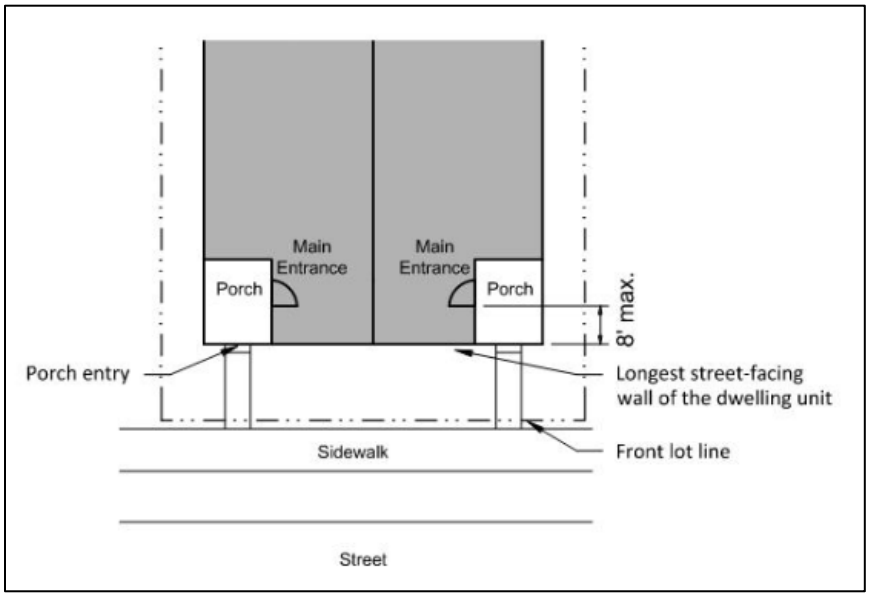


Figure 6. Window Coverage Calculations

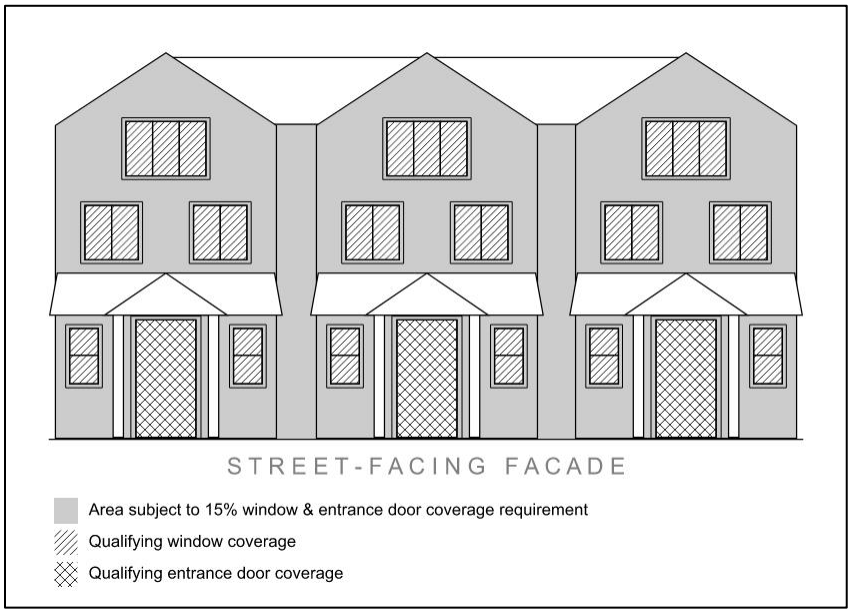


Figure 7. Example of Detailed Design – Single Detached (5 elements required)

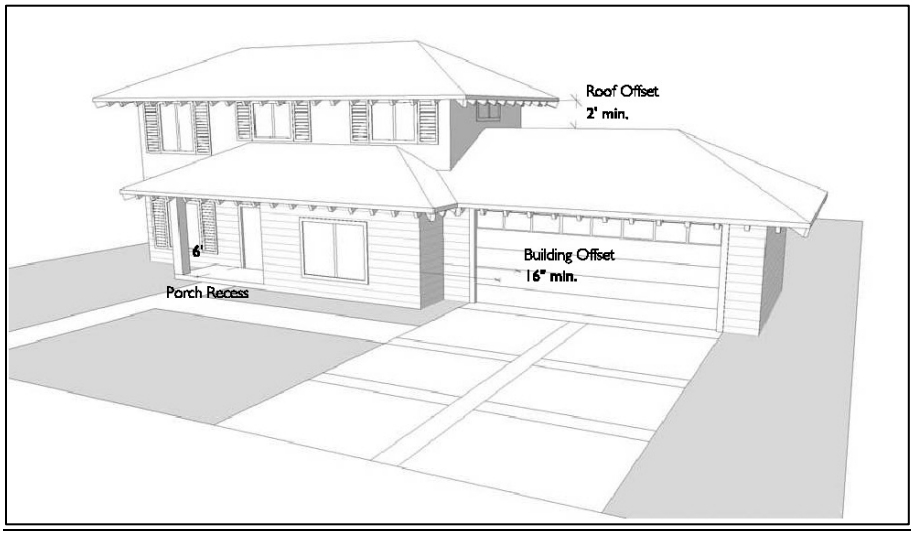
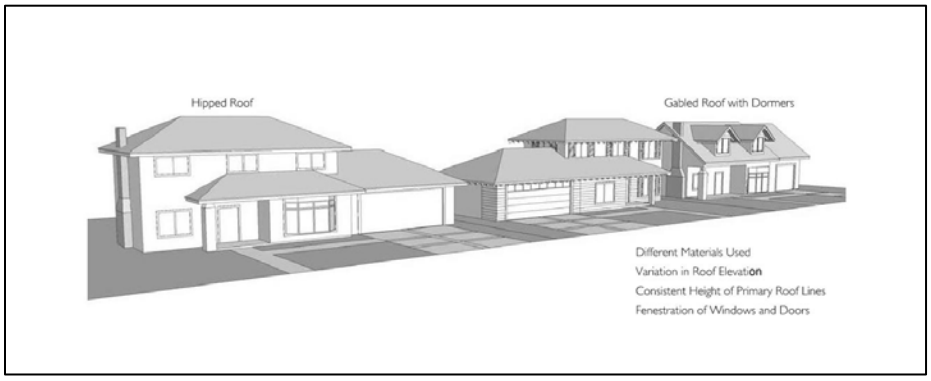


Figure 8. Example of Detailed Design -Townhome (2 elements required)

Figure 9. House Plan Variety – Single Detached



16.14.020 – Additional Townhome Design Standards

A. Generally

Townhomes are located in groups known as "townhome blocks," which consist of no less than two (2) attached dwellings and no more than six (6) attached dwellings on their own lots.

B. Building Mass

The minimum number of attached townhomes is two (2); the maximum number of consecutively attached townhomes shall not exceed six (6) units. Each of these groups is a Townhome Block.

C. Garages

Townhomes with frontage on a public street shall meet the following standards:

1. Garages on the front façade of a townhome, off-street parking areas in the front yard, and driveways in front of a townhome are prohibited unless the following standards are met.
    a. Each townhome lot has a street frontage of at least 20 feet on a street.
    b. A maximum of one (1) driveway approach is allowed for every townhome. Driveways may be shared.
    c. Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.
    d. The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.

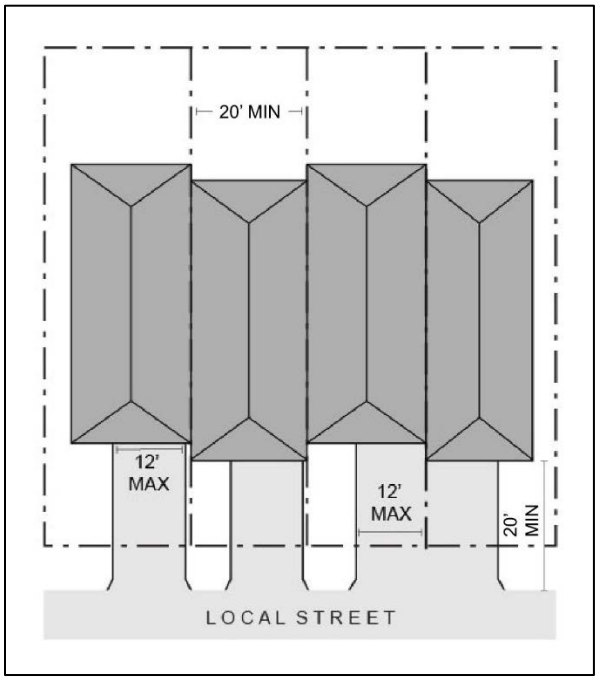
D. Designation of Access/Alleys: Townhomes shall receive vehicle access only from the front or rear lot line exclusively, not both. If alleys are used for access they shall be created at the time of subdivision approval and built to City standards as illustrated in the Transportation System Plan.

1. Alley loaded garages shall be set back a minimum five feet to allow a turning radius for vehicles and provide a service area for utilities.
2. If garages face the street, the garage doors shall be recessed behind the front elevation (living area, covered porch, or other architectural feature) by a minimum of one (1) foot.

E. Vehicular Circulation: All streets shall be constructed in accordance with applicable City standards in the Transportation System Plan.

(Ord. No. 2017-001, § 1, 4-4-2017; Ord. No. 2011-009, § 2, 7-19-2011; Ord. 2002-1126, § 2)

Figure 10. Townhome Garages



Chapter 16.22 - COMMERCIAL LAND USE DISTRICTS

[…]

D. Additional limitations for specific uses are identified in the footnotes of this table.

	OC	NC [1]	RC	GC
RESIDENTIAL				
• Multi-Family dwelling housing, subject to the dimensional requirements of the High Density Residential (HDR) zone in 16.12.030 when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.	P	P	P	P

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

B. Content

The Preliminary Development Plan application shall include the following documentation:

1. Existing conditions map(s) showing: All properties, existing uses, and zoning districts within three hundred (300) feet, topography at five (5) foot intervals, floodplain, significant natural vegetation and

features, private and public facilities including but not limited to utilities, streets, parks, and buildings, historic and cultural resources, property boundaries, lot lines, and lot dimensions and area.

2. Listing of all property owners adjacent to the proposed PUD as per Section 16.72.020, including names and addresses, and a listing of all persons, including names and addresses, with an interest in the property subject to the PUD application.
3. Proposal map(s) showing: Alterations to topography, floodplain, natural vegetation, trees and woodlands, and other natural features, all streets, utility alignments and easements, parks and open space, historic and cultural resources, other public and utility structures, and any other dedicated land features or structures, the parceling, lot consolidation, adjustments, or subdivision of land including basic parcel dimensions and areas, the phasing of the PUD, siting and orientation of proposed new structures, including an identification of their intended use.
4. Narrative describing: the intent of the PUD and how general PUD standards as per this Chapter are met, details of the particular uses, densities, building types and architectural controls proposed, form of ownership, occupancy and responsibility for maintenance for all uses and facilities, trees and woodlands, public facilities to be provided, specific variations from the standards of any underlying zoning district or other provisions of this Code, and a schedule of development.
5. If the PUD involves the subdivision of land, the proposal must also include a preliminary subdivision plat and meet all requirements of Chapter 16.120. The preliminary subdivision will be processed concurrently with the PUD.
6. Architectural Pattern Book: A compendium of architectural elevations, details, and colors of each building type shall be submitted with any PUD application. The designs shall conform to the site plan urban design criteria in Section 16.90.020(G) or any other applicable standards in this Code. A pattern book shall act as the architectural control for the homeowner's association or the commercial owner. An Architectural Pattern Book shall address the following:
    a. Illustrative areas within the development application covered by the pattern book.
    b. An explanation of how the pattern book is organized, and how it is to be used.
    c. Define specific standards for architecture, color, texture, materials, and other design elements.
    d. Include a measurement or checklist system to facilitate review of the development for conformity with the pattern book.
    e. Include the following information for each building type permitted outright or conditionally proposed in the PUD:
        (1) Massing, facades, elevations, roof forms, proportions, materials, and color palette.
        (2) Architectural relevance or vernacular to the Pacific Northwest.
        (3) Doors, windows, siding, and entrances, including sash and trim details.
        (4) Porches, chimneys, light fixtures, and any other unique details, ornamentation, or accents.
        (5) A fencing plan with details that addresses the relationship between public space and maintaining individual privacy subject to Section 16.58.020.

***

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, 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.

***

C. Development Standards

***

3. Minimum Lot Size and Setbacks

The minimum lot size and setbacks shall be consistent with the provisions in the underlying zone with the exceptions listed below:

a) Where there are multiple zones within a single PUD, lot sizes and setbacks shall meet the following:
    1) Lots on the perimeter boundary of the PUD shall be consistent with the underlying zone.
    2) All remaining lots, not on the perimeter boundary of the PUD, may utilize the provision of average lot size of the underlying zones.

Chapter 16.44 - TOWNHOMES* (Deleted per Ordinance 2022-…)

Chapter 16.52 - ACCESSORY DWELLING UNITS

16.52.010 - Purpose

An accessory dwelling unit (ADU) is a habitable living unit that provides the basic requirements for shelter, heating, cooking and sanitation. The purpose of an ADU is to provide homeowners with a means of obtaining rental income, companionship and security. ADUs provide Sherwood residents another affordable housing option and a means to live independently.

(Ord. No. 2019-003, § 2, 3-5-2019; Ord. 2000-1108, § 3)

16.52.020 - Requirements for all accessory dwelling units

All accessory dwelling units must meet the following standards:

A. Creation: One accessory dwelling unit per single-family detached dwelling may only be created through the following methods:

1. Converting existing living area, attic, basement or garage;
2. Adding floor area;
3. Constructing a detached ADU on a site with an existing house;
4. Constructing a new house with an internal or detached ADU.

B. Location of entrances: The entrance to a detached ADU shall not be visible from the street that the primary residence is addressed from.

C. Parking: No off-street parking is required for an Accessory Dwelling Unit. [1]

D. Floor area: The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 800 square feet.

E. Setbacks and dimensional requirements: The ADU shall comply with the setback and dimensional requirements of the underlying zone. A detached ADU shall only be located in the rear yard or above a detached garage.

F. Design and appearance:

Height: The height of a detached ADU shall be no higher than the primary residence.

A detached and attached ADU shall meet the following standards for design and appearance.

Design and appearance standards: Detached ADUs must meet one option from each row below:

Exterior finish materials	Must be the same or visually match in type, size and placement, the exterior finish material of the primary structure	OR	Siding made from wood or composite boards. Horizontal lap siding between three (3) to eight (8) inches wide (the visible portion once installed).
Roof pitch	Predominant roof pitch must be the same as the predominant roof pitch of the primary structure	OR	Roof pitch must be at least 6/12

Trim	Must be the same in type, size, and location as the trim used on the primary structure	OR	All window trim must be at least 3 inches wide
Eaves	Same projection distance as primary structure	OR	All eaves project at least 12 inches from the building walls

[1] Per 2017 Senate Bill 1051 and 2019 House Bill 2001

Chapter 16.60 - YARD REQUIREMENTS

[…]

16.60.040 - Lot Sizes and Dimensions

A. If a lot or parcel, or the aggregate of contiguous lots or parcels, recorded or platted prior to the effective date of this Code, has an area or dimension which does not meet the requirements of this Code, the lot or aggregate lots may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located.

B. Exceptions

1. Residential uses are limited to the number of dwelling units consistent with the density requirements of the zone. However, a dwelling cannot be built on a lot with less area than thirty-two hundred (3,200) square feet, except for townhomes, and as provided in Chapter 16.68.

2. Yard requirements of the underlying zone may be modified for infill developments as provided in Chapter 16.68 (Infill Development).

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

Chapter 16.64 - DUAL USE OF REQUIRED SPACE* (Deleted per Ordinance 2021-_____)

Division III. - ADMINISTRATIVE PROCEDURES

Chapter 16.70 - GENERAL PROVISIONS

16.70.030 - Application Requirements

A. Form

Any request for a land use action shall be made on forms prescribed and provided by the City and shall be prepared and submitted in compliance with this Code. A land use application shall be reviewed against the standards and criteria effective at the time of application submittal. Original signatures from all owners or their legal representative must be on the application form.

B. Copies

To assist in determining the compliance of proposed land use actions with the Comprehensive Plan and provisions of this Code, applicants shall submit one (1) complete electronic copy of the full application packet, one reduced (8½ × 11) copy of the full application packet and the required number of hard copies as outlined on the applicable forms prescribed and provided by the City.

C. Content

1. In addition to the required application form, all applications for Residential Design Checklist approval must include the following:
    a. Residential Design Checklist.
    b. Building elevations including enough detail to confirm conformance with the design standards of Chapter 16.14.
2. In addition to the required application form, all applications for Type I approval must include the following:
    a. Appropriate fee(s) for the requested land use action required based on the City of Sherwood Fee Schedule.
    b. Tax Map showing property within at least 300 ft. with scale (1" = 100' or 1" = 200'), north arrow, date, and legend
    c. Vicinity Map
3. In addition to the required application form, all applications for Type II-V land use approval must include the following:
    a. Appropriate fee(s) for the requested land use action required based on the City of Sherwood Fee Schedule.
    b. Documentation of neighborhood meeting per 16.70.020.
    c. Tax Map showing property within at least 300 feet with scale (1" = 100' or 1" = 200') north point, date and legend.
    d. Two (2) sets of mailing labels for property owners of record within 1,000 feet of the subject site, including a map of the area showing the properties to receive notice and a list of the property owners, addresses and tax lots. Ownership records shall be based on the most current available information from the Tax Assessor's office.
    e. Vicinity Map showing a minimum radius of 500 feet around the property and the closest intersection of two Principal Arterial, Arterial, Collector or Neighborhood roads.
    f. A narrative explaining the proposal in detail and a response to the Required Findings for Land Use Review for the land use approval(s) being sought.

g. Two (2) copies of a current preliminary title report.

h. Existing conditions plan drawn to scale showing: property lines and dimensions, existing structures and other improvements such as streets and utilities, existing vegetation, any floodplains or wetlands and any easements on the property.

i. Proposed development plans sufficient for the Hearing Authority to determine compliance with the applicable standards. Checklists shall be provided by the City detailing information typically needed to adequately review specific land use actions.

j. A traffic study, if required by other sections of this Code.

k. Other special studies or reports that may be identified by the City Manager or his or her designee to address unique issues identified in the pre-application meeting or during project review including but not limited to:

1) Wetland assessment and delineation;

2) Geotechnical report;

3) Traffic study;

4) Verification of compliance with other agency standards such as CWS, DSL, Army Corps of Engineers, ODOT, PGE, BPA, Washington County.

l. Plan sets must have:

1) The proposed name of the development. If a proposed project name is the same as or similar to other existing projects in the City of Sherwood, the applicant may be required to modify the project name.

2) The name, address and phone of the owner, developer, applicant and plan producer.

3) North arrow,

4) Legend,

5) Date plans were prepared and date of any revisions

6) Scale clearly shown. Other than architectural elevations, all plans must be drawn to an engineer scale.

7) All dimensions clearly shown.

2. Exemptions can be made when items in 16.70.030.C.1 are not necessary in order to make a land use decision, such as for text amendments to the development code. Additional written documentation may be necessary to adequately demonstrate compliance with the criteria.

(Ord. No. 2018-007, § 2, 10-2-2018; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3)

Chapter 16.72 - PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 - Generally

A. Classifications

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all ministerial, administrative, and quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

1. Residential Design Checklist Review

The Community Development Director, or designee, without public notice and without a public hearing, makes ministerial decisions through the Residential Design Checklist Review procedure. Ministerial decisions are those where City standards and criteria do not require the exercise of discretion (i.e., they are clear and objective standards).

The Community Development Director, or designee, reviews proposals for all residential housing types, except for multi-dwelling development that are subject to Section 16.90, requiring a clear and objective review using the Residential Design Checklist. The Residential design Checklist is a preliminary review that is intended to ensure a project proposal meets the basic requirements of Chapter 16.14 before more detailed plans are prepared and before the City authorizes the Building Official to issue a building permit.

2. Type I

The following administrative actions shall be subject to a Type I review process:

a. Signs;

b. Property line adjustments;

c. Interpretation of similar uses;

d. Temporary uses;

e. Final subdivision and partition plats;

f. Final site plan review;

g. Time extensions of approval, per Sections 16.90.020; 16.124.010;

h. Class A home occupation permits;

i. Interpretive decisions by the city manager or his/her designee;

j. Tree removal permit—Street trees over five inches DBH, per section 16.142.050.B.2 and 3;

k. Adjustments;

l. Re-platting, lot consolidations and vacations of plats;

m. Minor modifications to approved site plans;

n. Accessory dwelling units;

o. Residential Design Checklist Review with Adjustment

3. Type II

The following administrative actions shall be subject to a Type II review process:

a. Land Partitions (creation of 3 or fewer lots within 1 calendar year)

b. Expedited Land Divisions - The Community Development Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Community Development Director if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.

c. "Fast-track" Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to a Conditional Use Permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010.A.4.

d. "Design Upgraded" Site Plan review, defined as those site plan applications which propose between 15,001 and 40,000 square feet of floor area, parking or seating capacity and which propose a minimum of eighty percent (80%) of the total possible points of design criteria in the "Commercial Design Review Matrix" found in Section 16.90.020.D.6.d.

e. Industrial "Design Upgraded" projects, defined as those site plan applications which propose between 15,001 and 60,000 square feet of floor area, parking or seating capacity and which meet all of the criteria in Section 16.90.020.D.7.b.

f. Homeowner's association street tree removal and replacement program extension.

g. Class B Variance

h. Street Design Modification

i. Subdivisions between 4—10 lots

j. Medical marijuana dispensary permit

k. Residential Design Checklist Review with Class B Variance

4. Type III

The following quasi-judicial actions shall be subject to a Type III review process:

a. Conditional Uses

b. Site Plan Review — between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010.A.

c. Subdivisions between 11—50 lots.

5. Type IV

The following quasi-judicial actions shall be subject to a Type IV review process:

a. Site Plan review and/or "Fast Track" Site Plan review of new or existing structures in the Old Town Overlay District.

b. All quasi-judicial actions not otherwise assigned to a Hearing Authority under this section.

c. Site Plans — Greater than 40,000 square feet of floor area, parking or seating capacity.

d. Site Plans subject to Section 16.90.020.D.6.f.

e. Industrial Site Plans subject to Section 16.90.020.D.7.b.

f. Subdivisions — over 50 lots.

g. Class A Variance

h. Residential Design Review

6. Type V

The following legislative actions shall be subject to a Type V review process:

a. Plan Map Amendments

b. Plan Text Amendments

c. Planned Unit Development — Preliminary Development Plan and Overlay District.

B. Hearing and Appeal Authority

1. The Hearing and Appeal Authorities shall be as follows:

a. The Residential Design Checklist review authority is the Community Development Director or their designee. The decision is final on the date it is signed by the Community Development Director. It is not a land use decision as defined by ORS 197.015, and therefore is not subject to local appeal or appeal to the state Land Use Board of Appeals (LUBA).

b. The Type I Hearing Authority is the Community Development Director and the Appeal Authority is the Planning Commission.

(1) The Community Development Director 's decision shall be made without public notice or public hearing. Notice of the decision shall be provided to the applicant.

(2) The applicant may appeal the Community Development Director's decision.

c. The Type II Hearing Authority is the Community Development Director and the Appeal Authority is the Planning Commission.

(1) The Community Development Director 's decision shall be made without a public hearing, but not until at least fourteen (14) days after a public notice has been mailed to the applicant and all property owners within 1,000 feet of the proposal. Any person may submit written comments to the Community Development Director which address the relevant approval criteria of the Zoning and Development Code. Such comments must be received by the Planning Department within fourteen (14) days from the date of the notice.

(2) Any person providing written comments may appeal the Community Development Director 's decision.

d. The Type III Hearing Authority is the Hearings Officer and the Appeal Authority is the Planning Commission.

(1) The Hearings Officer shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.

(2) Any person who testified before the Hearings Officer at the public hearing or submitted written comments prior to the close of the record may appeal the Hearings Officer's decision.

e. The Type IV Hearing Authority is the Planning Commission and the Appeal Authority is the City Council.

(1) The Planning Commission shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.

(2) Any person who testified before the Planning Commission at the public hearing or submitted written comments prior to the close of the record may appeal the Planning Commission's decision.

f. The Type V Hearing Authority is the City Council, upon recommendation from the Planning Commission and the Appeal Authority is the Land Use Board of Appeals (LUBA).

g. Review by Council

(1) Review of a decision by a Hearing Authority may be initiated by the City Council when the Council determines that:

a. The matter involves important issues of policy; and

b. The original decision likely involves errors of law or was not supported by substantial evidence.

(2) Review by Council must be initiated by resolution of the City Council within fourteen (14) calendar days after the date of mailing of the final written decision of the Hearing Authority. Any City Council resolution calling a decision up for review shall specify whether the City Council will review the decision called up on the record or de novo and whether it intends to limit the issues on review to certain specified issues.

(3) Approval of such a resolution shall stay the original decision until the decision on review has become final. No right or benefit accorded by the original decision may be exercised until the decision on review has become final.

(4) Review shall include a public hearing conducted by the City Council. Except as otherwise provided in this Section, the public notice and hearing procedures shall be the same as the procedures used in initially taking the action which is being reviewed.

(5) The City Council may act to affirm, reverse, remand, or amend the action being reviewed. The action of the City Council shall be the final City of Sherwood action on the application, unless remanded to the Hearing Authority. Upon remand, the decision of the Hearing Authority shall be the final City of Sherwood action. The decision upon Council review shall become final on the date when written notice of the decision is mailed to persons entitled to notice of the decision.

2. Each quasi-judicial development permit application shall potentially be subject to two (2) levels of review, with the first review by a Hearing Authority and the second review, if an appeal is filed, by an Appeal Authority. The decision of the Hearing Authority shall be the City's final decision, unless an appeal is properly filed within fourteen (14) days after the date on which the Hearing Authority took final action. In the event of an appeal, the decision of the Appeal Authority shall be the City's final decision.

3. Each Type V legislative land use action shall be reviewed at a public hearing by the Planning Commission with a recommendation made to the City Council. The City Council shall conduct a public hearing and make the City's final decision.

C. Approval Criteria

1. The approval criteria for each development permit application shall be the approval standards and requirements for such applications as contained in this Code. Each decision made by a Hearing Authority or Appeal Authority shall list the approval criteria and indicate whether the criteria are met. It is the applicant's burden to demonstrate to the Hearing Authority and Appeal Authority how each of the approval criteria are met. An application may be approved with conditions of approval imposed by the

Hearing Authority or Appeal Authority. On appeal, the Appeal Authority may affirm, reverse, amend, refer, or remand the decision of the Hearing Authority.

2. In addition to Section 1 above, all Type IV quasi-judicial applications except Residential Design Review shall also demonstrate compliance with the Conditional use criteria of Section 16.82.020.

(Ord. No. 2019-003, § 2, 3-5-2019; Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-011, § 1, 10-4-2011; Ord. No. 2011-003, § 2, 4-5-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2010-05, § 2, 4-6-2010; Ord. No. 2009-005, § 2, 6-2-2009; Ord. 2003-1148, § 3; 2001-1119; 99-1079; 98-1053)

Chapter 16.76 - APPEALS*

16.76.010 - Generally

[…]

16.76.020 - Appeal Deadline

Land use actions taken pursuant to this Code shall be final unless a petition for review is filed with the Community Development Director not more than fourteen (14) calendar days after the date on which the Hearing Authority took final action on the land use application, and written notice of the action has been mailed to the address provided by the person in the record. If the person did not provide a mailing address, then the appeal must be filed within fourteen (14) calendar days after the notice has been mailed to persons who did provide a mailing address.

(Ord. 2003-1148, § 3; 2001-1119; 91-922)

Division IV. - PLANNING PROCEDURES

Chapter 16.84 - VARIANCES

[…]

16.84.030 - Types of Variances

As provided in this Section, there are three types of variances: Adjustments, Class A variance and Class B variance; the type of variance required depends on the extent of the variance request and the discretion involved in the decision making process.

A. Adjustments

1. Generally and Approval Process: The following Adjustments and Residential Design Checklist with Adjustment are reviewed using a Type I procedure, as governed by Chapter 16.72, using the approval criteria in Subsection 2, below:

   a. Front yard setbacks Up to a 10 percent change to the front yard setback standard in the land use district.

   b. Rear yard setbacks Up to a 10 percent reduction of the dimensional standards for the rear yard setbacks required in the base land use district so long as the three foot setback is maintained based on Building Code requirements where applicable.

   c. Interior side yard setbacks: Adjustments to interior side yard setbacks for all residential housing types are not allowed.

   d. Landscape area Up to a 10 percent reduction in landscape area (overall area or interior parking lot landscape area.

   e. A 5 percent increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section and not applicable at the time of the subdivision or partition approval.

   f. Up to a 5 percent adjustment to one or more of the residential design standards of Section 16.14, Table 16.14-1.A-C (no adjustments to the Detailed Design standards in 16.14, Table 16.14-1.D are permitted).

2. Approval Criteria: Adjustments subject to the provisions of this section shall be granted if the applicant demonstrates compliance with all of the following criteria:

   a. The adjustment requested is required due to the lot configuration, or other conditions of the site;

   b. The adjustment does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;

   c. The adjustment will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate adjustment request.

   d. An application for an adjustment is limited to one lot or parcel per application.

   e. No more than three adjustments may be approved for one lot or parcel in 12 months.

B. Class B Variances

1. Generally

   a. The Class B variance standards apply to individual platted and recorded lots only.

   b. A variance shall not be approved that would vary the "permitted uses" or "prohibited uses" of a land use zoning district.

c. Front yard setbacks: Up to a 20 percent change to the front yard setback standard in the land use district.

d. Rear yard setbacks: Up to a 20 percent reduction of the dimensional standards for the rear yard setbacks required in the base land use district so long as the three foot setback is maintained if required by the Building Code requirements.

e. Interior side yard setbacks: Variances to interior side yard setbacks for all residential housing types are not allowed.

f. A 20% or less increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section.

g. Between 5 percent and 10 percent adjustment to one or more of the residential design standards of Section 16.14, Table 16.14-1.A-C .

2. Approval Process: Class B variances and Residential Design Checklist with Class B Variance shall be reviewed using a Type II procedure. In addition to the application requirements contained in Chapter 16.72.010, the applicant shall provide a written narrative describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.

3. Approval Criteria (subject to the provisions of this section): The City shall approve, approve with conditions, or deny an application for a Class B Variance based on the following criteria:

a. The variance requested is required due to the lot configuration, or other conditions of the site;

b. The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;

c. The variance will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate variance request.

d. An application for a Class B variance is limited to three or fewer lots per application.

e. The variance will have minimal impact to the adjacent properties.

f. The variance is the minimum needed to achieve the desired result and the applicant has considered alternatives.

C. Class A Variances

1. Generally

a. The Class A variance procedure may be used to modify a standard for three (3) or fewer lots, including lots yet to be created through a partition process.

b. An applicant who proposes to vary a standard for lots yet to be created through a subdivision process may not utilize the Class A variance procedure. Approval of a Planned Unit Development shall be required to vary a standard for lots yet to be created through a subdivision process, where a specific code section does not otherwise permit exceptions.

c. A Class A Variance shall not be approved that would vary the "permitted, conditional or prohibited uses" of a land use district.

2. Approval Process:

a. Class A Variances shall be processed using a Type IV procedure, as governed by Chapter 16.84, using the approval criteria in subsection 3, below.

b. In addition to the application requirements contained in Chapter 16.72.010, the applicant shall provide a written narrative describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.

3. Approval Criteria: The City shall approve, approve with conditions, or deny an application for a Class A Variance based on the following criteria:

   a. The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;

   b. A hardship to development exists which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);

   c. The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;

   d. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;

   e. The hardship is not self-imposed; and

   f. The variance requested is the minimum variance that would alleviate the hardship.

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

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.

   (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) 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.

   (5) 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.

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

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).
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

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

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

C. Reserved

D. Required Findings

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

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

2. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.

3. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.

4. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.

5. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant must provide adequate information, such as a traffic impact analysis (TIA) or traffic counts, to demonstrate the level of impact to the surrounding transportation system. The developer is required to mitigate for impacts attributable to the project, pursuant to TIA requirements in Section 16.106.080 and rough proportionality requirements in Section 16.106.090. The determination of impact or effect and the scope of the impact study must be coordinated with the provider of the affected transportation facility.

6. 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.

Chapter 16.92 - LANDSCAPING

16.92.010 - Landscaping Plan Required

All proposed developments for which site plan review is required pursuant to Section 16.90.020 shall submit a landscaping plan that meets the standards of this Chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan.

(Ord. No. 2012-008, § 2, 7-17-2012; Ord. 2006-021; Ord. 86-851, § 3)

[…]

16.92.030 - Site Area Landscaping and Perimeter Screening Standards

A. Perimeter Screening and Buffering

1. Perimeter Screening Separating Residential Zones:

   A minimum six-foot high sight-obscuring wooden fence, decorative masonry wall, or evergreen screen, shall be required along property lines separating residential zones from commercial, institutional/public or industrial zones subject to the provisions of Chapter 16.48.020 (Fences, Walls and Hedges).

   a. For new uses adjacent to inventoried environmentally sensitive areas, screening requirements shall be limited to vegetation only to preserve wildlife mobility. In addition, the Review Authority may require plants and other landscaping features in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of adjoining uses.

   b. The required screening shall have breaks, where necessary, to allow pedestrian access to the site. The design of the wall or screening shall also provide breaks or openings for visual surveillance of the site and security.

   c. Evergreen hedges used to comply with this standard shall be a minimum of thirty-six (36) inches in height at maturity, and shall be of such species, number and spacing to provide the required screening within one (1) year after planting.

2. Perimeter Landscaping Buffer

   a. A minimum ten (10) foot wide landscaped strip comprised of trees, shrubs and ground cover shall be provided between off-street parking, loading, or vehicular use areas on separate, abutting, or adjacent properties.

   b. The access drives to rear lots in the residential zones (i.e. flag lot) shall be separated from abutting property(ies) by a minimum of forty-two-inch sight-obscuring fence or a forty-two-inch to an eight (8) feet high landscape hedge within a four-foot wide landscape buffer. Alternatively, where existing mature trees and vegetation are suitable, Review Authority may waive the fence/buffer in order to preserve the mature vegetation.

3. Perimeter Landscape Buffer Reduction

   If the separate, abutting property to the proposed development contains an existing perimeter landscape buffer of at least five (5) feet in width, the applicant may reduce the proposed site's required perimeter landscaping up to five (5) feet maximum, if the development is not adjacent to a residential zone. For example, if the separate abutting perimeter landscaping is five (5) feet, then applicant may reduce the perimeter landscaping to five (5) feet in width on their site so there is at least five (5) feet of landscaping on each lot.

B. Parking Area Landscaping

1. Purpose

   The standard is a landscape treatment that uses a combination of trees, shrubs, and ground cover to provide shade, storm water management, aesthetic benefits, and screening to soften the impacts of large expanses of pavement and vehicle movement. It is applied to landscaped areas within and around the parking lot and loading areas.

2. Applicability. The provisions of this section apply to off-street parking areas of more than four (4) parking and/or loading spaces.

3. Definitions

   a. Parking Area Landscaping: Any landscaped area on the site that is not required as perimeter landscaping § 16.92.030 (Site Landscaping and Screening).

   b. Canopy Factor

      (1) Landscape trees are assigned a canopy factor to determine the specific number of required trees to be planted. The canopy factor is calculated based on the following formula:

      Canopy Factor = Mature Height (in feet) × Canopy Spread (in feet) × Growth Rate Factor × .01

      (2) Growth Rate Factor: The growth rate factor is three (3) for fast-growing trees, two (2) for medium growing trees, and one (1) for slow growing trees. The growth rate of a tree is identified in the "Suggested Plant Lists for Required Landscaping Manual."

4. Required Landscaping

   There shall be at least forty-five (45) square feet parking area landscaping for each parking space located on the site. The amount of required plant materials are based on the number of spaces as identified below.

5. Amount and Type of Required Parking Area Landscaping

   a. Number of Trees required based on Canopy Factor

      Small trees have a canopy factor of less than forty (40), medium trees have a canopy factor from forty (40) to ninety (90), and large trees have a canopy factor greater than ninety (90);

      (1) Any combination of the following is required:

         (i) One (1) large tree is required per four (4) parking spaces;

         (ii) One (1) medium tree is required per three (3) parking spaces; or

         (iii) One (1) small tree is required per two (2) parking spaces.

         (iv) At least five (5) percent of the required trees must be evergreen.

      (2) Street trees may be included in the calculation for the number of required trees in the parking area.

   b. Shrubs:

      (1) Two (2) shrubs are required per each space.

      (2) For spaces where the front two (2) feet of parking spaces have been landscaped instead of paved, the standard requires one (1) shrub per space. Shrubs may be evergreen or deciduous.

   c. Ground cover plants:

      (1) Any remainder in the parking area must be planted with ground cover plants.

(2) The plants selected must be spaced to cover the area within three (3) years. Mulch does not count as ground cover.

6. Individual Landscape Islands Requirements

a. Individual landscaped areas (islands) shall be at least ninety (90)square feet in area and a minimum width of five (5) feet and shall be curbed to protect the landscaping.

b. Each landscape island shall be planted with at least one (1) tree.

c. Landscape islands shall be evenly spaced throughout the parking area.

d. Landscape islands shall be distributed according to the following:

(1) Residential uses in a residential zone: one (1) island for every eight (8) contiguous parking spaces.

(2) Multi or mixed-uses, institutional and commercial uses: one (1) island for every ten (10) contiguous parking spaces.

(3) Industrial uses: one (1) island for every twelve (12) contiguous parking spaces.

e. Storm water bio-swales may be used in lieu of the parking landscape areas and may be included in the calculation of the required landscaping amount.

f. Exception to Landscape Requirement

Linear raised or marked sidewalks and walkways within the parking areas connecting the parking spaces to the on-site buildings may be included in the calculation of required site landscaping provide that it:

(1) Trees are spaced a maximum of thirty (30) feet on at least one (1) side of the sidewalk.

(2) The minimum unobstructed sidewalk width is at least six (6) feet wide.

(3) The sidewalk is separated from the parking areas by curbs, bollards, or other means on both sides.

7. Landscaping at Points of Access

When a private access-way intersects a public right-of-way or when a property abuts the intersection of two (2) or more public rights-of-way, landscaping shall be planted and maintained so that minimum sight distances shall be preserved pursuant to Section 16.58.010.

8. Exceptions

a. For properties with an environmentally sensitive area and/or trees or woodlands that merit protection per Chapters 16.142 (Parks, Trees and Open Space) and 16.144 (Wetland, Habitat and Natural Areas) the landscaping standards may be reduced, modified or "shifted" on-site where necessary in order to retain existing vegetation that would otherwise be removed to meet the above referenced landscaping requirements.

b. The maximum reduction in required landscaping buffer permitted through this exception process shall be no more than fifty (50) percent. The resulting landscaping buffer after reduction may not be less than five (5) feet in width unless otherwise permitted by the underlying zone. Exceptions to the required landscaping may only be permitted when reviewed as part of a land use action application and do not require a separate variance permit.

C. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas

All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and any adjacent residential zones. If unfeasible to fully screen due to policies and standards, the applicant shall make efforts to minimize the visual impact of the mechanical equipment.

D. Visual Corridors

Except as allowed by subsection 6. above, new developments shall be required to establish landscaped visual corridors along Highway 99W and other arterial and collector streets, consistent with the Natural Resources and Recreation Plan Map, Appendix C of the Community Development Plan, Part II, and the provisions of Chapter 16.142(Parks, Trees, and Open Space). Properties within the Old Town Overlay are exempt from this standard.

(Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2011-003, § 2, 4-5-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 91-922, § 3; Ord. 86-851 § 3)

[…]

Chapter 16.94 - OFF-STREET PARKING AND LOADING

[…]

E. Location

1. Residential off-street parking spaces:
    a. Shall be located on the same lot or development as the residential use.
    b. Shall not include garages or enclosed buildings with the exception of a parking structure in multi-family dwelling developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).
2. For other non-residential uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within five hundred (500) feet of the use. The distance from the parking, area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.
3. Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to the side or rear of buildings where feasible.
    a. All new development with forty (40) employees or more shall include preferential spaces for carpool/vanpool designation. Carpool and vanpool parking spaces shall be located closer to the main employee entrance than all other parking spaces with the exception of ADA parking spaces. Carpool/vanpool spaces shall be clearly marked as reserved for carpool/vanpool only.
    b. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.

[…]

I. Parking and Loading Plan

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

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

[…]

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
Townhome	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. × 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.

[…]

5. Credit for On-Street Parking

a. On-Street Parking Credit. Except for residential uses, the amount of off-street parking required shall be reduced by one (1) off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards.

b. The following constitutes an on-street parking space:

(1) Parallel parking, each twenty-four (24) feet of uninterrupted curb;

(2) Forty-five (45)/sixty (60) degree diagonal, each with ten (10) feet of curb;

(3) Ninety (90) degree (perpendicular) parking, each with eight (8) feet of curb;

(4) Curb space must be connected to the lot which contains the use;

(5) Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and;

(6) On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

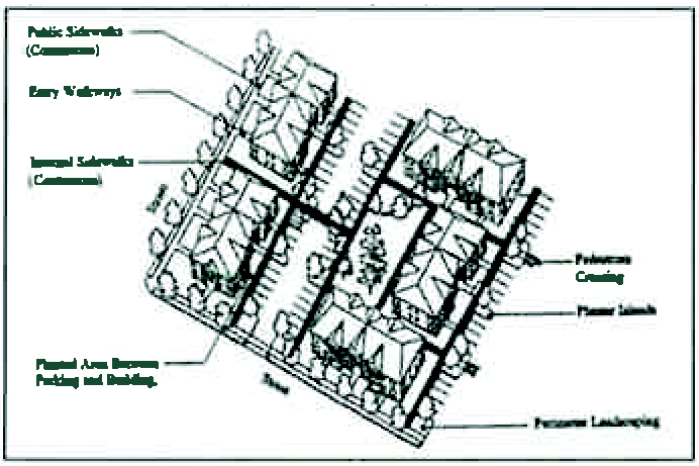
Chapter 16.96 - ON-SITE CIRCULATION

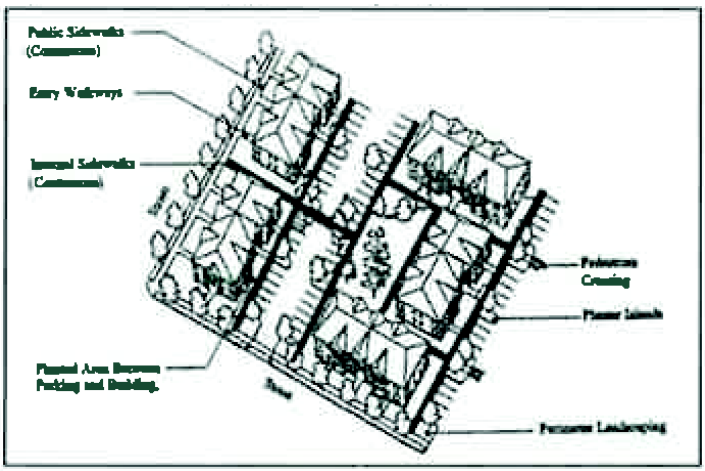
16.96.010 - On-Site Pedestrian and Bicycle Circulation

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 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, 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

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. 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, Townhome, and Manufactured Home on Individual Residential Lot: on-site sidewalks and curbs are not required when part of a proposed partition or subdivision.

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)

Chapter 16.100 - PERMANENT SIGNS

[…]

16.100.015 Sign - Related definitions

L. Permanent Residential Development Sign: Any permanent sign erected within 100-feet of any entrance to a residential subdivision or Planned Unit Development (PUD).

[…]

16.100.030 - Sign Regulations by Zone

A. Residential Zones

No permanent sign requiring a permit shall be allowed in residential zones except for the following:

1. Public/Semi-Public Uses

   For churches, schools and other public uses located within a residential or institutional public zone:

   a. One (1) wall sign not exceeding thirty-six (36) square feet shall be permitted on a maximum of two (2) building elevations. Wall signs must be attached flat against the building face.

   b. One (1) free-standing sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted. A minimum setback of fifteen (15) feet from property lines adjacent to public streets is required. The maximum height of any portion of a free-standing sign shall be limited to six (6) feet from ground level at its base.

2. Multi-Family Dwelling Development Signs

   a. One (1) non-illuminated free-standing sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted, the maximum height of any portion of a free-standing sign shall be limited to six (6) feet from ground level at its base.

3. Non-Residential Signs

   a. One (1) monument sign not more than sixteen (16) square feet in area identifying a permitted use in a residential zone shall be allowed.

[…]

Division VI. - PUBLIC INFRASTRUCTURE

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 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, 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.

(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

Chapter 16.120 - SUBDIVISIONS[51]

[…]

16.120.040 - Approval Criteria: Preliminary Plat

No preliminary plat shall be approved unless:

A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.

B. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.

C. The plat complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX. The subdivision complies with Chapter 16.128 (Land Division Design Standards).

D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.

E. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.

F. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.

G. Tree and woodland inventories have been submitted and approved as per Section 16.142.060.

H. The plat clearly shows the proposed lot numbers, setbacks, dedications and easements.

I. A minimum of five percent (5%) open space has been provided per Section 16.142.030 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-011, § 1, 10-4-2011)

Division VIII. - ENVIRONMENTAL RESOURCES

Chapter 16.142 - PARKS, TREES AND OPEN SPACES

[…]

16.142.020 - Multi-Family Dwelling Developments

A. Standards

Except as otherwise provided, recreation and open space areas shall be provided in new multi-family dwelling residential developments to the following standards:

1. Open Space

A minimum of twenty percent (20%) of the site area shall be retained in common open space. Required yard parking or maneuvering areas may not be substituted for open space.

2. Recreation Facilities

A minimum of fifty percent (50%) of the required common open space shall be suitable for active recreational use. Recreational spaces shall be planted in grass or otherwise suitably improved. A minimum area of eight-hundred (800) square feet and a minimum width of fifteen (15) feet shall be provided.

3. Minimum Standards

Common open space and recreation areas and facilities shall be clearly shown on site development plans and shall be physically situated so as to be readily accessible to and usable by all residents of the development.

4. Terms of Conveyance

Rights and responsibilities attached to common open space and recreation areas and facilities shall be clearly specified in a legally binding document which leases or conveys title, including beneficial ownership to a home association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions suitable to the City for guaranteeing the continued use of such land and facilities for its intended purpose; continuity of property maintenance; and, when appropriate, the availability of funds required for such maintenance and adequate insurance protection.

(Ord. No. 2011-009, § 2, 7-19-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3)

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. 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.

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.

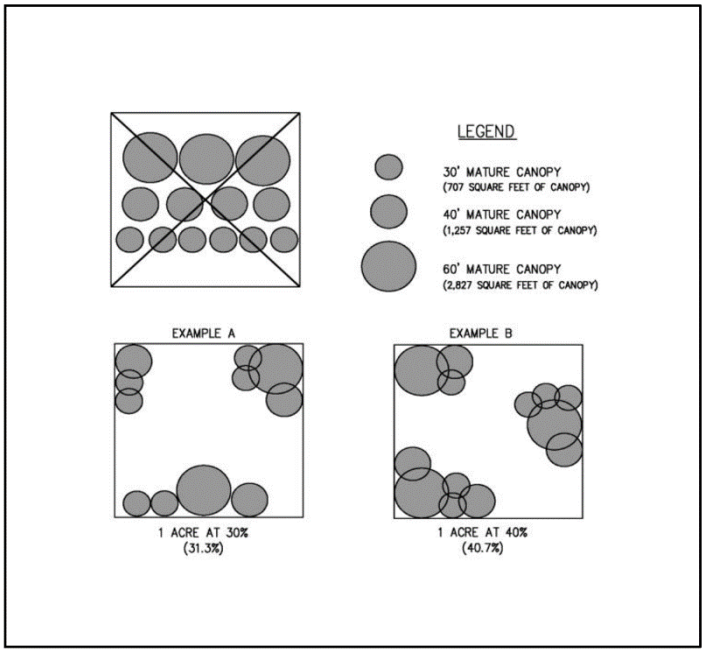
3. Required Tree Canopy - Non-Residential and Multi-Family Dwelling Developments

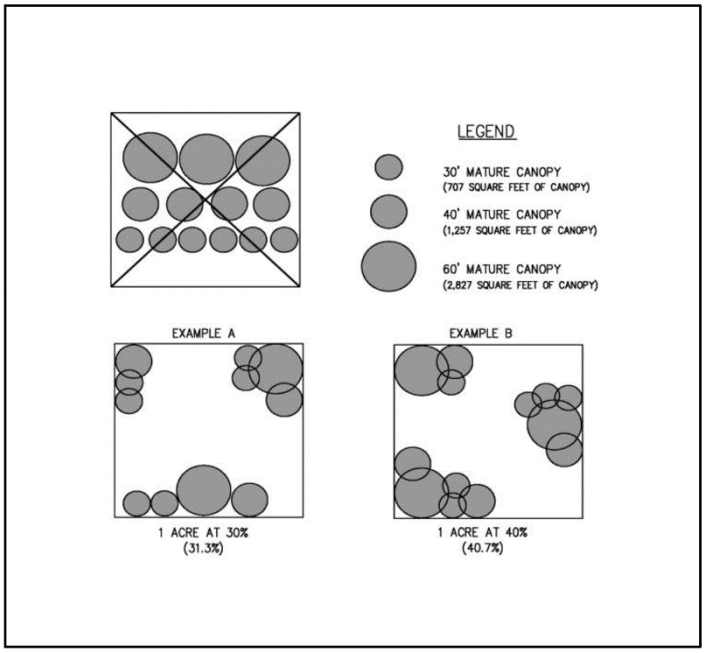
   Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of each tree. The expected mature canopy is counted 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 developments) subject to Residential Design Checklist or Type I review	Residential (single family detached & duplex 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*radius ^{2}) (This is the calculation to measure the square footage of a circle. The Mature Canopy is given in diameter. In gardening and horticulture reference books, therefore to get the radius you must divide the diameter in half.				
Canopy Calculation Example: Pin Oak Mature canopy = 35' (3.14159* 17.5 ^{2}) = 962 square feet				





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 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.

E. Tree Preservation Incentive

Retention of existing native trees on site which are in good health can be used to achieve the required mature canopy requirement of the development. The expected mature canopy can be calculated twice for existing trees. For example, if one existing tree with an expected mature canopy of 10 feet (78.5 square feet) is retained it will count as twice the existing canopy (157 square feet).

F. Additional Preservation Incentives

1. General Provisions. To assist in the preservation of trees, the City may apply one or more of the following flexible standards as part of the land use review approval. To the extent that the standards in this section conflict with the standards in other sections of this Title, the standards in this section shall apply except in cases where the City determines there would be an unreasonable risk to public health, safety, or welfare. Flexibility shall be requested by the applicant with justification provided within the tree preservation and protection report as part of the land use review process and is only applicable to trees that are eligible for credit towards the effective tree canopy cover of the site. A separate adjustment application as outlined in Section 16.84.030.A is not required.

2. Flexible Development Standards. The following flexible standards are available to applicants in order to preserve trees on a development site. These standards cannot be combined with any other reductions authorized by this code.

a. Lot size averaging. To preserve existing trees in the development plan for any Land Division under Division VII, lot size may be averaged to allow lots less than the minimum lot size required in the underlying zone as long as the average lot area is not less than that allowed by the underlying zone. No lot area shall be less than 80 percent of the minimum lot size allowed in the zone;

b. Setbacks. The following setback reductions will be allowed for lots preserving existing trees using the criteria in subsection (1) below. The following reductions shall be limited to the minimum reduction necessary to protect the tree.

(1) Reductions allowed:

(a.) Front yard - up to a 25 percent reduction of the dimensional standard for a front yard setback required in the base zone. Setback of garages may not be reduced by this provision.

(b.) Interior setbacks - up to a 40 percent reduction of the dimensional standards for an interior side and/or rear yard setback required in the base zone.

(c.) Perimeter side and rear yard setbacks shall not be reduced through this provision.

c. Approval criteria:

(1.) A demonstration that the reduction requested is the least required to preserve trees; and

(2.) The reduction will result in the preservation of tree canopy on the lot with the modified setbacks; and

(3.) The reduction will not impede adequate emergency access to the site and structure.

3. Sidewalks. Location of a public sidewalk may be flexible in order to preserve existing trees or to plant new large stature street trees. This flexibility may be accomplished through a curb-tight sidewalk or a meandering public sidewalk easement recorded over private property and shall be reviewed on a case by case basis in accordance with the provisions of the Engineering Design Manual, Street and Utility Improvement Standards. For preservation, this flexibility shall be the minimum required to achieve the desired effect. For planting, preference shall be given to retaining the planter strip and separation between the curb and sidewalk wherever practicable. If a preserved tree is to be utilized as a street tree, it must meet the criteria found in the Street Tree section, 16.142.060.

4. Adjustments to Commercial and Industrial development Standards. […]

G. Tree Protection During Development

The applicant shall prepare and submit a final Tree and Woodland Plan prior to issuance of any construction permits, illustrating how identified trees and woodlands will be retained, removed or protected as per the Notice of Decision. Such plan shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. At a minimum, trees to be protected shall have the area within the drip line of the tree protected from grading, stockpiling, and all other construction related activity unless specifically reviewed and recommended by a certified arborist or other qualified professional. Any work within the dripline of the tree shall be supervised by the project arborist or other qualified professional onsite during construction.

H. Penalties

Violations of this Section shall be subject to the penalties defined by Section 16.02.040, provided that each designated tree or woodland unlawfully removed or cut shall be deemed a separate offense.

(Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-009, § 2, 7-19-2011; Ord. 2006-021; Ord. 91-922, § 3)

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) 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 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.

3. The City may determine that, regardless of B.1 through B.2, that certain trees or stands of trees may be required to be retained.

    a. If removal is proposed within a wetland, floodplain or protected through prior land use review per section 3.b. (1.) - (5.) below, the applicant shall submit documentation from a licensed qualified professional in natural resources management such as a wetland scientist, a botanist, or biologist, discussing the proposed tree removal and how it would or would not compromise the integrity of the resource. It shall also discuss the feasibility and practicality of tree removal relative to policies and standards of the City Comprehensive Plan, listed in section 3.b. below.

    b. The basis for such a City decision shall include; specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical relative to other policies and standards of the City Comprehensive Plan, and are:

        (1.) 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

        (2.) 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

        (3.) 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

        (4.) Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or

(5.) 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.

C. Non-Residential and Multi-family dwelling 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. Trees required by a land use decision after the effective date of this code can be removed. Any trees removed shall be replaced within six months of removing the tree with an appropriate tree for the area.
2. Trees that were not required by land use or planted prior to the effective date of this code can be removed after receiving approval from the City of Sherwood.
    a. Removal of up to 25 percent of the trees on site can be removed and replaced through a Type I review process. The applicant shall submit the following;
        (1.) A narrative describing the need to remove the trees,
        (2.) A plan showing the location of the trees and
        (3.) A replacement tree plan. One-half (1/2) of the number of trees removed shall be replaced. The replacement shall take place on site with similar trees within six months from the date of removal.
        (4.) Exemption to replacement. If less than one-half (1/2) of the trees removed will be replanted due to site crowding and constraints precluding the healthy growth of additional trees, a report from a qualified professional shall describe the site specific crowding or constraints, and provide a report to the City requesting the exemption in order to be exempt from replacing the removed trees.
    b. Removal of more than 25 percent of the trees on site can be removed and replaced through a type II review process. The applicant shall submit the following;
        (1.) An arborists report describing the need to remove the trees. The cause for removal must be necessitated by the trees,
        (2.) A plan showing the location of the tree and
        (3.) A replacement tree plan. Two-thirds of the number of trees removed shall be replaced on site with similar trees within six months from the date of removal.
        (4.) Exemption to replacement. If less than one-half (½) of the trees removed will be replanted due to site crowding and constraints precluding the healthy growth of additional trees, a report from a qualified professional shall describe the site specific crowding or constraints, and provide a report to the City requesting the exemption in order to be exempt from replacing the removed trees.
3. The City may determine that, regardless of C.1 through C.2, that certain trees or stands of trees may be required to be retained.
    a. The applicant shall submit documentation from a licensed qualified professional in natural resources management such as wetland scientist, botanist or biologist, discussing the proposed tree removal within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, listed in section 3.b. below.
    b. The basis for such a City decision shall include; specific findings that retention of 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:

(1.) 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

(2.) 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

(3.) 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

(4.) Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or

(5.) 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.

(Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-009, § 2, 7-19-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010)

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 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)

Division IX. - HISTORIC RESOURCES

Chapter 16.162 - OLD TOWN (OT) OVERLAY DISTRICT*

[…]

16.162.030 - Permitted Uses

The following uses are permitted outright, provided such uses meet the applicable environmental performance standards contained in Division VIII:

A. Uses permitted outright in the RC zone, Section 16.28.020; the HDR zone, Section 16.20.020; and the MDRL zone, Section 16.16.020; provided that uses permitted outright on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by this Section and Section 16.162.040.

(Ord. 2006-009 § 2)

B. In addition to the home occupations permitted under Section 16.42.020, antique and curio shops, cabinet making, arts and crafts galleries, artists cooperatives, and bookshops, are permitted subject to the standards of Chapter 16.42 and this Chapter, in either the underlying RC or MDRL zones.

C. Boarding and rooming houses, bed and breakfast inns, and similar accommodations, containing not more than five (5) guest rooms, in the underlying RC, HDR and MDRL zones.

D. Motels and hotels, in the underlying RC zone only.

E. Residential apartments when located on upper or basement floors, to the rear of, or otherwise clearly secondary to commercial buildings, in the underlying RC zone only.

F. Other similar commercial uses or similar home occupations, subject to Chapter 16.88.

G. Offices or architects, artists, attorneys, dentists, engineers, physicians, accountants, consultants and similar professional services.

H. Uses permitted outright in the RC zone are allowed within the HDR zone when limited to the first floor, adjacent to and within 100 feet of, Columbia Street within the Old Town Overlay District.

(Ord. 2002-1128 § 3; 94-990; 92-946; 87-859)

16.162.040 - Conditional Uses

The following uses are permitted as conditional uses, provided such uses meet the applicable environmental performance standards contained in Division VIII, and are approved in accordance with Chapter 16.82:

A. Uses permitted as conditional uses in the RC zone, Section 16.28.020, HDR zone, Section 16.20.020, and the MDRL zone, Section 16.16.020, provided that uses permitted as conditional uses on any given property are limited to those permitted in the underlying zoning district, unless otherwise specified by Section 16.162.030 and this Section.

B. Townhouses on property zoned RC in the Old Cannery area subject to HDR standards and Chapter 16.14. In addition, any garages shall use alley access. RC zone setback standards may be used in lieu of other applicable standards.

C. Public and commercial (non-accessory) parking within residential zoning districts when both of the following apply:

1. On May 1, 2016, no buildings existed on the property where the parking is to be located; and

2. The property has street frontage on an arterial and/or collector street as identified within the Sherwood Transportation System Plan.

(Ord. No. 2017-001, § 1, 4-4-2017; Ord. No. 2016-010, § 2, 6-21-2016; Ord. 2006-009 § 2; Ord. 2002-1128 § 3; 94-990; 92-946; 87-859)

16.162.050 - Prohibited Uses

The following uses are expressly prohibited in the OT overlay zone, notwithstanding whether such uses are permitted outright or conditionally in the underlying RC, HDR or MDRL zones:

A. Adult entertainment businesses.

B. Manufactured homes on individual lots.

C. Manufactured home parks.

D. Restaurants with drive-through.

(Ord. 2002-1128 § 3; 94-990; 92-946; 87-859)

E. Stand alone cellular or wireless communication towers and facilities. Co-location of existing legally permitted facilities is acceptable.

(Ord. 2006-009 § 2)

16.162.060 - Dimensional Standards

In the OT overlay zone, the dimensional standards of the underlying RC, HDR and MDRL zones shall apply, with the following exceptions:

A. Lot Dimensions - Minimum lot area (RC zoned property only): Twenty-five hundred (2,500) square feet.

B. Setbacks - Minimum yards (RC zoned property only): None, including structures adjoining a residential zone, provided that Uniform Building Code, Fire District regulations, and the site design standards of this Code, not otherwise varied by this Chapter, are met.

C. Height - The purpose of this standard is to encourage 2 to 4 story mixed-use buildings in the Old Town area consistent with a traditional building type of ground floor active uses with housing or office uses above.

Except as provided in Section 16.162.080, subsection C below, the maximum height of structures in RC zoned property shall be forty (40) feet (3 stories) in the "Smockville Area" and fifty (50) feet (4 stories) in the "Old Cannery Area". Limitations in the RC zone to the height of commercial structures adjoining residential zones, and allowances for additional building height as a conditional use, shall not apply in the OT overlay zone. However, five foot height bonuses are allowed under strict conditions. Chimneys, solar and wind energy devices, radio and TV antennas, and similar devices may exceed height limitations in the OT overlay zone by ten (10) feet.

Minimum height: A principal building in the RC and HDR zones must be at least sixteen (16) feet in height.

(Ord. 2006-009 § 2)

D. Coverage - Home occupations permitted as per Chapter 16.42 and Section 16.162.030 may occupy up to fifty percent (50%) of the entire floor area of all buildings on a lot.

END OF PROPOSED AMENDMENTS

DEVELOPMENT CODE CROSS REFERENCES TABLE

[Removed from draft]

City Council Meeting Date: November 16, 2021

Agenda Item: Public Hearing *(First Reading)*

TO: Sherwood City Council

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

SUBJECT: **Ordinance 2021-011, Adopting the Sherwood Economic Opportunities Analysis 2021 as a Sub-Element of the Comprehensive Plan** *(First Reading)*

Issue:
Shall the City Council adopt the Sherwood Economic Opportunities Analysis (EOA) 2021 as a sub-element of the City's Comprehensive Plan?

Background:
Exhibit 2 to the attached ordinance presents an EOA consistent with the requirements of Statewide Planning Goal 9, Economic Development, and the Goal 9 Administrative Rule (OAR 660-009). Consistent with Goal 9, the EOA is an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends. The EOA states that a principal determinant in planning for major industrial and commercial developments should be the competitive advantage of the region within which the developments would be located. Sherwood's primary competitive advantages are location, schools, and quality of life. These factors make Sherwood attractive to residents and businesses that want a high quality of life where they live and work.

The primary goals of the EOA are to (1) project the amount of land needed to accommodate the future employment growth within the Sherwood Urban Growth Boundary (UGB) between 2021 and 2041, (2) evaluate the existing employment land supply within the City to determine if it is adequate to meet that need, and (3) to fulfill state planning requirements for a twenty-year supply of employment land.

The City's Economic Opportunities Analysis (EOA) was initially drafted in 2018-2019 as part of the background technical documents for the Comprehensive Plan update process. The City received a Technical Assistance Grant from DLCD and entered into a contract with ECONorthwest to complete this task. The 2018 EOA was reviewed by the Comprehensive Plan Community Advisory Committee, Planning Commission, and City Council. However, it was not adopted at that time, in part because it was anticipated that significant additional development of employment land in the TEA and areas of the City would be occurring in the near term and Council wanted as accurate an EOA as possible when it was adopted. As required per State Land Use Goal 9 an EOA needs to be adopted and policies incorporated into a City's Comprehensive Plan. The EOA was updated in September 2021, and staff held a work session with the Planning Commission on September 14, 2021, to review the updates. There was concern that the document was still not aligning with the City's economic development goals as the City is seeing more employment growth in industrial zoned areas.

Staff took these concerns and reached out to the Department of Land Conservation and Development (DLCD) Goal 9 Specialist.

This 2021 version provides an update to the original 2019 draft. This update includes the following changes: updated the employment forecast for the 2021 to 2041 period and updated the buildable lands inventory to reflect development that has occurred in Sherwood through June 2021.

The updated employment forecast for the 2021 to 2041 period uses Metro's 2050 Employment Forecast for Sherwood and the Tonquin Employment Area, which assumes an average annual growth rate of 1.42%. This is higher than other potential growth rates that could have been used and, knowing the Council goals regarding Economic Development, it was determined to use the highest growth rate that could be justified. By 2041, there will be an increase of 2,987 employees or thirty-three percent (33%) of employees in Sherwood city limits, Brookman Annexation Area, and Tonquin Employment Area. The City anticipates that employment growth will continue within industrial zoned areas and that this could be reflected and justified within the EOA. Since late 2019, Sherwood has had 37 inquiries from businesses in industries such as, clean tech manufacturing, technology, warehousing and distribution, and food processing. These businesses were seeking a range of industrial sites as small as six acres and up to 200 acres. Of the 37 inquiries, eight pursued locating their business in Sherwood. As such, Table 2, *Forecast of employment growth by land use type* was updated to show industrial employment will increase from 28% in 2021 to 34% of all employment by 2041. The increase of industrial employment affects the land acre base. The more employees there are in in a particular designation, the land suppy decreases. As such, this update shows an 8 acre deficit of industrial land within the city boundary over the 20-year planning period.

The forecast of growth of 2,987 new employees will result in the following demand for vacant employment land: 105 gross acres of industrial land and 56 gross acres of commercial land. The EOA shows that over the twenty-year period Sherwood will have a deficit of 8 gross acres of industrial land and a deficit of 35 acres of office commercial land. Over the twenty-year period the EOA shows a surplus of 4 acres of retail commercial. While it shows the supply of land in both the Tonquin and Brookman annexation areas will likely meet the needs for both industrial and commercial demand, if the rate of development increases beyond the EOA forecast, there will likely be a shortage of appropriate sites— particularly sites in excess of 10 acres—for employment growth in the City of Sherwood, thereby creating development opportunities in the future growth area of Sherwood West. For this reason, the City needs to closely monitor the use of employment land and initiate updates to the EOA more often if needed.

The Sherwood Planning Commission reviewed the EOA on October 26, 2021, and recommended that Council adopt the EOA with minor revisions. Those revisions are in track changes in Attachment 1 to this staff report. No public comments were received through the Commission's hearing process, and as of the writing of this report, the City has not received any public comments on the EOA.

This is the first hearing on this matter. A second hearing is scheduled for December 7, 2021

Financial Impacts:
There are no additional financial impacts as a result of the approval of this ordinance.

Recommendation:
Staff respectfully recommends City Council hold the first reading on Ordinance 2021-011, Adopting the Sherwood Economic Opportunities Analysis 2021 as a sub-element of the Comprehensive Plan.

Attachments

1) Sherwood Economic Opportunities Analysis October 2021, Planning Commission recommendation (Redlined)
2) Ordinance with Staff Report and Findings (Exhibit 1), and Economic Opportunities Analysis October 2021, Exhibit 2

CITY OF SHERWOOD
Date: November 5, 2021

Planning Commission Recommendation to the City Council
Sherwood 2040 Comprehensive Plan

Case File: 2021-020-PA

Recommendation of the Planning Commission

The Sherwood Planning Commission held a public hearing on October 26, 2021, to take testimony and consider the application (Case File: LU 2021-020 PA). One testimony was received in opposition to the proposed Comprehensive Plan. Staff proposed amending the Goal 10 finding to address the testimony received. The Planning Commission recommended minor formatting and editorial changes to wording. The Commission voted to close the hearing. After considering the application materials, the proposed amendments, and the findings in the staff report, the Planning Commission voted to recommend the proposed Sherwood 2040 Comprehensive Plan to the City Council.

Erika Palmer
Planning Manager

Proposal:
The City of Sherwood Planning Commission will hold a public hearing to evaluate the Sherwood 2040, Moving Forward Together Comprehensive Plan (Case File 2021-020-PA) and consider recommending the Plan to City Council for adoption. The Sherwood 2040, Moving Forward Together, Comprehensive Plan will replace the existing Plan adopted in 1991 (Ordinance 1991-922).

The Comprehensive Plan is a planning document that directs all activities related to land use and the future of natural and man-made systems and services in Sherwood over the next 20 years. The Comprehensive Plan helps manage expected population and employment growth through a set of goals and policies that align with the community's vision. Land use planning procedures are used to connect the goals and policies of a comprehensive plan to the administrative review process for development applications and help ensure consistency with the development code, capital improvement plans, and other implementing codes and plans.

I. BACKGROUND

The current Comprehensive Plan was last updated beginning in 1989, required by State Law, a process officially known as periodic review, and adopted by City Council on March 13, 1991. Over the past thirty years, the City has experienced significant residential growth. The population has increased from 2,990 in 1989 to 20,450 in 2021. Many of the goals and policies in the 1991 Comprehensive Plan are outdated. Although not required by the State, the City Council recognized the need to update the Plan to represent the current conditions better, to ensure that

the community plans for and mitigates the impact of growth, and to gather community feedback from residents on what they desire as the future direction of Sherwood.

In the spring of 2018, the City of Sherwood launched the Sherwood 2040 Comprehensive Plan Vision. This city-wide community engagement process outlines the desired future for the Sherwood community in the year 2040. The City undertook the Visioning Process as one of the initial steps in updating the Comprehensive Plan. The Visioning Process engaged community members to develop a shared understanding of Sherwood today and create a planning process that will address critical issues for the future. Undertaking a Visioning Process before updating the Comprehensive Plan was especially important for a community like Sherwood, given the City's dramatic growth and change over the years. The Sherwood 2040 Comprehensive Plan Vision was the first step in identifying what makes Sherwood special, envisioning what it will look like tomorrow, and creating a new Comprehensive Plan to realize that Vision.

The Vision is organized around six core areas, covering broad, interconnected topics consistent with community priorities identified through the process. Each core area includes a set of Goals, which provide the basis for the policy framework of the Comprehensive Plan.

The process for developing the Comprehensive Plan was organized around these six theme areas. The six core areas are: 1) Thriving and Diversified Economy 2) Strong Community Culture and Heritage; 3) Strategic and Collaborative Governance; 4) Attractive and Attainable Housing; 5) Coordinated and Connected Infrastructure and 6) Healthy and Valued Ecosystems. Over the course of two years, the community, City staff, and a Community Advisory Committee (CAC), Technical Advisory Committee (TAC), and Project Advisory Committee (PAT) engaged in learning and discussion around trends, opportunities, challenges, and key policy considerations. Background information, data, and technical analyses related to the topics were compiled and reviewed for each theme area to understand current conditions and trends. Then, key policy questions were identified and discussed through a combination of surveys, focus groups, and booths at Sherwood events with community members, touching hundreds of community members over the 24-month process. Due to the pandemic, outreach strategies were modified, and the meetings were conducted virtually, but this did not limit communication with the public – more details can be found below in this report under State Land Use Goal 1.

All of this work has culminated into the draft *Sherwood 2040, Moving Forward Together Comprehensive Plan.*

II. PUBLIC COMMENTS

Public notice was posted in "The Times," a local paper with general circulation on October 7th and 21, 2021, and on the City's website on October 6, 2021. As of the date of this report, no public comments have been received; however, comments are welcome up to twenty-four hours prior to the public hearing.

III. AGENCY COMMENTS

Staff sent an e-notice to affected agencies on September 21, 2021, and sent DLCD notice on September 21, 2020. As of the date of this report, no agency comments have been received.

IV. REQUIRED FINDINGS

The City must demonstrate that the Plan is consistent with applicable state, regional, and local policies, rules, and regulations to adopt the proposed Plan. The following findings relate to compliance with all applicable criteria. The criteria relevant to this Plan Amendment are as follows:

The applicable code criteria include:

A) Sherwood Zoning and Community Development Code Chapter 16.80, *Plan Amendments*

B) Statewide Planning Goals that apply to this matter include: 1,2,5,6,7,8,9,10,11,12,13,14.

C) Other applicable policies, rules, and regulations include:
Oregon Administrative Rules (OAR)
- Oregon Administrative Rule (OAR) 660, Division 007 – Metropolitan Housing Rule
- OAR 660, Division 12 – Transportation Planning Rule
- OAR 660, Divison 023 – Procedures and Requirements for Complying for Goal 5

Oregon Revised Statutes (ORS)
- ORS 197.030-307 – Needed Housing
- ORS 195.025-195.036 – Metro Coordination

Metro Regional Functional Plan Requirements
- Title 1: Housing Capacity
- Title 3: Water Quality and Flood Management
- Title 4: Industrial and Other Employment Areas
- Title 6: Centers, Corridors, Station Communities and Main Streets
- Title 7: Housing Choices
- Title 8: Compliance Procedures
- Title 11: Planning for New Urban Areas
- Title 12: Protection of Residential Neighborhoods Nature in Neighborhoods
- Title 13: Nature in Neighborhoods
- Title 14: Urban Growth Boundary

Metro Regional Transportation Functional Plan Requirements:
- Title 1: System Design
- Title 2: TSP Updates
- Title 3: Projects
- Title 4: Parking Management
- Title 5: Comprehensive Plans
- Title 6: Compliance

CITY OF SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE

Chapter 16.80, Plan Amendments

16.80.010 Initiation of Amendments

An amendment to the City Zoning Map, the text of the Comprehensive Plan, or the text of the Zoning and Community Development Code may be initiated by the Council, Commission, or an owner of property within the City.

Response: The City of Sherwood proposes a major text amendment to the Sherwood Comprehensive Plan that will completely replace the current Plan adopted by Ordinance 1991-922 in its entirety with updated goals and policies. The Sherwood City Council initiated this major text amendment in 2018, recognizing that the Plan was outdated.

Finding: Based on the response above, the initiation of this major text amendment to adopt a new updated Comprehensive Plan was initiated by the Sherwood City Council and, therefore, satisfies this criterion.

16.80.020 Amendment Procedures

Zoning Map or Text Amendment

A. Application - An application for a Zoning Map or text amendment shall be on forms provided by the City and shall be accompanied by a fee pursuant to Section 16.74.010.

B. Public Notice - Public notice shall be given pursuant to Chapter 16.72.

C. Commission Review - The Commission shall conduct a public hearing on the proposed amendment and provide a report and recommendation to the Council. The decision of the Commission shall include findings as required in Section 16.80.030.

D. Council Review - Upon receipt of a report and recommendation from the Commission, the Council shall conduct a public hearing. The Council's decision shall include findings as required in Section 16.80.030. Approval of the request shall be in the form of an ordinance.

Response: As stated above, this is a City initiated amendment to the Comprehensive Plan. This is a Type V review process, and as such, the Planning Commission will conduct a public hearing and provide a report and recommendation to the Council. Notice was provided in accordance with Chapter 16.72. The decision of the Commission will include findings as required in Section 16.80.030.

Finding: As based on the response above, this Plan Amendment application meets this criterion.

16.80.030 Review Criteria

A. Text Amendment

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

Response: The City of Sherwood proposes a major text amendment to the Sherwood Comprehensive Plan that will completely replace the current Plan in its entirety with updated goals and policies. The Council recognized this as a community need and made it a priority in 2018 as it had been 30 years since the last Comprehensive Plan update. As described in additional detail below in this staff report, the Comprehensive Plan update is consistent with the City's adopted Transportation System Plan's intent and all applicable state and regional regulations. This standard is met.

Finding: Based on the response above, the Comprehensive Plan update is consistent with the City's adopted TSP and all applicable state and regional regulations.

B. Map Amendment

An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that:

1. **The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.**
2. **There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.**
3. **The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.**
4. **Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.**

Finding: This standard is not applicable as the update is not proposing any amendments to the City's General Plan and Zoning Map.

C. Transportation Planning Rule Consistency

1. **The applicant shall demonstrate consistency with the Transportation Planning Rule, specifically by addressing whether the proposed amendment creates a significant effect on the transportation system pursuant to OAR 660-012-0060. If required, a Traffic Impact Analysis (TIA) shall be prepared pursuant to Section 16.106.080.**

Finding: This standard is not applicable as the Comprehensive Plan update is not proposing zone changes or impacts to the transportation system pursuant to OAR 660-012-0060. The proposed Comprehensive Plan is consistent with the City's adopted TSP and satisfies this standard.

OREGON STATEWIDE PLANNING GOALS

As addressed below, the City's Comprehensive Plan supports the Oregon Statewide Planning Goals that apply to Sherwood.

For quick reference, the matrix below breaks down the Comprehensive Plan by its six theme areas, topics, goal statements, and the associated statewide planning goal.

Theme Area	Topic Area	Goal Statements	Associated Statewide Planning Goal
Thriving and Diversified Economy	Economic Development	1. Accelerate the growth of local businesses and attract new businesses that balance the City's tax base, provide stable, high-wage jobs and capitalize on Sherwood's location and enhance the high-quality of life. 2. Prioritize and promote economic development to balance the City's tax base by maintaining a supply of land to target growth industries and accelerate Sherwood's desired economic growth.	(9) Economic Development
Strong Community, Culture,and Heritage	Community Engagement	1. Value Sherwood's heritage, traditions, and diverse community wisdom by working together and thinking creatively through meaningful, informed, and innovative participation by all. 2. Actively explore accessible, and effective methods of communication and participation to foster transparency and connection to the community. 3. Foster a culture of collaboration and partnership between residents, community groups, businesses, service providers, and government.	(1) Citizen Involvement (5) Historic Resources (11) Public Facilities and Services
Strategic and Collaborative Governance	Governance and Growth Management	1. Coordinate with adjacent jurisdictions, local service providers, and regional and state governmental agencies to manage growth and development in Sherwood. 2. Provide timely, orderly, and efficient delivery of public facilities and services to balance the development of complete neighborhoods, employment areas, schools, and public spaces. 3. Ensure that the rate, amount, type, location, and cost of new development will preserve and enhance Sherwood's quality of life so that it is accessible to all community members. 4. Provide open and transparent governance by assuring information is available and disseminated through a variety of methods that is accessible to people of diverse ages, abilities, and backgrounds.	(2) Land Use Planning (11) Public Facilities and Services (7) Areas Subject to Natural Disasters and Hazards (11) Public Facilities and Services (14) Urbanization
	Community Health and Safety	5. Ensure a high level of public health, and safety and community preparedness by providing well-funded and well-planned police, and fire protection, and emergency services for Sherwood residents. 6. Maintain and improve the quality of the air, water and land resources. 7. Encourage land use patterns that locate land use activities in close proximity, reduce or shorten vehicle trips and encourage energy conservation through sustainable site planning, landscaping and construction practices. 8. Minimize impacts and risk to life and property from natural and human-caused disasters.	
Attractive and Attainable Housing	Housing	1. Preserve and enhance the character of existing neighborhoods. 2. Plan new residential developments to integrate with existing Sherwood as complete neighborhoods where community members can live, learn, shop, and recreate. 3. Provide the opportunity for a variety of housing types in locations and at price points that meet the needs of current and future residents.	(10) Housing

Coordinated and Connected Infrastructure	Transportation	1. Plan and implement a transportation system that is forward-looking, responsive, and innovative to maximize capacity and ensure safety, efficiency, and retention of Sherwood's livability and small-town character. 2. Create and enhance safe, multi-modal, and viable transportation options for travel between destinations locally and regionally with particular attention to connecting the areas of Sherwood east and west of Highway 99E, Old Town, and the Tualatin National Wildlife Refuge 3. Identify funding sources and collaborative partnerships to leverage resources for transportation system maintenance and improvements.	(11) Public Facilities and Services (12) Transportation (13) Energy Conservation
	Infrastructure	4. Ensure reliable, safe, affordable, and adequate public facilities to meet Sherwood's existing and future needs. 5. Work with partner agencies to coordinate service delivery, including but not limited to stormwater, water, electric, natural gas, broadband, and waste management.	
Heathy and Valued Ecosystems	Nature, Parks, and Trails	1. Develop a funding strategy and pursue funding sources for land acquisition, parks and recreation facility development, operations and maintenance. 2. Pursue the expansion and enhancement of the City's parks, trail system and greenways that connect people to nature and their destinations. 3. Plan, develop and enhance recreation opportunities, common open space areas, and recreation facilities for Sherwood residents of all ages and abilities. 4. Promote natural resources as a shared and critical community asset by being good stewards of Sherwood's natural resources, ecosystems, and urban forest and protecting and enhancing their function, quality, and diversity.	(5) Natural Resources, Scenic and Historic Areas, and Open Space (6) Air, Water and Land Resource Quality (8) Recreational Needs (13) Energy Conservation

Goal 1: Citizen Involvement
It is the purpose of this Goal to develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Sherwood's goals and policies related to Statewide Land Use Goal 1, Citizen Involvement, can be found in the following theme of the Comprehensive Plan, *Strong Community, Culture, and Heritage,* on pages 38-42 *in the document.*

Response: State Land Use Goal 1 requires the City to develop and implement an appropriately scaled and funded community involvement program to ensure the opportunity for meaningful public involvement throughout the land use planning process. Goal 1 outlines six key elements of citizen involvement, including the following:

- ✓ Citizen Involvement: Involve a cross-section of community members in all phases of the planning process, including an official Committee for Community Involvement to review and enhance involvement in land use planning.
- ✓ Communication: Establish mechanisms for effective communication between the public and elected/appointed officials;
- ✓ Influence: Provide adequate opportunities for the public to be involved in all phases of the planning and decision-making process, including preparation of plans to adoption, minor and major changes to the plan, and implementation of the plan.

- ✓ Technical Information: Ensure information used to reach policy decisions is available in a simplified, understandable format.

- ✓ Feedback Mechanisms: Ensure community members receive a response from policy makers, and retain recommendations resulting from community involvement program for public assessment. Financial Support: Allocate adequate resources (human, financial, and informational) within the City's budget and planning department for the community involvement program.Public engagement was a priority throughout the Comprehensive Plan Update process and became more so when COVID-19 made in-person meetings and open houses virtual. The first three core areas of the Comprehensive Plan were developed through in-person meetings and input received through community functions and open houses.

In establishing the Plan, the City created a Community Engagement Plan to target a cross-section of the community through a variety of different mediums to garner feedback on goals and policies. These outreach approaches included the following:

Committees and Advisory Boards – Three advisory committees to oversee the Comprehensive Plan Update process were created: 1) Community Advisory Committee (CAC, 2) Technical Advisory Committee (TAC), and a Project Advisory Team (PAT). The individuals who served on the CAC were from various Sherwood neighborhoods, a variety of ages, length of time in the community, interests, and backgrounds. The Stakeholder Advisory Committee was an appointed 14-member body serving as more of a "technical advisory group" representing agencies such as Washington County, School District, Oregon Department of Transportation (ODOT), Department of Land Conservation and Development (DLCD), Clean Water Services, Sherwood Police Department and Tualatin Valley Fire and Rescue, etc. These groups met separately roughly every other month to review policies and add additional input to draft policies compiled by staff and the consultant team.

Community Interviews – Throughout the majority of the Comprehensive Plan Update process, staff grappled with challenges and requirements related to the ongoing COVID-19 pandemic. To promote a two-way conversation, interview sessions with community members having expertise in a particular topic theme provided an excellent way to gather information, solicit feedback on draft goals and policy language, and gain additional insights to take back to the CAC and TAC committees. Over eighty (80) community interviews were held on the economic development theme and over twenty-five (25) for the attractive and attainable housing theme. Prior to the interviews, both the CAC and TAC provided input and feedback on potential interviewees.

Informal Virtual Engagement Opportunities – Staff maintained a project website and the City's utility billing email listserv with over 2,000 registered recipients, received project update emails and community surveys.

In-Person Engagement – Prior to the pandemic, staff conducted in-person tabling events to "meet people where they are" at various community events, including the Robin Hood Festival, Sherwood Art Walk, and Music on the Green.

Proactive and effective public involvement is a cornerstone of planning practice, and focused community engagement is crucial to achieving success in land use and transportation planning initiatives that impact the entire community. The Public Involvement section of the Comprehensive

Plan Update includes various goals and policies to continue to foster community participation and reduce barriers to participation.

Finding: Based on the information above, the Comprehensive Plan update is consistent with Oregon Statewide Planning Goal 1.

Goal 2: Land Use Planning
It is the purpose of this Goal to establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

Sherwood's goals and policies related to Statewide Land Use Goal 2, Land Use Planning, can be found in the following theme of the Comprehensive Plan, *Strategic and Collaborative Governance,* on pages 44-50 in the document.

Response: Through the update process, the updated documents that form the City's factual base include: the City's Housing Needs Analysis (HNA) and the Economic Opportunity Analysis (OEA). Key findings from these two documents have been integrated into the policies in the Plan, specifically into the themes, Thriving and Diversified Economy and Attractive and Attainable Housing. The HNA and EOA documents are incorporated by reference.

The Technical Advisory Committee (TAC) provided support and reviewed the draft policies and technical studies through the plan-making process. The City partnered with a number of agencies and governmental bodies to fact-find and gather feedback. If the agency and/or government bodies were not represented on the TAC, city staff often had direct participation to s seek guidance and coordination on natural hazard preparation, historical and cultural arts planning, public facilities, and parks and recreation.

- Tualatin Valley Fire and Rescue provides emergency services and educational outreach on fire prevention and natural hazards.
- The Sherwood School District operates the public school system for children in Sherwood and the surrounding area.
- The Sherwood Chamber of Commerce and Sherwood Main Street provides business support resources to local businesses
- Washington County provides numerous services staff reached out to, including Land Use, Transportation, and Housing Services.
- City Boards – Cultural Arts Commission, Parks and Recreation Advisory Board, Library Advisory Board, Police Advisory Board, were all provided updates and the opportunity to provide input.

The Strategic and Collaborative Governance theme policies focus on Governance and Growth Management that support Land Use Goal 2. Policies support:

- Coordinating growth with adjacent jurisdictions, service providers, and local and state agencies;
- Routinely verifying inventories for factual updated information

- Maintaining a Comprehensive Plan that is consistent with regional, state and federal regulations.

The City administers the General Plan and Zoning Map and the associated Sherwood Zoning and Community Development Code that implements the Comprehensive Plan, General Plan, and Zoning Map as part of its land use process in conformance with Statewide Planning Goal 2. This Comprehensive Plan update does not propose changes to the City's General Plan Map and Zoning Map.

Finding: The proposed Comprehensive Plan update complies with Goal 2.

Goal 3: Agricultural Lands
It is the purpose of Goal 3 to preserve and maintain agricultural lands.

Response: This Goal serves to preserve and maintain farmland and its associated uses. The Comprehensive Plan establishes policy for land intended for future urbanization within the urban growth boundary (UGB). There are agricultural land designations within the City of Sherwood.

Finding: Goal 3 does not apply to the Comprehensive Plan amendment.

Goal 4: Forest Lands
It is the purpose of this Goal to conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Response: This Goal serves to preserve and maintain forestry lands and its associated uses. As stated above, the Comprehensive Plan establishes policy for land intended for future urbanization within the urban growth boundary (UGB). There are agricultural land and forest land use designations within the City of Sherwood.

Finding: Goal 4 does not apply to the Comprehensive Plan amendment.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces
It is the purpose of this Goal to protect natural resources and conserve scenic and historic areas and open spaces.

Sherwood's goals and policies related to Statewide Land Use Goal 5, Natural Resources, Scenic, and Historic Areas, can be found in the following themes of the Comprehensive Plan, *Strong Community Culture and Heritage*, on pages 38-42, and *Healthy and Valued Ecosystems*, on pages 64-69, in the document

Response: Goal 5 directs the City to adopt programs that inventory, evaluate and develop protections for natural and cultural resources that include wildlife habitat, riparian corridors, wetlands, and cultural areas. There are existing state and federal programs in place to govern some Goal 5 resources. In some cases, compliance with the state and/or federal program is

sufficient to comply with Goal 5 for that particular resource. The City must also comply with Metro Title 13 for all mapped resources located within the Urban Growth Boundary (UGB). By meeting Metro Title 13, the City also complies with Goal 5 for riparian and wildlife habitat.

Natural Resources

Sherwood is home to many natural resource areas such as Chicken, Rock, and Cedar Creeks and their associated tributaries, flood plains, wetlands, and ponds, the Tonquin Scabland Geologic Area (TSGA) as well as stands of mature trees and forest canopy. Sherwood last updated its Open Spaces and Natural Resources Inventory and Natural Resources and Recreation Plan Map in 1990. Based on Metro's more recent Regionally Significant Fish and Wildlife Habitat Inventory Map, Sherwood has a mix of riparian and wetland areas that support fish and wildlife habitat across the City.

The Sherwood Zoning and Community Development Code (SZCD) has established regulatory language to protect, preserve and otherwise property manage the City's natural and environmental resources for the public.

Floodplain (SZCD Chapter 16.134) -- The SZCD identifies the FEMA floodplain area and establishes development review and floodplain administrator duties. The SZCD also identifies permitted and prohibited uses in the floodplain and set forth development standards and notification requirements to FEMA.

Parks, Trees and Open Space (SZCD Chapter 16.142) – The SZCD assures the provision of a system of public and private recreation and open space areas. The SZCD provides standards for open space and recreation facilities in, single-family or duplex residential subdivisions and multi-family development. New development is required to install street trees, and the City has a street tree program for the removal and replanting of required street trees.

Wetland, Habitat and Natural areas (SZCD Chapter 16.144) – The SZCD ensures that all residential, commercial and industrial uses comply with wetland, habitat and natural area standards. These code sections are consistent with Metro's Regionally Significant Fish and Wildlife Habitat map and refer to Clean Water Services Design and Construction standards.

Clean Water Services (CWS) and the City of Sherwood are responsible for stormwater management. CWS regulates activities that can impact the watershed, including development near or within creeks and wetlands through the enforcement of buffer zones known as Vegetated Corridors. CWS' adopted Design and Construction Standards describe the administrative and technical requirements for designing and constructing residential or commercially developed sanitary and surface water management systems, erosion control methods, and vegetated corridors. CWS requires that applicants seeking development permits secure a Service Provider Letter that specifies the conditions and requirements associated with Vegetated Corridors and Sensitive Areas and conditions necessary to issue a Stormwater Connection Permit pursuant to Design and Construction Standards. Allowable activities within the water quality sensitive area and vegetated corridor are restricted. The vegetated corridor is required to be enhanced with dense native trees, shrubs, and ground cover. Developers are required to improve Vegetated

Corridors that CWS identifies as "degraded" or "marginal" and mitigate for any unavoidable encroachments.

The regulations of other agencies may apply to development proposals on lands containing natural resources, including the U.S. Army Corps of Engineers, the Oregon Division of State Lands, the U.S. Fish and Wildlife Service, the Environmental Protection Agency, the Oregon Department of Fish and Wildlife, and Federal Emergency Management Agency. The City notifies applicable agencies for referral responses to specific development proposals prior to the issuance of City permits. The City also encourages the applicant to contact applicable agencies before development plans are completed so as to consider the requirements and restrictions that may be imposed by the agencies.

Sherwood is a leader as a steward of its natural environment. Vegetated corridors are protected and weave through the City, providing habitat, safe passage for wildlife, clean water and air, and a place for people to connect with nature. The City actively preserves mature trees and natural areas.

Cultural and Historic Resources

The City of Sherwood undertook a Cultural Resouces Inventory in 1989 to comply with Goal 5. Three levels of resources, primary, secondary, and contributing, were identified. Most of the primary resources are located in downtown Sherwood. In 1992 (Ordinance 92-946), established historic preservation standards for Sherwood included in the Old Town Overlay Zone, which provides for site design review and elements to preserve and/or enhance the area's historic character. The overlay zone applies to all properties within the zone boundary. The following chapters in the SZCDC are intended to establish objectives and define development standards to guide the physical development in the historic downtown of Sherwood. Depending on the improvement impact, development in this area will be a Type II, or IV review.

SZCDC 16.162- Old Town Overlay
SZCDC 16.164 – Landmark Review
SZCDC 16.166 -- – Landmark Designation
SZCDC 16.188 – Landmark Alteration
SZCDC 16.70 – Landmark Designation Incentives

Historic and cultural resources provide important context for what Sherwood was and what it will become. In addition to preserving local history and character, investment in historic and cultural resources enriches community identity and enhances our community's livability. The Strong Community Culture and Heritage theme area include policy language supporting cultural and historical resources.

Finding: Based on the response above, the proposed Comprehensive Plan is consistent with Goal 5. The Comprehensive Plan does not propose any changes to the General Plan and Zoning Map, inventories or the Development Code. No new Goal 5 programs are proposed or will be changed through this update process. The policies adopted in the Plan will be applied to support

the City's existing Goal 5 program requirements and will not create any conflicts in future application of Goal 5. Based on the response above, the proposed Comprehensive Plan is consistent with Goal 5.

Goal 6: Air, Water, and Land Resources Quality
It is the purpose of this Goal to maintain and improve the quality of the air, water, and land resources of the state.

Sherwood's goals and policies related to Statewide Land Use Goal 6, Air, Water, and Land Resource Quality, can be found in the following theme of the Comprehensive Plan*, Healthy and Valued Ecosystems* pages 60-69 *in the document.*

Response: Goal 6 requires cities and counties to ensure that solid waste, thermal, noise, atmospheric, or water pollutant and contaminant process discharges from existing and future developments do not violate state or federal environmental quality standards or degrade the quality of air, water, or land resources. The Oregon Department of Environmental Quality (DEQ) regulates air, water, and land with CWA Section 401 Water Quality, Water Quality Certificate, State 303(d) listed waters, Hazardous Wastes, Clean Air Act (CAA), and Section 402 NPDES Construction and Stormwater permits. DEQ regulates sanitary sewer systems through Water Pollution Control Facilities Permits, solid waste facilities through Solid Waste Disposal Site Permits, and air quality through Air Contaminant Discharge Permits.

Sherwood's Zoning and Community Development Code requires development in industrial and other zones to comply with current state air quality statutes and rules as administered by DEQ. The Development Code also requires special conditions to extract and process minerals and aggregates.

Additionally, the Department of State Lands and the Army Corps of Engineers regulates jurisdictional wetlands and CWA Section 404 water of the state and the country, respectively. Clean Water Services regulates impervious surface and stormwater runoff throughout the City, manages wastewater treatment facilities and shares responsibility with the City for wastewater conveyance. Clean Water Services is an active participant in the internal review of the Comprehensive Plan update and on the project's Technical Advisory Committee. Sherwood's existing Design and Construction Standards are based on those adopted by Clean Water Services and provide guidelines for stormwater management that all new development and redevelopment projects must meet, as well as detailed requirements for the design of actual stormwater treatment and detention facilities.

Finding: Based on the response above, the proposed draft policies are consistent with state land use Goal 6 in the *Strategic and Collaborative Governance* and *Healthy and Valued Ecosystem* comprehensive plan themes.

Goal 7: Areas subject to Natural Hazards
It is the purpose of this Goal to protect people and property from natural hazards.

Sherwood's goals and policies related to Statewide Land Use Goal 7, can be found in the following theme of the Comprehensive Plan, *Strong Community, Culture, and Heritage,* on pages 38-42 *in the document.*

Response: State Land Use Goal 7 requires Comprehensive Plans to reduce the risks to people and property from natural hazards, including floods, landslides, earthquakes, and related hazards.

While community safety is often regulated within the context of public facilities and services, community health is not explicitly governed in a regulatory environment, rather relying on the interconnected nature of policies that deal with physical, environmental, and economic characteristics of cities. Therefore, good governance can help design communities that improve police and fire response times, reduce collective energy use, increase resilience in the face of natural hazards and encourage land use patterns that reduce vehicle trips and congestion and improve traffic safety. Well-designed communities can also help mitigate the effects of public health outbreaks as well as natural hazards that pose the greatest risk to the Sherwood (earthquakes, floods, and winter storms). This is particularly as climate change drives the increased frequency, duration and intensity of many of these events.

The natural hazard most likely to occur in Sherwood is flooding from winter storms. The US Army Corps of Engineers (Corps) manages and administers permit programs overseeing the activities that affect waterways. In Oregon, permits for development are issued jointly by the Oregon Division of State Lands (DSL) and the Corps, and a water quality certification is also required by the Oregon Department of Environmental Quality.

City staff is generally required to sign off on any wetland or waterway permits issued by DSL and the Corps. Sherwood also participates in the National Flood Insurance Program and uses the best available adopted information for floodplain mapping and decision-making, which include the 2018 Washington County Flood Insurance Study and associated Flood Insurance Rate Maps. (FIRMs). The overall risk of flooding is limited in relatively small portions of Sherwood adjacent to tributary streams. The City's existing regulations (Chapter 16.134 Floodplain Overlay of the Sherwood Development Code), are intended to limit development within the flood plan and to protect people and property from potential flood damage. The Floodplain Overaly is applied to land where floodplain is identified.

All future public and private development and infrastructure projects will need to comply with local, state, and national regulations related to earthquakes, floods and other hazards. The City's Comprehensive Plan demonstrates an understanding of the potential impact of natural and human-caused disasters and establishes to reduce the vulnerability of people, property, and the environment to these hazards.

Finding: Based on the response above, the proposed policies are consistent with state land use Goal 7 in the *Strategic and Collaborative Governance* and *Healthy and Valued Ecosystem* comprehensive plan themes.

Goal 8: Recreational Needs
It is the purpose of this Goal to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities.

Sherwood's goals and policies related to Statewide Land Use Goal 8, Recreational Needs, can be found in the following theme of the Comprehensive Plan, *Healthy and Valued Ecosystems,* on pages 64-69 in the document.

Response: Goal 8 requires the City to coordinate planning for recreational areas, facilities, and opportunities to provide the quantity, quality, and location consistent with community needs.

Sherwood recently adopted a new updated Parks and Recreation Master Plan (PRMP) (Ordinance 2021-004, May 18, 2021). The PRMPprovides a community drive vision and long-range guide for Sherwood's parks, facilities, and community programs. The Plan addresses deficiencies, amends strategies and actions, and identifies the needs for future park development, recreational services, trails, and open space preservation. It prioritizes short and long-term needs and provides costs for future park improvements.

Within its 4.3 square miles, Sherwood has an extensive inventory of parks, trails, and recreation facilities and provides a variety of recreation programs. With 67 acres of designated parkland, Sherwood currently provides 3.5 acres of parkland per 1,000 residents. This does not include Sherwood's protected creek corridors, which account for significantly more public land. Though acres per 1,000 has traditionally been one metric for public park agencies, it does not address the proximity of parks to community residents. For this reason, the emerging national standard has become the 10-minute walk or ½-mile. Much of Sherwood has a park within a ½-mile walk, using the street and trail network and factoring in physical barriers such as Highway 99. However, underserved areas exist around school sites northwest of Highway 99, and in areas with very small parks.

The PRMP was developed under the framework of the 2018 Visioning Process for the Comprehensive Plan and identifies eight overarching strategies to provide direction for Sherwood's parks and recreation system. Each of these strategies has accompanying actions, setting policy-level guidance for the recommended improvements, which are incorporated into the Comprehensive Plan. The PRMP also provides park design guidelines. The intent of the design guidelines is to protect and enhance the City's quality of life and community identity and encourage functional, safe, and aesthetically pleasing development while maintaining compatibility with the surrounding environment.

Sherwood has a sophisticated approach to funding parks and recreation services, using a variety of tools and mechanisms to provide services at a high level of quality, including strategic partnerships. The City of Sherwood regularly invests in its parks and recreation facilities, including through its asset management program. The current Capital Improvement Plan (CIP) identifies $1,263,057 in parks capital projects, with funding from Park System Development charges, the General Fund, and grants. Over the past ten years, the most significant sources of funding for parks capital projects have been System Development Charges (SDCs) and transfers from the General Fund. The PRMP proposes physical improvements to Sherwood's existing parks and recreation facilities and recommends new improvements. The PRMP provides an Action Plan that is intended to complement the CIP process, allowing for the sequencing of projects and actions and updated on an annual basis. The Action Plan for the PRMP is organized into three timeframes: Within the next 5 years; 5 to 10 years; and 10+ years.

The City aims to continue meeting the recreation needs of a growing and changing population through careful planning. Sherwood's population growth, as well as the annexation and development of the Brookman Area and Sherwood West, will continue to drive the need for expanded parks and recreation services and facilities.

Finding: Based on the response above, the policies in both the PRMP and Comprehensive Plan include policy language to address future park needs and recreational facilities to satisfy the recreational needs of Oregon residents and visitors.

Sherwood's goals and policies related to Statewide Land Use Goal 9, Ecomomic Development, can be found in the following theme of the Comprehensive Plan, *Thriving and Diversified Economy,* on pages 34-37 in the document.

Goal 9: Economic Development
It is the purpose of this Goal to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Response: Goal 9 requires the City to maintain and plan for an adequate land supply to accommodate at least 20 years of future growth, ensuring citizens have adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon. Comprehensive plans are required to include an analysis of a community's economy related to state and national trends, an assessment of economic development potential, and an inventory of employment land, contain policies for economic opportunities based on that analysis, provide for an adequate supply of a variety of sites supporting employment consistent with identified policies, and ensure designated employment sites and adjacent sites include compatible uses.

Sherwood's economy is linked with the entire region. While the City has a diverse economy, with Retail Trade (17%), Accommodation and Food Services (13%), and Manufacturing (11%) sectors accounting for 41% of Sherwood's employment, over 90% of Sherwood residents commute outside of the City for work. Despite a highly skilled and educated population and an availability of light industrial land for development, Sherwood is met with constraints on infrastructure development and capacity and a location on the geographic fringes of the Metro region. This limits the viable development of employment land, and as a result, the City struggles with an unbalanced tax base. Projected City budget shortfalls create concern that the City will not be able to maintain or increase level of services to its citizens and businesses in the future. In order to get the services Sherwood needs and desires, the City's tax base needs to expand the supply and development of revenue-generating employment land, which is one of the greater contributors to the City's tax base. Expanding existing businesses and attracting new employment to Sherwood– particularly the right kind of jobs in the right places –will provide opportunities for higher-wage jobs and help balance the City's tax base.

<u>2021-2041 Economic Opportunities Analysis</u>
The Economic Opportunities Analysis (EOA), adopted by reference in the Comprehensive Plan provides information about the factors that could affect economic development in Sherwood, including demographics, industry and workforce trends, market health, and includes the City's buildable lands inventory (BLI) for employment within the UGB. The BLI is required by Goal 9 to ensure that current use designations provide an adequate short- and long-term land supply for employment development for meeting existing needs and those of projected growth. It analyzes

existing development patterns and intensity, land and development values, existing land use designations and zoning, and building constraints to determine where there is vacant land and/or land that is likely to be redeveloped and compares the existing supply of land to emerging trends and indicators for future estimates of demand.

The updated employment forecast for the 2021 to 2041 period uses Metro's 2050 Employment Forecast for Sherwood and the Tonquin Employment Area, which assumes an average annual growth rate of 1.42%. By 2041, there will be an increase of 2,987 employees or thirty-three percent (33%) of employees within Sherwood city limits, Brookman Annexation Area, and Tonquin Employment Area. If growth occurs at the rate projected, which is faster than Metro's forecast for population and housing growth used in the Sherwood Housing Needs Analysis, the population to employment ratio would decrease from about 3.2 residents per job to about 2.3 residents per job. Employment growth could even grow faster as Sherwood continues to support Economic Development goals and policies, and strategies for job creation.

Table 1 shows commercial and industrial land with development capacity (lands classified vacant or potentially redevelopable in Metro's buildable lands inventory and verified by City staff). The results show Sherwood has about 249 unconstrained buildable acres within the planning area, 25 of which are Commercial, 97 are Industrial, and the remaining 128 are in the Tonquin Employment Area or Brookman Annexation Area.

Table 1. Employment acres by classification and plan designation, Sherwood City Limits, Tonquin Employment Area, and Brookman Area, 2021

Plan Designation	Tax Lots	Total Acres	Acres with No Development Capacity	Constrained Acres	Total Unconstrained Buildable Acres
Commercial	134	171	119	27	25
General Commercial	31	62	38	10	14
Neighborhood Commercial	2	1	1	0	0
Office Commercial	11	16	6	5	5
Retail Commercial	90	92	74	12	6
Industrial	115	478	290	91	97
General Industrial	66	238	158	19	61
Light Industrial	49	240	132	72	36
Tonquin	25	282	62	111	110
Future Development	25	282	62	111	110
Brookman	4	25	3	4	18
Future Development	4	25	3	4	18
Total	278	956	474	233	249
Percent of Total		100%	50%	24%	26%

Goal 9 requires that cities provide for an adequate supply of commercial and industrial sites consistent with plan policies. To meet this requirement, Sherwood needs an estimate of the amount of commercial and industrial land that will be needed over the 2021-2041 planning period. Table 2 presents the forecast of employment growth by land use type in Sherwood from 2021 to 2041. Sherwood's employment base was 9,175 employees in 2021. The forecast shows that by 2041, Sherwood will have 12,162 employees, an increase of 2,987 jobs over the planning period

Table 2. Forecast of employment growth by land use type, Sherwood City Limits, Tonquin, and Brookman, 2021-2041

Land Use Type	2021 Employment	2021 % of Total	2041 Employment	2041 % of Total	Change 2021 to 2041
Industrial	2,547	28%	4,135	34%	1,588
Retail Commercial	1,397	15%	1,459	12%	62
Office & Commercial Services	4,567	50%	5,838	48%	1,271
Government	664	7%	730	6%	66
Total	9,175	100%	12,162	100%	2,987

Source: ECONorthwest
Note: The shaded percentages denote an assumption about the future change in the share of employment (as a percent of total) by land use type.

The forecast of growth of 2,987 new employees will result in the following demand for vacant employment land: 105 gross acres of industrial land and 56 gross acres of commercial land.

Table 3 compares the supply of suitable employment land with the demand for employment land:

- **Industrial.** Sherwood has a supply of 97 acres of suitable land designated for industrial uses. The employment forecast projects demand for 105 acres of industrial land. Sherwood has less industrial land than the City is projected to need over the 20-year period, with a deficit of 8 gross acres of industrial land.
- **Commercial.** Sherwood has 25 acres of land designated for commercial uses. The employment forecast projects demand for 56 acres of commercial land. Sherwood has less commercial land than the City is projected to need over the 20-year period, with a deficit of 35 gross acres of office commercial land and a surplus of 4 gross acres of retail commercial land.
- **Future Development.** Sherwood has 127 acres of land designated for employment uses in future development designations in the Tonquin Employment Area and Brookman Annexation Area.

Table 3. Comparison of the Capacity of Unconstrained Vacant and Potentially Redevelopable Land with Employment Land Demand by Land Use Type, Sherwood City Limit, Tonquin, and Brookman, 2021-2041

Land Use Type	Land Supply (Suitable Gross Acres)	Demand (Gross Acres)	Land Sufficiency (Deficit)
Industrial	97	105	(8)
Retail Commercial	7	3	4
Office & Commercial Services	18	53	(35)
Future Development (Tonquin and Brookman)	127	-	127
Total	249	161	

Source: ECONorthwest

The characteristics of Sherwood will affect the types of businesses most likely to locate in the City. Sherwood's attributes that may attract firms are Sherwood's location along Highway 99; quality of public facilities and services; availability of vacant, serviced land; quality of schools; and overall quality of life.

The target industries identified as having potential for growth in Sherwood are:

Manufacturing: Sherwood's attributes, especially its location in the Portland region and proximity to Hillsboro, may attract manufacturing firms, such as:

- Technology and Advanced Manufacturing, such as semiconductors, electronic communication equipment, computer peripherals, and circuit boards.
- Machinery Manufacturing (Metals and Machinery), such as food processing machinery, medical devices, component parts for manufacturing, and other specialized machinery for manufacturing.
- Clean Tech, such as instruments manufacturing, electrical equipment manufacturing, and renewable energy equipment and components.

Professional and business services. Sherwood's high quality of life, access to quality schools, existing population and business base, and proximity to the Portland region may attract professional and business services that prefer to locate in a smaller city like Sherwood, such as:

- Software and Media, such as software development, data processing, computer systems design, and motion picture and video production.
- Clean Tech, such as scientific and technical research and services, engineering services, architectural design, and construction engineering services.
- Athletics and Outdoors, such as design services, professional services, and marketing
- Other services, such as scientific research or environmental services.

Wholesale. Sherwood's access to Highway 99 may make the City attractive to continued growth of wholesale businesses.

Services for visitors. Emphasis on experiences and destinations in and near Sherwood, especially related to agriculture and wineries will drive demand for services for visitors including family-friendly events, farmers markets, specialty retail, wine tasting rooms, restaurants, or hotels.

Services for residents. Growth in population in and around Sherwood will drive growth of businesses that serve residents, such as medical services, legal services, financial services, retail, personal services (e.g., barbers), and restaurants

Finding: Based on the response above, the proposed policies in the, *Striving and Diversified Economy* theme is consistent with State Land Use Goal 9.

Goal 10: Housing

It is the purpose of Goal 10 to provide for the housing needs of citizens of the state.

Sherwood's goals and policies related to Statewide Land Use Goal 10, Housing, can be found in the following theme of the Comprehensive Plan, *Attractive and Attainable Housing,* on pages 52-57 in the document.

Response: Sherwood's population growth and shifting demographics affect future housing growth and shape the changes in the City's housing market. While Sherwood's population has

been growing relatively fast in recent years, the population has been aging while the community continues to attract younger people and more households with children. In addition, Sherwood's population is becoming more ethnically diverse. If these trends continue, there will be changes in the types of housing demanded in Sherwood in the future.

The aging of the population is likely to result in increased demand for smaller single-family housing, multi-family housing, and senior living. The growth of younger and diversified households is likely to result in increased demand for a wider variety of housing that is affordable and appropriate for families with children, such as small single-family housing, townhouses, duplexes, and multi-family housing. Changes in commuting patterns could affect future growth in Sherwood. Currently, Sherwood's housing stock is predominantly single-family detached.

Housing prices are higher in Sherwood than the regional averages, though the City's increasing homeownership costs are consistent with the upward national trend. Almost three quarters of Sherwood's residents own their homes. Sherwood households have a relatively high income, which affects the type of housing that is affordable, particularly for young people and new families. Future housing affordability will depend on the relationship between income and housing price, and whether housing prices will continue to outpace income growth.

The City's most recent Housing Needs Analysis (HNA) for the 2019-2039 period provides Sherwood with a factual basis to support future planning efforts related to housing, and was used to help develop Comprehensive Plan goals and policies that are consistent with the HNA while reflecting City priorities and strategies.

As required by state law, the HNA examines household growth based on Metro's coordinated forecast. The forecast includes growth in both areas within the city limits, as well as areas currently outside the city limits that the City expects to annex for residential uses. The HNA identifies an additional 1,728 new households between 2019 and 2039. Sherwood must provide enough land to accommodate forecasted housing needs for the next 20 years which can be met through continued annexation of the Brookman area and planning for Sherwood West.

Goal 10 requires the City to maintain and plan for an adequate land supply to accommodate at least 20 years of future growth, providing flexibility in housing location, type, and density (specifically at an overall density of 6 or more units/acre with the opportunity for 50 percent of new units to be attached single-family or multi-family) to ensure the availability and prices of housing units are commensurate with the needs and financial capabilities of Oregon households.

Comprehensive plans are required to include an analysis of community housing needs by type and affordability, an assessment of housing development potential, and an inventory of residential land; contain policies for residential development and supportive services based on that analysis that increase the likelihood that needed housing types will be developed; and provide for an adequate supply of a variety of housing types consistent with identified policies and meeting minimum density and housing mix requirements (established by OAR 660, Division 007).

2019-2039 Housing Needs Analysis

Sherwood's 2019-2039 Housing Needs Analysis (HNA), adopted by reference in the Comprehensive Plan provides technical and factual background relating to current and future housing needs. The HNA provides information about the factors that could affect housing development including: historical and recent development trends; projections of new housing units needed in the next 20 years; demographic and socioeconomic factors affecting housing choice, and regional and local trends in housing cost and affordability.

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

The HNA analyzes existing development patterns and intensity, existing land use designations and zoning, and building constraints to determine where there is vacant land and/or land that is likely to be redeveloped, and compares the existing supply of land to emerging development trends and projection of needed housing units.

The HNA 2019-2039, includes the buildable lands inventory (BLI), which provides a factual basis to inform update to the housing element of the *Sherwood 2040* Comprehensive Plan, as well as future updates to its City's implementing ordinances.

The HNA 2019-2039 makes the following conclusions regarding compliance with Goal 10:

Sherwood will need to plan for enough residential land to accommodate forecasted housing needs for the next 20-years:

- Sherwood is forecast to add 1,728 new households between 2019 and 2039. Of these 700 new households are inside existing city limits; 1,029 new households are outside current city limits.

- Sherwood's land base can accommodate most of the forecast for growth. Vacant and partially vacant land in the Sherwood Planning Area has the capacity to accommodate about 65% of the forecast for new housing on areas within the city limits and the Sherwood Planning Area.

- Sherwood has a deficit of land for housing. The deficit of land is for 608 dwelling units. The largest deficits are in Medium Density Residential-Low (154 dwelling units); Medium Density Residential-High (252); and High Density Residential (145 dwelling units).

To provide adequate land supply, Sherwood will need to continue annexing the Brookman Area, the primary designated residential in the Sherwood Planning Area. Without Brookman area developing, the City has a projected deficit of 1,155 dwelling units

Comparison of capacity of existing residential land with demand for new dwelling units, dwelling units, Sherwood planning area, 2019-2039

Zone	Capacity (Needed Densities)	Housing Demand	Comparison Capacity *minus* Demand (dwelling units)
Very Low Density Residential	76	95	-19
Low Density Residential	144	182	-38
Medium Density Residential-Low	382	536	-154
Medium Density Residential-High	266	518	-252
High Density Residential	253	398	-145
Total	**1,121**	**1,729**	**-608**

Page 40, Sherwood HNA 2019-2039
Source: ECONorthwest

The implications for Sherwood's housing policies as the City moves forward with the Comprehensive Plan update:

- Sherwood will need Sherwood West to accommodate future growth beyond the existing city limits and Sherwood Planning Area (Brookman) inside the UGB. There is a deficit of 608 dwelling units over the next 20-years in Sherwood city limits and Brookman Area. The growth rate of Metro's forecast for household growth (1.1% average annual growth) is considerably lower than the City's historical population growth rate over the last two decades (8% average annual growth). At the historic growth rate, Sherwood will be out of buildable lands for residential development within 4-10 years. To comply with Goal 10, the City will need to either change its policies to allow for more development on the inventory of vacant land, request a UGB expansion from Metro, or both.

  Sherwood is planning on a future UGB expansion request from Metro that will include residential designated land that will meet housing needs and plan for a variety of housing types based on the HNA. In 2016, the Sherwood West Preliminary Concept Plan was accepted. The City is now re-examining that concept plan based on the HNA, the goals and policies in the Comprehensive Plan, and Metro Title 14 Concept Plan requirements to meet housing needs. This work is primarily funded through a Metro 2040 Planning and Development grant. It is anticipated that the City will move forward with a Metro UGB request through the next Urban Growth Report and UGB request process in 2024.

  Goal 3, under theme area of *Attractive and Attainable Housing*, in the Comprehensive Plan states*: Provide the opportunity for a variety of housing types in locations and at price points that meet the needs of current and future residents.* This Goal and its' set of policies speak directly to the need of providing a wider range of housing options that offer different price points for current and future residents of Sherwood. In a best-effort, this policy links what came out of the Housing Needs Analysis, state requirements (Land Use Goal 10, Housing), and what staff has heard from the community. Throughout the process of developing goals and policies for housing, there is support for townhomes, courtyard housing, accessory dwelling units and single-story homes for the growing elderly population. The community supports both homeownership and lower income housing opportunities in areas with access to jobs, transportation, and other supportive amenities as identified in policies within the Plan.

- Sherwood has a relatively limited supply of land for moderate and higher density housing. The limited supply of land in these zones is a barrier to development of townhouses and multi-family housing, which is needed to meet the housing demand for growth of people over 65, young families, and moderate-income households. Sherwood will need to plan for a greater variety of housing types.

- Sherwood will have an ongoing need for providing affordable housing to lower-income households. About 31% of households in Sherwood have incomes below 80% of the MFI. These household will need a range of housing types, such as lower-cost single family housing, townhouses, or multi-family housing. Sherwood currently has a limited supply of land available in its planning area for moderate and high-density housing.

Metropolitan Housing Rule: OAR 660, Division 007

OAR 660-007 (the Metropolitan Housing rule) is designed to "assure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metropolitan Portland (Metro) urban growth boundary."

OAR 660-007 also specifies the mix and density of new residential construction for cities within the Metro Urban Growth Boundary (UGB): "Provide the opportunity for at least 50 percent of new residential units to be attached single- family housing or multiple family housing or justify an alternative percentage based on changing circumstances" (OAR 660-007-0030 (1).

OAR 660-007-0035 sets specific density targets for cities in the Metro UGB. Sherwood's average density target is six dwelling units per net buildable acre.

The HNA forecast of needed housing unit by mix, Sherwood Planning Area, 2019-2039

Housing Type	New Dwelling Units (DU)	Percent
Single-family detached	865	50%
Single-family attached	432	25%
Multifamily	432	25%
Total	**1,729**	

Page 27, Sherwood HNA 2019-2039
Source: ECONorthwest

The assumed housing mix meets the requirements of OAR 6660-007-0030 to "designate sufficient buildable land the opportunity for at least 50 percent of new residential units to be attached single-family housing or multiple family housing." Sherwood's Zoning and Development Code allows for the opportunity for attached and/or multi-family housing in the MDRL, MDRH, HDR zones. Approximately 126 of the 175 buildable acres in Sherwood City Limits and Planning Area are in these zones (see Table 8, page 39, Sherwood HNA 2019-2039).

The HNA demonstrates that development in Sherwood occurred at considerably higher densities than the minimum allowable densities in each zone. The overall development in Sherwood average from 2000-2014 averaged 8.2 dwelling units per net acre (See Table B-3, Appendix page B-9, Sherwood HNA 2019-2039). The needed density in Sherwood is consistent with the densities

achieved in residential zones Sherwood over the 2000-2014 period. These densities are (See Table B-4, Appendix page B-10, Sherwood HNA 2019-2039):

Zone	Dwelling units per net acre
Very Low Density Residential	2.9
Medium Density Residential	6.5
Medium Density Residential High	7.7
High Density Residential	19.1

These densities, when applied to Sherwood's supply of buildable land in the capacity analysis, results in an overall density of 7.3 dwelling units per net acre (See page 28, Sherwood HNA 2019-2039). This housing density meets the requirements of OAR 660-007-0035 to "provide for an overall density of six or more dwelling units per net buildable acre." The future density (7.3) is lower than the historical density (8.2) due to the deficit of available HDR and MDRH land.

The HNA concludes that both the maximum density (and minimum lot size) and the historical development density estimates exceed the State requirement (OAR 660-007-0035(2)) to "provide for an overall density of six or more dwelling units per net buildable acre." The estimate results in an average density of between 7.3 to 8.6 dwelling units per net acre.

Range of capacity estimates, Sherwood vacant and partially vacant land, gross acres and gross densities, 2015

		Capacity based on Zoning: Minimum Densities		Capacity based on Zoning: Maximum Densities and Minium Lot Sizes		Capacity based on Historical Development Densities		Difference in Capacity between Maximum Densities and Historical Densitites	
Zone	Buildable Acres	Dwelling units	Derived Density	Dwelling units	Derived Density	Density Assumption	Dwelling units	Difference in Dwelling Units	Difference in Density
Land within City Limits									
VLDR	24	19	0.8	94	3.9	2.9	69	25	1.0
VLDR_PUD	1	-	-	4	3.8	2.9	3	1	0.9
LDR	22	71	3.2	113	5.1	6.5	144	(31)	(1.4)
MDRL	14	75	5.2	112	7.8	6.1	88	24	1.7
MDRH	21	111	5.3	223	10.7	7.7	161	62	3.0
HDR	14	224	16.0	303	21.7	19.1	266	37	2.6
Subtotal	**96**	**500**	**5.2**	**849**	**8.8**		**731**	**118**	**8.8**
Brookman and Other Unincorporated Areas									
VLDR	1	2	1.6	4	3.2	2.9	3	1	0.3
MDRL	52	275	5.3	401	7.7	6.1	317	84	1.6
MDRH	8	36	4.7	62	8.1	7.7	58	4	0.4
MDRL/H*	15	78	5.3	109	7.5	7.5	109	-	-
HDR	3	49	15.4	70	22.1	19.1	60	10	3.0
Subtotal	**79**	**440**	**5.6**	**661**	**8.4**		**547**	**114**	**8.4**
Total	**175**	**940**	**5.4**	**1,510**	**8.6**	**7.3**	**1,278**	**232**	**1.3**

Page 37, Sherwood HNA 2019-2039

The conclusion of the housing needed analysis is that Sherwood's historical densities meet Sherwood's future housing needs.

Finding: Based on the response above, Sherwood plans for a complete community that balances housing needs. Sherwood has identified meeting the Metropolitan Housing Rule and the community will continue to meet residential land supply through annexations in Brookman area and through a future Metro Urban Growth Boundary request. Sherwood is planning on a future UGB expansion request from Metro that will include residential designated land that will

meet housing needs and plan for a variety of housing types based on the HNA and the goals and policies within the Comprehensive Plan. It is anticipated that the City will move forward with a UGB request from Metro through the next Urban Growth Report and UGB request process in 2024.

The goals and policies reflected in the theme, Attractive and Attainable Housing (pages 52-57), 2040 Sherwood Comprehensive Plan are consistent with Goal 10, Housing, and OAR 660-007.

Goal 11: Public Facilities and Services
It is the purpose of this Goal to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Sherwood's goals and policies related to Statewide Land Use Goal 11, Public Facilities and Services, can be found in the following themes of the Comprehensive Plan, *Strong Community Culture and Heritage* (pages 38-42), *Strategic and Collaborative Governance* (pages 44-50), and *Coordinated and Connected Infrastructure* (pages 58-63).

Response: Goal 11 requires the City to *"plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."* To provide for coordinated service provision, the Urban Planning Area Agreement (UPAA) signed in 2017 by the City and Washington County identifies the eventual boundaries of Sherwood, and guides the transition of unincorporated lands when annexed to Sherwood, and identifies the appropriate providers of local water, sewer, storm sewer, and transportation facilities within the Urban Planning Area.

The City of Sherwood provides many public facilities and services to its residents and coordinates with several other local service providers to provide timely, orderly, and efficient provision of services to serve the community. The City provides planning and zoning services, as well as water, wastewater, stormwater, and transportation facilities. The City also coordinates with other facility providers, including the Sherwood School District, Portland General Electric, Pride Disposal, Clean Water Services, and TriMet. Reliable and consistent public facilities are necessary to maintain the high quality of life that residents enjoy. Planning for future expansions and capacity is vital to accomodating growth over the next several decades.

Public Facilities Plan Adoption
Goal 11 requires the City to have an adopted Public Facilities Plan (PFP) addressing water, sewer, and transportation facilities. Public facilities planning allows jurisdictions to create coordinated strategies for infrastructure and service provision over a longer-term horizon than is normally used in programs such as Capital Improvement Programs (CIPs), which plan for the short-term (typically 1 to 5 years). Without adequate planning for public facilities, utilities and services, coordination between multiple city departments, service providers, and districts can prove challenging and may result in gaps in service, inefficiencies and/or unnecessary expenses. Sherwood addresses water, sewer, stormwater services through infrastructure and/or service master plans.

The goals and policies of the Comprehensive Plan support the criteria required for evaluating these systems, as well as the process for identifying system deficiencies and recommended improvements, as outlined in each of these system master plans. In addition to public infrastructure and services like water, sewer and stormwater, the expansion of highspeed broadband capabilities across Sherwood is a City Council priority. Growth in broadband as a public utility can aid in energy conservation, the deployment of smart city applications, and growth in other technologies.

Following best practices in infrastructure and service planning, the City has also adopted several infrastructure master plans, including:

Sherwood Transportation System Plan (TSP), Ordinance 2014-012
Water System Master Plan, Ordinance 2015-004
Sherwood Sanitary Sewer Master Plan, Ordinance 2016-004
Stormwater Master Plan, Ordinance 2016-015
Parks and Recreation Master Plan, Ordinance 2021-004
Water Management and Conservation Plan

To help fund facilities and services, the City employs a combination of utility rates, connection fees, System Development Charges assessed on new development.

Finding: Sherwood is planning for timely, orderly, and efficient arrangement of public facilities and services. Based on the response above, The 2040 Comprehensive Plan includes goals and policies regarding the future provision of public facilities and services.

Goal 12: Transporation
The purpose of Goal 12 is to provide and encourage a safe, convenient, and economic transportation system.

Sherwood's goals and policies related to Statewide Land Use Goal 12, Transportation, can be found in the following themes of the Comprehensive Plan, *Coordinated and Connected Infrastructure* (pages 58-63).

Response:
Goal 12 and the State Transportation Rule (TPR) (OAR 660-012) requires cities to provide and encourage a safe, convenient, and economic transportation system. Together they require the City to develop and maintain a Transportation System Plan (TSP), which must be incorporated as part of the Comprehensive Plan. A local TSP acts as a guiding policy document for long-term transportation planning and presents the City's goals and policies while outlining and prioritizing proposed improvements for motor vehicle, pedestrian, bicycle, public transit, and freight systems in addition to neighborhood traffic management strategies. A local TSP also identifies funding sources and collaborative partnerships to leverage resources for system maintenance and improvements.

The City of Sherwood last adopted a full TSP in 2014 (Ordinance 2014-012), which was an update to Sherwood's original TSP, which was adopted in 2005. The City's adopted TSP is consistent with statewide planning policies and the Metro Regional Transportation Plan. In

2018, The City made refinements to the TSP. The purpose of the update was to make the road classification system consistent with Washington County and reclassify Brookman Road as an arterial instead of a collector roadway.

TSPs are updated periodically due to changing economic, population, and travel trends. All jurisdictions within the region must update or amend their TSPs to comply with Metro's Regional Transportation Plan. The City's TSP is scheduled to be updated within the next 3 years. This Comprehensive Plan Update does not include a full sail update to Transporation goals and policies but relies on the current adopted TSP for this purpose. No changes to the Comprehensive Plan land use designations are being proposed as part of the Comprehensive Plan Update. The TSP contains a set of goals and policies to guide the development of the future transportation system. Policy 1.1, under Goal 1, in the theme Coordinated and Connected infrastructure, states to "develop, implement, and regularly update the City's Transportation System (TSP). A future updated TSP and changes to the goals and policies will be a forthcoming Post Acknowledgement Plan Amendment to the Comprehensive Plan.

Goal 12 requires that the land uses in the Comprehensive Plan and the supporting transportation facilities in the TSP are coordinated and compatible because no changes were made to land uses in this Comprehensive Plan Update; the TSP remains coordinated and consistent with the plan document. The transportation section of the Comprehensive Plan in theme, Coordinated and Connected Infrastructure, includes policy language supporting a transportation system that is safe, convenient, and provides for transportation choices. The policies in the updated Comprehensive Plan promote a multi-modal system and prioritize street design features and techniques that promote safe and comfortable travel for all different transportation modes, based on the street context and function, to help reduce vehicle trips for daily needs. Other policies related to transportation include the support of cleaner and more efficient fuels, leveraging partnerships and funding, ensuring safe and convenient transportation access across Highway 99W for all modes of travel.

Other themes in the Comprehensive Plan include additional policies that may not address transportation directly but address other aspects contributing to an efficient transportation system, including Attractive and Attainable Housing, which promotes development patterns to support active transportation near commercial/retail areas.

Transportation Planning Rule: OAR 660-012

The TPR sets forth specific requirements related to the development of the TSP for consistency with Goal 12. The City has demonstrated compliance with all TPR sections related to the preparation of the TSP in its acknowledged Plan, which is adopted by reference and is unchanged by the Comprehensive Plan update. The Comprehensive Plan update does not (i) change the functional classification of any existing or planned transportation facility, (ii) change the standards implementing a functional classification system, (iii) allow types of uses or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification or a transportation facility, or (iv) reduce the performance standards of a public facility below the minimum acceptable level in the adopted TSP.

Finding: Based on the response above, Sherwood plans to provide and encourage a safe, convenient, and economical transportation system.

The goals and policies reflected in the theme, Coordinated and Connected Infrasture (pages 58-63), 2040 Sherwood Comprehensive Plan are consistent with Goal 12, Transporation and the Transporation Planning Rule OAR 660-660.

Goal 13: Energy Conservation
The purpose of this goal is to conserve energy.

Sherwood's goals and policies related to Statewide Land Use Goal 13, Energy Conservation, can be found in the following themes of the Comprehensive Plan, *Coordinated and Connected Infrastructure*, pages 34-37, and *Healthy and Valued Ecosystems,* pages 58-63 in the document.

Response: Goal 13, Energy Conservation, requires that local governments consider the effects of its comprehensive plan on energy consumption. This includes spatial changes to future patterns of allowed land uses and land use decisions impacting transportation systems and renewable energy.

The updated Comprehensive Plan recognizes energy efficiency throughout multiple theme areas in the plan document. The Plan encourages and promotes the following:

- The development of electric vehicle charging stations in existing, new development, and redevelopment.
- The expansion of infrastructure for walking, bicycling, and transit which uses less energy than other transportation modes.
- Housing and mixed-use development in areas near transit and daily activities to reduce vehicle miles traveled.
- Responsive development code and standards that reflect emerging trends addressing energy and climate challenges and opportunities.
- Development and the implementation of an Energy Conservation Plan.
- Expansion of Sherwood Broadband to expand fiber services for all users and support smart city applications that promote efficient use of energy.
- Adaptive reuse when designing buildings and sites to respond to changing environmental and energy needs and conditions while remaining compatible with adjacent development and uses.

Finding: Based on the response above, Sherwood plans to encourage the conservation of energy.

The goals and policies reflected in the themes, Coordinated and Connected Infrastructure (pages 58-63-), and Healthy and Valued Ecosystems (pages 58-63) in the 2040 Sherwood Comprehensive Plan are consistent with Goal 13, Energy.

Goal 14: Urbanization

The purpose of Goal 14, Urbanization, is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Sherwood's goals and policies related to Statewide Land Use Goal 14, Urbanization, can be found in the following theme of the Comprehensive Plan, *Strategic and Collaborative Governance,* pages 44-50.

Response: Goal 14 requires the establishment and maintenance of an Urban Growth Boundary (UGB) to ensure the efficient use of land, accommodation of a 20-year projected population and employment growth, and an orderly transition from rural to urban land uses. Metro is responsible for managing the UGB and evaluating whether it needs to be adjusted to accommodate growth over the 20-year planning period under state law. The City must demonstrate that the regional household and employment growth allocated by Metro can be accommodated in an orderly and efficient manner that preserves and enhances livability.

To manage coordinated regional growth Metro adopted the Regional Framework Plan, which unites all of Metro's adopted land use, transportation, and other regional planning requirements. Under Metro's charter and state law, the City is required to comply and be consistent with urbanization and other requirements in Metro's Functional Plan. Findings for consistency with Metro's Urban Growth Management Functional Plan (UGMP) are found below in this staff report.

The updated Comprehensive Plan does not include any revisions to the City's Comprehensive General Plan/Zoning Map or the Urban Growth Boundary. The Plan manages residential and employment growth impacts, promotes efficient urban development, and protects natural resources from sprawl. In planning for future growth, the City prepared policies that promote the efficient transition between urban and rural land, planning for and providing adequate public services, and encouraging a mix of housing.

Finding: Based on the response above, Sherwood plans to provide for an orderly and efficient transition from rural to urban land uses to accommodate jobs and housing to provide for a livable community.

The goals and policies reflected in the theme, Strategic and Collaborative Governance (pages 44-50), of Sherwood Comprehensive Plan, are consistent with Goal 14, Urbanization.

Goal 15: Willamette River Greenway
Goal 16: Estuarine Resources
Goal 17: Coastal Shorelands
Goal 18: Beaches and Dunes
Goal 19: Ocean Resources

Response: Statewide Planning Goals 15-19 establish requirements for specific geographic areas for the Willamette Valley Greenway and Coastal areas managed by the Oregon Coastal Management Program. The Comprehensive Plan does not involve land or resources in these

areas; therefore, there are no policies related to these statewide land use planning goals within the Comprehensive Plan document.

Finding: Based on the response above, Statewide Planning Goals 15-19 are not applicable to the Comprehensive Plan Update.

METRO COORDINATION: ORS 195.025 and 195.036

Response*:* Oregon Revised Statute assigns Metro the responsibility for coordinating the comprehensive plans for the 29 jurisdictions within the region, including Sherwood. To do so, Metro: 1) adopts a 20-year population forecast for the region, 2) allocates 20-year housing and employment need by jurisdiction based on the population forecast, and 3) requires local jurisdictions to adopt the 20-year population forecast and meet the 20-year housing and employment allocations in the Comprehensive Plan.

Finding: The findings for Goals 9 and 10 provide more information on Sherwood's Economic Opportunities Analysis, Housing Needs Analysis, and the goals and policies ensure that the Comprehensive Plan update meets the allocation of jobs and housing in the forecast.
For these reasons, the Comprehensive Plan update is consistent with ORS 195.025 and ORS 195.036.

METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

Metro's long-range growth management plan for the Portland metropolitan area is the 2040 Growth Concept Plan. The Urban Growth Management Functional Plan (UGMFP) is Metro's code to meet the 2040 Growth Concept Plan goals. Under state law and Metro's charter, Sherwood must comply and be consistent with the UGMFP because the City is located within Metro's boundary.

The UGMFP is typically directed at land use and zoning regulations, but a few provisions address Comprehensive Plan land use designations. The proposed Comprehensive Plan amendment will replace the 1990 Comprehensive Plan in its entirety. The amendment will not change the General Plan/Zoning Map or the Sherwood Zoning and Community Development Code.

Title 10 in the UGMP defines "compliance" as substantial rather than absolute compliance. The City's Comprehensive Plan and implementing ordinances must, on the whole, substantially achieve the intent of the standards in the functional plan. Metro's 2019 Compliance Report concludes that Sherwood complies with all relevant titles of the UGMFP.

Title 1: Housing Capacity

Response: Title 1 of the UGMFP is intended to promote efficient land use within the Metro UGB by increasing the capacity to accommodate housing capacity. Title 1 requires the City to adopt minimum residential development density standards by March 2011. If the City did not adopt a minimum density by March 2011, the City must adopt a minimum density that is at least 80 percent of the maximum density. Title 1 also provides measures to decrease development capacity in selected areas by transferring the capacity to other areas of the community. This may be approved as long as the community's overall capacity is not reduced.

Sherwood has established minimum densities in the Sherwood Zoning and Community Development Code (SZCDC) that comply with Title 1 for all zones that dwelling units are authorized. The Comprehensive Plan Amendment is for the text of the Comprehensive Plan and does not reduce densities or make any changes to land use designations or zoning. The findings for Goal 10 include information from the Housing Needs Analysis evaluating housing capacity and demonstrating how the Plan supports efficient and orderly development. Metro's 2019 Compliance Report concludes that Sherwood is in compliance with the City's Title 1 responsibilities.

Finding: Based on the response above, the Comprehensive Plan update is consistent with Title 1.

Title 3: Water Quality and Flood Management

Response: Title 3 includes requirements "*to protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding."*

The City may demonstrate compliance with Title 13 in one of three ways:

1. Adopt all or part of the Title 3 Model Ordinance and the Metro Water Quality and Flood Management Area Map; or
2. Demonstrate that existing city and county comprehensive plans and implementing ordinances and maps substantially comply with the performance standards in Section 3.07.340; or
3. Any combination of the above that substantially complies with all performance standards in Section 3.07.340.

Compliance with Metro's Water Quality and Flood Management Area map in Sherwood is achieved through multiple standards in the Sherwood Zoning and Community Development Code.

Section 16.144, Wetland, Habitat and Natural Areas, of the SZCDC, applies the City's wetland inventory, the Regionally Significant Fish and Wildlife Habitat Area map, and associated standards. Section 16.134, Floodplain Overlay, contains the provision for floodplain management. These sections ensure compliance with Title 3 to reduce the potential for flood damage and regulate uses that can negatively impact the floodplain. These standards also require coordination with state and federal agencies (Department of State Lands, Army Corps of Engineers, etc.). The Comprehensive Plan update supports the provisions in the SZCDC and does not propose any changes at this time.

Finding: Based on the response above, the Comprehensive Plan update is consistent with Title 3.

Title 4: Industrial and Other Employment Areas

Response: Title 4 is intended to maintain a regional supply of existing industrial and employment land by limiting the type and scale of non-industrial uses (including retail, schools, places of assembly, and parks) in identified Regionally Significant Industrial Areas (RSIAs), Industrial, and

Employment Areas. As a result, Title 4 supports Title 6 by encouraging the location of retail and commercial uses in Centers, Corridors, Main Streets and Station Communities to implement the desired future settlement pattern depicted in the Region 2040 Growth Concept.

Sherwood's Industrial Zones (Employment Industrial, Light Industrial, and General Industrial) codified in Chapter 16. 31, Industrial Land Use Districts in the SZCDC accommodates the regional need to create and preserve large lots for industrial use, as set forth in Title 4. Metro's 2016 Compliance Report concludes that Sherwood is in compliance with the City's Title 4 responsibilities, and the Comprehensive Plan Update does not propose any changes that would allow competing uses or make any other changes to land use designations or zoning.

The findings for Goal 9 include information from the Economic Opportunities Analysis evaluating employment capacity and demonstrating how the Comprehensive Plan supports industrial uses and employment areas.

Finding: Based on the response above, the Comprehensive Plan update is consistent with Title 4.

Title 6: Centers, Corridors, Station Communities, and Main Streets
Response: Title 6 requires the City to take actions and make investments backing regional investments that recognize the Centers, Corridors, Main Streets, and Station Communities established in the Region 2040 Growth Concept as the principal centers of urban life in the region.

The Comprehensive Plan update describes Sherwood's design types that integrate typologies consistent with the 2040 Growth Concept Plan. Sherwood adopted the Town Center Plan (Ordinance 2013-007). The Sherwood Town Center Plan designates and lays out a plan for a "Town Center" that both meets regional planning objectives and guides future growth and development in a way that is unique to Sherwood. The Town Center designation is intended to recognize and enhance principal centers of urban life within the region while acknowledging that these centers of activity are diverse and embody a strong sense of community identity. The Town Center Plan establishes the boundaries of the Sherwood Town Center, describes the vision for the area and identifies a framework and strategies for realizing that vision. The City continues to support mixed-use development in appropriate locations near services and transit.

The Comprehensive Plan update does not change the City's General Plan and Zoning Map. The Plan update continues to support an urban framework that is consistent with the 2040 Growth Concept Map.

Finding: Based on the response above, the City complies with Title 6.

Title 7: Housing Choice
Response: Title 7 is designed to ensure the production of affordable housing in the UGB. Under Title 7, the City is required to ensure that its Comprehensive Plan and implementing ordinances include strategies to: ensure the production of a diverse range of housing types, maintain the existing supply of affordable housing, increase opportunities for new affordable housing dispersed

throughout the City, and increase opportunities for households of all income levels to live in affordable housing (3.07.730).

The findings for Goal 10 Housing include findings from the Housing Needs Analysis that demonstrate that Sherwood currently has a range of housing types, including single-family detached and attached, duplexes, multi-family, and mixed-use developments. The findings for Goal 10 also illustrate the policies in the Comprehensive Plan Amendment supporting a diverse range of housing types. The City will be implementing House Bill 2001 by June 30, 2022, and will be making amendments to the Sherwood Zoning and Community Development Code to allow for additional housing choices (plexes, and cottage clusters). Future changes to Sherwood's Development Code will be a Post Acknowledgement Plan Amendment that will notify Metro for review and comment. The City's Comprehensive Plan establishes housing policy that supports opportunities for the development of a range of housing types that are attainable to current and future households at all income levels, as described in the Sherwood Housing Needs Analysis, to maintain Sherwood's high quality of life.

Finding: Based on the response above, the Comprehensive Plan update complies with Title 7.

Title 8: Compliance Procedure
Response: Title 8 establishes a process for ensuring compliance with the UGMFP. An amendment to the City comprehensive plan or land use regulations is deemed to comply with the functional plan only if the City provided notice to Metro as required by section 3.07.820(a). The City of Sherwood provided Metro a copy of the 35-Day notice required by DLCD for the Comprehensive Plan Amendment on the same day as submittal.

Finding: Based on the response above, the Comprehensive Plan Amendment is consistent with Title 8.

Title 10: Definitions
Response: Title 10 contains definitions for terms used in the UGMFP. The terms used in the Comprehensive Plan Update and those with the SZCDC are consistent wth the definitions provided in Title 10.

Finding: Based on the response above, the Comprehensive Plan update is consistent with Title 10.

Title 11: Planning for New Urban Areas
Response: Title 11 of Metro's Urban Growth Management Functional Plan provides guidance on the conversion of land from rural to urban uses. Land brought into the Metro UGB is required to be maintained at rural densities until the completion of a concept plan and annexation into the municipal boundary. Concept planning and comprehensive plan provisions must ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. Title 11 also guides long-range planning for urban reserves.

The City has adopted concept plans for lands brought into the UGB, including: Area 59 (Ordinance 2006-018); Brookman Concept Plan (Ordinance 2009-004) and the Brookman Refinement Plan (Ordinance 2021-001), Adams Avenue North Concept Plan (Ordinance 2009-009); Tonquin Employment Area (Ordinance 2010-014), Sherwood High School Concept Area (Ordinance 2017-008). Metro's 2019 Compliance Report concludes that Sherwood complies with all Title 11 responsibilities.

Finding: Based on the response above, the City complies with Title 11 Planning for New Urban Areas.

Title 12: Protection of Residential Neighborhoods
Response: Title 12 protects existing residential neighborhoods from air and water pollution, noise, and crime and ensures neighborhoods are provided adequate levels of public services. Title 12 ensures that residents have access to schools and parks by:

- Providing opportunities for walking, biking, and transit;
- Encouraging shared use of school and park facilities; an
- Prioritizing school sites in close proximity to residents with opportunities for walking, biking, and transit.

As described in this report above, through Sherwood's compliance with Statewide Land Use Planning Goals and Metro UGMFP, the Comprehensive Plan Update provides policies, and the SZCDC provides development standards that protect existing and future residential neighborhoods.

Finding: Based on the response above, Sherwood complies with Title 12.

METRO REGIONAL TRANSPORTATION FUNCTIONAL PLAN
Metro's Regional Transportation Plan (RTP), adopted by Metro in December 2018, identifies the transportation policies, projects, and strategies needed to implement the 2040 Growth Concept and provide a transportation system to serve the travel needs of the Portland Metropolitan area for the next 20 years.

Sherwood's TSP must be consistent with the policies established by the RTP. Pursuant to Metro Code 3.08.010.C, if the City's TSP is consistent with the Metro Regional Transportation Functional Plan (RTFP), Metro also deems it consistent with the RTP.

The Comprehensive Plan update was developed by incorporating and expanding on the goals and policies included in the existing TSP. The Comprehensive Plan update does not propose any changes to the General Plan/Zoning Map or the City's TSP and its components. Therefore, the goals and policies in the Comprehensive Plan update are consistent with those in the TSP. Additionally, the Comprehensive Plan update includes the functional classifications and maps from the TSP and adopts the fully acknowledged TSP by reference.

Through the City's adoption process of the 2014 TSP, findings were made, demonstrating consistency with RTFP accepted by Metro and acknowledged by LCDC.

Finding: Based on the response above, the Comprehensive Plan Update complies with the Regional Transportation Functional Plan.

V. CONCLUSIONS AND RECOMMENDATIONS

As proposed, the draft Sherwood 2040 Comprehensive Plan, supports and meets the intent all applicable state and regional criteria.

STAFF RECOMMENDATION
Based on the above findings and applicable code criteria, staff recommends that Council approves the Sherwood 2040 Comprehenisve Plan, Case File LU 2021-020 PA, and move the Ordinance to a second hearing on December 7, 2021.

Sherwood Economic Opportunities Analysis

Updated Draft Report

October 2021

Prepared for:

City of Sherwood

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For over 40 years ECONorthwest has helped its clients make sound decisions based on rigorous economic, planning, and financial analysis. For more information about ECONorthwest: ***.econw.com. For more information about this report, please contact:

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Summary

This report presents an economic opportunities analysis consistent with the requirements of statewide planning Goal 9 and the Goal 9 administrative rule (OAR 660-009). Goal 9 describes the EOA as "an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends" and states that "a principal determinant in planning for major industrial and commercial developments should be the competitive advantage of the region within which the developments would be located."

The primary goals of the EOA are to (1) project the amount of land needed to accommodate the future employment growth within the Sherwood City Limit and employment land areas in the Urban Growth Boundary (UGB), namely Tonquin Employment Area and Brookman Annexation Area, between 2021 and 2041, (2) evaluate the existing employment land supply within Sherwood to determine if it is adequate to meet that need, and (3) to fulfill state planning requirements for a twenty-year supply of employment land. This project included preparation of the *Sherwood Economic Development Strategy*, which is presented in a separate document.

The report was drafted in December 2018. ~~and~~ T~~t~~his version provides an~~d~~ update to that draft with the support of Department of Land Conservation and Development staff. Economic development has been a top council goal over the last few years, and since 2018, Sherwood has seen the development of two industrial parks. This update includes the following changes: updated the employment forecast for the 2021 to 2041 period and updated the buildable lands inventory to reflect development that has occurred in Sherwood through June 2021.

The updated employment forecast for the 2021 to 2041 period uses Metro's 2050 Employment Forecast for Sherwood and the Tonquin Employment Area, which assumes an average annual growth rate of 1.42%. By 2041, there will be an increase of 2,987 employees or thirty-three percent (33%) of employees in Sherwood city limits, Brookman Annexation Area, and Tonquin Employment Area. If growth occurs at the rate projected, which is faster than Metro's forecast for population and housing growth used in the Sherwood Housing Needs Analysis, the population to employment ratio would decrease from about 3.2 residents per job to about 2.3 residents per job. Employment growth could even grow faster as Sherwood continues to support Economic Development goals and policies and strategies for job creation.

How much buildable employment land does Sherwood currently have?

Table 1 shows commercial and industrial land with development capacity (lands classified vacant or potentially redevelopable in Metro's buildable lands inventory and verified by City staff). The results show Sherwood has about 249 unconstrained buildable acres within the planning area, 25 of which are Commercial, 97 are Industrial, and the remaining 128 are in the Tonquin Employment Area or Brookman Annexation Area.

Table 1. Employment acres by classification and plan designation, Sherwood City Limits, Tonquin Employment Area, and Brookman Area, 2021

Plan Designation	Tax Lots	Total Acres	Acres with No Development Capacity	Constrained Acres	Total Unconstrained Buildable Acres
Commercial	134	171	119	27	25
General Commercial	31	62	38	10	14
Neighborhood Commercial	2	1	1	0	0
Office Commercial	11	16	6	5	5
Retail Commercial	90	92	74	12	6
Industrial	115	478	290	91	97
General Industrial	66	238	158	19	61
Light Industrial	49	240	132	72	36
Tonquin	25	282	62	111	110
Future Development	25	282	62	111	110
Brookman	4	25	3	4	18
Future Development	4	25	3	4	18
Total	278	956	474	233	249
Percent of Total		100%	50%	24%	26%

Source: Appendix A, Table 20.

How much growth is Sherwood planning for?

Goal 9 requires that cities provide for an adequate supply of commercial and industrial sites consistent with plan policies. To meet this requirement, Sherwood needs an estimate of the amount of commercial and industrial land that will be needed over the 2021-2041 planning period. Table 2 presents the forecast of employment growth by land use type in Sherwood from 2021 to 2041. Sherwood's employment base was 9,175 employees in 2021. The forecast shows that by 2041, Sherwood will have 12,162 employees, an increase of 2,987 jobs over the planning period.

Table 2. Forecast of employment growth by land use type, Sherwood City Limits, Tonquin, and Brookman, 2021-2041

	2021		2041		Change 2021
Land Use Type	Employment	%of Total	Employment	%of Total	to 2041
Industrial	2,547	28%	4,135	34%	1,588
Retail Commercial	1,397	15%	1,459	12%	62
Office & Commercial Services	4,567	50%	5,838	48%	1,271
Government	664	7%	730	6%	66
Total	9,175	100%	12,162	100%	2,987

Source: ECONorthwest
Note: The shaded percentages denote an assumption about the future change in the share of employment (asa percent of total) by land use type.

How much land will be required for employment?

The forecast of growth of 2,987 new employees will result in the following demand for vacant employment land: 105 gross acres of industrial land and 56 gross acres of commercial land.

Does Sherwood have enough land to accommodate employment growth?

Table 3 compares the supply of suitable employment land with the demand for employment land:

- **Industrial.** Sherwood has a supply of 97 acres of suitable land designated for industrial uses. The employment forecast projects demand for 105 acres of industrial land. Sherwood has less industrial land than the City is projected to need over the 20-year period, with a deficit of 8 gross acres of industrial land.
- **Commercial.** Sherwood has 25 acres of land designated for commercial uses. The employment forecast projects demand for 56 acres of commercial land. Sherwood has less commercial land than the City is projected to need over the 20-year period, with a deficit of 35 gross acres of office commercial land and a surplus of 4 gross acres of retail commercial land.
- **Future Development.** Sherwood has 127 acres of land designated for employment uses in future development designations in the Tonquin Employment Area and Brookman Annexation Area. This supply will likely meet needs for both industrial and commercial demand.

Table 3. Comparison of the Capacity of Unconstrained Vacant and Potentially Redevelopable Land with Employment Land Demand by Land Use Type, Sherwood City Limit, Tonquin, and Brookman, 2021-2041

Land Use Type	Land Supply (Suitable Gross Acres)	Demand (Gross Acres)	Land Sufficiency (Deficit)
Industrial	97	105	(8)
Retail Commercial	7	3	4
Office & Commercial Services	18	53	(35)
Future Development (Tonquin and Brookman)	127	-	127
Total	249	161	

Source: ECONorthwest

What types of business does Sherwood want to attract?

The characteristics of Sherwood will affect the types of businesses most likely to locate in the city. Sherwood's attributes that may attract firms are Sherwood's location along Highway 99; quality of public facilities and services; availability of vacant, serviced land; quality of schools; and overall quality of life.

The target industries identified as having potential for growth in Sherwood are:

- **Manufacturing.** Sherwood's attributes, especially its location in the Portland region and proximity to Hillsboro, may attract manufacturing firms, such as:
  - Technology and Advanced Manufacturing, such as semiconductors, electronic communication equipment, computer peripherals, and circuit boards.
  - Machinery Manufacturing (Metals and Machinery), such as food processing machinery, medical devices, component parts for manufacturing, and other specialized machinery for manufacturing.
  - Clean Tech, such as instruments manufacturing, electrical equipment manufacturing, and renewable energy equipment and components.

- **Professional and business services.** Sherwood's high quality of life, access to quality schools, existing population and business base, and proximity to the Portland region may attract professional and business services that prefer to locate in a smaller city like Sherwood, such as:
  - Software and Media, such as software development, data processing, computer systems design, and motion picture and video production.
  - Clean Tech, such as scientific and technical research and services, engineering services, architectural design, and construction engineering services.
  - Athletics and Outdoors, such as design services, professional services, and marketing.
  - Other services, such as scientific research or environmental services.
- **Wholesale.** Sherwood's access to Highway 99 may make the city attractive to continued growth of wholesale businesses.
- **Services for visitors:** Emphasis on experiences and destinations in and near Sherwood, especially related to agriculture and wineries, will drive demand for services for visitors including family-friendly events, farmers markets, specialty retail, wine tasting rooms, restaurants, or hotels.
- **Services for residents:** Growth in population in and around Sherwood will drive growth of businesses that serve residents, such as medical services, legal services, financial services, retail, personal services (e.g., barbers), and restaurants.

What are the recommendations to support economic development in Sherwood?

The following are ECONorthwest's recommendations to support economic development in Sherwood based on the economic opportunities analysis:

- **Update the Economy Element of the Comprehensive Plan.** The Economy Element has not been updated in more than a decade. We recommend that the Planning Commission and City Council review the revised policies in the Sherwood Economic Development Strategy and, after making additional necessary revisions to the policies, adopt the revised goals, objectives, and implementation strategies into the Economy Element.
- **Align the City's goals for economic development with planning for infrastructure development.** Aside from ensuring that there is sufficient land to support employment growth, one of the most important ways that the City can support economic development is through planning for and developing infrastructure (e.g., roads, water, sanitary sewer, and storm water systems). We recommend that the City align its goals for economic development with infrastructure development through updates to the City's Capital Improvements Plan.

  Providing infrastructure in the TEA is necessary to allow employment growth to occur in the TEA. Without infrastructure, much of the TEA will remain undeveloped.
- **Identify opportunities to support the creation, growth, development, and retention of businesses in Sherwood.** Retention and expansion of new and existing businesses, including those that create destinations and experiences for residents and visitors, is one of Sherwood's key opportunities for economic growth. The City can support businesses by understanding businesses' opportunities for growth and expansion and lowering or eliminating the barriers in Sherwood that limit growth and expansion. Some barriers are beyond control of the City, such as access to capital. An example of this type of opportunity is the development of Sherwood's first

semiconductor manufacturer in Cipole Industrial Park, along with warehousing and distribution facilities.

- **Work with partners to develop a broad economic development strategy for Sherwood.** The revisions to the Comprehensive Plan presented in the Sherwood Economic Development Strategy focus on land-based policies and actions. The city also needs a broader strategy for economic development that focuses on issues such as communication with existing businesses to identify barriers to expansion, economic development, marketing of Sherwood's businesses and business opportunities, building business and other partnerships, and coordinating economic development efforts with local and regional economic development organizations.

  This strategy could be developed through leadership from the city leadership and city staff, with one or more staff members responsible for developing and implementing policies to encourage economic growth. The strategy should identify a focused list of actions that the City Council wants to achieve over a limited time period (e.g., 5 years), with specific assignments to partners and identification of funding sources to implement the actions.

- **Monitor and replenish the total and short-term supply of commercial and industrial land on a regular, periodic basis.** The buildable lands inventory identifies the existing development status of employment land in Sherwood, as well as identifies the existing short-term land supply. While Sherwood will not completely update the buildable lands inventory on an annual basis, City staff should still monitor the development status of these employment lands and replenish short-term supply when possible.

- **Support infill and redevelopment of existing commercial and industrial land.** The buildable lands inventory identifies areas where infill and redevelopment are more probable over the 20-year planning period. Other opportunities for redevelopment may become apparent in the future. We recommend that the city support and encourage infill and redevelopment to make the most efficient use of employment land in Sherwood. The types of tools that the city offers in support of infill and redevelopment should be consistent with the city's development goals. In areas where the city wants to encourage higher intensity development, such as in Old Town, the city should offer more support for redevelopment, including financial and regulatory redevelopment incentives.

The *Sherwood Economic Development Strategy* includes strategies to address these key issues, as well as other strategies to support economic development in Sherwood.

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1. Introduction

This report presents an Economic Opportunities Analysis (EOA) for the City of Sherwood. The purpose of an EOA is to develop information as a basis for policies that capitalize on Sherwood opportunities and help address the City's challenges. The EOA includes technical analysis to address a range of questions that Sherwood faces in managing its commercial and industrial land. For example, the EOA includes an employment forecast that describes how much growth Sherwood should plan for over the 2021 to 2041 period and identifies the amount and type of employment land necessary to accommodate growth in Sherwood over that period. The EOA also includes an inventory of commercial and industrial land within Sherwood's urban growth boundary (UGB) to provide information about the amount of land available to accommodate employment growth.

This EOA complies with the requirements of statewide planning Goal 9, the Goal 9 administrative rules (OAR 660 Division 9), and the court decisions that have interpreted them. Goal 9 requires cities to state objectives for economic development (OAR 660-009-0020(1)(a)) and to identify the characteristics of sites needed to accommodate industrial and other employment uses (OAR 660-009-0025(1)) over the 20-year planning period. This approach could be characterized as a *site-based* approach that projects land need based on the forecast for employment growth, the City's economic development objectives, and the specific needs of target industries.

The report was drafted in December 2018 and this version provides and update to that draft. This update includes the following changes: updated the employment forecast for the 2021 to 2041 period and updated the buildable lands inventory to reflect development that has occurred in Sherwood through June 2021.

Background

The City of Sherwood last evaluated economic trends in an Economic Development Strategy and EOA in 2006, based on the 2000 Census data. Substantial changes have occurred in the national and regional economy since 2006 that have implications for economic growth in Sherwood, including the recovery from the Great Recession and changes in retail and increased automation. Since then, Greater Portland Inc. completed a five-year economic development strategy for the Portland region in 2015, *Greater Portland 2020*, defining emerging industry clusters and policies for economic development in the region. The City of Sherwood completed a concept plan for the Tonquin Employment Area in 2010 and an implementation plan for the area in 2015, building on policies in the 2006 EOA and aligning with the target industries identified by Greater Portland Inc. Since early 2020 the world has been impacted by the COVID-19 global pandemic. At this time, Sherwood has not analyzed the impacts that COVID-19 has had on state, regional and local employment trends. It is anticipated that the next update to the EOA will review the impacts and trends of the pandemic.

The purpose of this project was to develop a factual base to provide the City with information about current economic conditions. This factual basis, presented in this report, provides information necessary for updating the City's economic development Comprehensive Plan policies. This report identifies opportunities to meet the City's economic development objectives and develop Comprehensive Plan policies and implementation strategies that capitalize on the City's comparative advantages and address areas of economic weakness.

The EOA provides information that the City can use to identify and capitalize on its economic opportunities. It also provides information essential to addressing the City's challenges in managing economic development, such as a lack of larger industrial sites to support growth of businesses that require large sites, underutilized commercial land, underutilized industrial land, and a lack of policy direction to address these issues.

The EOA draws on information from numerous data sources, such as the Oregon Employment Department, U.S. Bureau of Economic Analysis, U.S. Bureau of Labor Statistics, and the U.S. Census. The EOA also uses information from the following reports:

- *Tonquin Employment Area: Market Analysis, Business Recruitment Strategy, and Implementation Plan*, June 5, 2015
- *Urban Growth Report*, Discussion Draft, Metro, July 3, 2018
- *Greater Portland 2020 Economic Prosperity for All: Regional Trends in Greater Portland's Target Clusters (2017)*
- *City of Sherwood Economic Development Strategy Final Report*, 2006

Framework for an Economic Opportunities Analysis

The content of this report is designed to meet the requirements of Oregon Statewide Planning Goal 9 and the administrative rule that implements Goal 9 (OAR 660-009). The analysis in this report is designed to conform to the requirements for an Economic Opportunities Analysis in OAR 660-009 as amended.

1. *Economic Opportunities Analysis (OAR 660-009-0015)*. The Economic Opportunities Analysis (EOA) requires communities to identify the major categories of industrial or other employment uses that could reasonably be expected to locate or expand in the planning area based on information about national, state, regional, county or local trends; identify the number of sites by type reasonably expected to be needed to accommodate projected employment growth based on the site characteristics typical of expected uses; include an inventory of vacant and developed lands within the planning area designated for industrial or other employment use; and estimate the types and amounts of industrial and other employment uses likely to occur in the planning area. Local governments are also encouraged to assess community economic development potential through a visioning or some other public input-based process in conjunction with state agencies.

2. *Industrial and commercial development policies (OAR 660-009-0020)*. Cities are required to develop commercial and industrial development policies based on the EOA. Local comprehensive plans must state the overall objectives for economic development in the planning area and identify categories or particular types of industrial and other employment uses desired by the community. Local comprehensive plans must also include policies that commit the city or county to designate an adequate number of employment sites of suitable sizes, types, and locations. The plan must also include policies to provide necessary public facilities and transportation facilities for the planning area. Finally, cities within a Metropolitan Planning Organization (which includes Sherwood) must adopt policies that identify a competitive short-term supply of land for desired industrial and other employment uses as an economic development objective.

3. *Designation of lands for industrial and commercial uses (OAR 660-009-0025).* Cities and counties must adopt measures to implement policies adopted pursuant to OAR 660-009-0020. Appropriate implementation measures include amendments to plan and zone map designations, land use regulations, public facility plans, and transportation system plans. More specifically, plans must identify the approximate number, acreage and characteristics of sites needed to accommodate industrial and other employment uses to implement plan policies, and must designate serviceable land suitable to meet identified site needs.

   Plans for cities and counties within a Metropolitan Planning Organization, or cities and counties that adopt policies relating to the short-term supply of land must designate suitable land to respond to economic development opportunities as they arise.

Organization of this Report

This report is organized as follows:

- **Chapter 2. Buildable Lands Inventory** presents a summary of the inventory of employment lands. This chapter was updated in August 2021.
- **Chapter 3. Factors Affecting Future Economic Growth** summarizes historic economic trends that affect current and future economic conditions in Sherwood as well as Sherwood's competitive advantages for economic development.
- **Chapter 4. Employment Growth and Site Needs** presents a forecast for employment growth in Sherwood and describes the City's target industries and site needs for potential growth in industries. This chapter was updated in August 2021.
- **Chapter 5. Land Sufficiency and Conclusions** compares the supply of and demand for buildable lands and presents key concluding recommendations for Sherwood. This chapter was updated in August 2021.

This report also includes one appendix:

- **Appendix A, Buildable Lands Inventory Methodology**

2. Buildable Lands Inventory

This chapter provides a summary of the commercial and industrial buildable lands inventory (BLI) for the Sherwood City Limits, Tonquin Employment Area, and Brookman Annexation Area, as well as an analysis of the short-term supply of land. The City of Sherwood staff, in coordination with ECONorthwest staff, developed the buildable lands inventory analysis using Metro's 2018 Buildable Lands Inventory as a starting point. The analysis complies with statewide planning Goal 9 policies that govern planning for employment uses. The full buildable lands inventory completed by City staff is presented in Appendix A.

This chapter was updated in August 2021 to include updated information about employment land developed through June 2021.

Methods, Definitions, and Assumptions

The buildable lands inventory includes land in commercial and industrial Comprehensive Plan Designations within Sherwood's city limits as well as in the Tonquin Employment Area and Brookman Annexation Area, which are outside of the city limits but expected to annex into Sherwood before development occurs.

Definitions

Metro developed the buildable lands inventory with a tax lot database from RLIS. The tax lot database is current as of March 2018. The inventory builds from the database to estimate buildable land by plan designation. A key step in the buildable lands inventory was to classify each tax lot into a set of mutually exclusive categories. Metro classified all tax lots in Sherwood into one of the following categories:

- *Vacant land.*[1] Any tax lot that is "fully vacant (Metro aerial photo)"; or "with less than 2,000 sq. ft. developed AND developed part is under 10% of entire tax lot"; or that is "95% or more 'vacant' from the GIS vacant land inventory."
- *Potentially redevelopable land.*[2] For tax lots that were not classified vacant or exempt, Metro included all other employment land tax lots in the strike-price model. Tax lots with a value greater than zero in the "net_emp_acres_strike_price" field in the Metro BLI GIS layer were considered to have redevelopment potential. The value in that field for each tax lot is the number of acres that is potentially redevelopable, not including constrained acres. Tax lots with a "net_emp_acres_strike_price" value of zero were considered developed.
- *Developed land.*[3] Tax lots with a "net_emp_acres_strike_price" value of zero were considered developed.
- *Exempt land.*[4] Land that is classified as either, "tax exempt with property codes for city, state, federal and Native American designations; schools; churches and social organizations; private

[1] Appendix 2 Buildable Lands Inventory, 2018 Urban Growth Report (Discussion draft). Metro. June 2018. p. 20. **********oregonmetro.gov/sites/default/files/2018/07/03/UGR_Appendix2_Buildable_Lands_Inventory.pdf.

[2] Appendix 2 Buildable Lands Inventory, 2018 Urban Growth Report (Discussion draft). Metro. June 2018. **********oregonmetro.gov/sites/default/files/2018/07/03/UGR_Appendix2_Buildable_Lands_Inventory.pdf

[3] Appendix 2 Buildable Lands Inventory, 2018 Urban Growth Report (Discussion draft). Metro. June 2018. **********oregonmetro.gov/sites/default/files/2018/07/03/UGR_Appendix2_Buildable_Lands_Inventory.pdf

[4] Appendix 2 Buildable Lands Inventory, 2018 Urban Growth Report (Discussion draft). Metro. June 2018. pp. 20-21. **********oregonmetro.gov/sites/default/files/2018/07/03/UGR_Appendix2_Buildable_Lands_Inventory.pdf.

streets; rail properties; tax lots under 1,000 sq. ft. (0.023 gross acres); parks, open spaces and where possible private residential common areas." Metro used GIS data and Assessor's data to determine the status of exempt land. ECONorthwest included all tax lots classified as exempt land in the developed land tabular and mapping information, but these tax lots can still be distinguished in the GIS data layer.

ECONorthwest initially classified land using Metro's categories and generated maps for City staff to review. City staff had previously reviewed Metro's analysis for Sherwood, but there were a few updates to tax lots that had redeveloped since that review. ECONorthwest adjusted the classification accordingly and noted manual changes in the GIS data layer.

Development constraints

The physical constraints used in the Sherwood buildable lands inventory include areas subject to landslides, areas with slopes greater than 15%,[5] lands within the 100-year flood plain, Metro's Title 3 land (including Water Resource Conservation Areas), lands within Metro's Title 13 Habitat Conservation Areas (Class I and II, A and B), Wetlands, and public facilities.

Results of the Buildable Lands Inventory

As part of developing the buildable lands inventory, ECONorthwest staff worked with City staff to verify the results of the buildable land inventory. Staff carefully considered the accuracy of land identified as vacant and potentially redevelopable to ensure that these areas have capacity for additional development, given the development constraints present on each tax lot.

[5] Metro's calculation of constrained area for employment land includes slopes greater than 25%. Lands for commercial and industrial uses are typically developed on slopes no greater than 15%, so we used an "erase" function in GIS to determine any constrained areas that were not included in Metro's calculation of constrained area. These additional constraints were subtracted from the "net_emp_strike_price" value for tax lots designated as "potentially redevelopable," and included in the total constraints layer and subtracted from the total area for tax lots designated as "vacant."

Land Base

Table 4 shows commercial and industrial land in Sherwood by classification (development status). The results show that Sherwood has 956 total acres in commercial and industrial plan designations. Of the 956 acres in the UGB, about 474 acres (50%) are in classifications with no development capacity, 233 acres (24%) are constrained, and 249 acres (26%) are buildable land with development capacity.

Table 4. Employment acres by classification and plan designation, Sherwood City Limits, Tonquin Employment Area, and Brookman Annexation Area, 2021

Plan Designation	Tax Lots	Total Acres	Acres with No Development Capacity	Constrained Acres	Total Unconstrained Buildable Acres
Commercial	134	171	119	27	25
General Commercial	31	62	38	10	14
Neighborhood Commercial	2	1	1	0	0
Office Commercial	11	16	6	5	5
Retail Commercial	90	92	74	12	6
Industrial	115	478	290	91	97
General Industrial	66	238	158	19	61
Light Industrial	49	240	132	72	36
Tonquin	25	282	62	111	110
Future Development	25	282	62	111	110
Brookman	4	25	3	4	18
Future Development	4	25	3	4	18
Total	278	956	474	233	249
Percent of Total		100%	50%	24%	26%

Source: Appendix A, Table 21
Note: The numbers on this table may not add up exactly as a result of rounding.

Vacant Buildable Land

Table 5 shows unconstrained buildable acres for vacant and potentially redevelopable land by plan designation. The results show that Sherwood has about 249 net buildable acres in commercial and industrial plan designations. Of this, 10% (25 acres) is in the commercial designations, 39% (97 acres) is in industrial designations, and 51% (127 acres) is designated as future development in the Tonquin Employment Area and Brookman Annexation Area.

Table 5. Employment land with unconstrained development capacity (Vacant, Potentially Redevelopable) by plan designation, Sherwood City Limits, Tonquin, and Brookman, 2021

Plan Designation	Unconstrained Vacant Acres	Unconstrained Potentially Redevelopable Acres	Total Unconstrained Buildable Acres
Commercial	11	14	25
General Commercial	5	8	13
Office Commercial	4	1	5
Retail Commercial	2	5	7
Industrial	31	66	97
General Industrial	17	44	61
Light Industrial	14	22	36
Tonquin	23	86	109
Future Development	23	86	109
Brookman	0	18	18
Future Development	0	18	18
Total	65	184	249
Percent of Total	26%	74%	100%

Source: Appendix A: Table 22.
Note: The numbers on this table may not add up exactly as a result of rounding.

Future Development

The City of Sherwood provided information about properties included in the BLI that will likely develop after June 2021. Since these developments will capture a portion of the employment forecast for the 2021 to 2041 planning period, the land in these areas are included in the BLI as vacant or potentially redevelopable. About 60 acres are expected to develop after June 2021, with 17 acres of Light Industrial land and 43 acres of Future Development land in Tonquin Employment Area.

In total, the Future Development land in the Tonquin Employment Area and Brookman is likely to sufficiently meet both industrial and commercial demand over the next 20 years. However, if the rate of development increases beyond the EOA forecast, there will likely be a shortage of appropriate sites—particularly sites in excess of 10 acres—for employment growth in the City of Sherwood, thereby creating development opportunities in the future growth area of Sherwood West.

Map 1 shows Sherwood's employment land by classification with development constraints and areas with anticipated development after June 2021.

Map 1. Employment land by classification with development constraints, Sherwood City Limits, Tonquin, and Brookman, 2021

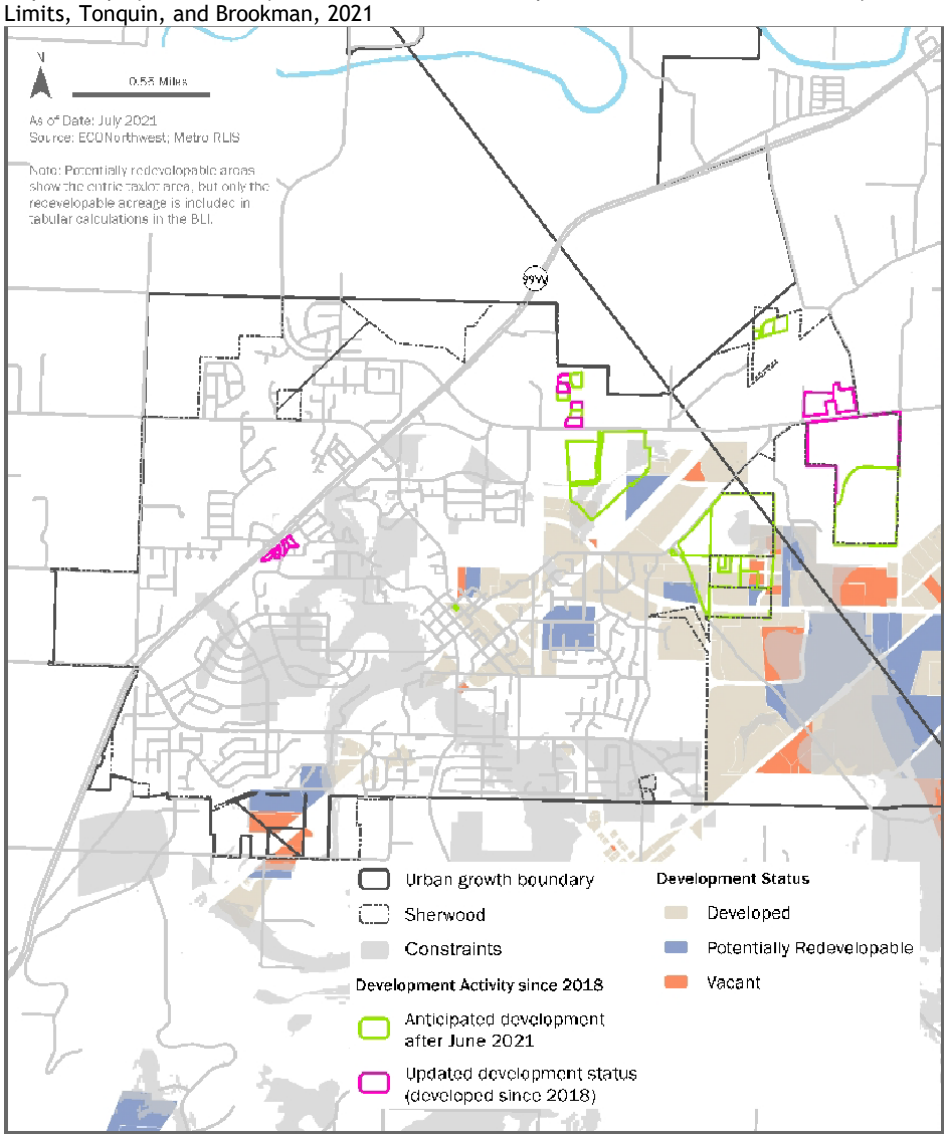

Table 6 shows the size of lots by plan designations for buildable employment land. Sherwood has 30 lots that are smaller than 2 acres (with 25 acres of land). Sherwood has 37 lots between 2 and 10 acres (183 acres of land), and 3 lots between 10 and 50 acres in size (42 acres of land).

Table 6. Lot size by plan designation, buildable acres, Sherwood City Limits, Tonquin, and Brookman, 2021

	Buildable Acres in Tax Lot				
Plan Designation	<1	1 - 1.99	2 - 4.99	5 - 9.99	10 - 49.99
Acres					
Commercial	3	4	13	5	0
General Commercial	1	0	7	5	0
Neighborhood Commercial	0	0	0	0	0
Office Commercial	2	1	3	0	0
Retail Commercial	0	3	3	0	0
Industrial	6	7	29	13	42
General Industrial	1	3	14	13	30
Light Industrial	5	4	15	0	12
Tonquin	2	3	16	89	0
Future Development	2	3	16	89	0
Brookman	0	0	11	7	0
Future Development	0	0	11	7	0
Subtotal	**11**	**14**	**69**	**114**	**42**
Taxlots					
Commercial	6	3	4	1	0
General Commercial	2	0	2	1	0
Neighborhood Commercial	0	0	0	0	0
Office Commercial	2	1	1	0	0
Retail Commercial	2	2	1	0	0
Industrial	11	5	10	2	3
General Industrial	3	2	5	2	2
Light Industrial	8	3	5	0	1
Tonquin	3	2	4	12	0
Future Development	3	2	4	12	0
Brookman	0	0	3	1	0
Future Development	0	0	3	1	0
Subtotal	**20**	**10**	**21**	**16**	**3**

Source: Appendix A: Table 23.

The data in Table 6 show that Sherwood has no commercial sites larger than 10 acres within the city limits. Sherwood does, however, have industrial sites larger than 10 acres (a total of 42 acres). In addition, the Tonquin Employment Area has 12 sites between 5 and 10 acres. The Brookman Annexation Area has 3 sites between 2 and 5 acres and 1 site between 5 and 10 acres.

The Tonquin Employment Area Concept Plan assumes that employment growth in the Tonquin Area will be predominantly industrial employment, with a total of 10 acres of land for retail and commercial uses to provide services to businesses and workers in the Tonquin Area.[6] The Brookman Addition Concept Plan assumes that employment growth in the Brookman Annexation Area will be about 13 acres of industrial use, 13 acres of office commercial use, and 2 acres of retail commercial use.[7]

[6] *Tonquin Employment Area Concept Plan: Preferred Concept Plan Report*, Final Report October 2010, Table IV-1.

[7] *Brookman Addition Concept Plan.* Final Report. May 2009. Pg. 16.

Short-Term Land Supply

This section evaluates the short-term supply of employment land in Sherwood. It begins with an overview of the policy context that requires this analysis, and then it evaluates the short-term land supply.

Policy context

The Goal 9 Administrative Rule (OAR 660-009) includes provisions that require certain cities to ensure an adequate short-term supply of industrial and other employment lands. OAR 660-009-005(10) defines short term supply as follows:

> "…means suitable land that is ready for construction within one year of an application for a building permit or request for service extension. Engineering feasibility is sufficient to qualify land for the short-term supply of land. Funding availability is not required. "Competitive Short-term Supply" means the short-term supply of land provides a range of site sizes and locations to accommodate the market needs of a variety of industrial and other employment uses."

The Goal 9 rule also requires cities in a Metropolitan Planning Organization (MPO, which includes Sherwood) to make a commitment to provide a competitive short-term supply of land and establishes targets for the short-term supply of land. Specifically, OAR 660-009-0020(1)(b) states:

> "Cities and counties within a Metropolitan Planning Organization must adopt a policy stating that a competitive short-term supply of land as a community economic development objective for the industrial and other employment uses selected through the economic opportunities analysis pursuant to OAR 660-009-0015."

The rule goes on to clarify short-term land supply targets for cities in an MPO (OAR 660-009-0025):

> (3) Short-Term Supply of Land. Plans for cities and counties within a Metropolitan Planning Organization or cities and counties that adopt policies relating to the short-term supply of land must designate suitable land to respond to economic development opportunities as they arise. Cities and counties may maintain the short-term supply of land according to the strategies adopted pursuant to OAR 660-009-0020(2).
>
> (a) Except as provided for in subsections (b) and (c), cities and counties subject to this section must provide at least 25% of the total land supply within the urban growth boundary designated for industrial and other employment uses as short-term supply.
>
> (b) Affected cities and counties that are unable to achieve the target in subsection (a) above may set an alternative target based on their economic opportunities analysis.
>
> (c) A planning area with 10 percent or more of the total land supply enrolled in Oregon's industrial site certification program pursuant to ORS 284.565 satisfies the requirements of this section.

In summary, the rule requires Sherwood to assess the short-term supply of employment land based on the criteria that land can be ready for construction within one year. The determination is based on "engineering feasibility."

Analysis of short-term supply of land

The City of Sherwood staff worked with the results of the buildable lands supply to identify commercial and industrial land that meet the definition of short-term supply of land. The City's approach was to:

- ♣ Assume that lands considered redevelopable in the Metro BLI should be considered serviceable, and therefore in the short-term supply.

- ♣ Examine whether buildable land within the city limits is serviceable, and therefore in the short-term supply.
- ♣ Assume that land in Brookman and Tonquin areas are not in the short-term supply.

The City did not consider lands outside of the city limits, such as land in the Tonquin Employment Area or Brookman Annexation Area in this analysis because development of these lands may take longer than one year from submission of a building permit. Sherwood does not have any certified industrial sites, so the City does not need to meet the requirements of OAR 660-009-0025(3)(c).

The results show that Sherwood has 27 acres of commercial land (on 134 tax lots) in the short-term supply of land and 97 acres of industrial land (on 115 tax lots) in the short-term supply of land. In comparison to all unconstrained buildable employment land (from Table 5), 50% of Sherwood's employment land is in the short-term supply. Of this land, 17 acres of light industrial land is in the development pipeline and is expected to develop later in 2021 or in 2022.

Table 7 shows the short-term supply of commercial and industrial land by plan designation.

Table 7. Short-term Supply of Commercial and Industrial Land, Sherwood City Limits, 2021

Plan Designation	Taxlots	Buildable Acres
Commercial	134	27
General Commercial	31	14
Neighborhood Commercial	2	0
Office Commercial	11	6
Retail Commercial	90	7
Industrial	115	97
General Industrial	66	61
Light Industrial	49	36
Total	249	124

Source: ECONorthwest analysis of Metro RLIS GIS data, BLI.

3. Factors Affecting Future Economic Growth

Sherwood exists as part of the larger economy of the Portland region[8] and is strongly influenced by regional economic conditions. For many factors, such as access to labor, Sherwood does not differ significantly from the broader region. For other factors, such as income, it does. Thus, Sherwood benefits from being a part of the larger regional economy and plays a specific role in it. Since early 2020 the world has been impacted by the COVID-19 global pandemic. At this time, Sherwood has not analyzed the impacts that COVID-19 has had on state, regional, and local employment trends. It is anticipated that the next update to the EOA will review the impacts and trends of the pandemic on Sherwood's economic growth.

This chapter describes the factors affecting economic growth in Sherwood, including national and regional economic trends. The analysis presents Sherwood's competitive advantages for growing and attracting businesses, which forms the basis for identifying potential growth industries in Sherwood.

Factors that Affect Economic Development[9]

The fundamental purpose of Goal 9 is to make sure that a local government plans for economic development. The planning literature provides many definitions of economic development, both broad and narrow. Broadly,

> "Economic development is the process of improving a community's well-being through job creation, business growth, and income growth (factors that are typical and reasonable focus of economic development policy), as well as through improvements to the wider social and natural environment that strengthen the economy."[10]

That definition acknowledges that a community's well-being depends in part on narrower measures of economic well-being (e.g., jobs and income) and on other aspects of quality of life (e.g., the social and natural environment). In practice, cities and regions trying to prepare an economic development strategy typically use a narrower definition of economic development; they take it to mean business development, job growth, and job opportunity. The assumptions are that:

- ♣ Business and job growth are contributors to and consistent with economic development, increased income, and increased economic welfare. From the municipal point of view, investment and resulting increases in property tax are important outcomes of economic development.
- ♣ The evaluation of tradeoffs and balancing of policies to decide whether such growth is likely to lead to overall gains in well-being (on average and across all citizens and businesses in a jurisdiction, and all aspects of well-being) is something that decision makers do after an economic strategy has been presented to them for consideration.

That logic is consistent with the tenet of the Oregon land-use planning program: all goals matter, no goal dominates, and the challenge is to find a balance of conservation and development that is acceptable to a

[8] In this analysis, the Portland region is defined as the three-county area including, Clackamas, Multnomah, and Washington Counties.

[9] The information in this section is based on previous Goal 9 studies conducted by ECONorthwest and the following publication: *An Economic Development Toolbox: Strategies and Methods*, Terry Moore, Stuart Meck, and James Ebenhoh, American

Planning Association, Planning Advisory Service Report Number 541, October 2006.

[10] *An Economic Development Toolbox: Strategies and Methods*, Terry Moore, Stuart Meck, and James Ebenhoh, American Planning Association, Planning Advisory Service Report Number 541, October 2006.

local government and state. Goal 9 does not dominate, but it legitimizes and requires that a local government focus on the narrower view of economic development that focuses on economic variables.

In that context, a major part of local economic development policy is about local support for business development and job growth; that growth comes from the creation of new firms, the expansion of existing firms, and the relocation or retention of existing firms. Thus, a key question for economic development policy is, *What are the factors that influence business and job growth, and what is the relative importance of each?* This document addresses that question in depth.

What Factors Matter?

Why do firms locate where they do? There is no single answer—different firms choose their locations for different reasons. Key determinants of a location decision are a firm's *factors of production*. For example, a firm that spends a large portion of total costs on unskilled labor will be drawn to locations where labor is relatively inexpensive. A firm with large energy demands will give more weight to locations where energy is relatively inexpensive. In general, firms choose locations they believe will allow them to maximize net revenues: if demand for goods and services are held roughly constant, then revenue maximization is approximated by cost minimization.

The typical categories that economists use to describe a firm's production function are:

- **Labor.** Labor is often the most important factor of production. Other things equal, firms look at productivity—labor output per dollar. Productivity can decrease if certain types of labor are in short supply, which increases the costs by requiring either more pay to acquire the labor that is available, the recruiting of labor from other areas, or the use of the less productive labor that is available locally.
- **Land.** Demand for land depends on the type of firm. Manufacturing firms need more space and tend to prefer suburban locations where land is relatively less expensive and less difficult to develop. Warehousing and distribution firms need to locate close to interstate highways.
- **Local infrastructure.** An important role of government is to increase economic capacity by improving quality and efficiency of infrastructure and facilities, such as roads, bridges, water and sewer systems, airport and cargo facilities, energy systems, and telecommunications.
- **Access to markets.** Though part of infrastructure, transportation merits special attention. Firms need to move their product (either goods or services) to the market, and they rely on access to different modes of transportation to do this.
- **Materials.** Firms producing goods, and even firms producing services, need various materials to develop products that they can sell. Some firms need natural resources (i.e., raw lumber) and others may need intermediate materials (i.e., dimensioned lumber).
- **Entrepreneurship**. This input to production may be thought of as good management, or even more broadly as a spirit of innovation, optimism, and ambition that distinguishes one firm from another even though most of their other factor inputs may be quite similar.

The supply, cost, and quality of any of these factors obviously depend on market factors: on conditions of supply and demand locally, nationally, and even globally. But they also depend on public policy. In general, public policy can affect these factors of production through:

- **Regulation.** Regulations protect the health and safety of a community and help maintain the quality of life. Overly burdensome regulations, however, can be disincentives for businesses to locate in a community. Simplified bureaucracies and straightforward regulations can reduce the burden on businesses and help them react quickly in a competitive marketplace.

- **Taxes**. Firms tend to seek locations where they can optimize their after-tax profits. Tax rates are not a primary location factor—they matter only after businesses have made decisions based on labor, transportation, raw materials, and capital costs. The costs of these production factors are usually similar within a region. Therefore, differences in tax levels across communities within a region are more important in the location decision than are differences in tax levels between regions.

- **Financial incentives**. Governments can offer firms incentives to encourage growth. Most types of financial incentives have had little significant effect on firm location between regions. However, for manufacturing industries with significant equipment costs, property or investment tax credit or abatement incentives can play a significant role in location decisions. Incentives are more effective at redirecting growth within a region than they are at providing a competitive advantage between regions.

This discussion may make it appear that a location decision is based entirely on a straight-forward accounting of costs, with the best location being the one with the lowest level of overall costs. Studies of economic development, however, have shown that location decisions depend on a variety of other factors that indirectly affect costs of production. These indirect factors include agglomerative economies (also known as industry clusters), quality of life, and innovative capacity.

- **Industry clusters**. Firms with similar business activities can realize operational savings when they congregate in a single location or region. Clustering can reduce costs by creating economies of scale for suppliers. For this reason, firms tend to locate in areas where there is already a presence of other firms engaged in similar or related activities.

- **Quality of life.** A community that features many quality amenities, such as access to recreational opportunities, culture, low crime, good schools, affordable housing, and a clean environment can attract people simply because it is a nice place to be. A region's quality of life can attract skilled workers, and if the amenities lure enough potential workers to the region, the excess labor supply pushes their wages down so that firms in the region can find skilled labor for a relatively low cost. The characteristics of local communities can affect the distribution of economic development within a region, with different communities appealing to different types of workers and business owners. Sometimes location decisions by business owners are based on an emotional or historical attachment to a place or set of amenities, without much regard for the cost of other factors of production.

- **Innovative capacity.** Increasing evidence suggests that a culture promoting innovation, creativity, flexibility, and adaptability is essential to keeping U.S. cities economically vital and internationally competitive. Innovation is particularly important in industries that require an educated workforce. High-tech companies need to have access to new ideas typically associated with a university or research institute. Innovation affects both the overall level and type of economic development in a region. Government can be a key part of a community's innovative culture, through the provision of services and regulation of development and business activities that are responsive to the changing needs of business.

How Important Are These Factors?

To understand how changes in public policies affect local job growth, economists have attempted to identify the importance for firms of different locational factors. They have used statistical models, surveys, and case studies to examine detailed data on the key factors that enter the business location decision.

Economic theory says that firms locate where they can reduce the costs of their factors of production (assuming demand for products and any other factors are held constant). Firms locate in regions where they have access to inputs that meet their quality standards, at a relatively low cost. Because firms are

different, the relative importance of different factors of production varies both across industries and, even more importantly, across firms.

No empirical analysis can completely quantify firm location factors because numerous methodological problems make any analysis difficult. For example, some would argue simplistically that firms would prefer locating in a region with a low tax rate to reduce tax expenses. However, the real issue is the value provided by the community for the taxes collected. Because taxes fund public infrastructure that firms need, such as roads, water, and sewer systems, regions with low tax rates may end up with poor infrastructure, making it less attractive to firms. When competing jurisdictions have roughly comparable public services (type, cost, and quality) and quality of life, then tax rates (and tax breaks) can make a difference.

Further complicating any analysis is the fact that many researchers have used public expenditures as a proxy for infrastructure quality. But large expenditures on roads do not necessarily equal a quality road system. It is possible that the money has been spent ineffectively and the road system is in poor condition.

An important aspect of this discussion is that the business function at a location matters more than a firm's industry. A single company may have offices spread across cities, with headquarters located in a cosmopolitan metropolitan area, the research and development divisions located near a concentration of universities, the back office in a suburban location, and manufacturing and distribution located in areas with cheap land and good interstate access.

The location decisions of businesses are primarily based on the availability and cost of labor, transportation, raw materials, and capital. The availability and cost of these production factors are usually similar within a region. Most economic development strategies available to local governments, however, only indirectly affect the cost of these primary location factors. Local governments can most easily affect tax rates, public services, and regulatory policies. Economists generally agree that these factors do affect economic development, but the effects on economic development are modest. Thus, most of the strategies available to local governments have only a modest effect on the level and type of economic development in the community.

Local governments in Oregon also play a central role in the provision of buildable land through inclusion of lands in the Urban Growth Boundary, as well as through determination of plan designations and zoning, and through provision of public services. Obviously, businesses need buildable land to locate or expand in a community. Providing buildable land alone is not sufficient to guarantee economic development in a community—market conditions must create demand for this land, and local factors of production must be favorable for business activity. In the context of expected economic growth and the perception of a constrained land supply in Washington County, the provision of buildable land has the potential to strongly influence the level and type of economic development in Sherwood. The provision of buildable land is one of the most direct ways that the City of Sherwood can affect the level and type of economic development in the community.

Summary of the Effect of National, State and Regional Trends on Economic Development in Sherwood

This section presents a summary and the implications of national, state, and regional economic trends on economic growth in Sherwood, which are presented in Section 3.3.

National, State, and Regional Economic Trends	Implications for Economic Growth in Sherwood
Moderate growth rates and recovery from the national recession • After the end of the recession in 2009, economic growth returned to the U.S. economy, with persistent increases in real GDP (a 2.3 percentage point growth in 2017 relative to 2016)[11], a steady job growth (about 2.1 million jobs were added during 2017)[12], and a decline in the unemployment rate (about 4.1% in 2017 compared to the recessionary peak of 9.9%).[13] • Unemployment at the national level has gradually declined since the height of the recession. Unemployment rates in Oregon are typically higher than those of the nation as a whole. • The federal government's economicforecast predicts a moderate pace of economic growth, with gradual increases in employment and real GDP (roughly 3% through the end of 2016). • IHS Economic projects that Oregon's economy will be the fifth fastest-growing among all states in the U.S., averaging annualgrowth of about 2.7% through 2023.[14]	The rate of employment growthin Sherwood will depend, in part, on the rate of employment growth in Oregon and the nation. Sherwood's employment growth is most closely tied to growth in Washington County, which has higher wages than the state average. The types of employment identified as having growth potential and higher than average wages in the Portland Region and in Washington County are Computer and Electronics, Software and Media, Clean Tech, Athletic and Outdoors, Metals and Machinery, and Health Science and Tech. The Oregon Employment Department forecasts that employment in Portland (which includes Clackamas, Multnomah, and Washington counties) will grow by about 13% from 2017 levels. Private Educational and Health Services, Trade, Transportation, and Utilities, Leisure and Hospitality, Construction, and Manufacturing will make up the majority of the region's growth.
Growth of service-oriented sectors	The changes in employment in Washington County have followed similar trends as the changes in national and state employment. The service sector showed the greatest change in share of employment since 1980.

[11] Federal Reserve Bank of St. Louis, FRED Economic Data, Real Gross Domestic Product (GDPC1), Billions of Chained 2009 Dollars, Seasonally Adjust Annual Rate. Retrieved from: ********fred.stlouisfed.org/series/GDPC1#0, on June 25, 2018.

[12] Bureau of Labor Statistics. Economic News Release, Employment Situation News Release, December 2017. Published on January 5, 2018. Retrieved from: **********.bls.gov/news.release/archives/empsit_01052018.htm, on June 25, 2018.

[13] Bureau of Labor Statistics. Current Population Survey, Unemployment Rate, Seasonally Adjusted, 16 years and over. Retrieved from **********.bls.gov/data/, on June 25, 2018.

[14] Office of Economic Analysis. Oregon Economic and Revenue Forecast, March 2018. Vol. XXXVIII, No. 1, page 16. **********oregon.gov/das/OEA/Documents/forecast0318.pdf.

National, State, and Regional Economic Trends	Implications for Economic Growth in Sherwood
Increased worker productivity and the international outsourcing of routine tasks led to declines in employment in the major goods-producing industries. Projections from the Bureau of Labor Statistics indicate that U.S. employment growth will continue to be strongest in healthcare and social assistance, professional and business services, and other service industries. Constructionemployment will grow with the economy, but manufacturing employment will decline. These trends are also expected to affect the composition of Oregon's economy, although manufacturing in Oregon will grow.	The Oregon Employment Department forecasts that the service sectors likely to have the most employment growth in Portland—the region that includes Washington County—over the 2017 to 2027 period are: Professional and Business Services, Private Education and Health Services, and Leisure and Hospitality. These sectors represent employment opportunities for Sherwood.
Importance of small businesses in Oregon's economy	
Small business, with 100 or fewer employees, account for 66% of private-sector employment in Oregon. Workers of small businesses typically have had lower wages than the state average.	The average size for a private business in Sherwood is 9 employees per business, compared to the State average of 11 employees per private business. Businesses with 50 or fewer employees account for roughly 57% of private employment in Sherwood. Businesses with 9 or fewer employees account for 20% of private employment and 4 or fewer account for 10% of private employment Growth of small businesses presents key opportunities for economic growth in Sherwood.
Availability of trained and skilled labor	
Businesses in Oregon are generally able to fill jobs, either from available workers living within the State, or by attracting skilled workers from outside of the State. Availability of labor depends, in part, on population growth and in-migration. Oregon added more than 1,299,000 new residents and about 605,000 new jobs between 1990 and 2016. The population-employment ratio for the State was about 2.3 residents per job over the 24-year period. Availability of labor also depends on workers' willingness to commute. Workers in Oregontypically have a commute that is 30 minutes or shorter. Availability of skilled workers depends, in part, on educational attainment. About 31% of Oregon's workers have a Bachelor's degree or higher.	Employment in Washington County grew at about 1.4% annually over the 2000 to 2016 period, while population grew at about 2.4% over the same period. About 48% of workers at businesses located in Sherwood lived in Washington County, and 8% lived within Sherwood city limits. Firms in Sherwood attracted workers from the Portland Region. Over 90% of workers in Sherwood commuted into the city from elsewhere, many from Portland (22% of Sherwood workers), Beaverton (8%), and Tigard (8%). These commuting patterns are similar to commuting in other cities in the Portland area. Businesses in Sherwood are able to pull data from across the Westside of the Portland Region and from across the rest of the Portland Region. Sherwood's residents were more likely to have earned a Bachelor's degree or higher (46%) than the State average (31%).

National, State, and Regional Economic Trends	Implications for Economic Growth in Sherwood
	With historically low unemployment rates, businesses in Sherwood may have difficulties attracting employees, consistent withthe experience ofother cities in the Region. However, the lower wages at businesses and Sherwood may make attracting employees more difficult
Aging of the population The number of Oregonians aged 65 and older will nearly double between 2015 and 2050, while the number of people under age 65 will grow by only about 29%. The economic effects of this demographic change include a slowing of the growth of the labor force, an increase in the demand for healthcare services, and an increase in the percent of the federal budget dedicated to Social Security and Medicare. Furthermore, people are retiring later than previous generations and continuing to work past 65 years old. This trend is seen both at the national and State levels. Even given this trend, the need for workers to replace retiring Baby Boomers will outpace job growth. Management occupations and teachers will have the greatest need for replacement workers because these occupations have older-than-average workforces.	The changes in the Washington County's age structure are similar to that of the State, with the most growth observed in people 60 years and older. The State projects that the share of the population over the age of 60 in the Washington County will increase from 18% to 27% from 2015 to 2035. Firms in Sherwood will need to replace workers as they retire. Demand for replacement workers may outpace job growth in Sherwood, consistentwith State trends. Given the CBO'sforecast ofrelatively low unemployment rates (about 4.9% through 2027), businesses in Sherwood (and throughout the State) may havedifficulties finding replacement workers.
Increases in energy prices Although energy prices are relatively low by historical standards, overthe long-term, energy prices are forecast to grow as theeconomy and the population grows. As energy prices increase over the planning period of 2017 to 2050, energy consumption for transportation may decrease. Though with expected increases in fuel economy, people will be able to travel longer distances while consuming less energy. The U.S. Energy Information Administration estimates that transportation energy consumption declines as a result of increasing fuel economy more than offsets the total growth in vehicle miles traveled (VMT). VMT for passenger vehicles is forecasted to increase through 2050.	In 2017, lower energy prices have decreased the costs of commuting. Over the long-term, if energy prices increase, these higher prices will likely affect the mode of commuting before affecting workers' willingness to commute. For example, commuters may choose to purchase a more energy-efficient car, use the bus, or carpool. Very large increases in energy prices may affect workers' willingness to commute, especially workers living the furthest from Sherwood or workers with lower paying jobs. In addition, very large increases in energy prices may make shipping freight long distances less economically feasible, resulting in a slow-down or reversal of off-shore manufacturing, especially of large, bulky goods.
Comparatively low wages The income of a region affects the workforce and the types of businesses attracted to the region. Average income affects workers and businesses in different ways. Workers may be attracted to a region with higher average wage or high wage jobs. Businesses, however, may prefer to locate in regions with lower	Income in Oregon has historically been below national averages, and Washington County's per capita personal income has remained above that of the State and the nation. While the county's average wages followed a similar trend as personal income, they remained well above the State in both 2000 and 2016. In 2016, Washington County's

National, State, and Regional Economic Trends	Implications for Economic Growth in Sherwood
wages, where the cost of doing business may be lower. Since the early 1980's, Oregon's per capita personal income has been consistently lower than the U.S. average. In 2016, Oregon's per capita wage was 92% of the national average. From 2000 to 2016 nominal wages in the nation grew by 52% from $35,300 to $53,600, while wages in Oregon increased by 51% from $32,800 to $49,500.	average wage was about $65,908 compared to the State ($49,467). There are two basic reasons that wages are higher in Washington County than in the U.S.: (1) wages for similar jobs tend to be higher; (2) the occupational mixof employment is weighted towards higher paying occupations such as manufacturing. In addition, wages in Washington County and Oregon tend to be more volatile than the national average. The major reason for this volatility is that the relative lack of diversity in the State and County economy. Average wages in Sherwood are lower than Washington County and Oregon. For example, the average wage in Sherwood in 2016 was $38,696, compared to $65,908 in Washington County and $49,467 in Oregon. This difference is due to the larger share of lower-paying service sector jobs in Sherwood, compared to the Portland region. The median income in Sherwood ($86,111), however, is higher than Washington County ($69,743). This disparity in wages and income reflect that Sherwood residents are employed in other cities in the Portland region, but not in Sherwood.
Education as a determinant of wages The majority of the fastest growing occupations will require an academic degree, and on average, they will yield higher incomes than occupations that do not require an academic degree. The fastest-growing occupations requiring an academic degree will be registered nurses, software developers, general and operations managers, accountants and auditors, market research analysts and marketing specialists, and management analysts. Occupations that do not require an academic degree (e.g., retail salesperson, food preparation workers, and home care aides) will grow, accounting for approximately 71% of all new jobs by 2026. These occupations typically have lower pay than occupations requiring an academic degree.	Sherwood's residents were more likely to have obtained a Bachelor's degree or higher compared to Oregon residents as a whole (46% versus 31%). Businesses that want to locate in Sherwood can draw from the labor pool of the Portland region, especially the higher-educated population of workers living in Washington County.

National, State, and Regional Economic Trends	Implications for Economic Growth in Sherwood
The national median income for people over the age of 25 in 2017 was about$47,164. Workers without a high school diplomaearned $20,124 less than the median income, and workers with a high school diploma earned $10,140 less than the median income. Workers with some college earned $6,916 less than median income, and workers with a bachelor's degree earned $13,832 more than the median. Workers in Oregonexperience the same patterns as the nation but pay is generally lower in Oregon than the national average.	
Importance of high quality natural resources The relationship between natural resources and local economies has changed as the economy has shifted away from resource extraction. Increases in the population and in households' incomes, plus changes in tastes and preferences, have dramatically increased demands for outdoor recreation, scenic vistas, clean water, and other resource-related amenities. Such amenities contribute to aregion's quality of life and play an important role in attracting both households and firms.	The region's high quality natural resources present economic growth opportunities for Sherwood, ranging from agriculture and wineries to amenities that attract visitors and contribute to the region's high quality of life.

National Trends

Economic development in Sherwood over the next 20 years will occur in the context of long-run national trends. The most important of these trends include:

- **Economic growth will continue at a moderate pace**. Analysis from the Congressional Budget Office (CBO) predicts moderate growth of just above 2.0% GDP throughout 2018 and over the next decade, assuming current laws remain intact, and a growth of around 1.9% per year until 2027.

  The unemployment rate is expected to decrease to 4.3% by the end of 2017 and fall to 4.2% early 2018. Growth in hourly compensation may increase labor force participation, slowing its longer-term decline.

  Unemployment is expected to be 4.9% from 2021-2027, which is slightly above the estimated natural rate of unemployment but considerably lower than unemployment rates for 2010 to 2015 (during the recovery from the 2007-2009 recession).[15]

- **The aging of the Baby Boomer generation, accompanied by increases in life expectancy.** As the Baby Boomer generation continues to retire, the number of Social Security recipients is expected to increase from 59 million in 2014 to over 90 million in 2035, a 53% increase. However, due to lower-birth rate replacement generations, the number of covered workers is only expected to increase 14.7% over the same time period, from 165 million to almost 190 million in 2035. Currently, there are 36 Social Security beneficiaries per 100 covered workers in 2014 but by 2035 there will be 58 beneficiaries per 100 covered workers. This will increase the percent of the federal budget dedicated to Social Security and Medicare.[16]

  Baby boomers are expecting to work longer than previous generations. An increasing proportion of people in their early- to mid-50s expect to work full-time after age 65. In 2004, about 40% of these workers expect to work full-time after age 65, compared with about 30% in 1992.[17] This trend can be seen in Oregon, where the share of workers 65 years and older grew from 2.9% of the workforce in 2000 to 4.1% of the workforce in 2010, an increase of 41%. Over the same ten-year period, workers 45 to 64 years increased by 15%.[18]

- **Need for replacement workers.** The need for workers to replace retiring baby boomers will outpace job growth. According to the Bureau of Labor Statistics, total employment in the United States will grow by about 11.5 million jobs over 2016 to 2026. Annually, they estimate there will be 18.7 million occupational openings over the same period. This exhibits the need for employees over the next decade as the quantity of openings per year is large relative to expected employment growth. About 71% of annual job openings are in occupations that do not require postsecondary education.[19]

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[15] Congressional Budget Office. An Update to the Budget and Economic Outlook: 2017-2027. June 2017. **********.cbo.gov/system/files/115th-congress-2017-2018/reports/52801-june2017outlook.pdf.

[16] The Board of Trustees, Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, 2015, *The 2015 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds*, May 13, 2015.

[17] "The Health and Retirement Study," 2007, National Institute of Aging, National Institutes of Health, U.S. Department of Health and Human Services.

[18] Analysis of 2000 Decennial Census data and 2010 U.S. Census American Community Survey, 1-Year Estimates for the table Sex by Age by Employment Status for the Population 16 Years and Over

[19] "Occupational Employment Projections to 2016-2026," Bureau of Labor Statistics, 2018.

♣ **The importance of education as a determinant of wages and household income.** According to the Bureau of Labor Statistics, a majority of the fastest growing occupations will require an academic degree, and on average, they will yield higher incomes than occupations that do not require an academic degree. The fastest-growing occupations requiring an academic degree will be registered nurses, software developers, general and operations managers, accountants and auditors, market research analysts and marketing specialists, and management analysts. Occupations that do not require an academic degree (e.g., retail salesperson, food preparation workers, and home care aides) will grow, accounting for approximately 71% of all new jobs by 2026. These occupations typically have lower pay than occupations requiring an academic degree.[20]

The national median income for people over the age of 25 in 2017 was about $47,164. Workers without a high school diploma earned $20,124 less than the median income, and workers with a high school diploma earned $10,140 less than the median income. Workers with some college earned $6,916 less than median income, and workers with a bachelor's degree earned $13,832 more than median. Workers in Oregon experience the same patterns as the nation but pay is generally lower in Oregon than the national average.[21]

♣ **Increases in labor productivity.** Productivity, as measured by output per hour of labor input, increased in most sectors between 2000 and 2010, peaking in 2007. However, productivity increases were interrupted by the recession. After productivity decreases from 2007 to 2009, many industries saw large productivity increases from 2009 to 2010. Industries with the fastest productivity growth were Information Technology-related industries. These include wireless telecommunications carriers, computer and peripheral equipment manufacturing, electronics and appliance stores, and commercial equipment manufacturing wholesalers.[22]

Since the end of the recession (or 2010), labor productivity has increased across a handful of large sectors but has also decreased in others. In wholesale trade, productivity—measured in output per hour—increased by 19% over 2009 to 2017. Retail trade gained even more productivity over this period at 25%. Food services, however, have remained stagnant since 2009, fluctuating over the nine-year period and shrinking by 0.01% over this time frame. Additionally, the Bureau of Labor Statistics reports multifactor productivity in manufacturing has been slowing down 0.3% per year over the 2004 to 2016 period. Much of this, they note, is due to slowdown in semiconductors, other electrical component manufacturing, and computer and peripheral equipment manufacturing.[23]

♣ **Increases in automation across sectors.** Automation is a long-running trend in employment, with increases in automation (and corresponding increases in productivity) over the last century and longer. The pace of automation is increasing, and the types of jobs likely to be automated over the next 20 years (or longer) is broadening. Lower paying jobs are more likely to be automated, with potential for automation of more than 80% of jobs paying less than $20 per hour over the next 20 years. About 30% of jobs paying $20 to $40 per hour and 4% of jobs paying $40 or more are at risk of being automated over the next 20 years.[24]

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[20] "Occupational Employment Projections to 2016-2026," Bureau of Labor Statistics, 2018.

[21] Bureau of Labor Statistics, Employment Projections, March 2018. **********.bls.gov/emp/ep_chart_001.htm

[22] Brill, Michael R. and Samuel T. Rowe, "Industry Labor Productivity Trends from 2000 to 2010." Bureau of Labor Statistics, *Spotlight on Statistics*, March 2013.

[23] Michael Brill, Brian Chanksy, and Jennifer Kim. "Multifactor productivity slowdown in U.S. manufacturing," *Monthly Labor Review*, U.S. Bureau of Labor Statistics, July 2018. Retrieved from: **********.bls.gov/opub/mlr/2018/article/multifactor-productivity-slowdown-in-us-manufacturing.htm.

[24] Executive Office of the President. (2016). Artificial Intelligence, Automation, and the Economy.

Low- to middle-skilled jobs that require interpersonal interaction, flexibility, adaptability, and problem solving will likely persist into the future as will occupations in technologically lagging sectors (e.g. production of restaurant meals, cleaning services, hair care, security/protective services, and personal fitness).[25] This includes occupations such as (1) recreational therapists, (2) first-line supervisors of mechanics, installers, and repairers, (3) emergency management directors, (4) mental health and substance abuse social workers, (5) audiologists, (6) occupational therapists, (7) orthotists and prosthetists, (8) healthcare social workers, (9) oral and maxillofacial surgeons, and (10) first-line supervisors of firefighting and prevention workers. Occupations in the service and agricultural or manufacturing industry are most at-risk of automation because of the manual-task nature of the work.[26,27,28] This includes occupations such as (1) telemarketers, (2) title examiners, abstractors, and searchers, (3) hand sewers, (4) mathematical technicians, (5) insurance underwriters, (6) watch repairers, (7) cargo and freight agents, (8) tax preparers, (9) photographic process workers and processing machine operators, and (10) accounts clerks.[29]

- ♣ **Consolidation of Retail.** Historical shift in retail businesses, starting in the early 1960s, was the movement from one-off, 'mom and pop shops' toward superstores and the clustering of retail into centers or hubs. Notably, we still see this trend persist; for example, in 1997, the 50 largest retail firms accounted for about 26% of retail sales and by 2007, they accounted for about 33%.[30] The more recent shift began in the late 1990s, where technological advances have provided consumers the option to buy goods through e-commerce channels. The trend toward e-commerce has become increasingly preferential to millennials and Generation X, who are easier to reach online and are more responsive to digital ads than older generations.[31] Since 2000, e-commerce sales grew from 0.9% to 6.4% (2014) and are forecasted to reach 12% by 2020. It is reasonable to expect this trend to continue. With it has come closures of retail stores. By 2027 for example, an estimated 15% of about 1,050 U.S. malls in smaller markets will close, impacting local employment levels, local government revenue streams (tax dollars), and neighborhood character.

  The draft 2018 Metro Urban Growth Report[32] describes the uneven impact on retail from e-commerce. Overall, e-commerce accounts for 9% of national retail sales, with online sales growing at a faster rate than retail sales growth overall. Nationally, non-store retailers are negatively affecting furniture stores, electronics, clothing, and recreational goods (e.g., sporting goods, hobby supplies, and books and music). The retail types that grew strongly in the Portland Region between 2007 and 2017 were grocery stores, general merchandise stores, and miscellaneous specialty retailers.

  While it is unclear what impact e-commerce will have on employment and brick and mortar retail, it seems probable that e-commerce sales will continue to grow, shifting business away from

[25] Autor, David H. (2015). Why Are There Still So Many Jobs? The History and Future of Workplace Automation. Journal of Economic Perspectives, Volume 29, Number 3, Summer 2015, Pages 3–30.

[26] Frey, Carl Benedikt and Osborne, Michael A. (2013). The Future of Employment: How Susceptible Are Jobs to Computerisation? Oxford Martin School, University of Oxford.

[27] Otekhile, Cathy-Austin and Zeleny, Milan. (2016). Self Service Technologies: A Cause of Unemployment. International Journal of Entrepreneurial Knowledge. Issue 1, Volume 4. DOI: 10.1515/ijek-2016-0005.

[28] PwC. (n.d.). Will robots really steal our jobs? An international analysis of the potential long-term impact of automation.

[29] Frey, Carl Benedikt and Osborne, Michael A. (2013). The Future of Employment: How Susceptible Are Jobs to Computerisation? Oxford Martin School, University of Oxford.

[30] Hortaçsu, Ali and Syverson, Chad. (2015). The Ongoing Evolution of US Retail: A Format Tug-of-War. Journal of Economic Perspectives, Volume 29, Number 4, Fall 2015, Pages 89-112.

[31] Pew Research Center (2010b). Generations 2010. Retrieved Online at: **********pewinternet.org/Reports/2010/Generations-2010.aspx

[32] *Urban Growth Report*, Discussion Draft, Metro, July 3, 2018, Appendix 4.

some types of retail. Over the next decades, communities must begin considering how to redevelop and reuse retail buildings in shopping centers, along corridors, and in urban centers.

The types of retail and related services that remain will likely be sales of goods that people prefer to purchase in person or that are difficult to ship and return (e.g., large furniture), specialty goods, groceries and personal goods that maybe needed immediately, restaurants, and experiences (e.g., entertainment or social experiences).

♣ **The importance of high-quality natural resources.** The relationship between natural resources and local economies has changed as the economy has shifted away from resource extraction. High-quality natural resources continue to be important in some states, especially in the Western U.S. Increases in the population and in households' incomes, plus changes in tastes and preferences have dramatically increased demands for outdoor recreation, scenic vistas, clean water, and other resource-related amenities. Such amenities contribute to a region's quality of life and play an important role in attracting both households and firms.[33]

♣ **Continued increase in demand for energy.** Energy prices are forecasted to increase over the planning period. While energy use per capita is expected to decrease through 2050, total energy consumption will increase with rising population. Energy consumption is expected to grow primarily from industrial (0.9%) and, to a lesser extent, commercial users (0.4%). Residential consumption is forecasted to stagnate (0.0%), and transportation will slightly decrease (-0.1%). This decrease in energy consumption for transportation is primarily due to increased federal standards and increased technology for energy efficiency in vehicles. Going forward through the projection period, potential changes in federal laws (such as decreases in car emissions) leave energy demand somewhat uncertain.

Energy consumption by type of fuel is expected to change over the planning period. By 2050, the U.S. will continue to shift from crude oil towards natural gas and renewables. For example, from 2017 to 2050, the Energy Information Administration projects that U.S. overall energy consumption will average a 0.4% annual growth rate, while consumption of renewable sources grows at 1.4% per year. With increases in energy efficiency, strong domestic production of energy, and relatively flat demand for energy by some industries, the U.S. will be able to be a net exporter of energy over the 2017 to 2050 period. Demand for electricity is expected to increase, albeit slowly, over 2017 to 2050 as population grows and economic activity increases.[34]

♣ **Impact of rising energy prices on commuting patterns.** As energy prices increase over the planning period, energy consumption for transportation will decrease. These increasing energy prices may decrease willingness to commute long distances, though with expected increases in fuel economy, it could be that people commute further while consuming less energy.[35] Over 2019 to 2035, the U.S. Energy Information Administration estimates in its forecast that the decline in transportation energy consumption as a result of increasing fuel economy more than offsets the total growth in vehicle miles traveled (VMT). VMT for passenger vehicles is forecasted to increase through 2050.

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[33] For a more thorough discussion of relevant research, *see*, for example, Power, T.M. and R.N. Barrett. 2001. *Post-Cowboy Economics: Pay and Prosperity in the New American West*. Island Press, and Kim, K.-K., D.W. Marcouiller, and S.C. Deller. 2005. "Natural Amenities and Rural Development: Understanding Spatial and Distributional Attributes." *Growth and Change* 36 (2): 273-297.

[34] Energy Information Administration, 2018, *Annual Energy Outlook 2018 with Projections to 2050*, U.S. Department of Energy, February 2018. **********eia.gov/outlooks/aeo/pdf/AEO2018.pdf. Note, the cited growth rates are shown in the Executive Summary and can be viewed here: **********.eia.gov/outlooks/aeo/data/browser/#/?id=2-AEO2018&cases=ref2018&sourcekey=0.

[35] Energy Information Administration, 2018, *Annual Energy Outlook 2018 with Projections to 2050*, U.S. Department of Energy, February 2018.

♣ **Potential impacts of global climate change.** The consensus among the scientific community that global climate change is occurring expounds important ecological, social, and economic consequences over the next decades and beyond.[36] Extensive research shows that Oregon and other western states already have experienced noticeable changes in climate and predicts that more change will occur in the future.[37]

In the Pacific Northwest, climate change is likely to (1) increase average annual temperatures, (2) increase the number and duration of heat waves, (3) increase the amount of precipitation falling as rain during the year, (4) increase the intensity of rainfall events, and 5) increase sea level. These changes are also likely to reduce winter snowpack and shift the timing of spring runoff earlier in the year.[38]

These anticipated changes point toward some of the ways that climate change is likely to impact ecological systems and the goods and services they provide. There is considerable uncertainty about how long it would take for some of the impacts to materialize and the magnitude of the associated economic consequences. Assuming climate change proceeds as today's models predict, however, some of the potential economic impacts of climate change in the Pacific Northwest will likely include:[39]

- ♣ *Potential impact on agriculture and forestry.* Climate change may impact Oregon's agriculture through changes in growing season, temperature ranges, and water availability.[40] Climate change may impact Oregon's forestry through an increase in wildfires, a decrease in the rate of tree growth, a change in the mix of tree species, and increases in disease and pests that damage trees.[41]
- ♣ *Potential impact on tourism and recreation.* Impacts on tourism and recreation may range from (1) decreases in snow-based recreation if snow-pack in the Cascades decreases, (2)

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[36] Karl, T.R., J.M. Melillo, and T.C. Peterson, eds. 2009. *Global Climate Change Impacts in the United States.* U.S. Global Change Research Program. June. Retrieved June 16, 2009, from ***.globalchange.gov/usimpacts; and Pachauri, R.K. and A. Reisinger, eds. 2007. *Climate Change 2007: Synthesis Report. Contribution of Working Groups I, II, and III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change.*

[37] Doppelt, B., R. Hamilton, C. Deacon Williams, et al. 2009. *Preparing for Climate Change in the Upper Willamette River Basin of Western Oregon.* Climate Leadership Initiative, Institute for a Sustainable Environment, University of Oregon. March. Retrieved June 16, 2009, from *******climlead.uoregon.edu/pdfs/willamette_report3.11FINAL.pdf and Doppelt, B., R. Hamilton, C. Deacon Williams, et al. 2009. *Preparing for Climate Change in the Rogue River Basin of Southwest Oregon.* Climate Leadership Initiative, Institute for a Sustainable Environment, University of Oregon. March. Retrieved June 16, 2009 from *******climlead.uoregon.edu/pdfs/ROGUE%20WS_FINAL.pdf

[38] Mote, P., E. Salathe, V. Duliere, and E. Jump. 2008. *Scenarios of Future Climate for the Pacific Northwest.* Climate Impacts Group, University of Washington. March. Retrieved June 16, 2009, from *******cses.washington.edu/db/pdf/moteetal2008scenarios628.pdf; Littell, J.S., M. McGuire Elsner, L.C. Whitely Binder, and A.K. Snover (eds). 2009. "The Washington Climate Change Impacts Assessment: Evaluating Washington's Future in a Changing Climate - Executive Summary." *In The Washington Climate Change Impacts Assessment: Evaluating Washington's Future in a Changing Climate*, Climate Impacts Group, University of Washington. Retrieved June 16, 2009, from ***.cses.washington.edu/db/pdf/wacciaexecsummary638.pdf; Madsen, T. and E. Figdor. 2007. *When it Rains, it Pours: Global Warming and the Rising Frequency of Extreme Precipitation in the United States.* Environment America Research & Policy Center and Frontier Group.; and Mote, P.W. 2006. "Climate-driven variability and trends in mountain snowpack in western North America." *Journal of Climate* 19(23): 6209-6220.

[39] The issue of global climate change is complex and there is a substantial amount of uncertainty about climate change. This discussion is not intended to describe all potential impacts of climate change but to present a few ways that climate change may impact the economy of cities in Oregon and the Pacific Northwest.

[40] "The Economic Impacts of Climate Change in Oregon: A preliminary Assessment," Climate Leadership Initiative, Institute for Sustainable Environment, University of Oregon, October 2005.

[41] "Economic Impacts of Climate Change on Forest Resources in Oregon: A Preliminary Analysis," Climate Leadership Initiative, Institute for Sustainable Environment, University of Oregon, May 2007.

negative impacts to tourism along the Oregon Coast as a result of damage and beach erosion from rising sea levels,[42] (3) negative impacts on availability of water-oriented river recreation (e.g., river rafting or sports fishing) as a result of lower summer river flows, and (4) negative impacts on the availability of water for domestic and business uses.

Short-term national trends will also affect economic growth in the region, but these trends are difficult to predict. At times, these trends may run counter to the long-term trends described above. A recent example is the downturn in economic activity in 2008 and 2009 following declines in the housing market and the mortgage banking crisis. One of the results of the economic downturn was a decrease in employment related to the housing market, such as construction and real estate. As these industries recover, they will continue to play a significant role in the national, state, and local economy over the long run. This report takes a long-run perspective on economic conditions (as the Goal 9 requirements intend) and does not attempt to predict the impacts of short-run national business cycles on employment or economic activity.

State Trends

Short-Term Trends

Oregon is on its way to recovery from the recent recession. According to the Oregon Office of Economic Analysis (OEA), the Oregon economy "continues to hit the sweet spot." Wages remain below the national average, but they are at its highest point relative to the early 1980s. Over the past year, Oregon added over 39,000 jobs, a 2.1% growth rate. The leisure and hospitality, construction, professional and business services, and health services industries have accounted for over half of total growth in the State. Oregon continues to have an advantage in job growth compared to other states, due to its industrial sector and in-migration flows. Though Oregon's labor market is tight, it continues to gain more workers, signaled by an improving market participation rate relative to its low recessionary levels.[43]

The housing market continues to recover as Oregon's economy improves. Oregon is seeing an increase in household formation rates, which is good for the housing market. Though younger Oregonians are tending to live at home with their parents longer, the aging Millennial generation (from their early 20s to mid-to-late 30s) and the state's increase in migration will drive demand for homes in the coming years. The latter half of 2017 was the largest level of home construction since early 2007 levels. Through 2020, the OEA forecasts moderate to strong housing growth. Beyond this time frame, it forecasts an average growth of 24,000 units per year to satisfy the demand for Oregon's growing population and to make up for the underdevelopment of housing post-recession.[44]

The Oregon Index of Leading Indicators (OILI) has grown quite rapidly since January 2017. The leading indicators showing improvement are volume of air freight, help wanted advertisements, increases in housing permits, industrial productions, initial claims for unemployment, the manufacturing purchasing managers index (PMI), new incorporations of companies, the appreciating Oregon Dollar Index, semiconductor billings, and withholdings of wages and salaries. The one slowing indicator is consumer sentiment.[45]

Oregon's economic health is dependent on the export market. The value of Oregon exports in 2017 was $21.9 billion. The countries that Oregon exports the most to are China (18% of total Oregon exports),

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[42] "The Economic Impacts of Climate Change in Oregon: A preliminary Assessment," Climate Leadership Initiative, Institute for Sustainable Environment, University of Oregon, October 2005.

[43] Office of Economic Analysis. Oregon Economic and Revenue Forecast, March 2018. Vol. XXXVIII, No. 1, page 4 **********oregon.gov/das/OEA/Documents/forecast0318.pdf

[44] Office of Economic Analysis. Oregon Economic and Revenue Forecast, March 2018. Vol. XXXVIII, No. 1, page 12.

[45] Office of Economic Analysis. Oregon Economic and Revenue Forecast, March 2018 Vol. XXXVIII, No. 1, page 9.

Canada (11%), Malaysia (11%), South Korea (9%), Japan (8%), and Vietnam (7%).[46] With straining trade relations overseas, specifically with China, Oregon exports are left potentially vulnerable, as China is a top destination for Oregon exports.[47] An economic slowdown across many parts of Asia will have a spillover effect on the Oregon economy. Furthermore, with the United States' withdrawal from the Trans-Pacific Partnership in January 2017, it is unclear how much Pacific Northwest trade will be impacted in the years to come.

Long-term Trends

State, regional, and local trends will also affect economic development in Sherwood over the next 20 years. The most important of these trends includes continued in-migration from other states, distribution of population and employment across the state, and change in the types of industries in Oregon.

- **Continued in-migration from other states.** Oregon will continue to experience in-migration (more people moving *to* Oregon than *from* Oregon) from other states, especially California and Washington. From 1990 to 2017, Oregon's population increased by about 1.3 million, 66% of which was from people moving into Oregon (net migration). The average annual increase in population from net migration over the same time period was just over 33,200. During the early- to mid-1990's, Oregon's net migration was highest, reaching over 60,000 in 1991, with another smaller peak of almost 42,100 in 2006. In 2017, net migration reached just over 58,800 persons. Oregon has not seen negative net migration since a period of negative net migration in the early- to mid-1980's.[48]
- **Forecast of job growth.** Total nonfarm employment is expected to increase from 1.87 million in 2017 to just below 1.98 million in 2021, an increase of 111,000 jobs. The industries with the largest growth will be Professional and Business Services, Health Services, and Manufacturing, accounting for 58% of the forecasted growth.[49]
- **Continued importance of manufacturing to Oregon's economy.** Oregon's exports totaled $19.4 billion in 2008, nearly doubling since 2000, and reached almost $22 billion in 2017. The majority of Oregon exports go to countries along the Pacific Rim, with China, Canada, Malaysia, South Korea, and Japan as top destinations. Oregon's largest exports are tied to high-tech manufacturing and mining, as well as agricultural products.[50] Manufacturing employment is concentrated in five counties in the Willamette Valley or Portland area: Washington, Multnomah, Lane, Clackamas, and Marion Counties.[51]
- **Shift in manufacturing from natural resource-based to high-tech and other manufacturing industries.** Since 1970, Oregon started to transition away from reliance on traditional resource-extraction industries. A significant indicator of this transition is the shift within Oregon's manufacturing sector, with a decline in the level of employment in the Lumber & Wood Products industry and concurrent growth of employment in other manufacturing industries, such as high-

[46] United States Census. State Exports from Oregon, 2014-2017. **********.census.gov/foreign-trade/statistics/state/data/or.html.

[47] Office of Economic Analysis. Oregon Economic and Revenue Forecast, March 2018 Vol. XXXVIII, No. 1, page 13.

[48] Portland State University Population Research Center. 2013 Annual Population Report. April 2014. **********.pdx.edu/prc/annual-oregon-population-report

[49] Office of Economic Analysis. Oregon Economic and Revenue Forecast, March 2018. Vol. XXXVIII, No. 1, page 42 **********oregon.gov/das/OEA/Documents/forecast0318.pdf.

[50] United States Census. State Exports from Oregon, 2014-2017. **********.census.gov/foreign-trade/statistics/state/data/or.html.

[51] Oregon Employment Department. *Employment and Wages by Industry (QCEW)*. 2017 Geographic Profile, Manufacturing (31-33). Retrieved from: qualityinfo.org.

tech manufacturing (Industrial Machinery, Electronic Equipment, and Instruments), Transportation Equipment manufacturing, and Printing and Publishing.[52]

- **Income.** Oregon's income and wages are below that of a typical state. However, mainly due to the wage growth over the last two to three years, Oregon wages are at their highest point relative to other states since the recession in the early 1980's. In 2017, the average annual wage in Oregon was $51,117, and in 2016, the median household income was $57,532 (compared to national average wages of $53,621 in 2017, and national household income of $57,617 in 2016).[53] Total personal income (all classes of income, minus Social Security contributions, adjusted for inflation) in Oregon is expected to increase by 35%, from $192.6 billion in 2017 to $260.6 billion in 2023. Per capita income is expected to increase by 25% over the same time period, from $46,400 in 2017 to $58,100 in 2023 (in nominal dollars).[54]

- **Small businesses continue to account for a large share of employment in Oregon**. While small firms played a large part in Oregon's expansion between 2003 and 2007, they also suffered disproportionately in the recession and its aftermath (64% of the net jobs lost between 2008 and 2010 was from small businesses).

  In 2017 small businesses (those with 100 or fewer employees) accounted for 95% of all businesses and 66% of all private-sector employment in Oregon. Said differently, most businesses in Oregon are small (in fact, 78% of all businesses have fewer than 10 employees), but the largest share of Oregon's employers work for large businesses.

  The average annualized payroll per employee for small businesses was $37,149 in 2015, which is considerably less than that for large businesses ($54,329) and the statewide average for all businesses ($47,278).[55]

  Younger workers are important to continue growth of small businesses across the nation. More than one-third of Millennials (those born between 1980 - 1999) are self-employed, with approximately half to two-thirds interested in becoming an entrepreneur. Furthermore, in 2011, about 160,000 startup companies were created each month; 29% of these companies were founded by people between 20 to 34 years of age.[56]

- **The Portland Metro region is expected to continue to grow over the next 20 years.** Metro forecasts growth of 524,000 new people between 2018 and 2038 and 209,000 more jobs over the same period. The sectors expected to have the most growth are Professional and Business Services, as well as Education and Health Services. Manufacturing employment is expected to decrease slightly over the 20-year period.[57]

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[52] Although Oregon's economy has diversified since the 1970's, natural resource-based manufacturing accounts for about 38% of employment in manufacturing in Oregon in 2017, with the most employment in Food Manufacturing (nearly 30,000) and Wood Product Manufacturing (nearly 23,000) (QCEW).

[53] Average annual wages are for "Total, all industries," which includes private and public employers. Oregon Quarterly Census of Employment and Wages, 2016. Retrieved from: **********.qualityinfo.org; Bureau of Labor Statistics, Quarterly Census of Employment and Wages, 2016; Total, U.S. Census American Community Survey 1-Year Estimates, 2016, Table B19013.

[54] Office of Economic Analysis. Oregon Economic and Revenue Forecast, March 2018. Vol. XXXVIII, No. 1, page 44 **********oregon.gov/das/OEA/Documents/forecast0318.pdf.

[55] U.S Census Bureau, 2015 Statistics of U.S. Businesses, Annual Data, Enterprise Employment Size, U.S and States. **********.census.gov/data/tables/2015/econ/susb/2015-susb-annual.html.

[56] Cooper, Rich, Michael Hendrix, Andrea Bitely. (2012). "The Millennial Generation Research Review." Washington, DC: The National Chamber Foundation. Retrieved from: **********uschamberfoundation.org/sites/default/files/article/foundation/MillennialGeneration.pdf.

[57] *Urban Growth Report*, Discussion Draft, Metro, July 3, 2018. The population and employment forecast are the "most likely growth" forecasts presented in the report.

Regional and Local Trends

Throughout this section and the report, Sherwood is compared to the State of Oregon, Washington County, and the Portland Region (which is Multnomah, Washington, and Clackamas Counties). These comparisons are to provide context for changes in Sherwood's socioeconomic characteristics.

Availability of Labor

The availability of trained workers in Sherwood will impact development of its economy over the planning period. A skilled and educated populace can attract well-paying businesses and employers and spur the benefits that follow from a growing economy. Key trends that will affect the workforce in Sherwood over the next 20 years include its growth in its overall population, growth in the senior population, and commuting trends.

Growing Population

Population growth in Oregon tends to follow economic cycles. Oregon's population grew from 2.8 million people in 1990 to 4.1 million people in 2017, an increase of almost 1,300,000 people at an average annual rate of 1.40%. Oregon's growth rate slowed to 1.1% annual growth between 2000 and 2017.

Sherwood's population grew faster than that of the State or Portland Region since 1990. Sherwood's population grew from about 3,000 residents in 1990 to more than 19,000 residents in 2017, an increase of more than 16,000 people or more than 500%.

Table 8. Population Growth, Sherwood, Portland Region, and Oregon, 1990 – 2017

Geography	1990	2000	2010	2017	Number	Percent	AAGR
Sherwood	3,093	11,791	18,194	19,350	16,257	526%	7.03%
Portland Region	1,174,291	1,444,219	1,641,036	1,811,860	637,569	54%	1.62%
Oregon	2,842,321	3,421,399	3,831,074	4,141,100	1,298,779	46%	1.40%

Source: U.S. Census Bureau, 1990, 2000, and 2010. Portland State University Population Estimates, 2017.

Age Distribution

The number of people aged 65 and older in the U.S. is expected to increase by nearly three-quarters by 2050, while the number of people under age 65 will only grow by 16%. The economic effects of this demographic change include a slowing of the growth of the labor force, need for workers to replace retirees, aging of the workforce for seniors that continue working after age 65, an increase in the demand for healthcare services, and an increase in the percent of the federal budget dedicated to Social Security and Medicare.[58]

Figure 1 through Figure 4 show the following trends:

- ♣ Sherwood's population is getting older faster father than those of Washington County, the Portland Region, or Oregon. This suggests that Sherwood is attracting more people in mid-life and more people over 65 years old.
- ♣ Sherwood has a smaller percentage of population between 40 and 59 years old and a smaller percentage of population older than 60 years, compared with Washington County, the Portland

[58] The Board of Trustees, Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, 2017, *The 2017 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds*, July 13, 2017. *The Budget and Economic Outlook: Fiscal Years 2018 to 2028*, April 2018.

Region, or Oregon. This shows that Sherwood is attractive to people in their mid-life, which affects potential availability of mid-career workers.

- Washington County's population is expected to continue to age, with people 60 years and older increasing from 18% of the population in 2017 to 24% of the population in 2035. This is consistent with Statewide trends. Sherwood may continue to attract mid-life and older workers over the planning period. While Sherwood's share of retirees may increase over the next 20 years, availability of people nearing retirement (e.g., 55 to 70 years old) is likely to increase. People in this age group may provide sources of skilled labor, as people continue to work until later in life. These skilled workers may provide opportunities to support business growth in Sherwood.

Sherwood's median age has increased by about six years since 2000. This change suggests that Sherwood is attracting more workers in mid-life and more people over 65 years old.

Figure 1. Median Age, 2000 to 2012-2016

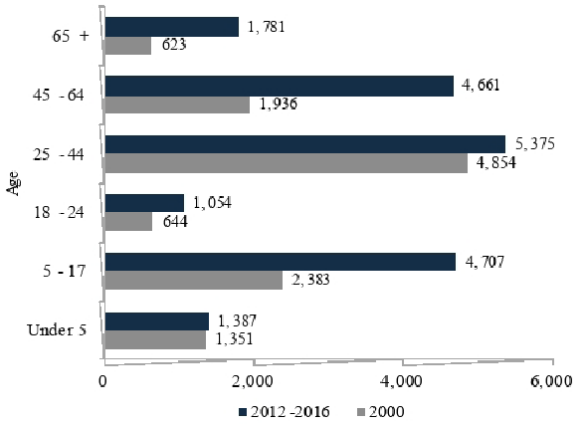
Source: U.S. Census Bureau, 2000 Decennial Census, Table P013; American Community Survey 2012-2016 5-year estimate, Table B01002.

2000	31.4 Sherwood	33.0 Wash. County	34.9 Portland Region	36.3 Oregon
2012-16	37.0 Sherwood	36.2 Wash. County	34.9 Portland Region	39.1 Oregon

From 2000 to 2012-2016, Sherwood's largest population increase was for the population aged 45 to 64 years old. This is larger than statewide trends.

Figure 2. Sherwood population change by age, 2000 to 2012-2016

Source: U.S. Census Bureau, 2000 Summary File; American Community Survey 2012-2016 5-year estimate, Table B01001.

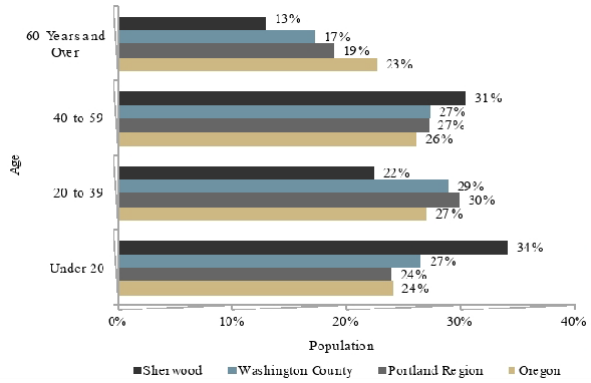


From 2012 to 2016, 53% of Sherwood's residents were between 20 and 59 years old.

Sherwood has a larger share of residents under the age of 20 than the Portland Region and the State. Sherwood has a comparatively small population of residents between the ages of 20 to 39 (22%).

Figure 3. Population distribution by age, Sherwood, Washington County, Portland Region, and Oregon, 2012-2016

Source: U.S. Census Bureau, American Community Survey, 2012-2016 5-year estimate, Table B01001.

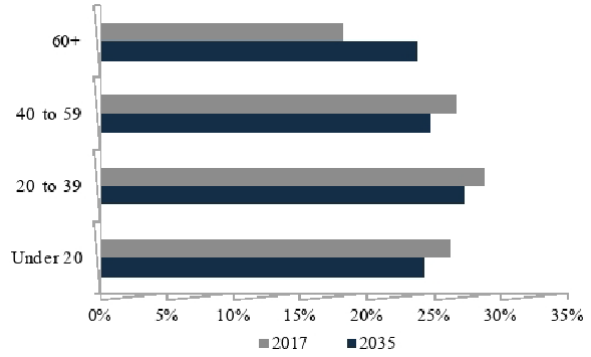


By 2035, Washington County will have a larger share of residents older than sixty than it does today.

The share of residents aged 60 years and older will account for 24% of Washington County's population, compared to 18% in 2017.

Figure 4. Population Growth by Age Group, Washington County, 2017 - 2035

Source: Oregon Population Forecast, 2017.



Income

Income and wages affect business decisions for locating in a city. Per capita income[59] grew most years during the 34-year period, with the exception of a decrease during the recession. Between 1980 and 2016, Oregon's per capita personal income was consistently lower than the U.S. average. In 1980, Oregon's per capita personal income equaled the national average. By 2016, Oregon's per capita personal income reached 89% of the national average. Oregon's relatively low wages make the state attractive to businesses seeking to locate in areas with lower-than-average wages.

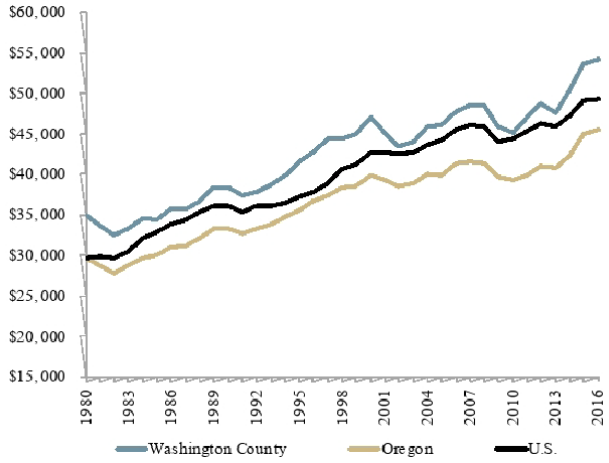
Washington County's per capita income remained consistently above the State average and the U.S. average.

Per capita income (adjusted for inflation) in the nation, Oregon, and Washington County has grown since 1980.

Oregon's per capita income grew 15% in the post-recession period between 2009 and 2016, larger than the nation's 12% growth over the same period, but less than Washington County's 18% over this time frame. Washington County's per capita income was 117% of Oregon's average in 2016.

Figure 5. Per Capita Personal Income, Washington County, Oregon, and U.S., 1980 to 2016, Inflation-adjusted 2016 Dollars

Source: Bureau of Economic Analysis, Per Capita Personal Income, Table CA-1.



[59] Personal income includes wages, dividends and interest from investments, rent from investments, pension play payments and transfer payments (e.g., social security payments). Per capita personal income is the personal income of the area divided by the total number of people in the area.

Between 2000 and 2016, Washington County's per capita personal income grew, and its average wages increased. Over the same period, average wages increased in Oregon and the U.S. The increase in average wages in Washington County has many causes, but one cause is the change in mix of jobs in Washington County since 2001. The sectors in Washington County with the largest number of employees is Manufacturing and Business Services, both of which have above-average wages (see Table 10).

Sherwood's wages are below average for the Portland Region and for the nearby cities of Tigard and Tualatin. The primary reason for lower wages at jobs in Sherwood is the mix of jobs in Sherwood, with Retail and Accommodations and Food Services having the largest number of employees in Sherwood but wages below the city average (see Figure 20).

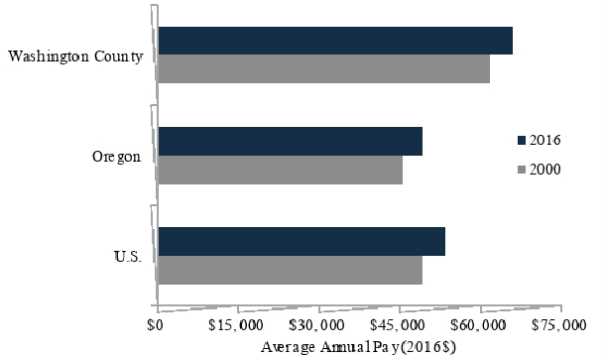
At the same time, median household income and median family income in Sherwood are considerably above those of Washington County. This suggests that many residents of Sherwood either work outside of Sherwood (where wages are higher) or have income from sources other than wages (such as investments). The commuting patterns in Sherwood show that only 8% of Sherwood's working residents both live and work in Sherwood (see Figure 16).

From 2000 to 2016, average annual wages rose in Washington County, Oregon, and the nation.

In 2016, average annual wages were $65,908 in Washington County, $49,467 in Oregon, and $53,621 across the nation.

Figure 6. Average Annual Wage, Covered Employment, Washington County, Oregon, and U.S., 2000 to 2016, Inflation-adjusted 2016 Dollars

Source: Bureau of Labor Statistics, Quarterly Census of Employment and Wages.

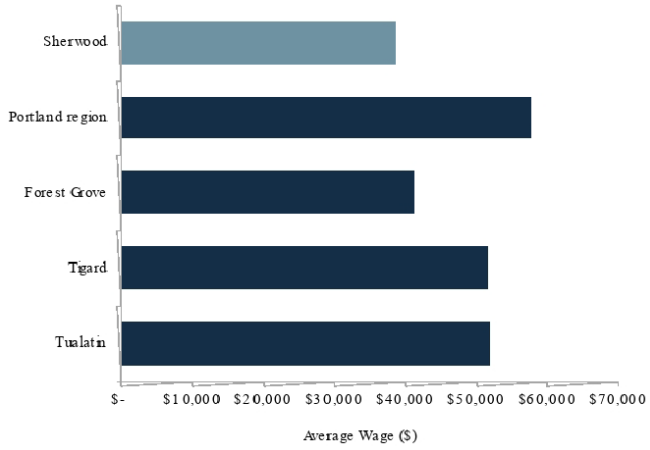


In 2016, average annual wages in Sherwood were lower than other cities in the Portland region.

In 2016, average annual wages were $38,696 in Sherwood and $57,616 in the Portland region. Average annual wages in cities such as Forest Grove, Tigard, and Tualatin were between Sherwood and the Portland region.

A large number of jobs in Sherwood (see Figure 20) are lower wage sectors, such as in Retail and Accommodations and Food Services.

Figure 7. Average Annual Wage, Covered Employment, Sherwood and Portland region, 2016.
Source: Oregon Quarterly Census of Employment and Wages.



Over the 2012-2016 period, Sherwood's median household income was well above comparable cities in the region, as well as Washington County's, the Portland Region's, and the State's median household income.

Figure 8. Median Household Income,[60] 2012-2016
Source: U.S. Census Bureau, American Community Survey, 2012-2016 five-year estimate, Table B19013.

$86,111 Sherwood	$69,743 Washington County	$53,270 Oregon	
$49,857 Forest Grove	$65,505 Tigard	$71,896 Tualatin	$63,097 Wilsonville

[60] The Census calculated household income based on the income of all individuals 15 years old and over in the household,

whether they are related or not.

Sherwood's median family income was well above that of Washington County's, the Portland Region's, and the State's median family income for the 2012-2016 period.

Figure 9. Median Family Income,[61] 2012-2016

Source: U.S. Census Bureau, American Community Survey, 2012-2016 five-year estimate, Table B19113.

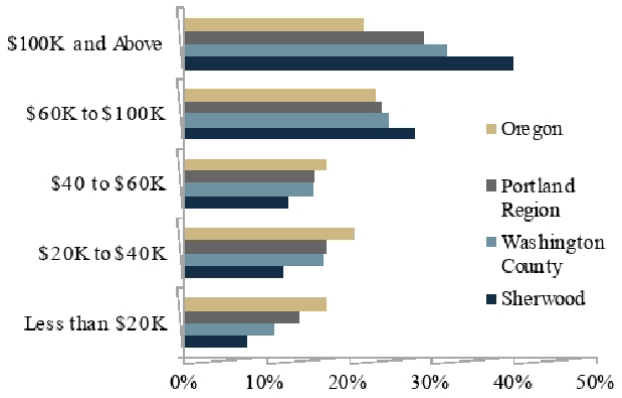
$97,196	$81,887	$65,479
Sherwood	Washington County	Oregon

During the 2012-2016 period, 40% of Sherwood households earned more than $100,000.

About 28% of Sherwood households had an income between $60,000 and $100,000 compared to 23% statewide, 24% in the Portland Region, and 25% in Washington County.

Figure 10. Household Income by Income Group, Sherwood, Washington County, Portland Region, and Oregon, 2010-2016, Inflation-adjusted 2016 Dollars

Source: U.S. Census Bureau, American Community Survey, 2012-2016 5-year estimates, Table B19001.



[61] The Census calculated family income based on the income of the head of household, as identified in the response to the Census forms, and income of all individuals 15 years old and over in the household who are related to the head of household by birth,

marriage, or adoption.

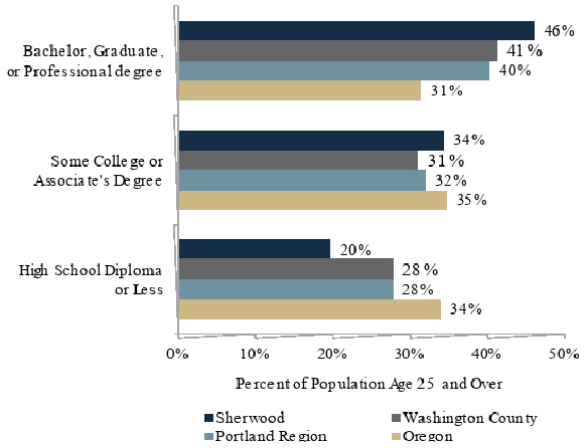
Educational Attainment

The availability of trained, educated workers affects the quality of labor in a community. Educational attainment is an important labor force factor because firms need to be able to find educated workers.

Sherwood has a larger share of residents with Bachelor, Graduate, or Professional school degrees (46%) relative to Washington County (41%), the Portland Region (40%), and Oregon (31%).

Figure 11. Educational Attainment for the Population 25 Years and Over, 2012-2016

Source: U.S. Census Bureau, American Community Survey, 2012-2016 5-year estimate, Table B15003.



Labor Force Participation and Unemployment

The current labor force participation rate is an important consideration in the availability of labor. The labor force in any market consists of the adult population (16 and over) who are working or actively seeking work. The labor force includes both the employed and unemployed. Children, retirees, students, and people who are not actively seeking work are not considered part of the labor force. According to the 2012-2016 American Community Survey, Sherwood has more than 9,700 people in its labor force.

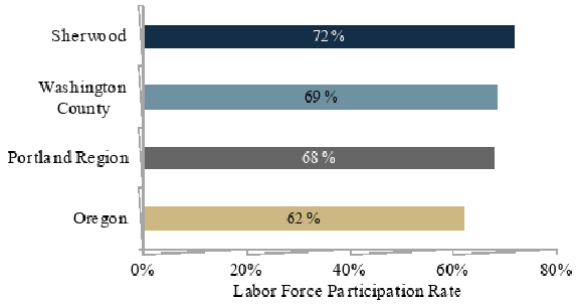
In 2017, the Oregon Office of Economic Analysis reported that 64% of job vacancies were difficult to fill. In the Portland Metro region, 51% of job vacancies were hard to fill. The most common reason for difficulty in filling jobs included a lack of applications (30% of employers' difficulties), lack of qualified candidates (17%), unfavorable working conditions (14%), a lack of soft skills (11%), and a lack of work experience (9%).[62] These statistics indicate a mismatch between the types of jobs that employers are demanding and the skills that potential employees can provide.

Sherwood has a higher labor force participation rate (72%) than Washington County (69%), the Portland Region (68%) and Oregon (62%).

The likely reason for the higher labor force participation rate is Sherwood's smaller share of people over 60 years old.

Figure 12. Labor Force Participation, Sherwood, Washington County, Portland Region, Oregon, 2012-2016

Source: U.S. Census Bureau, American Community Survey, 2010-2016 5-year estimate, Table B23001.

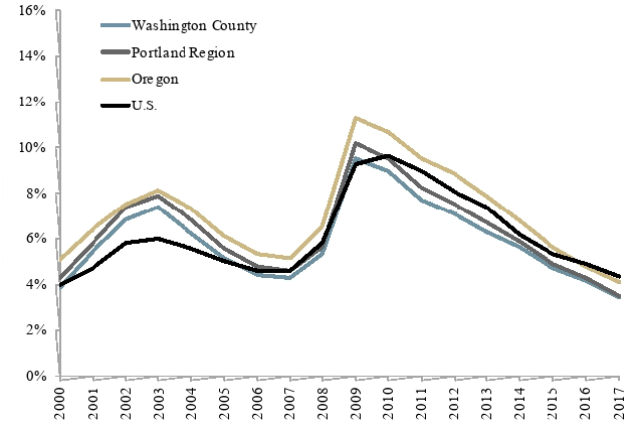


[62] *Oregon's Current Workforce Gaps: Difficult-to-fill Job Openings, Oregon Job Vacancy Survey*, Oregon Employment Department, June 2018.

The unemployment rate in Oregon and the U.S. has declined since the recession. Unemployment rates for 2017 in Washington County, the Portland Region, and across the state are below 2000 rates. In 2017, the unemployment rate in Washington County was about 3.4%, lower than the Portland Region's rate of 3.5%, Oregon's rate of 4.1% and the national rate of 4.4%.

Figure 13. Unemployment Rate, Washington County, Portland Region, Oregon, and US, 2000 - 2017

Source: Bureau of Labor Statistics, Local Area Unemployment Statistics and Labor Force Statistics.



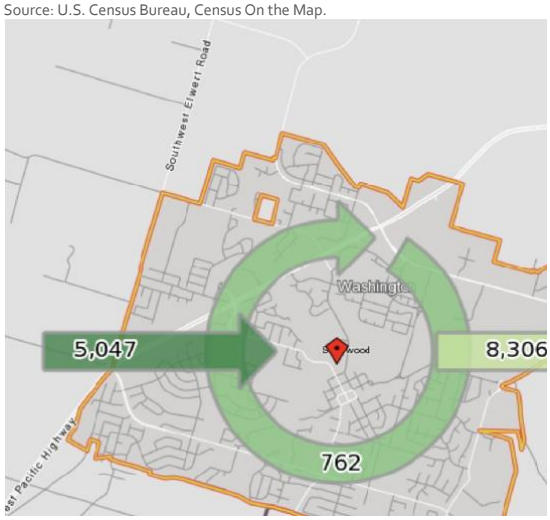
Commuting Patterns

Commuting plays an important role in Sherwood's economy because employers in Sherwood are able to access workers from people living in the city and from across the Portland Metro Region. In the 2012-2016 period, about 23% of Sherwood's residents had a commute of less than 15 minutes compared to 26% of Washington County residents, 23% of Portland Region residents, and 32% of Oregon residents.

Sherwood is part of an interconnected regional economy. Fewer people both live and work in Sherwood than commute into or out of the city. This commuting pattern is similar to that in similar-sized cities in the Portland Region.

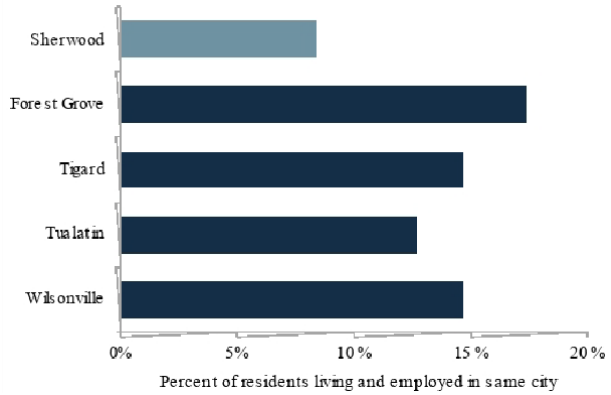
Figure 14. Commuting Flows, Sherwood, 2015

Source: U.S. Census Bureau, Census On the Map.



About 8% of Sherwood residents also work in Sherwood. Other cities in the Portland region have a larger share of residents that work in the same city, but many still commute outside for employment.

Figure 15. Residents that Live and Work in the Same City, Sherwood, 2015
Source: U.S. Census Bureau, Census On the Map.



About 13% of all people who work in Sherwood also live in Sherwood.

Figure 16. Places Where Sherwood Workers Lived,[63] 2015
Source: U.S. Census Bureau, Census On the Map.

13%	11%	5%	5%
Sherwood	Portland	Beaverton	Tigard

About 8% of residents who live in Sherwood also work in Sherwood. Twenty-two percent of Sherwood residents commute to Portland.

Figure 17. Places Where Sherwood Residents were Employed,[64] 2015
Source: U.S. Census Bureau, Census On the Map.

8%	22%	8%	8%
Sherwood	Portland	Beaverton	Tigard

[63] In 2015, 5,809 people worked at businesses in Sherwood, with 13% (762) people both living and working in Sherwood.

[64] In 2015, 9,068 residents of Sherwood worked, with 8% of Sherwood residents (762 people) both living and working in Sherwood.

Figure 16 shows 11% of people who work in Sherwood commute from Portland, 5% from Beaverton, and 5% from Tigard. The remaining workers commute from many other cities located across the Portland Metro area.

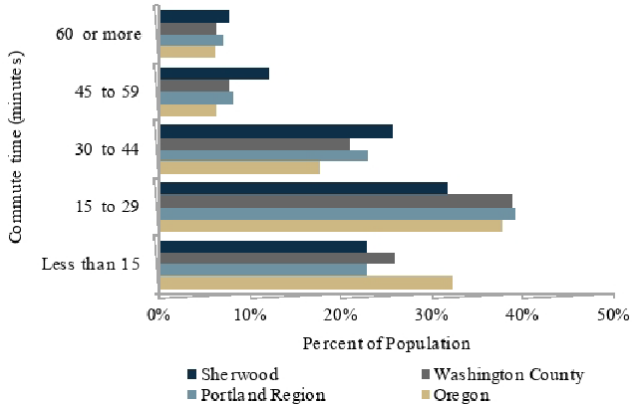
These findings are consistent with the commuting findings presented in the 2018 Draft Urban Growth Report. That report shows that most jobs in the region are in Multnomah County, with about 46% of workers who live in Washington County commuting to Multnomah County for work.[65]

The majority of Sherwood residents have a commute time of less than 30 minutes.

About 26% of Sherwood residents have commute times between 30 to 44 minutes, and about 20% commute for forty-five minutes or more.

Figure 18. Commute Time by Place of Residence, 2012-2016

Source: U.S. Census Bureau, American Community Survey, 2012-2016 5-year estimate, Table B08303.



[65] *Urban Growth Report*, Discussion Draft, Metro, July 3, 2018

Changes in Employment in Washington County and Sherwood

The economy of the nation changed substantially between 1980 and 2016. These changes affected the composition of Oregon's economy, including both Washington County and Sherwood's economies. At the national level, the most striking change was the shift from manufacturing employment to service-sector employment. The most important shift in Oregon during this period has been the shift from a timber-based economy to a more diverse economy, with the greatest employment in services.

Employment Trends in Washington County

Over the past few decades, employment in the U.S. has shifted from manufacturing and resource-intensive industries to service-oriented sectors of the economy. Increased worker productivity and the international outsourcing of routine tasks have led to declines in employment in the major goods-producing industries.

In the 1970s, Oregon started to transition away from reliance on traditional resource-extraction industries. An important indicator of this transition is the shift within Oregon's manufacturing sector, with a decline in the level of employment in the Lumber & Wood Products industry[66] and concurrent growth of employment in advanced manufacturing industries (Industrial Machinery, Electronic Equipment, and Instruments).[67]

As Oregon has transitioned away from natural resource-based industries, the composition of Oregon's employment has shifted from natural resource-based manufacturing and other industries to service industries. The share of Oregon's total employment in Service industries increased from its 1970s average of 19% to 30% in 2000, while employment in Manufacturing declined from an average of 18% of total employment in the 1970s to an average of 12% in 2000.

The changes in sectors and industries are shown in two tables: (1) between 1980 and 2000 and (2) between 2001 and 2016. The analysis is divided this way because of changes in industry and sector classification that made it difficult to compare information about employment collected after 2001 with information collected prior to 2000.

Employment data in this section is summarized by *sector*, each of which includes several individual *industries*. For example, the Retail Trade sector includes General Merchandise Stores, Motor Vehicle and Parts Dealers, Food and Beverage Stores, and other retail industries.

[66] Lumber and Wood Products manufacturing is in Standard Industrial Classification (SIC) 24

[67] SIC 35, 36, 38

Table 9 shows changes in Washington County between 1980 and 2000. Over the total period, total employment in Washington County increased by 132% from about 93,916 to 218,125 employees. Between 1980 and 2000, employment in services as a share of total employment rose from 15% to 28%.

Table 9. Covered Employment by SIC Industries, Washington County, 1980-2000

Sector	1980	1990	2000	Change 1980 to 2000		
				Difference	Percent	AAGR
Agriculture, Forestry & Fishing	2,344	4,545	5,573	3,229	138%	4.4%
Mining	0	182	251	251	NA	NA
Construction	5,025	7,805	12,202	7,177	143%	4.5%
Manufacturing	32,990	33,636	50,020	17,030	52%	2.1%
Trans., Comm., & Utilities	2,445	4,624	8,173	5,728	234%	6.2%
Wholesale Trade	6,282	12,262	18,675	12,393	197%	5.6%
Retail Trade	18,087	27,480	39,253	21,166	117%	4.0%
Finance, Insurance, & Real Estate	4,025	6,877	12,528	8,503	211%	5.8%
Services	13,805	30,430	61,163	47,358	343%	7.7%
Non Classifiable	NA	NA	101	NA	NA	NA
Government	8,913	8,704	10,186	1,273	14%	0.7%
Total	93,916	136,545	218,125	124,209	132%	4.3%

Source: Bureau of Labor Statistics, Quarterly Census of Employment and Wages, 1980-2000.
Note: "ND" stands for "Not disclosed" and indicates that the data has been suppressed by the BLS due toconfidentiality constraints. In most years, the non-disclosure is negligible.

Table 10 shows employment in NAICS-categorized industries in Washington County for 2001 and 2016. Employment increased by 54,440 jobs, or 24%, over this period. The private sectors with the largest increases in numbers of employees were professional and business services, health care and social assistance, accommodation and food services, and retail trade. Employment in higher wage industries, such as manufacturing, decreased by 2,369 jobs over the 2001 to 2016 time period. The health care and social assistance sector increased by 12,487 jobs.

The average wage for covered employment in Washington County in 2016 was about $65,900.

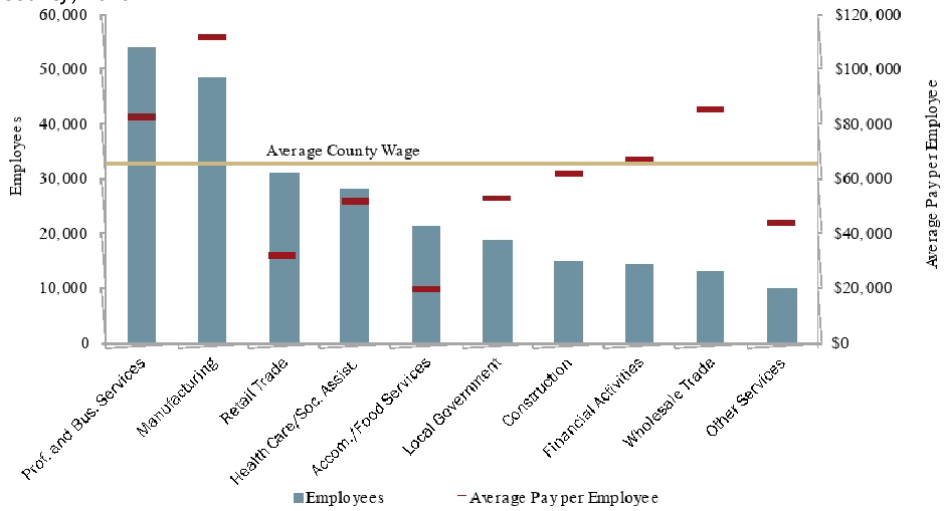
Table 10. Covered Employment by Industry, Washington County, 2001-2016

Sector	2001	2016	Change 2001 to 2016		
			Difference	Percent	AAGR
Natural Resources and Mining	3,607	3,237	-370	-10%	-0.7%
Construction	12,591	14,877	2,286	18%	1.1%
Manufacturing	50,872	48,503	-2,369	-5%	-0.3%
Wholesale trade	14,478	13,362	-1,116	-8%	-0.5%
Retail trade	26,864	31,134	4,270	16%	1.0%
Trade, Transportation, and Utilities	4,500	4,567	67	1%	0.1%
Information	8,687	7,439	-1,248	-14%	-1.0%
Financial Activities	13,139	14,397	1,258	10%	0.6%
Professional and Business Services	34,295	53,768	19,473	57%	3.0%
Educational Services	3,551	5,160	1,609	45%	2.5%
Health care and social assistance	15,532	28,019	12,487	80%	4.0%
Arts, entertainment, and recreation	2,369	4,205	1,836	78%	3.9%
Accommodation and food services	14,237	21,332	7,095	50%	2.7%
Other Services	7,188	9,947	2,759	38%	2.2%
Unclassified	75	45	-30	-40%	-3.3%
Government	16,516	22,949	6,433	39%	2.2%
Total	228, 501	282, 941	54, 440	24%	1.4%

Source: Bureau of Labor Statistics, Quarterly Census of Employment and Wages, 2001-2016.
Note: "ND" stands for "Not Disclosed" and indicates that the data has been suppressed by the BLS due to confidentiality constraints. The total amount of not-disclosed employment is shown in the table.

Figure 19 shows covered employment and average wage for the 10 largest industries in Washington County. Jobs in professional and business services, which account for about 19% of the County's covered employment, pay more per year than the county average ($82,388 compared to $65,553). Jobs in construction and financial activities approximately pay the 2016 County average annual amount. Retail trade, health care and social assistance, accommodation and food services, local government, and other services pay below the 2016 county average, while manufacturing and wholesale trade pay well above the County average.

Figure 19. Covered Employment and Average Pay by Sector, 10 Largest Sectors Washington County, 2016



Source: Bureau of Labor Statistics, Quarterly Census of Employment and Wages, 2016.

Employment Trends in Sherwood

Table 11 shows a summary of covered employment data for the city of Sherwood in 2016. The sectors with the greatest number of employees were Retail Trade (17%), Accommodation and Food Services (13%), and Manufacturing (11%). These sectors accounted for 2,509 jobs or 41% of Sherwood's employment.

The average size for a private business in Sherwood is 9 employees per business, compared to the State average of 11 employees per private business. Businesses with 50 or fewer employees account for roughly 57% of private employment in Sherwood. Businesses with 9 or fewer employees account for 20% of private employment and 4 or fewer account for 10% of private employment.

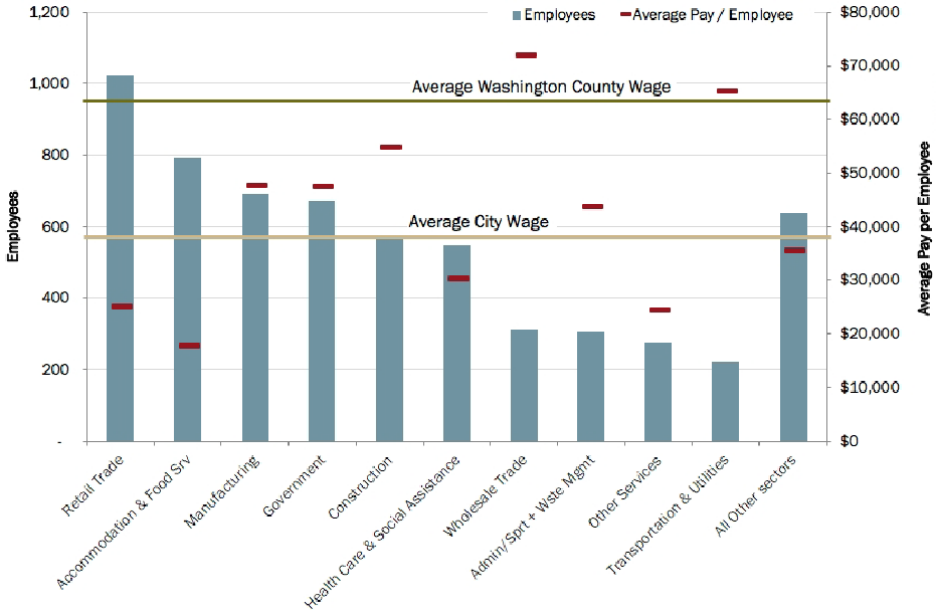
Table 11. Covered Employment and Average Pay by Industry, Sherwood City Limits and Tonquin Employment Area, 2016

Sector/Industry	Establishments	Employees	Payroll	Average Pay / Employee
Construction	60	569	$ 31,381,520	$ 55,152
Manufacturing	30	693	$ 33,207,616	$ 47,919
Wholesale Trade	62	312	$ 22,593,328	$ 72,415
Retail Trade	51	1,022	$ 26,036,704	$ 25,476
Transportation and Utilities	12	221	$ 14,517,532	$ 65,690
Information	10	37	$ 947,471	$ 25,607
Finance and Insurance	31	87	$ 4,715,399	$ 54,200
Real Estate and Rental and Leasing	28	112	$ 4,394,547	$ 39,237
Professional and Technical Services, Mgmt of Companies	60	138	$ 9,106,105	$ 65,986
Administrative and Support and Waste Mgmt Services	40	305	$ 13,401,928	$ 43,941
Private Education Services	12	73	$ 1,299,774	$ 17,805
Health Care and Social Assistance	57	547	$ 16,787,634	$ 30,690
Arts, Entertainment, and Recreation	9	191	$ 2,442,711	$ 12,789
Accommodation and Food Services	45	794	$ 14,300,792	$ 18,011
Other Services	96	275	$ 6,790,400	$ 24,692
Government	11	672	$ 32,107,329	$ 47,779
Total	614	6,048	$ 234,030,790	$ 38,696

Source: Oregon Employment Department, Quarterly Census of Employment and Wages, 2016.

Figure 20 shows the employment and average pay per employee for selected industrial sectors in Sherwood. Average pay for all employees ($38,695) is shown as a light brown line across the graph and average pay for individual sectors as short red lines. The figure shows that Manufacturing; Government; Construction; Wholesale Trade; Administrative and Support and Waste Management; Other Services; and Transportation and Utilities have above average wages. The lowest wages are in Retail Trade and Accommodations and Food Services.

Figure 20. Covered Employment and Average Pay by Industry, Sherwood City Limits and Tonquin Employment Area, 2016



Source: Oregon Employment Department, Quarterly Census of Employment and Wages, 2016.

Sherwood developed with more housing than jobs. The largest industries in Sherwood, Retail and Accommodations and Food Services, not only have lower-than average wages but also generate less property tax revenue than industries that make significant investments in buildings or fixed machinery and equipment.

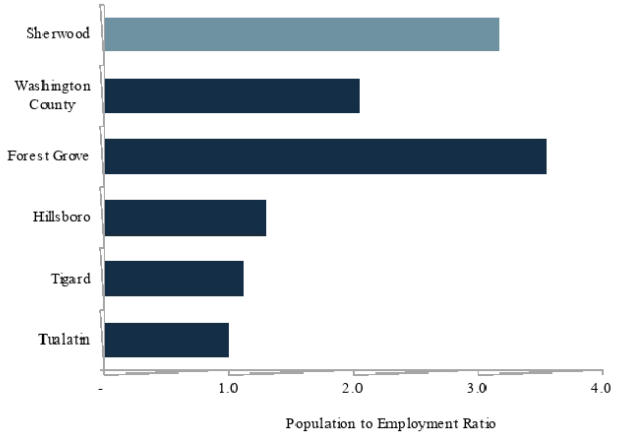
Figure 21 shows that Sherwood currently has 3.2 residents for every job. This is consistent with the commuting patterns shown in Figure 14, which shows that more than 90% of Sherwood's working residents commute out of the City for work. Employment centers like Hillsboro, Tigard, and Tualatin have population to employment ratios closer to one resident for every job.

In 2016, Sherwood had about 3.2 residents for every job.

In comparison, Washington County had an average of 2.0 residents per job. Employment centers like Hillsboro, Tigard, and Tualatin had 1.0 to 1.3 residents per job.

Figure 21. Ratio of Population to Employment, Sherwood and Portland region, 2016

Source: Employment from Oregon Quarterly Censusof Employment and Wages and Annual Population Estimates from Portland State University Population Research Center.



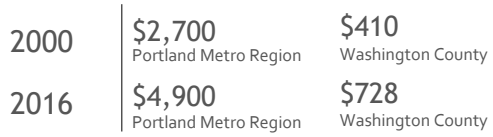
Tourism in Portland Metro and Washington County

Longwoods International provides regional statistics on travel. The following information is from Longwoods International's Oregon 2015 Regional Visitor Report for the Greater Portland Region.[68] Broadly, travelers to the Greater Portland Region account for:

- 10.6 million overnight trips annually; 32% of Oregon Travel.
- Primary market area for travelers is Oregon, Washington, California, and Idaho: 30% of Greater Portland Region visitors are from Oregon; 27% are from Washington; 16% are from California; and 4% are from Idaho.
- 50% stayed 2 or fewer nights; 35% stayed 3-6 days; and 15% stayed 7 or more days.
- Average per person expenditures on overnight trips range from $12 to $50 per night.
- About 66% of visits are by personally-owned automobiles; 22% by rental car; 3% by RV.
- Visitors are younger and well-educated: over half have college degrees; 44% of visitors are between the ages 25-44; 30% are 45-64; 43% earn less than $50k; 21% earn between $50k and $75k; 15% earn between $75k and $100k; and 21% over $100k.

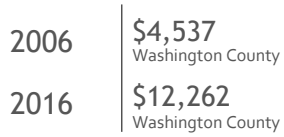
Washington County's direct travel spending increased 78% from 2000 to 2016. The Portland Metro Region's directtravel spending increased by 81% over the same period.

Figure 22. Direct Travel Spending ($ millions), 2000 and 2016
Source: Dean Runyan Associates, Oregon Travel Impacts, 1991-2016.



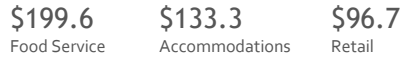
Washington County's lodging tax receipts increased 170% over 2006 to 2016.

Figure 23. Lodging Tax Receipts, 2006 and 2016
Source: Dean Runyan Associates, Oregon Travel Impacts, 1991-2016.



Washington County's largest visitor spending for purchased commodities is food services.

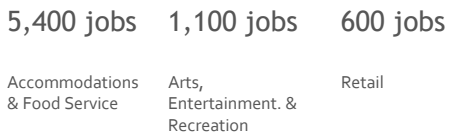
Figure 24. Largest Visitor Spending Categories ($ millions), Washington County, 2016
Source: Oregon Travel Impacts.



[68] "Oregon 2015 Regional Visitor Report, Greater Portland Region," Longwoods International, 2015.

Washington County's largest employment generated by travel spending is in the accommodations and food service industry.

Figure 25. Largest Industry Employment Generated by Travel Spending, Washington County, 2016
Source: Oregon Travel Impacts.



Regional Business Clusters

One way to assess the types of businesses that are likely to have future growth in an area is to examine relative concentration and employment growth of existing businesses. This method of analysis can help determine relationships and linkages within industries, also called industrial clusters. Sectors that are highly concentrated (meaning there are more than the "average" number of businesses in a sector in a given area) and have had high employment growth are likely to be successful industrial clusters. Sectors with either high concentration of businesses or high employment groups may be part of an emerging cluster, with potential for future growth.

The U.S. Cluster Mapper is a database created by the Harvard Business School and the U.S. Economic Development Administration. It provides a snapshot of the business clusters in Washington County. Greater Portland Inc. (GPI) completed a cluster analysis for the Portland region in 2018 as part of the *Greater Portland 2020* economic development strategy.[69] The six target clusters it identified—and how these clusters align with U.S. Cluster Mapper results for Washington County—were:[70]

- **Clean Tech.** GPI identified Clean Tech as a cluster that accounts for 20% of the total cluster employment in the Portland region, as of 2016. Employment in this cluster increased by about 7% between 2006 and 2016. The average wage in Clean Tech in the Portland metropolitan statistical area was $86,300 in 2016, which is above the average wage for Washington County.
- **Computer and Electronics.** The Computer and Electronics cluster accounted for the largest share of total cluster employment in the Portland region in 2016 at 24%. GPI identified this cluster as a "Growing Base Industry," and it closely aligns with the Information Technology and Analytical Instruments cluster, from U.S. Cluster Mapper, which employed 13,267 people in Washington County in 2015. The average wage in Computer and Electronics in the Portland metropolitan statistical area was $132,400 in 2016, above the average wage for Washington County.
- **Software and Media.** GPI identified the Software and Media cluster as an "emerging industry" in the Portland region. Employment in this cluster grew by about 67% between 2006 and 2016 and accounted for 19% of the total cluster employment in 2016. This cluster aligns with the Marketing, Design, and Publishing cluster, from U.S. Cluster Mapper, which employed 2,974 people in Washington County in 2015. The average wage in Software and Media in the Portland metropolitan statistical area was $101,700 in 2016, above the average wage for Washington County.
- **Athletic and Outdoor.** GPI identified the Athletic and Outdoor cluster as a "Growing Base Industry." Employment in this cluster accounted for about 14% of the total cluster employment in the Portland region in 2016, and the Portland region has a higher-than-average average wage in this cluster at $132,763, compared to the U.S. average at $49,366. The Athletic and Outdoor cluster aligns with the Distribution and Electronic Commerce cluster, as defined in U.S. Cluster

[69] Greater Portland Inc. *Greater Portland 2020.* "Regional Trends in Greater Portland's Target Clusters." Presentation. 2018.
[70] Ibid.

Mapper, which employed 21,367 people in Washington County in 2015. The average wage in the Athletics and Outdoors cluster in the Portland metropolitan statistical area was $132,800 in 2016, above the average wage for Washington County.

- **Health Sciences and Technology.** Employment in the Health Sciences and Technology cluster grew by about 12% between 2006 and 2016, and GPI identified it as an "Emerging Industry." This cluster aligns with the Education and Knowledge Creation cluster, from U.S. Cluster Mapper, which employed 9,638 people in Washington County in 2015. The average wage in Health Sciences and Technology in the Portland metropolitan statistical area was $7,700 in 2016, just above the average wage for Washington County.
- **Metals and Machinery.** GPI identified the Metals and Machinery cluster as a "Growing Base Industry," and employment in this cluster grew by about 5% between 2006 and 2016. The average wage in Metals and Machinery in the Portland metropolitan statistical area was $79,900 in 2016, above the average wage for Washington County.

Outlook for growth in Washington County

Table 12 shows the Oregon Employment Department's forecast for employment growth by industry for the Portland Region (Clackamas, Multnomah, and Washington Counties) over the 2017 to 2027 period. Employment in the region is forecasted to grow at an average annual growth rate of 1.2%.

The sectors that will lead employment in the region for the 10-year period are: Professional and Business Services (adding 28,100 jobs), Private Educational and Health Services (27,300), Trade, Transportation, and Utilities (21,400), Leisure and Hospitality (13,800), Construction (8,600), and Manufacturing (4,900). In sum, these sectors are expected to add 104,100 new jobs or about 85% of employment growth in the Portland Region.

Table 12. Regional Employment Projections, 2017-2027, Portland Region (Clackamas, Multnomah, and Washington Counties)

Industry Sector	2017	2027	Change 2017 - 2027		
			Number	Percent	AAGR
Total private	856,800	971,800	115,000	13%	1.3%
Natural resources and mining	9,800	10,600	800	8%	0.8%
Mining and logging	700	700	0	0%	0.0%
Construction	50,500	59,100	8,600	17%	1.6%
Manufacturing	101,100	106,000	4,900	5%	0.5%
Durable goods	76,300	79,200	2,900	4%	0.4%
Wood product manufacturing	2,300	2,300	0	0%	0.0%
Trade, transportation, and utilities	176,900	198,300	21,400	12%	1.1%
Wholesale trade	48,000	51,800	3,800	8%	0.8%
Retail trade	95,000	104,900	9,900	10%	1.0%
Transportation, warehousing, and utilities	33,900	41,600	7,700	23%	2.1%
Information	21,700	24,300	2,600	12%	1.1%
Financial activities	60,000	63,400	3,400	6%	0.6%
Professional and business services	155,500	183,600	28,100	18%	1.7%
Private educational and health services	140,800	168,100	27,300	19%	1.8%
Private educational services	22,800	26,700	3,900	17%	1.6%
Health care and social assistance	118,000	141,500	23,500	20%	1.8%
Leisure and hospitality	101,100	114,900	13,800	14%	1.3%
Accommodation and food services	86,300	97,800	11,500	13%	1.3%
Other services	39,400	43,500	4,100	10%	1.0%
Government	114,100	122,000	7,900	7%	0.7%
Federal government	14,200	14,900	700	5%	0.5%
State government	7,600	8,200	600	8%	0.8%
Local government	92,300	98,900	6,600	7%	0.7%
Local education	47,200	51,500	4,300	9%	0.9%
Total payroll employment	970,900	1,093,800	122,900	13%	1.2%

Source: Oregon Employment Department. Employment Projections by Industry 2017-2027.

Sherwood's Competitive Advantages

Economic development opportunities in Sherwood will be affected by local conditions as well as the national and state economic conditions addressed above. Economic conditions in Sherwood relative to these conditions in other portions of the Portland region form Sherwood's competitive advantage for economic development. Sherwood's competitive advantages have implications for the types of firms most likely to locate and expand in the Area.

There is little that metropolitan area jurisdictions can do to influence national and state conditions that affect economic development, though they can influence local factors that affect economic development. Sherwood's primary competitive advantages are location, schools, and quality of life. These factors make Sherwood attractive to residents and businesses that want a high quality of life where they live and work.

The local factors that form Sherwood competitive advantage are summarized in the subsections below.

Location

Sherwood's population was approximately 19,350 people in 2017. It is a city located in southern Washington County to the southwest of Tigard. Highway 99 runs southwest-northeast through the city. The highway provides access to Newberg in the southwest as well as Tigard in the northeast and Beaverton further north. Sherwood's location will impact the area's future economic development:

- ♣ Sherwood has access to 99W and the State's highway system and other transportation opportunities. Highway 99W runs southwest-northeast through the Sherwood UGB, which connects up to Interstate 5 in Tigard—residents can also access Interstate 5 by commuting east through Tualatin or southeast through the unincorporated community of Mulloy.
- ♣ Residents and businesses in Sherwood have access to other modes of transportation in Portland, including the TriMet Line 94 which transports passengers from Sherwood to and from Portland, the Portland airport, and Amtrak rail service. Though Sherwood is located in this transportation network, congestion issues on these routes presents barriers for residents commuting in and out of Sherwood, as well as for businesses that need to transport goods and supplies.
- ♣ Sherwood is located within Washington County, the second-most populated county in the State, with 595,860 people in 2017. Sherwood is about 17 miles southeast of Portland, the most populated city in Oregon with 639,100 people in 2017. Other nearby and relatively large cities include Beaverton, Tigard, and Lake Oswego. In 2015, about 92% of Sherwood's residents commuted out of the City for work. Residents and City staff have noted that the high-quality of schools is a factor for choosing to live in Sherwood.
- ♣ Sherwood is located south of Beaverton and near the South Cooper Mountain expansion area, where residential growth will occur in the near term. The proximity of Sherwood to this residential growth may create demand for services to locate in Sherwood. In addition, this population growth may provide housing for workers at businesses that locate or grow in Sherwood.
- ♣ Residents of Sherwood have access to amenities, such as the Tualatin River National Wildlife preserve, that provide a high quality of life. As a city at the edge of the Metro UGB, residents of Sherwood have access to farm land that provides opportunities for agritourism activities.

Sherwood's location, quality of life and schools, and proximity to larger cities in the Portland Region are primary competitive advantages for economic development in Sherwood.

Availability of Transportation

All firms are heavily dependent upon surface transportation for efficient movement of goods, customers, and workers. Access to an adequate highway and arterial roadway network is needed for all industries. Close proximity to a highway or arterial roadway is critical for firms that generate a large volume of truck or auto trips as well as firms that rely on visibility from passing traffic to help generate business.

Businesses and residents in Sherwood have access to a variety of modes of transportation: automotive (99W and local roads); bus (TriMet, Line 94); and air (Portland Airport and Hillsboro Airport). Businesses in Sherwood can ship freight through the Port of Portland via trucks. Sherwood does not currently have active rail access but may have rail access in the future when rail infrastructure is brought into use again.

While Sherwood has automotive access for commuting via 99W as it cuts through Sherwood, this route and other major roads, such as SW Roy Rogers Road and SW Tualatin-Sherwood Road, are frequently congested. This current transportation network is considered a disadvantage for both residents commuting to jobs both in and out of Sherwood and businesses that need a distribution route to access the region.

Sherwood's distance from I-5 is a disadvantage for attracting some types of businesses, such as warehouse and distribution or manufacturers that need close access to I-5 for heavy freight. Sherwood's distance from Portland International Airport is a disadvantage for businesses needing access to commercial air service or freight services offered at the Portland Airport only. Businesses needing access to a general aviation airport, such as those with corporate planes, can use the Hillsboro Airport, which is relatively near Sherwood.

Public Facilities and Services

Provision of public facilities and services can impact a firm's decision regarding location within a region, but ECONorthwest's past research has shown that businesses make locational decisions primarily based on factors that are similar within a region. These factors are: the availability and cost of labor, transportation, raw materials, capital, and amenities. The availability and cost of these production factors are usually similar within a region.

Once a business has chosen to locate within a region, they consider the factors that local governments can most directly affect: tax rates, the cost and quality of public services, and regulatory policies. Economists generally agree that these factors do affect economic development, but the effects on economic development are modest. Thus, most of the strategies available to local governments have only a modest effect on the level and type of economic development in the community. Overall, Sherwood's local public facilities are relatively young and within the expected lifespan of the systems.

Transportation Improvements

The City of Sherwood is bisected by two major transportation corridors that are not city-owned—Tualatin-Sherwood Road (Washington County) and Highway 99 (ODOT). Congestion on these main roads continues to increase, which creates more congestion on local roads within the City of Sherwood. Other than these transportation issues that will need to be addressed at a regional level, most roads that the City maintains are in good condition. The City's Transportation System Plan outlines system plans for Sherwood-owned and maintained roads only, not plans for the regional network, which includes Tualatin-Sherwood Road and Highway 99.

The *Tonquin Employment Area Implementation Plan* identifies the need for $14.1 million in transportation improvements to serve the entire TEA. Transportation improvements include improvements on Oregon Street, Blake Road, the intersection of Oregon St. and Blake Rd., Tonquin

Court, SW 124th Ave, and SW Dahike Lane. Of the $14.1 million, about $10 million is expected to be invested in the first 20 years of development of the Area.

Water

Sherwood updated its *Water System Master Plan* in 2015, which evaluated water demand for the city limits and expansion areas within the UGB for a 20-year planning period. The City sources its main water supply from the Willamette River Water Treatment Plant in Wilsonville. The Plan identifies the need to expand the capacity of the exiting plant, build new pump stations, and expand or replace water mains to meet future demand.

The *Tonquin Employment Area Implementation Plan* identifies the need for $5.4 million in water improvements to serve the entire TEA. Water improvements include the construction of water lines and upgrades to the Willamette River Water Treatment Plant capacity. Of this $5.4 million, about $3 million is expected to be invested in the first 20 years of development of the Area.

Overall, there are no limiting factors in the City's water system when considering the location of new businesses in the proposed target industries. The existing supply and planned improvements within the City limits and the expansion areas will meet future water needs for employment uses.

Wastewater

The *Sanitary System Master Plan,* updated in 2016, identifies current and future capacity and needs of the City's wastewater system. Sherwood's wastewater system is publicly owned, and Clean Water Services provides treatment services. The Plan identifies needed projects to maintain the existing system and future improvements necessary to accommodate growth. These expansions and improvements will meet the needs of developed areas in the City limits as well as the Tonquin Employment Area and the Brookman Annexation Area.

The *Tonquin Employment Area Implementation Plan* identifies the need for $1.7 million in waste water improvements to serve the entire TEA. Waste water improvements are construction of sewer lines along key streets in the TAC. The entire amount is expected to be invested in the first 20 years of development of the Area.

Stormwater

Sherwood updated its *Stormwater System Master Plan* in 2016. While Clean Water Services manages stormwater at a district-level, Sherwood manages its local stormwater program, including areas in the City limits and expansion areas such as Tonquin and Brookman. The existing stormwater system does not have any major deficiencies, but the Plan identifies a few deficiencies that the City plans to address as areas are built out. Potential future changes to hydromodification requirements for new development could affect permitting and costs for new development.

The *Tonquin Employment Area Implementation Plan* identifies the need for $1.9 million in stormwater improvements to serve the entire TEA. Stormwater improvements include construction of stormwater lines and construction of two regional treatment facilities. Of this $1.9 million, about $1.5 million is expected to be invested in the first 20 years of development of the Area.

Availability of Vacant, Serviced Land

One of the key inputs for economic development is vacant, unconstrained land with urban services, such as those discussed in the prior sections. Businesses' needs for land vary from: need for an office in an existing building; need for a small site (such as a one-quarter acre site) for a new small building; or need for a large site (such as a 50-acre site) for one or more large buildings, parking, and other facilities. Businesses consider a range of factors when choosing a location, such as location within the city (and region), access to transportation, location of other businesses, amenities around the site (such as landscaping or access to retail and restaurants), and the characteristics of the site (such as site size and physical constraints)

Chapter 2 presents the buildable lands inventory for Sherwood. Sherwood has a total 310 acres of unconstrained land, 126 acres of which is vacant and 184 acres of which is potentially redevelopable. About 50% of the City's vacant unconstrained land is in the Tonquin Employment Area (TEA), and over 50% of the potentially redevelopable land is in either the TEA or the Brookman Annexation Area.

Sherwood has 17 sites in the five to ten-acre size, most of which are industrial use, in the TEA, or in Brookman. Sherwood has four vacant sites larger than 10 acres of unconstrained land. One of these sites is 45 acres in the TEA, and the other three sites are zoned for industrial uses with two sites designated as General Industrial (30 acres total) and one site designated as Light Industrial (12-acre site).

Although Sherwood has vacant unconstrained land that can support a substantial amount of development, much of that land lacks urban services (such as the services discussed in the prior section). The *Tonquin Employment Area Implementation Plan* documents the infrastructure necessary to support employment growth, as described in the prior section.

Sherwood's vacant unconstrained land base is an advantage for economic development, especially the larger industrial sites in Sherwood and the TEA. The lack of infrastructure to support employment growth is a disadvantage to economic development, as areas without infrastructure, especially the TEA, are unlikely to develop until infrastructure is developed.

Quality of Life

Quality of life is difficult to assess because it is subjective—different people will have different opinions about factors that affect quality of life, desirable characteristics of those factors, and the overall quality of life in any community. Economic factors such as income, job security, and housing cost are often cited as important to quality of life. These economic factors and overall economic conditions are the focus of this report, so this section will focus on non-economic factors that affect quality of life.

Sherwood's quality of life is a key comparative advantage for economic development. Key quality of life factors in Sherwood are:

- **Tualatin River National Wildlife Refuge.** This suburban nature preserve provides residents walking trails and opportunities for wildlife education.
- **Cultural amenities and events.** In addition to the Tualatin River National Wildlife Refuge and other outdoor-recreation opportunities, the City of Sherwood has a robust parks and trail system. The Sherwood Center for the Arts, a new facility located in Old Town, hosts community cultural activities throughout the year. Other amenities available to Sherwood residents are the high-quality sports facilities for local schools, small town character, high-quality neighborhoods with access to amenities, and both community and regional groups.[71]
- **Access to education.** Many residents live in Sherwood because of the high school quality for elementary, middle, and high school students. George Fox University, located in Newberg, and Clackamas Community College, located in Wilsonville, provide access to higher education to residents of Sherwood and the rest of the county.
- **Access to medical care.** Residents of Sherwood can access nearby medical care through the Providence Medical Plaza in Sherwood. About four miles northeast of Sherwood, residents can also access the Kaiser Permanente Tualatin Medical Office.

Sherwood's quality of life makes the city attractive to in-migrants and businesses that are attracted to Washington County.

[71] City of Sherwood Amenities. Retrieved from: **********.sherwoodoregon.gov/economicdevelopment/page/amenities.

4. Employment Growth and Site Needs

Goal 9 requires cities to prepare an estimate of the amount of commercial and industrial land that will be needed over a 20-year planning period. The estimate of employment land need and site characteristics for Sherwood is based on expected employment growth and the types of firms that are likely to locate in Sherwood over the 20-year period. This section presents an employment forecast and analysis of target industries that build from recent economic trends.

This chapter was updated in August 2021 to include an updated employment base and an updated employment forecast for the 2021 to 2041 period.

Forecast of Employment Growth and Commercial and Industrial Land Demand

Demand for industrial and non-retail commercial land will be driven by the expansion and relocation of existing businesses and by the growth of new businesses in Sherwood. This employment land demand is driven by local growth independent of broader economic opportunities, including the growth of target industries.

The employment projections in this section build off of Sherwood's existing employment base, assuming future growth is similar to Washington and Multnomah Counties' long-term historical employment growth rates. The employment forecast does not take into account a major change in employment that could result from the location (or relocation) of one or more large employers in the community during the planning period. Such a major change in the community's employment would exceed the growth anticipated by the city's employment forecast and its implied land needs (for employment, but also for housing, parks, and other uses). Major economic events, such as the successful recruitment of a very large employer, are difficult to include in a study of this nature. The implications, however, are relatively predictable: more demand for land (of all types) and public services.

Projecting demand for industrial and non-retail commercial land has four major steps:

1. **Establish base employment for the projection.** We start with the estimate of covered employment in Sherwood presented in Table 11. Covered employment does not include all workers, so we adjust covered employment to reflect total employment in Sherwood.
2. **Project total employment.** The projection of total employment considers forecasts and factors that may affect employment growth in Sherwood over the 20-year planning period.
3. **Allocate employment.** This step involves allocating types of employment to different land-use types.
4. **Estimate land demand.** This step estimates general employment land demand based on employment growth and assumptions about future employment densities.

The remainder of this section follows this outline to estimate employment growth and commercial and industrial land demand for Sherwood.

Employment Base for Projection

The purpose of the employment projection is to model future employment land need for general employment growth. The forecast of employment growth in Sherwood starts with a base of employment

growth on which to build the forecast. Table 13 shows ECONorthwest's estimate of total employment in the Sherwood city limits, Brookman, and Tonquin Employment Area in 2019.

To develop the figures, ECONorthwest started with estimated covered employment in the Sherwood city limits, Brookman, and Tonquin Employment Area from confidential Quarterly Census of Employment and Wages (QCEW) data provided by the Oregon Employment Department. Based on this information, Sherwood had about 6,784 covered employees in 2019, accounting for 2.2% of covered employment in Washington County.

Covered employment, however, does not include all workers in an economy. Most notably, covered employment does not include sole proprietors. Analysis of data shows that *covered* employment reported by the Oregon Employment Department for Washington County is only about 77% of *total* employment reported by the U.S. Department of Commerce.[72] We evaluated this ratio for each industrial sector for Washington County and used the resulting ratios to determine the number of non-covered employees. This allowed us to determine the total employment in Sherwood. Table 13 shows Sherwood had an estimated 8,920 *total* employees within its UGB in 2019.

Table 13. Estimated total employment by sector, Sherwood City Limits, Brookman, and Tonquin Employment Area, 2019

Employment Sector	Covered Employment	Estimated Total Employment	Covered %of Total
Construction	694	875	79%
Manufacturing	780	811	96%
Wholesale trade	355	448	79%
Retail trade	1,112	1,358	82%
Transportation and warehousing and Utilities	264	342	77%
Information	41	49	83%
Finance and insurance	87	149	58%
Real estate and rental and leasing	102	431	24%
Professional, scientific; mgmt of companies	186	334	56%
Admin. and waste mgmt services	315	395	80%
Educational services	93	186	50%
Health care and social assistance	568	710	80%
Arts, entertainment, and recreation	226	463	49%
Accommodation and food services	920	1,004	92%
Other services, except public administration	404	719	56%
Government	637	646	99%
Total Non-Farm Employment	**6,784**	**8,920**	**77%**

Source: 2019 covered employment from confidential Quarterly Census of Employment and Wage (QCEW) data provided by the Oregon Employment Department.

[72] **Covered** employment includes employees covered by unemployment insurance. Examples of workers not included in covered employment are sole proprietors, some types of contractors (often referred to as "1099 employees"), or some railroad workers. Covered employment data is from the Oregon Employment Department.

Total employment includes all workers based on date from the U.S. Department of Commerce. Total employment includes all covered employees, plus sole proprietors and other non-covered workers.

Employment Projection

The employment forecast covers the 2021 to 2041 period, requiring an estimate of total employment for Sherwood in 2019.

The City of Sherwood does not have an existing employment forecast, and there is no required method for employment forecasting. Sherwood used the forecast growth rate (1.4%) for the 2021 to 2041 planning period based on Metro's 2050 Employment Forecast (March 2021) forecast for Sherwood and the Tonquin Employment Area.[73] Sherwood assumes that the current number of jobs in the Sherwood urban area will grow during the 20-year planning period at a rate equal to the forecast growth rate for Sherwood in Metro's most recent Employment Forecast, an average annual growth rate of 1.42%.

Table 14 shows employment growth in Sherwood between 2021 and 2041, based on the assumption that Sherwood will grow at an average annual growth rate of 1.4%. Sherwood will have 12,162 employees within the UGB by 2041, which is an increase of 2,987 employees (33%) between 2021 and 2041.

Table 14. Employment Growth in Sherwood City Limits, Tonquin Employment Area, and Brookman Annexation Area 2021-2041

Year	Total Employment
2021	9,175
2041	12,162
Change 2021 to 2041	
Employees	2,987
Percent	33%
AAGR	1.42%

Source: ECONorthwest

The forecast of employment shows employment growing faster than Metro's forecast for population and housing growth used in the Sherwood Housing Needs Analysis. If growth occurs at the rates projected, the population to employment ratio would decrease from about 3.2 residents per job to about 2.3 residents per job.

Allocate Employment to Different Land Use Types

The next step in forecasting employment is to allocate future employment to broad categories of land use. Firms wanting to expand or locate in Sherwood will look for a variety of site characteristics, depending on the industry and specific circumstances. We grouped employment into four broad categories of land use based on North American Industrial Classification System (NAICS): industrial, retail commercial, office and commercial services, and government.

[73] The Metro forecast "2050 Employment Distributed Forecast" (March 2021) shows employment in Sherwood and the Transportation Analysis Zone (TAZ) that includes Tonquin Employment Area growing at an average annual growth rate of 1.42% for the 2020 to 2050 period.

The major difference between Metro's forecast of employment growth and the forecast in Table 14 are: (1) Metro used 2018 QCEW data and Table 13 started with 2019 QCEW data; (2) Metro used an estimate of covered employment as the base for the forecast (the QCEW data) but this forecast uses an estimate of Total Employment, as described in Table 13; and (3) the employment base in Table 13 includes the small amount of existing employment in the Brookman and Tonquin Areas.

Table 15 shows the expected share of employment by land-use type in 2021 and the forecast of employment growth by land-use type in 2041 in the Sherwood City Limits, Tonquin Employment Area, and Brookman Annexation Area. The forecast shows growth in all categories of employment, with the following assumptions:

- **Industrial** employment will increase from 28% in 2021 to 34% of all employment by 2041. The increase is the result of the City's policies to support growth of higher-wage industries, such as manufacturing. Included in these policies are support for development in the Tonquin Employment Area. These policies are beginning to pay off, with growth of industrial areas such as the T-S Corporate Park and Cipole Industrial Park. The T-S Corporate Park will include multitenant space in manufacturing, food processing, and technology, and the Cipole Industrial Park will have development in warehousing, distribution, and a semiconductor manufacturing facility. Since late 2019, Sherwood has had 37 inquiries from businesses in industries such as, clean tech manufacturing, technology, warehousing and distribution, and food processing. These businesses were seeking a range of industrial sites as small as six acres and up to 200 acres. Of the 37 inquiries, eight pursued locating their business in Sherwood.

  The City expects to see growth in the target industries described later in this chapter in both the Sherwood city limits and Tonquin Employment Area over the next two years. The State forecast for the Portland Region in Table 12 shows the Portland Region adding 25,800 new jobs in industrial sectors over the 2017-2027 period.

- **Retail Commercial** employment share will decrease from 15% in 2021 to 12% of all employment by 2041, based in part as a result of the forecast for slower population growth in Sherwood and consolidation in the retail industry. While national trends show an overall decrease in retail businesses, some retail will continue to be needed locally. Growth in population in Sherwood and in surrounding areas will drive modest growth in retail businesses in the city over the 20-year period. The State forecast for the Portland Region in Table 12 shows the Portland Region adding 9,900 new jobs in retail over the 2017-2027 period.

- **Office and Commercial Services** employment will nearly hold steady at between 50% and 48% of Sherwood's employment, accounting for the second largest number of new jobs through 2041. This employment group includes commercial jobs with lower than average pay (e.g., accommodations and food services) and service jobs with higher than average pay (e.g., professional services or financial services). The State forecast for the Portland Region in Table 12 shows the Portland Region adding 79,300 new jobs in office and commercial services over the 2017-2027 period, the largest and fastest growing employment grouping.

- **Government** employment share will decrease to about 6% of Sherwood's employment, in part as a result of the forecast for slower population growth in Sherwood. Growth in employment will generally follow population growth, with the majority of government employment growth in public schools. The State forecast for the Portland Region in Table 12 shows the Portland Region adding 7,900 new jobs in government over the 2017-2027 period, more than half of which are forecast to be in public education.

Table 15. Forecast of employment growth by land use type, Sherwood City Limits, Tonquin, and Brookman, 2021-2041

	2021		2041		Change 2021
Land Use Type	Employment	% of Total	Employment	% of Total	to 2041
Industrial	2,547	28%	4,135	34%	1,588
Retail Commercial	1,397	15%	1,459	12%	62
Office & Commercial Services	4,567	50%	5,838	48%	1,271
Government	664	7%	730	6%	66
Total	9,175	100%	12,162	100%	2,987

Source: ECONorthwest
Note: The shaded percentages denote an assumption about the future change in the share of employment (asa percent of total) by land use type.

Estimate of Demand for Commercial and Industrial Land

Some employment growth in Sherwood will not require vacant employment land over the 20-year period. Table 16 shows that some employment will locate in residential plan designations, based on the location of existing employment. According to QCEW data, some employment in Sherwood in 2016 is located on land designated for residential uses. The following amounts of employment located in residential plan designations are: (1) 12% of industrial employment, such as home offices for construction companies; (2) 15% of retail employment, such as corner stores or other retail in neighborhoods, and (3) 21% of office and commercial services, such as medical offices or small personal service businesses such as banks or hair stylists.

This analysis assumes that the percentage of new employment locating in residential land designations will remain the same over the 20-year period: 12% of industrial, 15% of retail, and 21% of office and commercial service employment.

Using these assumptions, 467 new employees will be accommodated on land in residential designations and 2,454 new employees will require vacant (including partially vacant) land over the 2021 to 2041 period.

Table 16. Forecast of employment growth by land use type, Sherwood City Limits, Tonquin, and Brookman 2021-2041

Land Use Type	New Employment Growth	Emp. In Res. Designations	New Emp. on Vacant Land
Industrial	1,588	191	1,397
Retail Commercial	62	9	53
Office & Commercial Services	1,271	267	1,004
Total	2,921	467	2,454

Source: ECONorthwest

Table 17 shows demand for vacant (including partially vacant) land in Sherwood over the 20-year period. The assumptions used in Table 17 are:

- **Employment density.** Employees per acre is a measure of employment density based on the ratio of the number of employees per acre of employment land that is developed for employment uses. Table 17 assumes the following numbers of net employees per acre: Industrial will have an average of 15 employees per acre, Retail Commercial will have an average of 20 employees per acre, and Office and Commercial Services will have an average of 25 employees per acre.

  These employment densities are consistent with employment densities in Oregon cities of similar size as Sherwood[74]. Some types of employment will have higher employment densities (e.g., a multistory office building), and some will have lower employment densities (e.g., a convenience store with a large parking lot).

- **Conversion from net-to-gross acres**. The data about employment density is in *net* acres, which does not include land for public right-of-way. Future land need for employment should include land in tax lots needed for employment plus land needed for public right-of-way. One way to estimate the amount of land needed for employment, including public right-of-way, is to convert from *net* to *gross* acres based on assumptions about the amount of land needed for public right-of-

[74] Source of similar employment denities in Oregon cities of similar size of Sherwood, EcoNorthwest

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way.[754] A net-to-gross conversion is expressed as a percentage of gross acres that are in public right-of-way.

Based on empirical evaluation of Sherwood's existing net-to-gross ratios, ECONorthwest uses a net-to-gross conversion factor of 11% for industrial and 24% for commercial and retail.

Using these assumptions, the forecasted growth of 2,454 new employees will result in the following demand for vacant (and partially vacant) employment land: 105 gross acres of industrial land, 3 gross acres of retail commercial land, and 53 gross acres of land for office and commercial services.

Table 17. Demand for vacant land to accommodate employment growth, Sherwood City Limits, Tonquin, and Brookman, 2021-2041

Land Use Type	New Emp. on Vacant Land	Employees per Acre (Net Acres)	Land Demand (Net Acres)	Land Demand (Gross Acres)
Industrial	1,397	15	93	105
Retail Commercial	53	20	3	3
Office & Commercial Services	1,004	25	40	53
Total	2,454		136	161

Source: ECONorthwest
Note: Vacant land includes land identified in the buildablelands inventory as vacant or potentially redevelopable.

[754] OAR 660-024-0010(6) uses the following definition of net buildable acre. "Net Buildable Acre" consists of 43,560 square feet of residentially designated buildable land after excluding future rights-of-way for streets and roads. While the administrative rule does not include a definition of a gross buildable acre, using the definition above, a gross buildable acre will include areas used for rights-of-way for streets and roads. Areas used for rights-of-way are considered unbuildable.

Target Industries

The characteristics of Sherwood will affect the types of businesses most likely to locate in the city. Sherwood's attributes that may attract firms are: Sherwood's location in the Portland region; the existing employment base; access to workers from across the Portland region; arts and cultural opportunities; high quality of life; and high quality of schools.

Sherwood's existing businesses are concentrated in the industries defined in Table 18. The industries in green highlight are industries with a high location quotient (i.e., highly specialized compared to national employment in the industry), high employment (i.e., have more than 200 employees in Sherwood), and higher than average wages in Sherwood. These industries have the highest potential for growth, given existing businesses and the higher concentration of employment.

Sherwood also has opportunities for employment growth in industries without a concentration of employment or a high location quotient, such as professional services or wholesale.

Table 18. Concentration of Industries and Employment, City of Sherwood, 2016.

	High Employment	Low Employment
High Location Quotient	• Waste Management and Remediation Services • Specialty Trade Contractors • Heavy and Civil Engineering Construction • Machinery Manufacturing • Merchant Wholesalers, Durable Goods • Building Material and Garden Equipment and Supplies Dealers • Amusement, Gambling, and Recreation Industries • General Merchandise Stores • Food and Beverage Stores • Food Services and Drinking Places	• Construction of Buildings • Real Estate • Wholesale Electronic Markets and Agents and Brokers • Plastics and Rubber Products Manufacturing • Personal and Laundry Services
Low Location Quotient	• Merchant Wholesalers, Nondurable Goods • Miscellaneous Store Retailers • Truck Transportation	• Professional, Scientific, and Technical Services • Ambulatory Health Care Services • Utilities • Administrative and Support Services • Nursing and Residential Care Facilities • Social Assistance

Source: Oregon Employment Department, Quarterly Census of Employment and Wages, 2016.

Greater Portland Inc. (GPI) identified the following regional clusters in their *Regional Trends in Greater Portland's Target Clusters* analysis in 2018:

- Growing Base Industries
  - **Computers and Electronics**, such as semiconductors, electronic communication equipment, computer peripherals, circuit boards, and other electronics.
  - **Metals and Machinery**, such as food processing machinery, medical devices, component parts for manufacturing, and other specialized machinery for manufacturing.
  - **Athletics and Outdoors**, such as design services, professional services, marketing, and some manufacturing of footwear and athletics goods.
- Emerging Industries
  - **Health Sciences Tech**, such as pharmaceutical manufacturing, chemical manufacturing, laboratory instrument manufacturing, medical equipment and supplies manufacturing,

medical equipment and supplies wholesalers, engineering services, scientific research and development services, and medical and diagnostic laboratories.

- **Clean Tech**, such as scientific and technical research and services, engineering services, architectural design, construction, instruments manufacturing, electrical equipment manufacturing, renewable energy equipment and components, architectural design, clean power generation, and waste remediation.
- **Software and Media**, such as software development, data processing, computer systems design, and motion picture and video production.

These regional clusters from the GPI analysis align with some of the industries from the *Tonquin Employment Area Market Analysis, Business Recruitment Strategy, and Implementation Plan*. These industries are:

- Clean Tech
- Technology and Advanced Manufacturing
- Outdoor Gear and Active Wear

The potential growth industries in Sherwood will draw from existing industry concentration in the City and the Portland region, along with the City's economic development policies that align with changing or emerging industries and result in employment growth in Sherwood.

Potential Growth Industries

An analysis of growth industries in Sherwood should address two main questions: (1) Which industries are most likely to be attracted to Sherwood? and (2) Which industries best meet Sherwood's economic development goals? The selection of target industries is based on Sherwood's goals for economic development, economic conditions in Sherwood and the Portland region, and the City's competitive advantages.

Given the current employment base, which is composed of moderately sized businesses, it is reasonable to assume that much of the city's business growth will come from moderate-sized businesses and potentially larger businesses depending on future development at the TEA. This growth will either come from businesses already in Sherwood or new businesses that start or relocate to Sherwood from within the Portland region or from outside of the region.

The industries identified as having potential for growth in Sherwood are:

- **Manufacturing.** Sherwood's attributes, especially its location in the Portland region and proximity to Hillsboro, may attract manufacturing firms, such as:
  - Technology and Advanced Manufacturing, such as such as semiconductors, electronic communication equipment, computer peripherals, and circuit boards.
  - Machinery Manufacturing (Metals and Machinery), food processing machinery, medical devices, component parts for manufacturing, and other specialized machinery for manufacturing.
  - Clean Tech, such as instruments manufacturing, electrical equipment manufacturing, and renewable energy equipment and components.
- **Professional and business services.** Sherwood's high quality of life, access to quality schools, existing population and business base, and proximity to the Portland region may attract professional and business services that prefer to locate in a smaller city like Sherwood, such as:
  - Software and Media, such as software development, data processing, computer systems design, and motion picture and video production.

- Clean Tech, such as scientific and technical research and services, engineering services, architectural design, and construction engineering services.
- Athletics and Outdoors, such as design services, professional services and marketing.
- Other services, such as scientific research, environmental services, or other services.

♣ **Wholesale.** Sherwood's access to Highway 99 may make the city attractive to continued growth of wholesale businesses.

♣ **Services for visitors:** Emphasis on experiences and destinations in and near Sherwood, especially related to agriculture and wineries, will drive demand for services for visitors such as family-friendly events, farmers markets, specialty retail, wine tasting rooms, restaurants, or hotels.

♣ **Services for residents:** Growth in population in and around Sherwood will drive growth of businesses that serve residents, such as medical services, legal services, financial services, retail, personal services (e.g., barbers), and restaurants.

Growth in industries such as the manufacturing, professional and business services, and wholesale, have the potential to increase the average wage and property tax collections in Sherwood.

Sherwood's Economic Development Policies

To complement the findings and recommendations in the Economic Opportunities Analysis, ECONorthwest worked with Sherwood staff and the advisory committees to write Sherwood's Economic Development Strategy. The strategy provides a vision, goals, policies, objectives, and actions related to economic development activities in Sherwood. The goals and policies are listed below.

Goal 1: Prioritize and promote economic development to increase the city tax base by providing and managing a supply of land to target growth industries and support Sherwood's desired economic growth.

> **Policy 1: Land Availability and Management:** The City will plan for a 20-year supply of suitable commercial and industrial land on sites with a variety of characteristics (e.g., site sizes, locations, visibility, and other characteristics) and manage the supply of employment land to make the most efficient use of commercial and industrial land.

Goal 2: Plan and provide adequate infrastructure efficiently and timely to support employment growth.

> **Policy 2: Infrastructure Support:** Provide adequate infrastructure to support employment growth, with a focus on the Tonquin Employment Area.

Goal 3: Support the growth of local businesses and attract new businesses that increase the City's tax base, provide stable, high wage jobs and capitalize on Sherwood's location and high-quality of life to create destinations and experiences for both residents and visitors of Sherwood.

> **Policy 3: Existing Business Retention, New Business Development, and Attraction of New Businesses:** The City will support retention and expansion of existing businesses, growth and creation of entrepreneurial business, and attraction of new businesses that align with Sherwood's revised Community Vision. The types of businesses the City wants to attract most are non-polluting businesses with wages at or above the Washington County average, such as the industries identified in the Economic Opportunities Analysis.[765]

[765] The Economic Opportunities Analysis identifies the following potential growthindustries for Sherwood: Technology and Advanced Manufacturing, Machinery Manufacturing, Clean Tech, Outdoor Gear and Active Wear, Professional and Business Services, Wholesale, Services for Visitors, and Services for Residents.

Site Needs for Potential Growth Industries

OAR 660-009-0015(2) requires the EOA to "identify the number of sites by type reasonably expected to be needed to accommodate the expected [20-year] employment growth based on the site characteristics typical of expected uses." The Goal 9 rule does not specify how jurisdictions conduct and organize this analysis.

The rule, OAR 660-009-0015(2), does state that "[i]ndustrial or other employment uses with compatible site characteristics may be grouped together into common site categories." The rule suggests, but does not require, that the city "examine existing firms in the planning area to identify the types of sites that may be needed." For example, site types can be described by: (1) plan designation (e.g., heavy or light industrial), (2) general size categories that are defined locally (e.g., small, medium, or large sites), or (3) industry or use (e.g., manufacturing sites or distribution sites). For purposes of the EOA, Sherwood groups its future employment uses into categories based on their need for land with a particular plan designation (i.e., industrial or commercial) and by their need for sites of a particular size.

Based on the forecasts of employment growth in Table 16 and the average business size of business in Sherwood in 2019 (using analysis of Quarterly Census of Employment and Wage data), employment growth in Sherwood will require:

- **Industrial** employment will grow by 1,588 employees, with 1,397 employees requiring vacant land. The average size of industrial employers in Sherwood in 2019 was 11.4 employees per business. At that average size, Sherwood will need 122 industrial sites.
- **Retail Commercial** employment will grow by 62 employees, with 53 employees requiring vacant land. The average size of retail employers in Sherwood in 2019 was 20.2 employees per business. At that average size, Sherwood will need 3 retail sites.
- **Office & Commercial Services** employment will grow by 1,271 employees, with 1,004 employees requiring vacant land. The average size of industrial employers in Sherwood in 2019 was 6.5 employees per business. At that average size, Sherwood will need 154 office and commercial sites.

The potential growth industries described in the prior section are a mixture of business sizes, from small businesses to larger businesses. For the most part, Sherwood's potential growth industries need relatively flat sites, especially for industrial or manufacturing businesses, with access to arterial roads to connect with I-5 or key employment centers in Hillsboro or Portland.

Manufacturing and other industrial businesses likely to locate in Sherwood will have a range of space needs:

- **Small-scale manufacturing space.** Businesses would be located in an industrial building with many other users.
- **Space in a flex services building.**
- **Mid-sized manufacturing**. Businesses would be located potentially in a building with a few other businesses. Between 2015 and 2017, Greater Portland Inc. (GPI) reported manufacturing projects in its pipeline that requested an average square footage between 35,000 square feet (approximately two to four-acre sites) and 104,000 square feet (approximately eight to 10-acre sites).
- **Land for construction of a building designed for the manufacturer.** In 2017, of GPI's manufacturing projects five requested land for a new building and 21 requested locations in an existing space.

Professional and technical service businesses have a range of space needs, ranging from:

- **Space in an existing building**. Businesses would be located as one of several or many firms within the building. Between 2015 and 2017, GPI's projects—both office and manufacturing projects—consistently requested existing space over "greenfield" space to build new facility. In 2017, about 80% of GPI's projects requested existing space for their business.[76]
- **Space in a building dominated by one firm**. This could potentially be with manufacturing or other industrial space in the building.
- **Land for construction of a building designed for the firm.** However, in the case where the business needs to build a building, they are typically seeking existing space rather than land to build a new facility.

[76] "2015-2017 Pipeline Trend Analysis," Greater Portland Inc., February 2018.

5. Land Sufficiency and Conclusions

This chapter presents conclusions about Sherwood's employment land sufficiency for the 2021-2041 period. The chapter then concludes with a discussion about Sherwood's land base and its ability to accommodate growth over the next 20 years, as well as recommendations for the City to consider, ensuring it meets its economic growth needs throughout the planning period.

This chapter was updated in August 2021 to include an updated calculation of land sufficiency based on updates to the buildable lands inventory, employment base, and employment forecast for the 2021 to 2041 period.

Land Sufficiency

Table 19 shows commercial and industrial land sufficiency within the Sherwood City Limits, Tonquin Employment Area (TEA), and Brookman Annexation Area. It shows:

- **Vacant and Potentially Redevelopable Unconstrained Land** from Table 5 for land within Sherwood, TEA, and Brookman. Table 19 shows that Sherwood has 97 gross acres of industrial land and 25 gross acres of commercial land (including retail commercial).
- **Demand for Commercial and Industrial Land** from Table 17. Table 19 shows Sherwood will need a total of 105 gross acres for industrial uses and 56 gross acres for commercial (including retail commercial) uses over the 2021-2041 period.

Table 19 shows that Sherwood has:

- An 8-acre deficit of industrial land.
- A 4-acre surplus of retail commercial land.
- A 35-acre deficit of office commercial land.
- A 127-acre supply of future development land in TEA and Brookman. This supply will likely meet needs for both industrial and commercial demand.

Table 19. Comparison of the Capacity of Unconstrained Vacant and Potentially Redevelopable Land with Employment Land Demand by Land Use Type, Sherwood City Limit, Tonquin, and Brookman, 2021-2041

Land Use Type	Land Supply (Suitable Gross Acres)	Demand (Gross Acres)	Land Sufficiency (Deficit)
Industrial	97	105	(8)
Retail Commercial	7	3	4
Office & Commercial Services	18	53	(35)
Future Development (Tonquin and Brookman)	127	-	127
Total	249	161	

Source: ECONorthwest

Conclusions and Recommendations

The conclusions about commercial and industrial land sufficiency are:

- **Sherwood is forecast for growth in both commercial and industrial employment sectors.** Sherwood is planning for growth of about 2,987 new jobs in the city over the 2021 to 2041 period. About 1,588 of the jobs will be in industrial land uses, 1,271 in office and commercial services, and 62 in retail. Growth of these jobs will result in demand for about 105 gross acres industrial land and 56 gross acres of commercial land.

- **Sherwood has enough employment land to accommodate growth.** Table 19 shows Sherwood has enough land for employment growth over the next 20 years. The Tonquin Employment and Brookman Annexation will provide both industrial and a limited amount of commercial employment. If the City continues to implement its economic development policies, the rate of development may lead to a shortage of appropriate sites—particularly sites in excess of 10 acres—for employment growth in the City of Sherwood, thereby creating development opportunities in the future growth area of Sherwood West.

- **Sherwood's wages are below average for the Portland Region and for the nearby cities of Tigard and Tualatin.** The primary reason for lower wages at jobs in Sherwood is the mix of jobs in Sherwood, with Retail and Accommodations and Food Services having the largest number of employees in Sherwood but wages below the city average. Sherwood's target industries generally have above average wages, except for some types of services for visitors and residents of Sherwood, such as Retail and Accommodations and Food Services. In addition, Sherwood's target industries are generally more likely to increase the City's property tax base, except for some types of services for visitors and residents of Sherwood, such as Retail and Accommodations and Food Services.

- **Most new businesses will be relatively small and will require small and mid-sized sites.** Sherwood's businesses are generally small, averaging 9 employees per business. Businesses with 50 or fewer employees account for roughly 57% of private employment in Sherwood. Businesses with 9 or fewer employees account for 20% of private employment and 4 or fewer account for 10% of private employment. Growth of small businesses presents key opportunities for economic growth in Sherwood. Sherwood has about 51 sites smaller than five acres. Some of these sites may subdivide into smaller sites.

- **Sherwood will need to manage its industrial land base to ensure that there are sufficient small and mid-sized sites available for development.** Within the context of the site needs discussed at the end of Chapter 4, Sherwood will need to manage its industrial land base, including Tonquin Employment Area, to ensure that there are sufficient opportunities for small and mid-sized businesses, either through subdivision of larger sites (e.g., sites of ten acres and larger) industrial sites or through the development of some larger sites for many small businesses in one or more shared building.

- **Sherwood has a 35-acre deficit of land for office commercial uses.** Some of this land deficit may be accommodated in the Tonquin Employment Area, which is expected to accommodate about 380 commercial employees and which would address 15 to 19 acres of this deficit. The Brookman Annexation Area is also expected to designate about 15 acres of land for commercial and retail uses. The City will need to identify opportunities address the remaining deficit, through policies that encourage infill or redevelopment of existing commercial land or through redesignating land to commercial uses.

- **Sherwood will need to address key infrastructure needs in the City and in the development of the Tonquin Employment Area.** Transportation issues currently present barriers to business locating or expanding in Sherwood due to congestion and limited access to the major road networks. Additionally, the implementation of infrastructure development of the Tonquin Employment Area needs to be addressed to retain and attract the businesses and targeted industries in Sherwood's economic development policies.

- ♣ **Sherwood will need to continue to provide flexibility in its development code to provide opportunities for growing and developing businesses that both provide services and are related to manufacturing businesses.** The line between commercial businesses (i.e., businesses that locate in an office space in downtown) and industrial businesses is blurring. Many of the types of business with growth potential in Sherwood have characteristics (and site needs) of both office businesses and industrial businesses, such as scientific and technical and engineering services for Clean Tech or design services for Athletics and Outdoors. Businesses in these industries produce traded-sector goods. They may prefer not to locate in traditional downtown office spaces, but their activities are not consistent with the traditional manufacturing activities allowed in industrial areas either.

The following are ECONorthwest's recommendations to Sherwood based on the analysis and conclusions in this report.

- ♣ **Update the Economy Element of the Comprehensive Plan.** The Economy Element has not been updated in more than a decade. We recommend that the Planning Commission and City Council review the revised policies in the Sherwood Economic Development Strategy and, after making additional necessary revisions to the policies, adopt the revised goals, objectives, and implementation strategies into the Economy Element.
- ♣ **Align the City's goals for economic development with planning for infrastructure development.** Aside from ensuring that there is sufficient land to support employment growth, one of the most important ways that the City can support economic development is through planning for and developing infrastructure (e.g., roads, water, sanitary sewer, and storm water systems). We recommend that the City align its goals for economic development with infrastructure development through updates to the City's Capital Improvements Plan.

  Providing infrastructure in the TEA is necessary to allow employment growth to occur in the TEA. Without infrastructure, much of the TEA will remain undeveloped.
- ♣ **Identify opportunities to support the creation, growth, development, and retention of businesses in Sherwood.** Retention and expansion of new and existing businesses, including those that create destinations and experiences for residents and visitors, is one of Sherwood's key opportunities for economic growth. The City can support businesses by understanding businesses' opportunities for growth and expansion and lowering or eliminating the barriers in Sherwood that limit growth and expansion. Some barriers are beyond control of the City, such as access to capital. An example of this type of opportunity is the development of Sherwood's first semiconductor manufacturer in Cipole Industrial Park, along with warehousing and distribution facilities.
- ♣ **Work with partners to develop a broad economic development strategy for Sherwood.** The revisions to the Comprehensive Plan presented in the Sherwood Economic Development Strategy focus on land-based policies and actions. The city also needs a broader strategy for economic development that focuses on issues such as communication with existing businesses to identify barriers to expansion, economic development, marketing of Sherwood's businesses and business opportunities, building business and other partnerships, and coordinating economic development efforts with local and regional economic development organizations.

  This strategy could be developed through leadership from the city leadership and city staff, with one or more staff members responsible for developing and implementing policies to encourage economic growth. The strategy should identify a focused list of actions that the City Council wants to achieve over a limited time period (e.g., 5 years), with specific assignments to partners and identification of funding sources to implement the actions.

- ♣ **Monitor and replenish the total and short-term supply of commercial and industrial land on a regular, periodic basis.** The buildable lands inventory identifies the existing development status of employment land in Sherwood, as well as identifies the existing short-term land supply. While Sherwood will not completely update the buildable lands inventory on an annual basis, City staff should still monitor the development status of these employment lands and replenish short-term supply when possible.
- ♣ **Support infill and redevelopment of existing commercial and industrial land.** The buildable lands inventory identifies areas where infill and redevelopment are more probable over the 20-year planning period. Other opportunities for redevelopment may become apparent in the future. We recommend that the city support and encourage infill and redevelopment to make the most efficient use of employment land in Sherwood. The types of tools that the city offers in support of infill and redevelopment should be consistent with the city's development goals. In areas where the city wants to encourage higher intensity development, such as in Old Town, the city should offer more support for redevelopment, including financial and regulatory redevelopment incentives.

Appendix A. Buildable Lands Inventory

The buildable lands inventory is intended to identify commercial and industrial lands that are available for development for employment uses within the Sherwood City Limits, Tonquin Employment Area, and Brookman Annexation Area. The inventory is sometimes characterized as *supply* of land to accommodate anticipated employment growth. Population and employment growth drive *demand* for land. The amount of land needed depends on the type of development and other factors.

This chapter presents results of the commercial and industrial buildable lands inventory for the City of Sherwood. The results are based on additional analyses of Metro's 2018 BLI completed by ECONorthwest and reviewed by City staff. The remainder of this chapter summarizes key findings of the draft buildable lands inventory. This chapter includes tabular summaries, maps, and narrative descriptions.

Methodology

The general structure of the buildable land (supply) analysis is based on the methods used for Metro's buildable lands inventory included with the 2018 Urban Growth Report, Appendix 2.[787] ECONorthwest used GIS data with the Metro BLI as a starting point for determining buildable employment land in Sherwood. The buildable lands inventory uses methods and definitions that are consistent with OAR 660-009 and OAR 660-024. The steps in the inventory were:

- Generate employment "land base." This involved "clipping" the tax lots in the Sherwood City Limits, Tonquin Employment Area, and Brookman Annexation Area that were designated as employment lands in the Metro BLI[798] and intersecting them with the comprehensive plan layer. The GIS function was followed by a quality assurance step to review the output and validate that the resulting dataset accurately represents all lands designated for employment use in the Sherwood City Limits, Tonquin Employment Area, and Brookman Annexation Area.
- Classify lands. Each tax lot was classified into one of the following categories, using Metro's classification system as a starting point and reviewed by City staff:
  - Vacant land
  - Potentially redevelopable land[8079]
  - Developed or exempt land
- Identify constraints. The City identifies areas in steep slopes (over 15%), landslide hazard areas, wetlands, public facilities, floodways, Title 3 stream and floodplain protection areas, and Title 13 riparian corridors and upland habitats. These areas are deducted from lands that were identified as vacant or potentially redevelopable. To estimate the constrained area within each tax lot, all

[787] Appendix 2 Buildable Lands Inventory, 2018 Urban Growth Report (Discussion draft). Metro. June 2018. **********oregonmetro.gov/sites/default/files/2018/07/03/UGR_Appendix2_Buildable_Lands_Inventory.pdf

[798] Metro defined employment land by zone as "ZONE_GEN in ('COM','IND','MUR')."

[8079] Metro used a "strike-price method" to determine redevelopment potential for each tax lot. A full description of the method is available in the 2018 Urban Growth Report: **********oregonmetro.gov/sites/default/files/2018/07/03/UGR_Appendix2_Buildable_Lands_Inventory.pdf.

constraints listed above were merged into a single constraint file, which was overlaid on tax lots.[810]

- ♣ Evaluate redevelopment potential. According to statewide planning rules, redevelopable land is land on which development has already occurred, but on which, due to present or expected market forces, there is potential that existing development will be converted to more intensive uses during the planning period. Lands determined to be redevelopable have been categorized as "potentially redevelopable" for the purpose of this analysis.[8279]
- ♣ Tabulation and mapping. The results are presented in tabular and map formats with accompanying narratives. The maps include lands by classification and maps of vacant and partially vacant lands with constraints.

Definitions

Metro developed the buildable lands inventory with a tax lot database from RLIS. The tax lot database is current as of March 2018. The inventory builds from the database to estimate buildable land by plan designation. A key step in the buildable lands inventory was to classify each tax lot into a set of mutually exclusive categories. Metro classified all tax lots in Sherwood into one of the following categories:

- ♣ *Vacant land.*[81] Any tax lot that is "fully vacant (Metro aerial photo)"; or "with less than 2,000 sq. ft. developed AND developed part is under 10% of entire tax lot"; or that is "95% or more 'vacant' from the GIS vacant land inventory."
- ♣ *Potentially redevelopable land*.[832] For tax lots that were not classified vacant or exempt, Metro included all other employment land tax lots in the strike-price model. Tax lots with a value greater than zero in the "net_emp_acres_strike_price" field in the Metro BLI GIS layer were considered to have redevelopment potential. The value in that field for each tax lot is the number of acres that is potentially redevelopable, not including constrained acres. Tax lots with a "net_emp_acres_strike_price" value of zero were considered developed.
- ♣ *Developed land.*[843] Tax lots with a "net_emp_acres_strike_price" value of zero were considered developed.
- ♣ *Exempt land.*[854] Land that is classified as either, "tax exempt with property codes for city, state, federal and Native American designations; schools; churches and social organizations; private streets; rail properties; tax lots under 1,000 sq. ft. (0.023 gross acres); parks, open spaces and where possible private residential common areas." Metro used GIS data and Assessor's data to determine the status of exempt land. ECONorthwest included all tax lots classified as exempt land in the developed land tabular and mapping information, but these tax lots can still be distinguished in the GIS data layer.

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[810] Net buildable acreage for taxlots designated as "potentially redevelopable" was determined using the "net_emp_strike_price" field from the Metro 2018 BLI. This field already factors in constrained area, thus ECONorthwest did not deduct constrained area from this number. For taxlots designated as "vacant," we calculated the constrained area of the taxlot and subtracted the constrained area from the total taxlot area.

[821] Appendix 2 Buildable Lands Inventory, 2018 Urban Growth Report (Discussion draft). Metro. June 2018. p. 20. **********oregonmetro.gov/sites/default/files/2018/07/03/UGR_Appendix2_Buildable_Lands_Inventory.pdf.

[832] Appendix 2 Buildable Lands Inventory, 2018 Urban Growth Report (Discussion draft). Metro. June 2018. **********oregonmetro.gov/sites/default/files/2018/07/03/UGR_Appendix2_Buildable_Lands_Inventory.pdf

[843] Appendix 2 Buildable Lands Inventory, 2018 Urban Growth Report (Discussion draft). Metro. June 2018. **********oregonmetro.gov/sites/default/files/2018/07/03/UGR_Appendix2_Buildable_Lands_Inventory.pdf

[854] Appendix 2 Buildable Lands Inventory, 2018 Urban Growth Report (Discussion draft). Metro. June 2018. pp. 20-21. **********oregonmetro.gov/sites/default/files/2018/07/03/UGR_Appendix2_Buildable_Lands_Inventory.pdf.

ECONorthwest initially classified land using Metro's categories and generated maps for City staff to review. City staff had previously reviewed Metro's analysis for Sherwood, but there were a few updates to tax lots that had redeveloped since that review. ECONorthwest adjusted the classification accordingly and noted manual changes in the GIS data layer.

Development constraints

The physical constraints used in the Sherwood buildable lands inventory include: areas subject to landslides, areas with slopes greater than 15%,[865] lands within the 100-year flood plain, Metro's Title 3 land (including Water Resource Conservation Areas), lands within Metro's Title 13 Habitat Conservation Areas (Class I and II, A and B), Wetlands, and public facilities.

Land base

Table 20 summarizes all land included in the employment land base (e.g., lands with plan designations that allow employment). ECONorthwest used this land base in the buildable lands analysis for Sherwood. The land base includes traditional employment designations with Sherwood's city limits—Commercial and Industrial—along with land designated for future development in the Tonquin Employment Area and Brookman Annexation Area as of May 2018. According to Metro RLIS data, within Sherwood's city limits there are about 171 acres in 134 tax lots with a commercial plan designation, and about 478 acres in 115 tax lots with an industrial plan designation. The Tonquin Employment Area is located on the eastern edge of Sherwood's city limits and is in the Metro UGB. It has about 282 acres in 25 tax lots. The Brookman Annexation Area, also within the Metro UGB, is located southwest of Sherwood's city limits. It has about 25 acres designated for employment land in 4 tax lots.

Table 20. Acres in Sherwood City Limit, Tonquin, and Brookman, 2018[876]

Plan Designation/ Area	Tax Lots	Total Acres
Commercial	134	171
Industrial	115	478
Tonquin	25	282
Brookman	4	25
Total	278	956

Source: Metro RLIS, 2018 BLI,& ECONorthwest analysis.

The next step in the inventory was to classify lands into mutually-exclusive categories that relate to their development status. The categories include:

- Vacant land
- Potentially redevelopable land

[865] Metro's calculation of constrained area for employment land includes slopes greater than 25%. Lands for commercial and industrial uses are typically developed on slopes no greater than 15%, so we used an "erase" function in GIS to determine any constrained areas that were not included in Metro's calculation of constrained area. These additional constraints were subtracted from the "net_emp_strike_price" value for tax lots designated as "potentially redevelopable," and included in the total constraints layer and subtracted from the total area for tax lots designated as "vacant."

[876] The original land base included 277 tax lots. The final version includes 278 tax lots, because City staff requested to split a tax lot in the Tonquin Employment Area into two tax lots. One tax lot is the planned water treatment plant, which was considered developed in the BLI, and the other remained designated as "vacant." In addition, the "Langer Farms site" was originally included in the BLI with the northern portion of the site as potentially redevelopable and counted in the unconstrained buildable acreage. In the current version, the entire tax lot was classified as vacant after discussion with City staff about the development of the Fun Center and retail/commercial shopping plaza on the remainder of the site.

- Developed land
- Except land

ECONorthwest used the rules described in the prior section to perform a preliminary classification, based on Metro's previous analysis. The next step was to show the results in map form for City staff to review and suggest changes. ECONorthwest completed the manual classification changes, as noted in the GIS data layer.

Table 21 shows commercial and industrial land in Sherwood by classification (development status). The results show that Sherwood has 956 total acres in commercial and industrial plan designations. Of the 956 acres in the UGB, about 474 acres (50%) are in classifications with no development capacity, 233 acres (24%) are constrained and 249 acres (26%) are buildable land with development capacity.

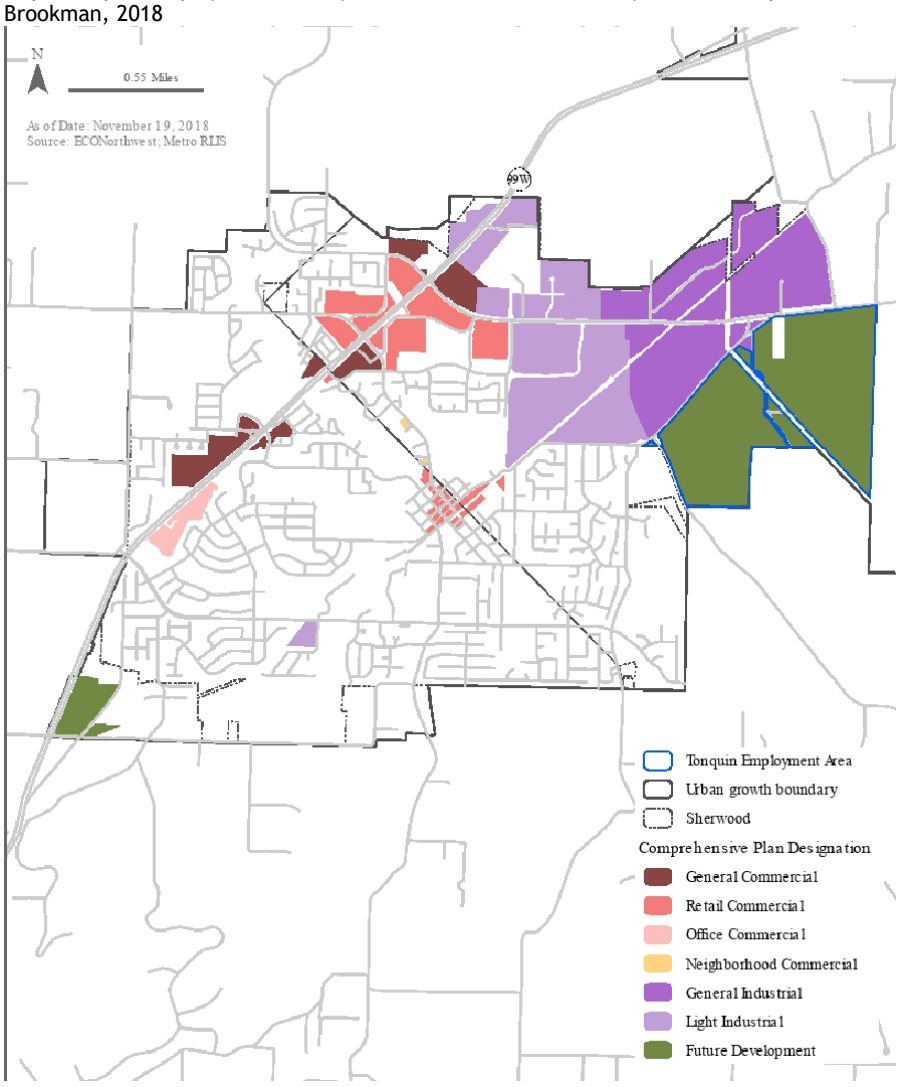
Table 21. Employment acres by classification and plan designation, Sherwood City Limits, Tonquin, and Brookman Annexation Area, 2021

Plan Designation	Tax Lots	Total Acres	Acres with No Development Capacity	Constrained Acres	Total Unconstrained Buildable Acres
Commercial	134	171	119	27	25
General Commercial	31	62	38	10	14
Neighborhood Commercial	2	1	1	0	0
Office Commercial	11	16	6	5	5
Retail Commercial	90	92	74	12	6
Industrial	115	478	290	91	97
General Industrial	66	238	158	19	61
Light Industrial	49	240	132	72	36
Tonquin	25	282	62	111	110
Future Development	25	282	62	111	110
Brookman	4	25	3	4	18
Future Development	4	25	3	4	18
Total	278	956	474	233	249
Percent of Total		100%	50%	24%	26%

Source: Metro RLIS, 2018 BLI, & ECONorthwest analysis.

Map 2 shows commercial and industrial land in Sherwood by plan designation.

Map 2. Map of employment land by classification, Sherwood City Limits, Tonquin, and Brookman, 2018



Vacant buildable land

The next step in the commercial and industrial buildable land inventory was to net out portions of vacant tax lots that are unsuitable for development. Areas unsuitable for development fall into three categories: (1) developed areas of partially vacant tax lots, (2) areas with service constraints (5 tax lots within the UGB east of I-5 have no access to infrastructure such as water and sewer), (3) areas with physical constraints (areas with wetlands, floodways, riparian setback areas and steep slopes).

Table 22 shows unconstrained buildable acres for vacant and potentially redevelopable land by plan designation. The results show that Sherwood has about 249 net buildable acres in commercial and industrial plan designations. Of this, 10% (25 acres) is in the commercial designations, 39% (97 acres) is in industrial designations, and 51% (127 acres) is designated as future development in the Tonquin Employment Area and Brookman Annexation Area.

Table 22. Employment land with unconstrained development capacity (Vacant, Potentially Redevelopable) by plan designation, Sherwood City Limits, Tonquin, and Brookman, 2021

Plan Designation	Uncon-strained Vacant Acres	Unconstrained Potentially Redevelopable Acres	Total Unconstrained Buildable Acres
Commercial	11	14	25
General Commercial	5	8	13
Office Commercial	4	1	5
Retail Commercial	2	5	7
Industrial	31	66	97
General Industrial	17	44	61
Light Industrial	14	22	36
Tonquin	23	86	109
Future Development	23	86	109
Brookman	0	18	18
Future Development	0	18	18
Total	65	184	249
Percent of Total	26%	74%	100%

Source: Metro RLIS, 2021 BLI, & ECONorthwest analysis.

Map 3 shows commercial and industrial land in Sherwood by development status with development constraints.

Map 3. Map of employment land by classification with development constraints, Sherwood City Limits, Tonquin, and Brookman, 2021

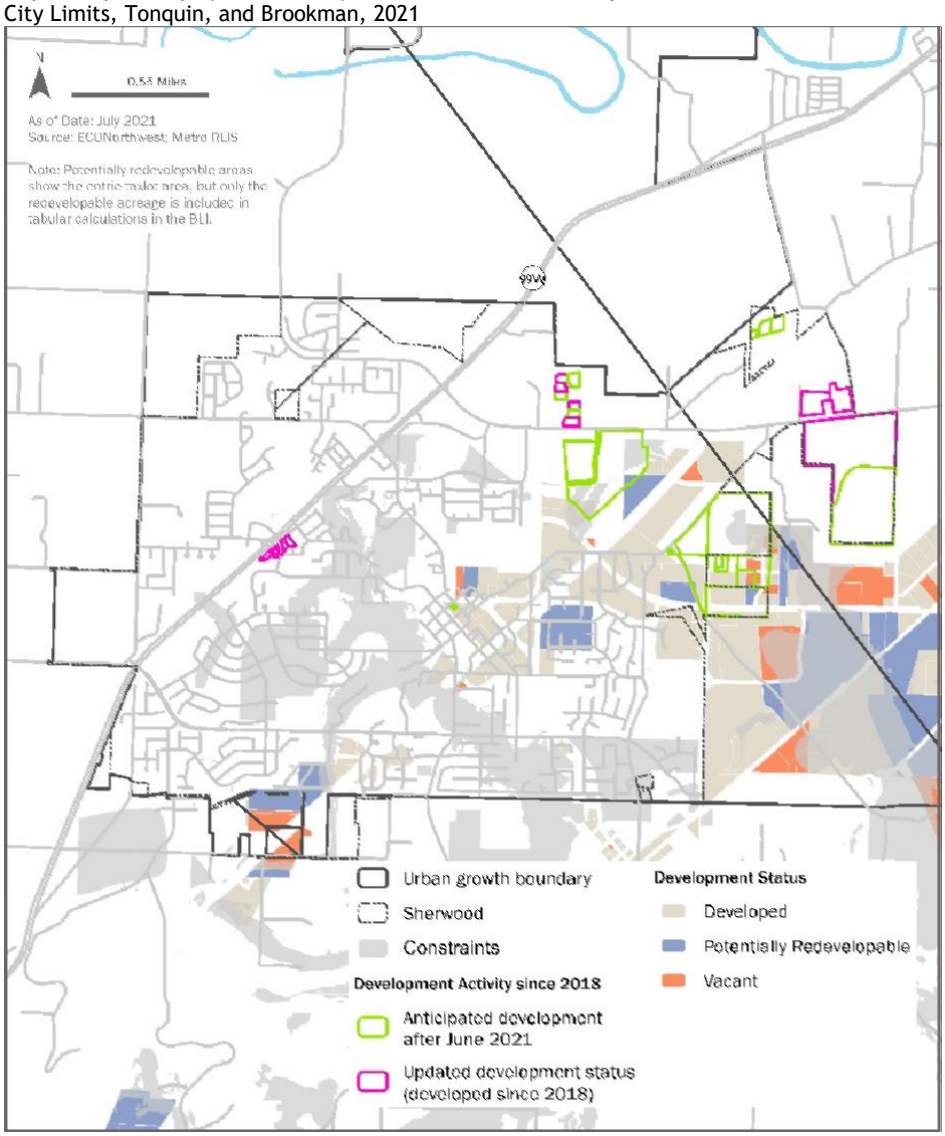


Table 23 shows the size of lots by plan designations for buildable employment land. Sherwood has 30 lots that are smaller than 2 acres (with 25 acres of land). Sherwood has 37 lots between 2 and 10 acres (183 acres of land) and 3 lots between 10 and 50 acres in size (42 acres of land).

Table 23. Lot size by plan designation, buildable acres, Sherwood City Limits, Tonquin, and Brookman, 2021

	Buildable Acres in Tax Lot				
Plan Designation	<1	1 - 1.99	2 - 4.99	5 - 9.99	10 - 49.99
Acres					
Commercial	3	4	13	5	0
General Commercial	1	0	7	5	0
Neighborhood Commercial	0	0	0	0	0
Office Commercial	2	1	3	0	0
Retail Commercial	0	3	3	0	0
Industrial	6	7	29	13	42
General Industrial	1	3	14	13	30
Light Industrial	5	4	15	0	12
Tonquin	2	3	16	89	0
Future Development	2	3	16	89	0
Brookman	0	0	11	7	0
Future Development	0	0	11	7	0
Subtotal	**11**	**14**	**69**	**114**	**42**
Taxlots					
Commercial	6	3	4	1	0
General Commercial	2	0	2	1	0
Neighborhood Commercial	0	0	0	0	0
Office Commercial	2	1	1	0	0
Retail Commercial	2	2	1	0	0
Industrial	11	5	10	2	3
General Industrial	3	2	5	2	2
Light Industrial	8	3	5	0	1
Tonquin	3	2	4	12	0
Future Development	3	2	4	12	0
Brookman	0	0	3	1	0
Future Development	0	0	3	1	0
Subtotal	**20**	**10**	**21**	**16**	**3**

Source: Metro RLIS, 2021 BLI, & ECONorthwest analysis.

The data in Table 23 show that Sherwood has no commercial sites larger than 10 acres within the city limits. Sherwood does, however, have industrial sites larger than 10 acres (a total of 42 acres). In addition, the Tonquin Employment Area has 12 sites between 5 and 10 acres and no sites larger than 10 acres. The Brookman Annexation Area has 3 sites between 2 and 5 acres and 1 site between 5 and 10 acres.

Appendix B. Comprehensive Plan Goals and Policies

This chapter presents Sherwood's 2040 Comprehensive Plan goals and policies within the Thriving and Diversified Economy chapter of the Plan.

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

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

POLICY 1.2 Encourage development of employment to increase the city's tax base through a faster growth rate of jobs.

POLICY 1.3 Pursue development of higher employment densities in areas with planned or existing public facilities, utilities, and transportation infrastructure.

POLICY 1.4 Support business growth in Sherwood to diversify and expand commercial and industrial development in order to provide employment opportunities and expand the tax base.

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

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

POLICY 1.7 Attract businesses identified as Target Industries in Sherwood's most recent Economic Opportunities Analysis.

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

POLICY 1.9 Encourage opportunities for workforce development and training that meets the needs of new and existing businesses in Sherwood.

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

POLICY 2.1 Land Supply: The City will provide a 20-year supply of suitable commercial and industrial land on sites with a variety of characteristics (e.g., site sizes, locations, visibility) and manage

the supply of employment land to make most efficient use of commercial and industrial land.

POLICY 2.2 Provide for an adequate supply of commercial and industrial land to accommodate the types and amount of economic development and growth anticipated in the future, as described in the City's most recent Economic Opportunities Analysis (EOA).

POLICY 2.3 Provide a range of site sizes and locations to accommodate the market needs of a variety of office-commercial, retail commercial, and industrial employment uses.

POLICY 2.4 Maintain an adequate short-term supply of suitable office commercial, retail commercial and industrial land to respond to economic development opportunities as they arise.
"Short-term supply" means suitable land that is ready for construction usually within one year of an application for a building permit or request for service extension.

POLICY 2.5 Monitor and replenish the short-term supply and total available commercial and industrial land on a regular, periodic basis.

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

POLICY 2.7 Continue to provide flexibility in Sherwood's development code to support non-retail commercial and industrial development with the Target Industries identified in the recent EOA, most of which will need space in an existing building, sites smaller than five acres, or sites between five and 15 acres in size.

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

POLICY 2.9 Develop criteria, in conjunction with objectives of this chapter, to identify industrial or commercial areas that are more appropriate for other uses (e.g., industrial land redesignated for commercial uses) based on their site characteristics (e.g., location, size, configuration, or transportation access), as needed.

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

ORDINANCE 2021-011

ADOPTING THE SHERWOOD ECONOMIC OPPORTUNITIES ANALYSIS 2021 AS A SUB-ELEMENT OF THE COMPREHENSIVE PLAN

WHEREAS, Oregon law requires that state, regional and local governments plan for the employment needs of the people of the state; and

WHEREAS, Sherwood has not updated its Economic Opportunities Analysis since 2007 as part of the City's Economic Development Strategy (Ordinance 2007-003); and

WHEREAS, The Economic Opportunities Analysis 2021 is in compliance with State Land Use Goal 9, Economic Development, and Oregon Administrative Rule 660-009; and

WHEREAS, the adoption of this updated Economic Opportunities Analysis will inform updated goals and policies in the Sherwood 2040 Comprehensive plan, and satisfies Statewide Planning Goal 9 – Economic Development; and

WHEREAS, the Sherwood Planning Commission conducted a work session to review September 14, 2021; and

WHEREAS, a Public Hearing Notice was provided to a list of partner agencies, posted in locations in the City and on the City website, and advertised in The Times, a newspaper of general circulation in the City; and

WHEREAS, the Planning Commission held a public hearing on October 26, 2021, to review the Economic Opportunities Analysis 2021 and to gather additional testimony and evidence regarding the proposed amendment; and

WHEREAS, the Planning Commission duly considered the subject, including the staff recommendation and public testimony, and recommended that the City Council adopt the Economic Opportunities Analysis 2021 as a sub-element of the Sherwood Comprehensive Plan; and

WHEREAS, the City Council held public hearings on Economic Opportunities Analysis on November 16, 2021, and December 7, 2021; and

WHEREAS, the City Council has considered the Planning Commission's recommendation, the staff reports, and testimony in this matter and has evaluated the Economic Opportunities Analysis 2021 against the Statewide Planning Goals and regional requirements.

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

Section 1. Findings. The City Council hereby adopts as findings in this matter the Planning Commission staff report (Case File 2021-019-PA), attached hereto as Exhibit 1 and incorporated by reference.

Section 2. Amendments. The City Council hereby adopts the Economic Opportunities Analysis, attached hereto as Exhibit 2 and incorporated by reference, as an amendment to and sub-element of the Comprehensive Plan, and which shall replace and supersede all prior Housing Needs Analyses adopted by ordinance, resolution, or motion.

Section 3. Staff Directive. To reflect the adoption of the Sherwood Economic Opportunities Analysis 2021, staff is directed to make conforming changes to the Comprehensive Plan necessary to incorporate the amendments adopted herein.

Section 4. Effective Date. This Ordinance shall become effective 30 days from its adoption.

Duly passed by the City Council this 16th of November, 2021.

_____ _____
Keith Mays, Mayor Date

Attest:

_____
Sylvia Murphy, MMC, City Recorder

	AYE	NAY
Scott	____	____
Griffin	____	____
Brouse	____	____
Young	____	____
Garland	____	____
Rosener	____	____
Mays	____	____

CITY OF SHERWOOD

Date: November 5, 2021

Planning Commission Recommendation to City Council
Economic Opportunites Analysis 20201

Planning Case File No. LU 2021-019 PA

Recommendation of the Planning Commission:

The Sherwood Planning Commission held a public hearing on October 26, 2021, to take testimony and consider the application (LU 2021-019 PA). No public testimony was received. The Planning Commission recommended the following changes to the proposed Economic Opportunities Analysis 2021 document:

- The document was revised with support from the Department of Land Conservation and Development (DLCD) staff.
- Add language stating that employment impacts from the global Covid-19 pandemic will be reviewed through the next EOA update.
- Include Appendix B, Economic Development Goals and Policies from the Comprehensive Plan.
- Include source footnote for cities of comparable size for employment densities assumption.
- Update Table of Contents.

Once the above amendments were identified, the Commission voted to close the hearing. After considering the application materials, the proposed amendments, and the findings in the staff report, the Planning Commission voted to recommend the proposed text amendments to the City Council.

Erika Palmer
Planning Manager

Proposal: For the City Council to review, consider the Economic Opportunities Analysis (EOA) for the 2021 to 2041 planning period as a sub-element to the Comprehensive Plan.

I. OVERVIEW

A. Applicant: The City of Sherwood

B. Location: The EOA is a technical long-range planning document to be adopted as a sub-element of the Comprehensive Plan; therefore, it applies citywide.

C. Review Type: The proposal requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission will make a recommendation to the City Council, who will make the

final decision. Any appeal of the City Council decision would go directly to the Oregon Land Use Board of Appeals.

D. Public Notice and Hearing: The project is a legislative amendment. Notice of the first evidentiary hearing was provided to the Department of Land Conservation and Development (DLCD) and Metro on September 7, 2021. Notice of the October 12, 2021, Planning Commission hearing was published in The Times, a newspaper of general circulation, on September 23 and October 5, 2021. Notice was also posted in public locations around town, and a project page was created on the city's website on September 13, 2021.

E. Review Criteria:
The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC). In addition, the amendment must be consistent with Goals 1 and 9 of the Statewide Planning Goals, Oregon Administrative Rule 66-009 that implements Goal 9, Metro Functional Plan, and Sherwood Zoning and Community Development Code Chapter 16.80, Plan Amendments.

F. Background:
The City's Economic Opportunities Analysis (EOA) was initially drafted in 2018-2019 as part of the background technical documents for the Comprehensive Plan update process. The City received a Technical Assistance Grant from DLCD and entered into a contract with ECONorthwest to complete this task. The 2018 EOA was reviewed by the Comprehensive Plan Community Advisory Committee, Planning Commission, and City Council. However, it was not adopted at that time.

As required per State Land Use Goal 9 and the Goal 9 Administrative Rule (660-009) an EOA needs to be adopted and policies incorporated into a City's Comprehensive Plan. The EOA was updated in September 2021, and staff held a work session with the Planning Commission on September 14, 2021, to review the updates. There was concern that the document was still not aligning with the City's economic development goals and that the City is seeing more employment growth in industrial zoned areas.

Staff took these concerns and reached out to the Department of Land Conservation and Development (DLCD) Goal 9 Specialist knowing Statewide Land Use Goal 9 and its Administrative Rule (660-009) layout a particular framework for developing an EOA. It is important to remember that the EOA is simply a snapshot in time and should be considered only one tool in the economic development toolbox to review and analyze employment needs to develop economic development strategies.

The items that came out of the DLCD meeting included:

1) The City should still utilize the average annual employment growth rate of 1.42%. This growth rate is comprised of the Metro's employment growth rate for Sherwood and the forecast rate of employment in the Transportation

Analysis Zones within the Tonqin Employment Area. It is challenging to justify a higher growth rate. This is just a forecast, and the employment forecast can change. Sherwood can grow faster than the forecasted rate and will most likely do so as employment opportunities are developed within the Tonquin Employment Area. Given the prioritization of economic development, the EOA should be revised at least every five years

2) The City anticipates that employment growth will continue within industrial zoned areas and that this could be reflected and justified within the EOA. Since late 2019, Sherwood has had 37 inquiries from businesses in industries such as, clean tech manufacturing, technology, warehousing and distribution, and food processing. These businesses were seeking a range of industrial sites as small as six acres and up to 200 acres. Of the 37 inquiries, eight pursued locating their business in Sherwood. As such, Table 2, *Forecast of employment growth by land use type* (pg vi) was updated to show industrial employment will increase from 28% in 2021 to 34% of all employment by 2041. Retail and Commercial dropped one percent 13% to 12%, and Government dropped once percent.

3) With the forecast growth of new employees by land use types, it resulted in the following demand for vacant employment land: 105 gross acres of industrial land and 56 gross acres of commercial land. The demand for vacant industrial land increased from 89 acres to 105 acres.

4) Table 3, compares the supply of suitable employment land with the demand for employment land (pg. vii).

Industrial. Sherwood has a supply of 97 acres of suitable land designated for industrial uses. The employment forecast projects demand for 105 acres of industrial land. *Sherwood has less industrial land than the City is projected to need over the 20-year period, with a deficit of 8 gross acres of industrial land.*

Commercial. Sherwood has 25 acres of land designated for commercial uses. The employment forecast projects demand for 56 acres of commercial land. *Sherwood has less commercial land than the City is projected to need over the 20-year period, with a deficit of 35 gross acres of office commercial land and a surplus of 4 gross acres of retail, commercial land.*

Future Development. Sherwood has 127 acres of land designated for employment uses in future development designations in the Tonquin Employment Area and Brookman Annexation Area. This supply currently (based on growth rates we are able to justify to DLCD) shows that the area will likely meet needs for both industrial and commercial demand. It is important to note that this does not mean that the City cannot ask for and justify additional employment land in growth areas such as Sherwood West that is in line with the goals of our comprehensive plan and may be needed to meet a Regional need for employment land.

The EOA is for the planning period 2021-2041 and is consistent with the requirements of Statewide Planning Goal 9 and the Goal 9 Administrative Rule (OAR 660-009). Goal 9 describes the EOA as an analysis of the community's economic patterns, strengths, and deficiencies related to state and national trends, and reviews competitive advantages of the place in which employment developments would be located.

The primary goals of the EOA are to 1) project the amount of land needed to accommodate the future employment growth within Sherwood Urban Growth Boundary between 2021-2041 and 2) evaluate the existing employment land supply within the city to determine if it is adequate to meet that need, and 3) to fulfill the state planning requirements for a twenty-year supply of employment land.

The EOA is organized into the following chapter elements:
Summary
Chapter 1 – Introduction
Chapter 2 – Buildable Lands Inventory
Chapter 3 – Factors Affecting Future Economic Growth
Chapter 4 – Employment Growth and Site Needs
Chapter 5 – Land Sufficiency and Conclusions
Appendix A – Buildable Lands Analysis

The 2018 EOA was prepared in conjunction with the City's Housing Needs Analysis which was adopted in 2020 for the preparation of the Comprehensive Plan Update. The Comprehensive Plan Community Advisory Committee (CAC) reviewed the EOA. The Planning Commission and the City Council were also briefed on the EOA in 2019. The EOA did not move forward with adoption hearings; instead, the intent was to update the document closer to Comprehensive Plan adoption as properties in the Tonquin Employment Area were starting to annex into the City for employment development.

The October 2021-2041 EOA updates industrial employment and the buildable lands inventory. The EOA contains a set of recommended goals, policies, and strategies to the economic element of the Comprehensive Plan, which will be considered through a separate adoption process.

II. PUBLIC COMMENTS

Notice was posted in The Times, a general newspaper of local circulation, in town and online, as stated above.

III. AGENCY/DEPARTMENTAL COMMENTS

The City requested comments from affected departments and agencies on September 20, 2020. As of the date of this report, no comments have been received.

IV. APPLICABLE DEVELOPMENT CODE CRITERIA

Sherwood Zoning and Community Development Code

Chapter 16.80 Plan Amendments

16.80.030 – Review Criteria

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

Response: The 2021-2041 EOA was developed to comply with requirements of statewide planning policies that govern planning for economic development, Goal 9, its implementing administrative rule (OAR 660-009). The proposed EOA is needed to update and support the city's economic development goals and policies within the City's Comprehensive Plan, *Sherwood 2040*, which is expected to be adopted in the fall of 2021. The updated goals and policies in the Sherwood 2040 plan are reconciled with the information in this EOA to be consistent. The EOA was developed to understand the city's economic strengths, weaknesses, opportunities, and land sufficiency ensuring compliance with Goal 9.

Finding: The EOA meets the criteria of section 16.80.030.A and all other state regulations as described above and below in this staff report.

B. Map Amendment
An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that:

1. **The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.**
2. **There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.**
3. **The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.**
4. **Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.**

The proposed amendment to the Sherwood Comprehensive Plan does not include a map amendment(s).

FINDING: Provisions of B1-4 above are not applicable to the EOA.

C. Transportation Planning Rule Consistency
1. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation

facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.

FINDING: While the EOA reviews commuting patterns, the availability of transportation for the efficient movement of goods, customers, and workers, the criteria above in C1 is not applicable to the EOA because the document does not affect the transportation network.

APPLICABLE STATEWIDE PLANNING GOALS

Goal 1 (Citizen Involvement)

Objective: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Response: Staff utilized the public notice requirements of the Sherwood Zoning and Community Development Code, Chapter 16.72, to notify the public of the proposed EOA adoption process. The City's public notice requirements comply with Goal 1. In addition, the Community Advisory Committee for the city's Comprehensive Plan Update process reviewed the 2018 EOA. The only updates to the 2018 document include an updated employment forecast and BLI. A Planning Commission work session was held on September 14, 2021, to review and discuss the updates of to the document. Since that time, the document has been updated to address additional concerns.

The Planning Commission and City Council will hold public hearings on this request prior to adopting the EOA and the subsequential amendments to the Comprehensive Plan. Public comments received will be addressed and included as part of the record of the adoption of this Plan.

The adoption of the EOA provides technical and factual information and contains revisions to the city's Comprehensive Plan that will be adopted in the fall of 2021. A complete and robust public involvement program, consistent with Goal 1, is being implemented as part of the Comprehensive Plan update, *Sherwood 2040*, which addresses economic development goals and policies.

Finding: The process to develop and adopt the EOA meets the intent of Goal 1.

Goal 2 (Land Use Planning)

Objective: To establish a land use planning process and policy framework as a basis for all decision and actions related to the use of land and to assure an adequate factual basis for such decisions and actions.

Response: The proposed amendment does not alter any current goals and policies in the Comprehensive Plan, or changes to Sherwood Plan and Zoning Map and Zoning and Development Code that are already consistent with Goal 2. The EOA provides a factual basis for future planning decisions, actions, and economic development strategies as the City's Comprehensive Plan is updated and adopted in the fall of 2021.

Notice was provided to DLCD 35 days prior to the first scheduled public hearing as required. The EOA was developed in coordination with DLCD staff to be consistent with applicable regulations.

Finding: The process to develop and adopt meets the intent of Goal 2.

Goal 3 (Agricultural Lands)
Goal 4 (Forest Lands)
Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces)
Goal 6 (Air, Water and Land Resources Quality)
Goal 7 (Areas Subject to Natural Hazards)
Goal 8 (Recreational Needs)

FINDING: The Statewide Planning Goals 3-8 do not specifically apply to the proposed plan adoption. There is no evidence to suggest that the proposed plan adoption is in conflict with these goals. The proposed plan adoption does not make any substantive changes to the Sherwood Comprehensive Plan or implementing ordinances that affect compliance with Goals 3-8.

Goal 9 (Economic Development)
Objective: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens.

Response: Sherwood's EOA is consistent with the requirements of statewide planning Goal 9 and the Goal 9 administrative rule (OAR 660-009). Goal 9 describes the EOA as "an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends" and states that "a principal determinant in planning for major industrial and commercial developments should be the competitive advantage of the region within which the developments would be located."

The primary goals of the EOA are to (1) project the amount of land needed to accommodate the future employment growth within the Sherwood City Limit and employment land areas in the Urban Growth Boundary (UGB), namely Tonquin Employment Area and Brookman Annexation Area, between 2021 and 2041, (2) evaluate the existing employment land supply within Sherwood to determine if it is adequate to meet that need, and (3) to fulfill state planning requirements for a twenty-year supply of employment land.

The updated employment forecast for the 2021 to 2041 period uses Metro's 2050 Employment Forecast for Sherwood and the Tonquin Employment Area, which assumes an average annual growth rate of 1.42%. By 2041, there will be an increase of 2,987 employees or thirty-three percent (33%) of employees within Sherwood's UGB. If growth occurs at the rate projected, which is faster than Metro's forecast for population and housing growth used in the Sherwood Housing Needs Analysis, the population to employment ratio would decrease from about 3.2 residents per job to about 2.3 residents per job. Employment growth could even grow faster as Sherwood continues to support Economic Development goals and policies and strategies for job creation.

Sherwood has about 249 unconstrained buildable acres within the planning area, 25 of which are Commercial, 97 are Industrial, and the remaining 128 are in the Tonquin Employment Area or Brookman Annexation Area.

Goal 9 requires that cities provide an adequate supply of commercial and industrial sites consistent with plan policies. To meet this requirement, Sherwood needs an estimate of the amount of commercial and industrial land that will be needed over the 2021-2041 planning period. Table 2, in the plan document, presents the forecast of employment growth by land use type in Sherwood from 2021 to 2041. Sherwood's employment base was 9,175 employees in 2021. The forecast

shows that by 2041, Sherwood will have 12,162 employees, an increase of 2,987 jobs over the planning period.

Table 2. Forecast of employment growth by land use type, Sherwood City Limits, Tonquin, and Brookman, 2021-2041

	2021		2041		Change 2021
Land Use Type	Employment	% of Total	Employment	% of Total	to 2041
Industrial	2,547	28%	4,135	34%	1,588
Retail Commercial	1,397	15%	1,459	12%	62
Office & Commercial Services	4,567	50%	5,838	48%	1,271
Government	664	7%	730	6%	66
Total	9,175	100%	12,162	100%	2,987

Source: ECONorthwest
Note: The shaded percentages denote an assumption about the future change in the share of employment (as a percent of total) by land use type.

The forecast of growth of 2,987 new employees will result in the following demand for vacant employment land: 105 gross acres of industrial land and 56 gross acres of commercial land.

Table 3, in the plan document, compares the supply of suitable employment land with the demand for employment land:

Industrial. Sherwood has a supply of 97 acres of suitable land designated for industrial uses. The employment forecast projects demand for 105 acres of industrial land. *Sherwood has less industrial land than the City is projected to need over the 20-year period, with a surplus deficit of 8 gross acres of industrial land.*

Commercial. Sherwood has 25 acres of land designated for commercial uses. The employment forecast projects demand for 56 acres of commercial land. *Sherwood has less commercial land than the City is projected to need over the 20-year period, with a deficit of 35 gross acres of office commercial land and a surplus of 4 gross acres of retail commercial land.*

Future Development. Sherwood has 127 acres of land designated for employment uses in future development designations in the Tonquin Employment Area and Brookman Annexation Area. This supply will likely meet needs for both industrial and commercial demand.

Table 3. Comparison of the Capacity of Unconstrained Vacant and Potentially Redevelopable Land with Employment Land Demand by Land Use Type, Sherwood City Limit, Tonquin, and Brookman, 2021-2041

Land Use Type	Land Supply (Suitable Gross Acres)	Demand (Gross Acres)	Land Sufficiency (Deficit)
Industrial	97	105	(8)
Retail Commercial	7	3	4
Office & Commercial Services	18	53	(35)
Future Development (Tonquin and Brookman)	127	-	127
Total	249	161	

Source: ECONorthwest

The City of Sherwood provided information about properties included in the BLI that will likely develop after June 2021. Since these developments will capture a portion of the employment forecast for the 2021 to 2041 planning period, the land in these areas are included in the BLI as vacant or potentially redevelopable. About 60 acres are expected to develop after June 2021, with 17 acres of Light Industrial land and 43 acres of Future Development land in Tonquin Employment Area.

In total, the Future Development land in the Tonquin Employment Area and Brookman is likely to meet both industrial and commercial demand over the next 20 years. However, if the rate of development increases beyond the EOA forecast, there will likely be a shortage of appropriate sites—particularly sites in excess of 10 acres—for employment growth in the City of Sherwood, thereby creating development opportunities in the future growth area of Sherwood West.

The target industries identified as having potential for growth in Sherwood are:

- Manufacturing. Sherwood's attributes, especially its location in the Portland region and proximity to Hillsboro, may attract manufacturing firms, such as:
    - Technology and Advanced Manufacturing, such as semiconductors, electronic communication equipment, computer peripherals, and circuit boards.
    - Machinery Manufacturing (Metals and Machinery), such as food processing machinery, medical devices, component parts for manufacturing, and other specialized machinery for manufacturing.
    - Clean Tech, such as instruments manufacturing, electrical equipment manufacturing, and renewable energy equipment and components.
- Professional and business services. Sherwood's high quality of life, access to quality schools, existing population and business base, and proximity to the Portland region may attract professional and business services that prefer to locate in a smaller city like Sherwood, such as:
    - Software and Media, such as software development, data processing, computer systems design, and motion picture and video production.
    - Clean Tech, such as scientific and technical research and services, engineering services, architectural design, and construction engineering services.
    - Athletics and Outdoors, such as design services, professional services, and marketing.
    - Other services, such as scientific research or environmental services.
- Wholesale. Sherwood's access to Highway 99 may make the city attractive to the continued growth of wholesale businesses.
- Services for visitors: Emphasis on experiences and destinations in and near Sherwood, especially related to agriculture and wineries, will drive demand for services for visitors, including family-friendly events, farmers markets, specialty retail, wine tasting rooms, restaurants, or hotels.
- Services for residents: Growth in population in and around Sherwood will drive growth of businesses that serve residents, such as medical services, legal services, financial services, retail, personal services (e.g., barbers), and restaurants.

What are the recommendations to support economic development in Sherwood?

The following are recommendations from ECONorthwest to support economic development in Sherwood based on the economic opportunities analysis:

- ***Update the Economy Element of the Comprehensive Plan.*** The Economy Element has not been updated in more than a decade. We recommend that the Planning Commission and City Council review the revised policies in the Sherwood Economic Development Strategy and, after making additional necessary revisions to the policies, adopt the revised goals, objectives, and implementation strategies into the Economy Element.

- ***Align the City's goals for economic development with planning for infrastructure development.*** Aside from ensuring that there is sufficient land to support employment growth, one of the most important ways that the City can support economic development is through planning for and developing infrastructure (e.g., roads, water, sanitary sewer, and storm water systems). We recommend that the City align its goals for economic development with infrastructure development through updates to the City's Capital Improvements Plan.

  Providing infrastructure in the TEA is necessary to allow employment growth to occur in the TEA. Without infrastructure, much of the TEA will remain undeveloped.

- ***Identify opportunities to support the creation, growth, development, and retention of businesses in Sherwood.*** Retention and expansion of new and existing businesses, including those that create destinations and experiences for residents and visitors, is one of Sherwood's key opportunities for economic growth. The City can support businesses by understanding businesses' opportunities for growth and expansion and lowering or eliminating the barriers in Sherwood that limit growth and expansion. Some barriers are beyond control of the City, such as access to capital. An example of this type of opportunity is the development of Sherwood's first semiconductor manufacturer in Cipole Industrial Park, along with warehousing and distribution facilities.

- ***Work with partners to develop a broad economic development strategy for Sherwood.*** The revisions to the Comprehensive Plan presented in the Sherwood Economic Development Strategy focus on land-based policies and actions. The city also needs a broader strategy for economic development that focuses on issues such as communication with existing businesses to identify barriers to expansion, economic development, marketing of Sherwood's businesses and business opportunities, building business and other partnerships, and coordinating economic development efforts with local and regional economic development organizations.

  This strategy could be developed through leadership from the city leadership and city staff, with one or more staff members responsible for developing and implementing policies to encourage economic growth. The strategy should identify a focused list of actions that the City Council wants to achieve over a limited time period (e.g., 5 years), with specific assignments to partners and identification of funding sources to implement the actions.

- ***Monitor and replenish the total and short-term supply of commercial and industrial land on a regular, periodic basis.*** The buildable lands inventory identifies the existing development status of employment land in Sherwood, as well as identifies the existing

short-term land supply. While Sherwood will not completely update the buildable lands inventory on an annual basis, City staff should still monitor the development status of these employment lands and replenish short-term supply when possible.

- ***Support infill and redevelopment of existing commercial and industrial land.*** The buildable lands inventory identifies areas where infill and redevelopment are more probable over the 20-year planning period. Other opportunities for redevelopment may become apparent in the future. We recommend that the city support and encourage infill and redevelopment to make the most efficient use of employment land in Sherwood. The types of tools that the city offers in support of infill and redevelopment should be consistent with the city's development goals. In areas where the city wants to encourage higher intensity development, such as in Old Town, the city should offer more support for redevelopment, including financial and regulatory redevelopment incentives.

Finding: The City's 2021-2041 EOA meets the intent of Goal 9 and its Administrative Rule (OAR 660-009)

Goal 10 (Housing)
Objective: To provide for the housing needs of citizens of the state.
Buildable land for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

Finding: The City has an adopted Housing Needs Analysis 2019-2039 (Ordinance 2020-10) that meets the requirements of Goal 10 and its associated Administrative Rules.

Goal 11 (Public Facilities and Services)
Goal 12 (Transportation)
Goal 13 (Energy Conservation)
Goal 14 (Urbanization)
Goal 15 (Willamette River Greenway)
Goal 16 (Estuarine Resources)
Goal 17 (Coastal Shorelands)
Goal 18 (Beaches and Dunes)
Goal 19 (Ocean Resources)

FINDING: Goals 11-19 are not applicable to the adoption of the EOA.

METRO REGIONAL FRAMEWORK REQUIREMENTS AND URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN
Under the Metro Charter and state law, cities and counties within Metro's boundaries are required to comply and be consistent with Metro's adopted Urban Growth Management Functional Plans and the Regional Framework Plan.

Chapter 1 -- Land Use

This chapter contains the policies that guide Metro in such areas as development of centers, corridors, station communities, and main streets; housing choices; employment choices and opportunities; economic vitality; urban and rural reserves; management of the Urban Growth

Boundary (UGB); urban design and local plan and policy coordination. A livable region is an economically strong region. This chapter contains policies that support a strong economic climate through encouraging the development of a diverse and sufficient supply of jobs, especially family wage jobs, in appropriate locations throughout the region. The policies in this chapter are also a key component of the regional strategy to reduce per capita greenhouse gas emissions from light-duty vehicle travel.

Policy 1.2 Centers, Corridors, Station Communities and Main Streets
It is the policy of the Metro Council to:

1.2.3. Encourage employment opportunities in Centers, Corridors, Station Communities and Main Streets by:

a. Improving access within and between Centers, Corridors, Station Communities and Main Streets;

b. Encouraging cities and counties to allow a wide range of employment uses and building types, a wide range of floor-to-area ratios and a mix of employment and residential uses; and

c. Encourage investment by cities, counties and all private sectors by complementing their investments with investments by Metro.

Finding: The EOA is and the City's Development Code are consistent with this policy. The development code allows for a range of flexible uses and building types within employment areas. The EOA speaks to working with partners to develop a broad economic development strategy for Sherwood.

Policy 1.4 Employment Choices and Opportunities

It is the policy of the Metro Council to:

1.4.1 Locate expansions of the UGB for industrial or commercial purposes in locations consistent with this plan and where, consistent with state statutes and statewide goals, an assessment of the type, mix and wages of existing and anticipated jobs within subregions justifies such expansion.

1.4.2 Balance the number and wage level of jobs within each subregion with housing cost and availability within that subregion. Strategies are to be coordinated with the planning and implementation activities of this element with Policy 1.3, Housing Choices and Opportunities and Policy 1.8, Developed Urban Land.

1.4.3 Designate, with the aid of leaders in the business and development community and local governments in the region, as Regionally Significant Industrial Areas those areas with site characteristics that make them especially suitable for the particular requirements of industries that offer the best opportunities for family-wage jobs.

1.4.4 Require, through the Urban Growth Management Functional Plan, that local governments exercise their comprehensive planning and zoning authorities to protect Regionally Significant Industrial Areas from incompatible uses.

1.4.5 Facilitate investment in those areas of employment with characteristics that make them especially suitable and valuable for traded-sector goods and services, including brownfield sites and sites that are re-developable.

1.4.6 Consistent with policies promoting a compact urban form, ensure that the region maintains a sufficient supply of tracts 50 acres and larger to meet demand by traded-sector industries for large sites and protect those sites from conversion to non-industrial uses.

Finding: The City has future growth areas for employment uses (Tonquin Employment Area and parcels within Brookman area). The planning for employment uses in these areas was coordinated with Metro through UGB expansions. The City's Development Code provides standards to protect these areas from incompatible uses. The City will continue to assess its Housing Needs Analysis and EOA to balance both housing and employment needs within the City. The EOA is consistent with these policies and is consistent with Title 4, Industrial and Other Employment Areas within the Urban Growth Management Functional Plan.

Policy 1.5 Economic Vitality

It is the policy of the Metro Council to:

1.5.1 Include all parts of the region in the region's economic development, including areas and neighborhoods which have been experiencing increasing poverty and social needs, even during periods of a booming regional economy.

1.5.2 Recognize that to allow the kinds of social and economic decay in older suburbs and the central city that has occurred in other larger and older metro regions is a threat to our quality of life and the health of the regional economy.

1.5.3 Ensure that all neighborhoods and all people have access to opportunity and share the benefits, as well as the burdens, of economic and population growth in the region.

1.5.4 Support economic vitality throughout the entire region, by undertaking the following steps:

> **a. Monitoring regional and subregional indicators of economic vitality, such as the balance of jobs, job compensation and housing availability.**
> **b. Facilitating collaborative regional approaches which better support economic vitality for all parts of the region if monitoring finds that existing efforts to promote and support economic vitality in all parts of the region are inadequate.**

1.5.5 Promote, in cooperation with local governments and community residents, revitalization of existing city and neighborhood centers that have experienced disinvestment and/or are currently underutilized and/or populated by a disproportionately high percentage of people living at or below 80 percent of the region's median income.

Finding: The City's EOA is not inconsistent with these policies. The primary goals of the EOA are to (1) project the amount of land needed to accommodate future employment growth within Sherwood and the UGB areas (TEA and Brookman) between 2021-2041, (2) evaluate the existing employment land supply within the area for this planning period to determine if it is adequate to meet employment needs, (3) to fulfill state planning requirements for a twenty-year supply of employment land. The EOA uses Metro's Buildable Lands Inventory that is refined by Sherwood Planning Staff to assess the buildable supply of employment lands. The EAO will help inform city policies and strategies for economic development. The EOA is consistent with these policies and Title 4, Industrial and Other Employment Areas in the Urban Growth Management Functional Plan.

V. RECOMMENDATION

As proposed, the 2021-2041 Sherwood Economic Opportunities Analysis (EOA) supports and meets the intent of all applicable development code provisions, Statewide Planning Goals, and regional criteria. This EOA will be used to update the economic development element in the City's Comprehensive Plan, *Sherwood 2040*.

STAFF RECOMMENDATION

Based on the above findings and applicable code criteria, staff recommends that Council adopt the Sherwood Economic Opportunities Analysis, Case File LU 2021-019 PA, and move the Ordinance to a second hearing on December 7, 2021.

Sherwood Economic Opportunities Analysis

Updated Draft Report

October 2021

Prepared for:

City of Sherwood

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Acknowledgments

ECONorthwest prepared this report for the City of Sherwood. ECONorthwest and the City of Sherwood thank the many people who helped to develop the Sherwood Economic Opportunities Analysis.

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For over 40 years ECONorthwest has helped its clients make sound decisions based on rigorous economic, planning, and financial analysis. For more information about ECONorthwest: ***.econw.com. For more information about this report, please contact:

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Summary

This report presents an economic opportunities analysis consistent with the requirements of statewide planning Goal 9 and the Goal 9 administrative rule (OAR 660-009). Goal 9 describes the EOA as "an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends" and states that "a principal determinant in planning for major industrial and commercial developments should be the competitive advantage of the region within which the developments would be located."

The primary goals of the EOA are to (1) project the amount of land needed to accommodate the future employment growth within the Sherwood City Limit and employment land areas in the Urban Growth Boundary (UGB), namely Tonquin Employment Area and Brookman Annexation Area, between 2021 and 2041, (2) evaluate the existing employment land supply within Sherwood to determine if it is adequate to meet that need, and (3) to fulfill state planning requirements for a twenty-year supply of employment land. This project included preparation of the *Sherwood Economic Development Strategy*, which is presented in a separate document.

The report was drafted in December 2018. This version provides an update to that draft with the support of Department of Land Conservation and Development staff. Economic development has been a top council goal over the last few years, and since 2018, Sherwood has seen the development of two industrial parks. This update includes the following changes: updated the employment forecast for the 2021 to 2041 period and updated the buildable lands inventory to reflect development that has occurred in Sherwood through June 2021.

The updated employment forecast for the 2021 to 2041 period uses Metro's 2050 Employment Forecast for Sherwood and the Tonquin Employment Area, which assumes an average annual growth rate of 1.42%. By 2041, there will be an increase of 2,987 employees or thirty-three percent (33%) of employees in Sherwood city limits, Brookman Annexation Area, and Tonquin Employment Area. If growth occurs at the rate projected, which is faster than Metro's forecast for population and housing growth used in the Sherwood Housing Needs Analysis, the population to employment ratio would decrease from about 3.2 residents per job to about 2.3 residents per job. Employment growth could even grow faster as Sherwood continues to support Economic Development goals and policies and strategies for job creation.

How much buildable employment land does Sherwood currently have?

Table 1 shows commercial and industrial land with development capacity (lands classified vacant or potentially redevelopable in Metro's buildable lands inventory and verified by City staff). The results show Sherwood has about 249 unconstrained buildable acres within the planning area, 25 of which are Commercial, 97 are Industrial, and the remaining 128 are in the Tonquin Employment Area or Brookman Annexation Area.

Table 1. Employment acres by classification and plan designation, Sherwood City Limits, Tonquin Employment Area, and Brookman Area, 2021

Plan Designation	Tax Lots	Total Acres	Acres with No Development Capacity	Constrained Acres	Total Unconstrained Buildable Acres
Commercial	134	171	119	27	25
General Commercial	31	62	38	10	14
Neighborhood Commercial	2	1	1	0	0
Office Commercial	11	16	6	5	5
Retail Commercial	90	92	74	12	6
Industrial	115	478	290	91	97
General Industrial	66	238	158	19	61
Light Industrial	49	240	132	72	36
Tonquin	25	282	62	111	110
Future Development	25	282	62	111	110
Brookman	4	25	3	4	18
Future Development	4	25	3	4	18
Total	278	956	474	233	249
Percent of Total		100%	50%	24%	26%

Source: Appendix A, Table 20.

How much growth is Sherwood planning for?

Goal 9 requires that cities provide for an adequate supply of commercial and industrial sites consistent with plan policies. To meet this requirement, Sherwood needs an estimate of the amount of commercial and industrial land that will be needed over the 2021-2041 planning period. Table 2 presents the forecast of employment growth by land use type in Sherwood from 2021 to 2041. Sherwood's employment base was 9,175 employees in 2021. The forecast shows that by 2041, Sherwood will have 12,162 employees, an increase of 2,987 jobs over the planning period.

Table 2. Forecast of employment growth by land use type, Sherwood City Limits, Tonquin, and Brookman, 2021–2041

	2021		2041		Change 2021
Land Use Type	Employment	% of Total	Employment	% of Total	to 2041
Industrial	2,547	28%	4,135	34%	1,588
Retail Commercial	1,397	15%	1,459	12%	62
Office & Commercial Services	4,567	50%	5,838	48%	1,271
Government	664	7%	730	6%	66
Total	9,175	100%	12,162	100%	2,987

Source: ECONorthwest

Note: The shaded percentages denote an assumption about the future change in the share of employment (asa percent of total) by land use type.

How much land will be required for employment?

The forecast of growth of 2,987 new employees will result in the following demand for vacant employment land: 105 gross acres of industrial land and 56 gross acres of commercial land.

Does Sherwood have enough land to accommodate employment growth?

Table 3 compares the supply of suitable employment land with the demand for employment land:

- **Industrial.** Sherwood has a supply of 97 acres of suitable land designated for industrial uses. The employment forecast projects demand for 105 acres of industrial land. Sherwood has less industrial land than the City is projected to need over the 20-year period, with a deficit of 8 gross acres of industrial land.
- **Commercial.** Sherwood has 25 acres of land designated for commercial uses. The employment forecast projects demand for 56 acres of commercial land. Sherwood has less commercial land than the City is projected to need over the 20-year period, with a deficit of 35 gross acres of office commercial land and a surplus of 4 gross acres of retail commercial land.
- **Future Development.** Sherwood has 127 acres of land designated for employment uses in future development designations in the Tonquin Employment Area and Brookman Annexation Area. This supply will likely meet needs for both industrial and commercial demand.

Table 3. Comparison of the Capacity of Unconstrained Vacant and Potentially Redevelopable Land with Employment Land Demand by Land Use Type, Sherwood City Limit, Tonquin, and Brookman, 2021–2041

Land Use Type	Land Supply (Suitable Gross Acres)	Demand (Gross Acres)	Land Sufficiency (Deficit)
Industrial	97	105	(8)
Retail Commercial	7	3	4
Office & Commercial Services	18	53	(35)
Future Development (Tonquin and Brookman)	127	-	127
Total	249	161	

Source: ECONorthwest

What types of business does Sherwood want to attract?

The characteristics of Sherwood will affect the types of businesses most likely to locate in the city. Sherwood's attributes that may attract firms are Sherwood's location along Highway 99; quality of public facilities and services; availability of vacant, serviced land; quality of schools; and overall quality of life.

The target industries identified as having potential for growth in Sherwood are:

- **Manufacturing.** Sherwood's attributes, especially its location in the Portland region and proximity to Hillsboro, may attract manufacturing firms, such as:
  - Technology and Advanced Manufacturing, such as semiconductors, electronic communication equipment, computer peripherals, and circuit boards.
  - Machinery Manufacturing (Metals and Machinery), such as food processing machinery, medical devices, component parts for manufacturing, and other specialized machinery for manufacturing.
  - Clean Tech, such as instruments manufacturing, electrical equipment manufacturing, and renewable energy equipment and components.

- **Professional and business services.** Sherwood's high quality of life, access to quality schools, existing population and business base, and proximity to the Portland region may attract professional and business services that prefer to locate in a smaller city like Sherwood, such as:
  - Software and Media, such as software development, data processing, computer systems design, and motion picture and video production.
  - Clean Tech, such as scientific and technical research and services, engineering services, architectural design, and construction engineering services.
  - Athletics and Outdoors, such as design services, professional services, and marketing.
  - Other services, such as scientific research or environmental services.
- **Wholesale.** Sherwood's access to Highway 99 may make the city attractive to continued growth of wholesale businesses.
- **Services for visitors:** Emphasis on experiences and destinations in and near Sherwood, especially related to agriculture and wineries, will drive demand for services for visitors including family-friendly events, farmers markets, specialty retail, wine tasting rooms, restaurants, or hotels.
- **Services for residents:** Growth in population in and around Sherwood will drive growth of businesses that serve residents, such as medical services, legal services, financial services, retail, personal services (e.g., barbers), and restaurants.

What are the recommendations to support economic development in Sherwood?

The following are ECONorthwest's recommendations to support economic development in Sherwood based on the economic opportunities analysis:

- **Update the Economy Element of the Comprehensive Plan.** The Economy Element has not been updated in more than a decade. We recommend that the Planning Commission and City Council review the revised policies in the Sherwood Economic Development Strategy and, after making additional necessary revisions to the policies, adopt the revised goals, objectives, and implementation strategies into the Economy Element.
- **Align the City's goals for economic development with planning for infrastructure development.** Aside from ensuring that there is sufficient land to support employment growth, one of the most important ways that the City can support economic development is through planning for and developing infrastructure (e.g., roads, water, sanitary sewer, and storm water systems). We recommend that the City align its goals for economic development with infrastructure development through updates to the City's Capital Improvements Plan.

  Providing infrastructure in the TEA is necessary to allow employment growth to occur in the TEA. Without infrastructure, much of the TEA will remain undeveloped.
- **Identify opportunities to support the creation, growth, development, and retention of businesses in Sherwood.** Retention and expansion of new and existing businesses, including those that create destinations and experiences for residents and visitors, is one of Sherwood's key opportunities for economic growth. The City can support businesses by understanding businesses' opportunities for growth and expansion and lowering or eliminating the barriers in Sherwood that limit growth and expansion. Some barriers are beyond control of the City, such as access to capital. An example of this type of opportunity is the development of Sherwood's first

semiconductor manufacturer in Cipole Industrial Park, along with warehousing and distribution facilities.

- **Work with partners to develop a broad economic development strategy for Sherwood.** The revisions to the Comprehensive Plan presented in the Sherwood Economic Development Strategy focus on land-based policies and actions. The city also needs a broader strategy for economic development that focuses on issues such as communication with existing businesses to identify barriers to expansion, economic development, marketing of Sherwood's businesses and business opportunities, building business and other partnerships, and coordinating economic development efforts with local and regional economic development organizations.

  This strategy could be developed through leadership from the city leadership and city staff, with one or more staff members responsible for developing and implementing policies to encourage economic growth. The strategy should identify a focused list of actions that the City Council wants to achieve over a limited time period (e.g., 5 years), with specific assignments to partners and identification of funding sources to implement the actions.

- **Monitor and replenish the total and short-term supply of commercial and industrial land on a regular, periodic basis.** The buildable lands inventory identifies the existing development status of employment land in Sherwood, as well as identifies the existing short-term land supply. While Sherwood will not completely update the buildable lands inventory on an annual basis, City staff should still monitor the development status of these employment lands and replenish short-term supply when possible.

- **Support infill and redevelopment of existing commercial and industrial land.** The buildable lands inventory identifies areas where infill and redevelopment are more probable over the 20-year planning period. Other opportunities for redevelopment may become apparent in the future. We recommend that the city support and encourage infill and redevelopment to make the most efficient use of employment land in Sherwood. The types of tools that the city offers in support of infill and redevelopment should be consistent with the city's development goals. In areas where the city wants to encourage higher intensity development, such as in Old Town, the city should offer more support for redevelopment, including financial and regulatory redevelopment incentives.

The *Sherwood Economic Development Strategy* includes strategies to address these key issues, as well as other strategies to support economic development in Sherwood.

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1. Introduction

This report presents an Economic Opportunities Analysis (EOA) for the City of Sherwood. The purpose of an EOA is to develop information as a basis for policies that capitalize on Sherwood opportunities and help address the City's challenges. The EOA includes technical analysis to address a range of questions that Sherwood faces in managing its commercial and industrial land. For example, the EOA includes an employment forecast that describes how much growth Sherwood should plan for over the 2021 to 2041 period and identifies the amount and type of employment land necessary to accommodate growth in Sherwood over that period. The EOA also includes an inventory of commercial and industrial land within Sherwood's urban growth boundary (UGB) to provide information about the amount of land available to accommodate employment growth.

This EOA complies with the requirements of statewide planning Goal 9, the Goal 9 administrative rules (OAR 660 Division 9), and the court decisions that have interpreted them. Goal 9 requires cities to state objectives for economic development (OAR 660-009-0020(1)(a)) and to identify the characteristics of sites needed to accommodate industrial and other employment uses (OAR 660-009-0025(1)) over the 20-year planning period. This approach could be characterized as a *site-based* approach that projects land need based on the forecast for employment growth, the City's economic development objectives, and the specific needs of target industries.

The report was drafted in December 2018 and this version provides and update to that draft. This update includes the following changes: updated the employment forecast for the 2021 to 2041 period and updated the buildable lands inventory to reflect development that has occurred in Sherwood through June 2021.

Background

The City of Sherwood last evaluated economic trends in an Economic Development Strategy and EOA in 2006, based on the 2000 Census data. Substantial changes have occurred in the national and regional economy since 2006 that have implications for economic growth in Sherwood, including the recovery from the Great Recession and changes in retail and increased automation. Since then, Greater Portland Inc. completed a five-year economic development strategy for the Portland region in 2015, *Greater Portland 2020*, defining emerging industry clusters and policies for economic development in the region. The City of Sherwood completed a concept plan for the Tonquin Employment Area in 2010 and an implementation plan for the area in 2015, building on policies in the 2006 EOA and aligning with the target industries identified by Greater Portland Inc. Since early 2020 the world has been impacted by the COVID-19 global pandemic. At this time, Sherwood has not analyzed the impacts that COVID-19 has had on state, regional and local employment trends. It is anticipated that the next update to the EOA will review the impacts and trends of the pandemic.

The purpose of this project was to develop a factual base to provide the City with information about current economic conditions. This factual basis, presented in this report, provides information necessary for updating the City's economic development Comprehensive Plan policies. This report identifies opportunities to meet the City's economic development objectives and develop Comprehensive Plan policies and implementation strategies that capitalize on the City's comparative advantages and address areas of economic weakness.

The EOA provides information that the City can use to identify and capitalize on its economic opportunities. It also provides information essential to addressing the City's challenges in managing economic development, such as a lack of larger industrial sites to support growth of businesses that require large sites, underutilized commercial land, underutilized industrial land, and a lack of policy direction to address these issues.

The EOA draws on information from numerous data sources, such as the Oregon Employment Department, U.S. Bureau of Economic Analysis, U.S. Bureau of Labor Statistics, and the U.S. Census. The EOA also uses information from the following reports:

- *Tonquin Employment Area: Market Analysis, Business Recruitment Strategy, and Implementation Plan*, June 5, 2015
- *Urban Growth Report*, Discussion Draft, Metro, July 3, 2018
- *Greater Portland 2020 Economic Prosperity for All: Regional Trends in Greater Portland's Target Clusters (2017)*
- *City of Sherwood Economic Development Strategy Final Report*, 2006

Framework for an Economic Opportunities Analysis

The content of this report is designed to meet the requirements of Oregon Statewide Planning Goal 9 and the administrative rule that implements Goal 9 (OAR 660-009). The analysis in this report is designed to conform to the requirements for an Economic Opportunities Analysis in OAR 660-009 as amended.

1. *Economic Opportunities Analysis (OAR 660-009-0015)*. The Economic Opportunities Analysis (EOA) requires communities to identify the major categories of industrial or other employment uses that could reasonably be expected to locate or expand in the planning area based on information about national, state, regional, county or local trends; identify the number of sites by type reasonably expected to be needed to accommodate projected employment growth based on the site characteristics typical of expected uses; include an inventory of vacant and developed lands within the planning area designated for industrial or other employment use; and estimate the types and amounts of industrial and other employment uses likely to occur in the planning area. Local governments are also encouraged to assess community economic development potential through a visioning or some other public input-based process in conjunction with state agencies.

2. *Industrial and commercial development policies (OAR 660-009-0020)*. Cities are required to develop commercial and industrial development policies based on the EOA. Local comprehensive plans must state the overall objectives for economic development in the planning area and identify categories or particular types of industrial and other employment uses desired by the community. Local comprehensive plans must also include policies that commit the city or county to designate an adequate number of employment sites of suitable sizes, types, and locations. The plan must also include policies to provide necessary public facilities and transportation facilities for the planning area. Finally, cities within a Metropolitan Planning Organization (which includes Sherwood) must adopt policies that identify a competitive short-term supply of land for desired industrial and other employment uses as an economic development objective.

3. *Designation of lands for industrial and commercial uses (OAR 660-009-0025)*. Cities and counties must adopt measures to implement policies adopted pursuant to OAR 660-009-0020. Appropriate implementation measures include amendments to plan and zone map designations, land use regulations, public facility plans, and transportation system plans. More specifically, plans must identify the approximate number, acreage and characteristics of sites needed to accommodate industrial and other employment uses to implement plan policies, and must designate serviceable land suitable to meet identified site needs.

   Plans for cities and counties within a Metropolitan Planning Organization, or cities and counties that adopt policies relating to the short-term supply of land must designate suitable land to respond to economic development opportunities as they arise.

Organization of this Report

This report is organized as follows:

- **Chapter 2. Buildable Lands Inventory** presents a summary of the inventory of employment lands. This chapter was updated in August 2021.
- **Chapter 3. Factors Affecting Future Economic Growth** summarizes historic economic trends that affect current and future economic conditions in Sherwood as well as Sherwood's competitive advantages for economic development.
- **Chapter 4. Employment Growth and Site Needs** presents a forecast for employment growth in Sherwood and describes the City's target industries and site needs for potential growth in industries. This chapter was updated in August 2021.
- **Chapter 5. Land Sufficiency and Conclusions** compares the supply of and demand for buildable lands and presents key concluding recommendations for Sherwood. This chapter was updated in August 2021.

This report also includes one appendix:

- **Appendix A, Buildable Lands Inventory Methodology**

2. Buildable Lands Inventory

This chapter provides a summary of the commercial and industrial buildable lands inventory (BLI) for the Sherwood City Limits, Tonquin Employment Area, and Brookman Annexation Area, as well as an analysis of the short-term supply of land. The City of Sherwood staff, in coordination with ECONorthwest staff, developed the buildable lands inventory analysis using Metro's 2018 Buildable Lands Inventory as a starting point. The analysis complies with statewide planning Goal 9 policies that govern planning for employment uses. The full buildable lands inventory completed by City staff is presented in Appendix A.

This chapter was updated in August 2021 to include updated information about employment land developed through June 2021.

Methods, Definitions, and Assumptions

The buildable lands inventory includes land in commercial and industrial Comprehensive Plan Designations within Sherwood's city limits as well as in the Tonquin Employment Area and Brookman Annexation Area, which are outside of the city limits but expected to annex into Sherwood before development occurs.

Definitions

Metro developed the buildable lands inventory with a tax lot database from RLIS. The tax lot database is current as of March 2018. The inventory builds from the database to estimate buildable land by plan designation. A key step in the buildable lands inventory was to classify each tax lot into a set of mutually exclusive categories. Metro classified all tax lots in Sherwood into one of the following categories:

- *Vacant land.*[1] Any tax lot that is "fully vacant (Metro aerial photo)"; or "with less than 2,000 sq. ft. developed AND developed part is under 10% of entire tax lot"; or that is "95% or more 'vacant' from the GIS vacant land inventory."
- *Potentially redevelopable land.*[2] For tax lots that were not classified vacant or exempt, Metro included all other employment land tax lots in the strike-price model. Tax lots with a value greater than zero in the "net_emp_acres_strike_price" field in the Metro BLI GIS layer were considered to have redevelopment potential. The value in that field for each tax lot is the number of acres that is potentially redevelopable, not including constrained acres. Tax lots with a "net_emp_acres_strike_price" value of zero were considered developed.
- *Developed land.*[3] Tax lots with a "net_emp_acres_strike_price" value of zero were considered developed.
- *Exempt land.*[4] Land that is classified as either, "tax exempt with property codes for city, state, federal and Native American designations; schools; churches and social organizations; private

[1] Appendix 2 Buildable Lands Inventory, 2018 Urban Growth Report (Discussion draft). Metro. June 2018. p. 20. **********oregonmetro.gov/sites/default/files/2018/07/03/UGR_Appendix2_Buildable_Lands_Inventory.pdf.

[2] Appendix 2 Buildable Lands Inventory, 2018 Urban Growth Report (Discussion draft). Metro. June 2018. **********oregonmetro.gov/sites/default/files/2018/07/03/UGR_Appendix2_Buildable_Lands_Inventory.pdf

[3] Appendix 2 Buildable Lands Inventory, 2018 Urban Growth Report (Discussion draft). Metro. June 2018. **********oregonmetro.gov/sites/default/files/2018/07/03/UGR_Appendix2_Buildable_Lands_Inventory.pdf

[4] Appendix 2 Buildable Lands Inventory, 2018 Urban Growth Report (Discussion draft). Metro. June 2018. pp. 20-21. **********oregonmetro.gov/sites/default/files/2018/07/03/UGR_Appendix2_Buildable_Lands_Inventory.pdf.

streets; rail properties; tax lots under 1,000 sq. ft. (0.023 gross acres); parks, open spaces and where possible private residential common areas." Metro used GIS data and Assessor's data to determine the status of exempt land. ECONorthwest included all tax lots classified as exempt land in the developed land tabular and mapping information, but these tax lots can still be distinguished in the GIS data layer.

ECONorthwest initially classified land using Metro's categories and generated maps for City staff to review. City staff had previously reviewed Metro's analysis for Sherwood, but there were a few updates to tax lots that had redeveloped since that review. ECONorthwest adjusted the classification accordingly and noted manual changes in the GIS data layer.

Development constraints

The physical constraints used in the Sherwood buildable lands inventory include areas subject to landslides, areas with slopes greater than 15%,[5] lands within the 100-year flood plain, Metro's Title 3 land (including Water Resource Conservation Areas), lands within Metro's Title 13 Habitat Conservation Areas (Class I and II, A and B), Wetlands, and public facilities.

Results of the Buildable Lands Inventory

As part of developing the buildable lands inventory, ECONorthwest staff worked with City staff to verify the results of the buildable land inventory. Staff carefully considered the accuracy of land identified as vacant and potentially redevelopable to ensure that these areas have capacity for additional development, given the development constraints present on each tax lot.

[5] Metro's calculation of constrained area for employment land includes slopes greater than 25%. Lands for commercial and industrial uses are typically developed on slopes no greater than 15%, so we used an "erase" function in GIS to determine any constrained areas that were not included in Metro's calculation of constrained area. These additional constraints were subtracted from the "net_emp_strike_price" value for tax lots designated as "potentially redevelopable," and included in the total constraints layer and subtracted from the total area for tax lots designated as "vacant."

Land Base

Table 4 shows commercial and industrial land in Sherwood by classification (development status). The results show that Sherwood has 956 total acres in commercial and industrial plan designations. Of the 956 acres in the UGB, about 474 acres (50%) are in classifications with no development capacity, 233 acres (24%) are constrained, and 249 acres (26%) are buildable land with development capacity.

Table 4. Employment acres by classification and plan designation, Sherwood City Limits, Tonquin Employment Area, and Brookman Annexation Area, 2021

Plan Designation	Tax Lots	Total Acres	Acres with No Development Capacity	Constrained Acres	Total Unconstrained Buildable Acres
Commercial	134	171	119	27	25
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Total	278	956	474	233	249
Percent of Total		100%	50%	24%	26%

Source: Appendix A, Table 21
Note: The numbers on this table may not add up exactly as a result of rounding.

Vacant Buildable Land

Table 5 shows unconstrained buildable acres for vacant and potentially redevelopable land by plan designation. The results show that Sherwood has about 249 net buildable acres in commercial and industrial plan designations. Of this, 10% (25 acres) is in the commercial designations, 39% (97 acres) is in industrial designations, and 51% (127 acres) is designated as future development in the Tonquin Employment Area and Brookman Annexation Area.

Table 5. Employment land with unconstrained development capacity (Vacant, Potentially Redevelopable) by plan designation, Sherwood City Limits, Tonquin, and Brookman, 2021

Plan Designation	Uncon-strained Vacant Acres	Unconstrained Potentially Redevelopable Acres	Total Unconstrained Buildable Acres
Commercial	11	14	25
General Commercial	5	8	13
Office Commercial	4	1	5
Retail Commercial	2	5	7
Industrial	31	66	97
General Industrial	17	44	61
Light Industrial	14	22	36
Tonquin	23	86	109
Future Development	23	86	109
Brookman	0	18	18
Future Development	0	18	18
Total	65	184	249
Percent of Total	26%	74%	100%

Source: Appendix A: Table 22.
Note: The numbers on this table may not add up exactly as a result of rounding.

Future Development

The City of Sherwood provided information about properties included in the BLI that will likely develop after June 2021. Since these developments will capture a portion of the employment forecast for the 2021 to 2041 planning period, the land in these areas are included in the BLI as vacant or potentially redevelopable. About 60 acres are expected to develop after June 2021, with 17 acres of Light Industrial land and 43 acres of Future Development land in Tonquin Employment Area.

In total, the Future Development land in the Tonquin Employment Area and Brookman is likely to sufficiently meet both industrial and commercial demand over the next 20 years. However, if the rate of development increases beyond the EOA forecast, there will likely be a shortage of appropriate sites—particularly sites in excess of 10 acres—for employment growth in the City of Sherwood, thereby creating development opportunities in the future growth area of Sherwood West.

Map 1 shows Sherwood's employment land by classification with development constraints and areas with anticipated development after June 2021.

Map 1. Employment land by classification with development constraints, Sherwood City Limits, Tonquin, and Brookman, 2021

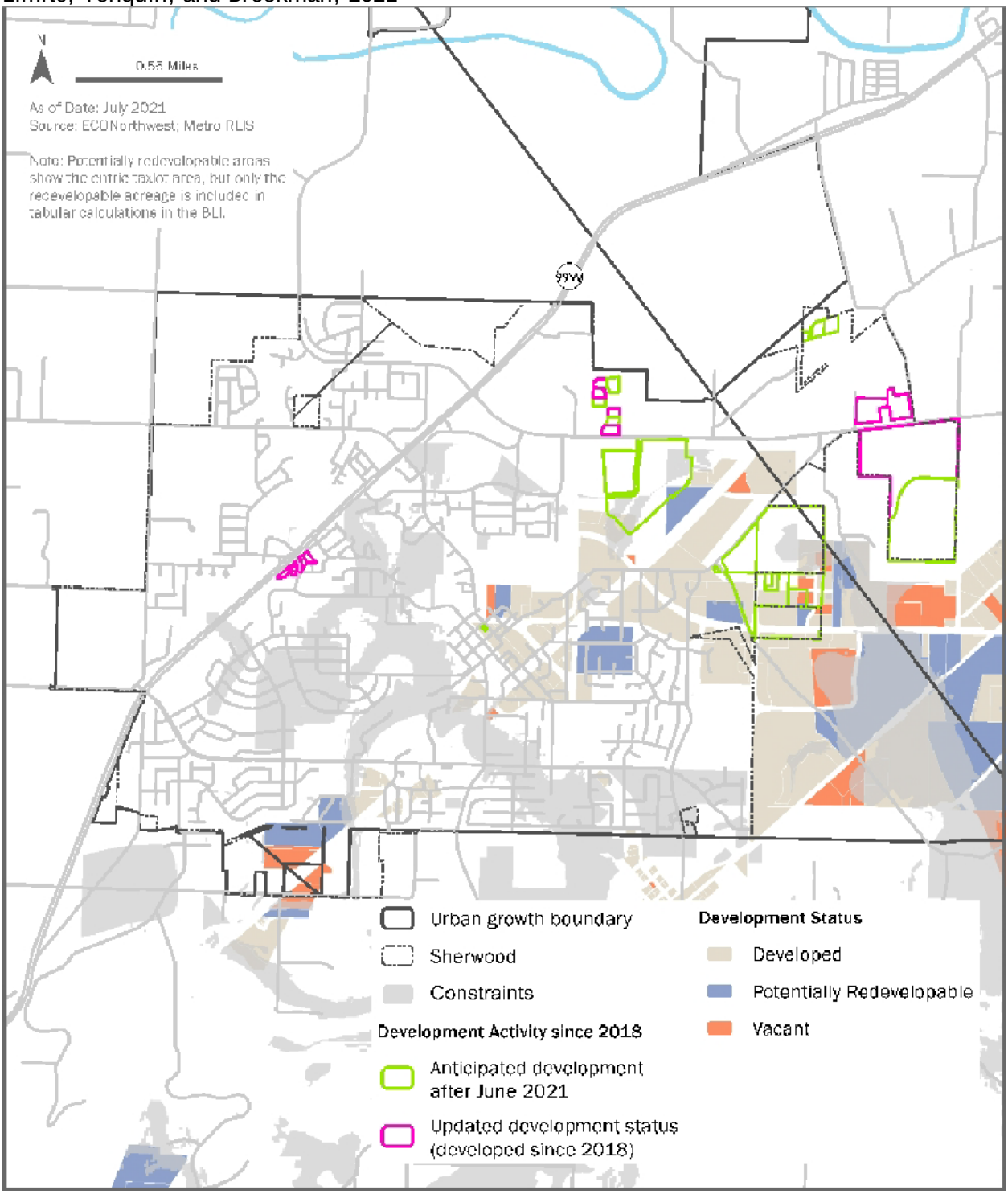

Table 6 shows the size of lots by plan designations for buildable employment land. Sherwood has 30 lots that are smaller than 2 acres (with 25 acres of land). Sherwood has 37 lots between 2 and 10 acres (183 acres of land), and 3 lots between 10 and 50 acres in size (42 acres of land).

Table 6. Lot size by plan designation, buildable acres, Sherwood City Limits, Tonquin, and Brookman, 2021

	Buildable Acres in Tax Lot				
Plan Designation	<1	1 - 1.99	2 - 4.99	5 - 9.99	10 - 49.99
Acres					
Commercial	3	4	13	5	0
General Commercial	1	0	7	5	0
Neighborhood Commercial	0	0	0	0	0
Office Commercial	2	1	3	0	0
Retail Commercial	0	3	3	0	0
Industrial	6	7	29	13	42
General Industrial	1	3	14	13	30
Light Industrial	5	4	15	0	12
Tonquin	2	3	16	89	0
Future Development	2	3	16	89	0
Brookman	0	0	11	7	0
Future Development	0	0	11	7	0
Subtotal	**11**	**14**	**69**	**114**	**42**
Taxlots					
Commercial	6	3	4	1	0
General Commercial	2	0	2	1	0
Neighborhood Commercial	0	0	0	0	0
Office Commercial	2	1	1	0	0
Retail Commercial	2	2	1	0	0
Industrial	11	5	10	2	3
General Industrial	3	2	5	2	2
Light Industrial	8	3	5	0	1
Tonquin	3	2	4	12	0
Future Development	3	2	4	12	0
Brookman	0	0	3	1	0
Future Development	0	0	3	1	0
Subtotal	**20**	**10**	**21**	**16**	**3**

Source: Appendix A: Table 23.

The data in Table 6 show that Sherwood has no commercial sites larger than 10 acres within the city limits. Sherwood does, however, have industrial sites larger than 10 acres (a total of 42 acres). In addition, the Tonquin Employment Area has 12 sites between 5 and 10 acres. The Brookman Annexation Area has 3 sites between 2 and 5 acres and 1 site between 5 and 10 acres.

The Tonquin Employment Area Concept Plan assumes that employment growth in the Tonquin Area will be predominantly industrial employment, with a total of 10 acres of land for retail and commercial uses to provide services to businesses and workers in the Tonquin Area.[6] The Brookman Addition Concept Plan assumes that employment growth in the Brookman Annexation Area will be about 13 acres of industrial use, 13 acres of office commercial use, and 2 acres of retail commercial use.[7]

[6] *Tonquin Employment Area Concept Plan: Preferred Concept Plan Report*, Final Report October 2010, Table IV-1.

[7] *Brookman Addition Concept Plan.* Final Report. May 2009. Pg. 16.

Short-Term Land Supply

This section evaluates the short-term supply of employment land in Sherwood. It begins with an overview of the policy context that requires this analysis, and then it evaluates the short-term land supply.

Policy context

The Goal 9 Administrative Rule (OAR 660-009) includes provisions that require certain cities to ensure an adequate short-term supply of industrial and other employment lands. OAR 660-009-005(10) defines short term supply as follows:

> "…means suitable land that is ready for construction within one year of an application for a building permit or request for service extension. Engineering feasibility is sufficient to qualify land for the short-term supply of land. Funding availability is not required. "Competitive Short-term Supply" means the short-term supply of land provides a range of site sizes and locations to accommodate the market needs of a variety of industrial and other employment uses."

The Goal 9 rule also requires cities in a Metropolitan Planning Organization (MPO, which includes Sherwood) to make a commitment to provide a competitive short-term supply of land and establishes targets for the short-term supply of land. Specifically, OAR 660-009-0020(1)(b) states:

> "Cities and counties within a Metropolitan Planning Organization must adopt a policy stating that a competitive short-term supply of land as a community economic development objective for the industrial and other employment uses selected through the economic opportunities analysis pursuant to OAR 660-009-0015."

The rule goes on to clarify short-term land supply targets for cities in an MPO (OAR 660-009-0025):

> (3) Short-Term Supply of Land. Plans for cities and counties within a Metropolitan Planning Organization or cities and counties that adopt policies relating to the short-term supply of land must designate suitable land to respond to economic development opportunities as they arise. Cities and counties may maintain the short-term supply of land according to the strategies adopted pursuant to OAR 660-009-0020(2).
>
> (a) Except as provided for in subsections (b) and (c), cities and counties subject to this section must provide at least 25% of the total land supply within the urban growth boundary designated for industrial and other employment uses as short-term supply.
>
> (b) Affected cities and counties that are unable to achieve the target in subsection (a) above may set an alternative target based on their economic opportunities analysis.
>
> (c) A planning area with 10 percent or more of the total land supply enrolled in Oregon's industrial site certification program pursuant to ORS 284.565 satisfies the requirements of this section.

In summary, the rule requires Sherwood to assess the short-term supply of employment land based on the criteria that land can be ready for construction within one year. The determination is based on "engineering feasibility."

Analysis of short-term supply of land

The City of Sherwood staff worked with the results of the buildable lands supply to identify commercial and industrial land that meet the definition of short-term supply of land. The City's approach was to:

- ♣ Assume that lands considered redevelopable in the Metro BLI should be considered serviceable, and therefore in the short-term supply.

- ♣ Examine whether buildable land within the city limits is serviceable, and therefore in the short-term supply.
- ♣ Assume that land in Brookman and Tonquin areas are not in the short-term supply.

The City did not consider lands outside of the city limits, such as land in the Tonquin Employment Area or Brookman Annexation Area in this analysis because development of these lands may take longer than one year from submission of a building permit. Sherwood does not have any certified industrial sites, so the City does not need to meet the requirements of OAR 660-009-0025(3)(c).

The results show that Sherwood has 27 acres of commercial land (on 134 tax lots) in the short-term supply of land and 97 acres of industrial land (on 115 tax lots) in the short-term supply of land. In comparison to all unconstrained buildable employment land (from Table 5), 50% of Sherwood's employment land is in the short-term supply. Of this land, 17 acres of light industrial land is in the development pipeline and is expected to develop later in 2021 or in 2022.

Table 7 shows the short-term supply of commercial and industrial land by plan designation.

Table 7. Short-term Supply of Commercial and Industrial Land, Sherwood City Limits, 2021

Plan Designation	Taxlots	Buildable Acres
Commercial	134	27
General Commercial	31	14
Neighborhood Commercial	2	0
Office Commercial	11	6
Retail Commercial	90	7
Industrial	115	97
General Industrial	66	61
Light Industrial	49	36
Total	249	124

Source: ECONorthwest analysis of Metro RLIS GIS data, BLI.

3. Factors Affecting Future Economic Growth

Sherwood exists as part of the larger economy of the Portland region[8] and is strongly influenced by regional economic conditions. For many factors, such as access to labor, Sherwood does not differ significantly from the broader region. For other factors, such as income, it does. Thus, Sherwood benefits from being a part of the larger regional economy and plays a specific role in it. Since early 2020 the world has been impacted by the COVID-19 global pandemic. At this time, Sherwood has not analyzed the impacts that COVID-19 has had on state, regional, and local employment trends. It is anticipated that the next update to the EOA will review the impacts and trends of the pandemic on Sherwood's economic growth.

This chapter describes the factors affecting economic growth in Sherwood, including national and regional economic trends. The analysis presents Sherwood's competitive advantages for growing and attracting businesses, which forms the basis for identifying potential growth industries in Sherwood.

Factors that Affect Economic Development[9]

The fundamental purpose of Goal 9 is to make sure that a local government plans for economic development. The planning literature provides many definitions of economic development, both broad and narrow. Broadly,

> "Economic development is the process of improving a community's well-being through job creation, business growth, and income growth (factors that are typical and reasonable focus of economic development policy), as well as through improvements to the wider social and natural environment that strengthen the economy."[10]

That definition acknowledges that a community's well-being depends in part on narrower measures of economic well-being (e.g., jobs and income) and on other aspects of quality of life (e.g., the social and natural environment). In practice, cities and regions trying to prepare an economic development strategy typically use a narrower definition of economic development; they take it to mean business development, job growth, and job opportunity. The assumptions are that:

- ♣ Business and job growth are contributors to and consistent with economic development, increased income, and increased economic welfare. From the municipal point of view, investment and resulting increases in property tax are important outcomes of economic development.
- ♣ The evaluation of tradeoffs and balancing of policies to decide whether such growth is likely to lead to overall gains in well-being (on average and across all citizens and businesses in a jurisdiction, and all aspects of well-being) is something that decision makers do after an economic strategy has been presented to them for consideration.

That logic is consistent with the tenet of the Oregon land-use planning program: all goals matter, no goal dominates, and the challenge is to find a balance of conservation and development that is acceptable to a

[8] In this analysis, the Portland region is defined as the three-county area including, Clackamas, Multnomah, and Washington Counties.

[9] The information in this section is based on previous Goal 9 studies conducted by ECONorthwest and the following publication: *An Economic Development Toolbox: Strategies and Methods*, Terry Moore, Stuart Meck, and James Ebenhoh, American

Planning Association, Planning Advisory Service Report Number 541, October 2006.

[10] *An Economic Development Toolbox: Strategies and Methods*, Terry Moore, Stuart Meck, and James Ebenhoh, American Planning Association, Planning Advisory Service Report Number 541, October 2006.

local government and state. Goal 9 does not dominate, but it legitimizes and requires that a local government focus on the narrower view of economic development that focuses on economic variables.

In that context, a major part of local economic development policy is about local support for business development and job growth; that growth comes from the creation of new firms, the expansion of existing firms, and the relocation or retention of existing firms. Thus, a key question for economic development policy is, *What are the factors that influence business and job growth, and what is the relative importance of each?* This document addresses that question in depth.

What Factors Matter?

Why do firms locate where they do? There is no single answer—different firms choose their locations for different reasons. Key determinants of a location decision are a firm's *factors of production*. For example, a firm that spends a large portion of total costs on unskilled labor will be drawn to locations where labor is relatively inexpensive. A firm with large energy demands will give more weight to locations where energy is relatively inexpensive. In general, firms choose locations they believe will allow them to maximize net revenues: if demand for goods and services are held roughly constant, then revenue maximization is approximated by cost minimization.

The typical categories that economists use to describe a firm's production function are:

- **Labor.** Labor is often the most important factor of production. Other things equal, firms look at productivity—labor output per dollar. Productivity can decrease if certain types of labor are in short supply, which increases the costs by requiring either more pay to acquire the labor that is available, the recruiting of labor from other areas, or the use of the less productive labor that is available locally.

- **Land.** Demand for land depends on the type of firm. Manufacturing firms need more space and tend to prefer suburban locations where land is relatively less expensive and less difficult to develop. Warehousing and distribution firms need to locate close to interstate highways.

- **Local infrastructure.** An important role of government is to increase economic capacity by improving quality and efficiency of infrastructure and facilities, such as roads, bridges, water and sewer systems, airport and cargo facilities, energy systems, and telecommunications.

- **Access to markets.** Though part of infrastructure, transportation merits special attention. Firms need to move their product (either goods or services) to the market, and they rely on access to different modes of transportation to do this.

- **Materials.** Firms producing goods, and even firms producing services, need various materials to develop products that they can sell. Some firms need natural resources (i.e., raw lumber) and others may need intermediate materials (i.e., dimensioned lumber).

- **Entrepreneurship**. This input to production may be thought of as good management, or even more broadly as a spirit of innovation, optimism, and ambition that distinguishes one firm from another even though most of their other factor inputs may be quite similar.

The supply, cost, and quality of any of these factors obviously depend on market factors: on conditions of supply and demand locally, nationally, and even globally. But they also depend on public policy. In general, public policy can affect these factors of production through:

- **Regulation.** Regulations protect the health and safety of a community and help maintain the quality of life. Overly burdensome regulations, however, can be disincentives for businesses to locate in a community. Simplified bureaucracies and straightforward regulations can reduce the burden on businesses and help them react quickly in a competitive marketplace.

- **Taxes**. Firms tend to seek locations where they can optimize their after-tax profits. Tax rates are not a primary location factor—they matter only after businesses have made decisions based on labor, transportation, raw materials, and capital costs. The costs of these production factors are usually similar within a region. Therefore, differences in tax levels across communities within a region are more important in the location decision than are differences in tax levels between regions.

- **Financial incentives**. Governments can offer firms incentives to encourage growth. Most types of financial incentives have had little significant effect on firm location between regions. However, for manufacturing industries with significant equipment costs, property or investment tax credit or abatement incentives can play a significant role in location decisions. Incentives are more effective at redirecting growth within a region than they are at providing a competitive advantage between regions.

This discussion may make it appear that a location decision is based entirely on a straight-forward accounting of costs, with the best location being the one with the lowest level of overall costs. Studies of economic development, however, have shown that location decisions depend on a variety of other factors that indirectly affect costs of production. These indirect factors include agglomerative economies (also known as industry clusters), quality of life, and innovative capacity.

- **Industry clusters**. Firms with similar business activities can realize operational savings when they congregate in a single location or region. Clustering can reduce costs by creating economies of scale for suppliers. For this reason, firms tend to locate in areas where there is already a presence of other firms engaged in similar or related activities.

- **Quality of life.** A community that features many quality amenities, such as access to recreational opportunities, culture, low crime, good schools, affordable housing, and a clean environment can attract people simply because it is a nice place to be. A region's quality of life can attract skilled workers, and if the amenities lure enough potential workers to the region, the excess labor supply pushes their wages down so that firms in the region can find skilled labor for a relatively low cost. The characteristics of local communities can affect the distribution of economic development within a region, with different communities appealing to different types of workers and business owners. Sometimes location decisions by business owners are based on an emotional or historical attachment to a place or set of amenities, without much regard for the cost of other factors of production.

- **Innovative capacity.** Increasing evidence suggests that a culture promoting innovation, creativity, flexibility, and adaptability is essential to keeping U.S. cities economically vital and internationally competitive. Innovation is particularly important in industries that require an educated workforce. High-tech companies need to have access to new ideas typically associated with a university or research institute. Innovation affects both the overall level and type of economic development in a region. Government can be a key part of a community's innovative culture, through the provision of services and regulation of development and business activities that are responsive to the changing needs of business.

How Important Are These Factors?

To understand how changes in public policies affect local job growth, economists have attempted to identify the importance for firms of different locational factors. They have used statistical models, surveys, and case studies to examine detailed data on the key factors that enter the business location decision.

Economic theory says that firms locate where they can reduce the costs of their factors of production (assuming demand for products and any other factors are held constant). Firms locate in regions where they have access to inputs that meet their quality standards, at a relatively low cost. Because firms are

different, the relative importance of different factors of production varies both across industries and, even more importantly, across firms.

No empirical analysis can completely quantify firm location factors because numerous methodological problems make any analysis difficult. For example, some would argue simplistically that firms would prefer locating in a region with a low tax rate to reduce tax expenses. However, the real issue is the value provided by the community for the taxes collected. Because taxes fund public infrastructure that firms need, such as roads, water, and sewer systems, regions with low tax rates may end up with poor infrastructure, making it less attractive to firms. When competing jurisdictions have roughly comparable public services (type, cost, and quality) and quality of life, then tax rates (and tax breaks) can make a difference.

Further complicating any analysis is the fact that many researchers have used public expenditures as a proxy for infrastructure quality. But large expenditures on roads do not necessarily equal a quality road system. It is possible that the money has been spent ineffectively and the road system is in poor condition.

An important aspect of this discussion is that the business function at a location matters more than a firm's industry. A single company may have offices spread across cities, with headquarters located in a cosmopolitan metropolitan area, the research and development divisions located near a concentration of universities, the back office in a suburban location, and manufacturing and distribution located in areas with cheap land and good interstate access.

The location decisions of businesses are primarily based on the availability and cost of labor, transportation, raw materials, and capital. The availability and cost of these production factors are usually similar within a region. Most economic development strategies available to local governments, however, only indirectly affect the cost of these primary location factors. Local governments can most easily affect tax rates, public services, and regulatory policies. Economists generally agree that these factors do affect economic development, but the effects on economic development are modest. Thus, most of the strategies available to local governments have only a modest effect on the level and type of economic development in the community.

Local governments in Oregon also play a central role in the provision of buildable land through inclusion of lands in the Urban Growth Boundary, as well as through determination of plan designations and zoning, and through provision of public services. Obviously, businesses need buildable land to locate or expand in a community. Providing buildable land alone is not sufficient to guarantee economic development in a community—market conditions must create demand for this land, and local factors of production must be favorable for business activity. In the context of expected economic growth and the perception of a constrained land supply in Washington County, the provision of buildable land has the potential to strongly influence the level and type of economic development in Sherwood. The provision of buildable land is one of the most direct ways that the City of Sherwood can affect the level and type of economic development in the community.

Summary of the Effect of National, State and Regional Trends on Economic Development in Sherwood

This section presents a summary and the implications of national, state, and regional economic trends on economic growth in Sherwood, which are presented in Section 3.3.

National, State, and Regional Economic Trends	Implications for Economic Growth in Sherwood
Moderate growth rates and recovery from the national recession After the end of the recession in 2009, economic growth returned to the U.S. economy, with persistent increases in real GDP (a 2.3 percentage point growth in 2017 relative to 2016)[11], a steady job growth (about 2.1 million jobs were added during 2017)[12], and a decline in the unemployment rate (about 4.1% in 2017 compared to the recessionary peak of 9.9%).[13] Unemployment at the national level has gradually declined since the height of the recession. Unemployment rates in Oregon are typically higher than those of the nation as a whole. The federal government's economicforecast predicts a moderate pace of economic growth, with gradual increases in employment and real GDP (roughly 3% through the end of 2016). IHS Economic projects that Oregon's economy will be the fifth fastest-growing among all states in the U.S., averaging annualgrowth of about 2.7% through 2023.[14]	The rate of employment growthin Sherwood will depend, in part, on the rate of employment growth in Oregon and the nation. Sherwood's employment growth is most closely tied to growth in Washington County, which has higher wages than the state average. The types of employment identified as having growth potential and higher than average wages in the Portland Region and in Washington County are Computer and Electronics, Software and Media, Clean Tech, Athletic and Outdoors, Metals and Machinery, and Health Science and Tech. The Oregon Employment Department forecasts that employment in Portland (which includes Clackamas, Multnomah, and Washington counties) will grow by about 13% from 2017 levels. Private Educational and Health Services, Trade, Transportation, and Utilities, Leisure and Hospitality, Construction, and Manufacturing will make up the majority of the region's growth.
Growth of service-oriented sectors	The changes in employment in Washington County have followed similar trends as the changes in national and state employment. The service sector showed the greatest change in share of employment since 1980.

[11] Federal Reserve Bank of St. Louis, FRED Economic Data, Real Gross Domestic Product (GDPC1), Billions of Chained 2009 Dollars, Seasonally Adjust Annual Rate. Retrieved from: *********fred.stlouisfed.org/series/GDPC1#0, on June 25, 2018.

[12] Bureau of Labor Statistics. Economic News Release, Employment Situation News Release, December 2017. Published on January 5, 2018. Retrieved from: ***********.bls.gov/news.release/archives/empsit_01052018.htm, on June 25, 2018.

[13] Bureau of Labor Statistics. Current Population Survey, Unemployment Rate, Seasonally Adjusted, 16 years and over. Retrieved from ***********.bls.gov/data/, on June 25, 2018.

[14] Office of Economic Analysis. Oregon Economic and Revenue Forecast, March 2018. Vol. XXXVIII, No. 1, page 16. ***********oregon.gov/das/OEA/Documents/forecast0318.pdf.

National, State, and Regional Economic Trends	Implications for Economic Growth in Sherwood
Increased worker productivity and the international outsourcing of routine tasks led to declines in employment in the major goods-producing industries. Projections from the Bureau of Labor Statistics indicate that U.S. employment growth will continue to be strongest in healthcare and social assistance, professional and business services, and other service industries. Constructionemployment will grow with the economy, but manufacturing employment will decline. These trends are also expected to affect the composition of Oregon's economy, although manufacturing in Oregon will grow.	The Oregon Employment Department forecasts that the service sectors likely to have the most employment growth in Portland—the region that includes Washington County—over the 2017 to 2027 period are: Professional and Business Services, Private Education and Health Services, and Leisure and Hospitality. These sectors represent employment opportunities for Sherwood.
Importance of small businesses in Oregon's economy Small business, with 100 or fewer employees, account for 66% of private-sector employment in Oregon. Workers of small businesses typically have had lower wages than the state average.	The average size for a private business in Sherwood is 9 employees per business, compared to the State average of 11 employees per private business. Businesses with 50 or fewer employees account for roughly 57% of private employment in Sherwood. Businesses with 9 or fewer employees account for 20% of private employment and 4 or fewer account for 10% of private employment Growth of small businesses presents key opportunities for economic growth in Sherwood.
Availability of trained and skilled labor Businesses in Oregon are generally able to fill jobs, either from available workers living within the State, or by attracting skilled workers from outside of the State. Availability of labor depends, in part, on population growth and in-migration. Oregon added more than 1,299,000 new residents and about 605,000 new jobs between 1990 and 2016. The population-employment ratio for the State was about 2.3 residents per job over the 24-year period. Availability of labor also depends on workers' willingness to commute. Workers in Oregontypically have a commute that is 30 minutes or shorter. Availability of skilled workers depends, in part, on educational attainment. About 31% of Oregon's workers have a Bachelor's degree or higher.	Employment in Washington County grew at about 1.4% annually over the 2000 to 2016 period, while population grew at about 2.4% over the same period. About 48% of workers at businesses located in Sherwood lived in Washington County, and 8% lived within Sherwood city limits. Firms in Sherwood attracted workers from the Portland Region. Over 90% of workers in Sherwood commuted into the city from elsewhere, many from Portland (22% of Sherwood workers), Beaverton (8%), and Tigard (8%). These commuting patterns are similar to commuting in other cities in the Portland area. Businesses in Sherwood are able to pull data from across the Westside of the Portland Region and from across the rest of the Portland Region. Sherwood's residents were more likely to have earned a Bachelor's degree or higher (46%) than the State average (31%).

National, State, and Regional Economic Trends	Implications for Economic Growth in Sherwood
	With historically low unemployment rates, businesses in Sherwood may have difficulties attracting employees, consistent withthe experience ofother cities in the Region. However, the lower wages at businesses and Sherwood may make attracting employees more difficult
Aging of the population The number of Oregonians aged 65 and older will nearly double between 2015 and 2050, while the number of people under age 65 will grow by only about 29%. The economic effects of this demographic change include a slowing of the growth of the labor force, an increase in the demand for healthcare services, and an increase in the percent of the federal budget dedicated to Social Security and Medicare. Furthermore, people are retiring later than previous generations and continuing to work past 65 years old. This trend is seen both at the national and State levels. Even given this trend, the need for workers to replace retiring Baby Boomers will outpace job growth. Management occupations and teachers will have the greatest need for replacement workers because these occupations have older-than-average workforces.	The changes in the Washington County's age structure are similar to that of the State, with the most growth observed in people 60 years and older. The State projects that the share of the population over the age of 60 in the Washington County will increase from 18% to 27% from 2015 to 2035. Firms in Sherwood will need to replace workers as they retire. Demand for replacement workers may outpace job growth in Sherwood, consistentwith State trends. Given the CBO'sforecast ofrelatively low unemployment rates (about 4.9% through 2027), businesses in Sherwood (and throughout the State) may havedifficulties finding replacement workers.
Increases in energy prices Although energy prices are relatively low by historical standards, overthe long-term, energy prices are forecast to grow as theeconomy and the population grows. As energy prices increase over the planning period of 2017 to 2050, energy consumption for transportation may decrease. Though with expected increases in fuel economy, people will be able to travel longer distances while consuming less energy. The U.S. Energy Information Administration estimates that transportation energy consumption declines as a result of increasing fuel economy more than offsets the total growth in vehicle miles traveled (VMT). VMT for passenger vehicles is forecasted to increase through 2050.	In 2017, lower energy prices have decreased the costs of commuting. Over the long-term, if energy prices increase, these higher prices will likely affect the mode of commuting before affecting workers' willingness to commute. For example, commuters may choose to purchase a more energy-efficient car, use the bus, or carpool. Very large increases in energy prices may affect workers' willingness to commute, especially workers living the furthest from Sherwood or workers with lower paying jobs. In addition, very large increases in energy prices may make shipping freight long distances less economically feasible, resulting in a slow-down or reversal of off-shore manufacturing, especially of large, bulky goods.
Comparatively low wages The income of a region affects the workforce and the types of businesses attracted to the region. Average income affects workers and businesses in different ways. Workers may be attracted to a region with higher average wage or high wage jobs. Businesses, however, may prefer to locate in regions with lower	Income in Oregon has historically been below national averages, and Washington County's per capita personal income has remained above that of the State and the nation. While the county's average wages followed a similar trend as personal income, they remained well above the State in both 2000 and 2016. In 2016, Washington County's

National, State, and Regional Economic Trends	Implications for Economic Growth in Sherwood
wages, where the cost of doing business may be lower. Since the early 1980's, Oregon's per capita personal income has been consistently lower than the U.S. average. In 2016, Oregon's per capita wage was 92% of the national average. From 2000 to 2016 nominal wages in the nation grew by 52% from $35,300 to $53,600, while wages in Oregon increased by 51% from $32,800 to $49,500.	average wage was about $65,908 compared to the State ($49,467). There are two basic reasons that wages are higher in Washington County than in the U.S.: (1) wages for similar jobs tend to be higher; (2) the occupational mixof employment is weighted towards higher paying occupations such as manufacturing. In addition, wages in Washington County and Oregon tend to be more volatile than the national average. The major reason for this volatility is that the relative lack of diversity in the State and County economy. Average wages in Sherwood are lower than Washington County and Oregon. For example, the average wage in Sherwood in 2016 was $38,696, compared to $65,908 in Washington County and $49,467 in Oregon. This difference is due to the larger share of lower-paying service sector jobs in Sherwood, compared to the Portland region. The median income in Sherwood ($86,111), however, is higher than Washington County ($69,743). This disparity in wages and income reflect that Sherwood residents are employed in other cities in the Portland region, but not in Sherwood.
Education as a determinant of wages The majority of the fastest growing occupations will require an academic degree, and on average, they will yield higher incomes than occupations that do not require an academic degree. The fastest-growing occupations requiring an academic degree will be registered nurses, software developers, general and operations managers, accountants and auditors, market research analysts and marketing specialists, and management analysts. Occupations that do not require an academic degree (e.g., retail salesperson, food preparation workers, and home care aides) will grow, accounting for approximately 71% of all new jobs by 2026. These occupations typically have lower pay than occupations requiring an academic degree.	Sherwood's residents were more likely to have obtained a Bachelor's degree or higher compared to Oregon residents as a whole (46% versus 31%). Businesses that want to locate in Sherwood can draw from the labor pool of the Portland region, especially the higher-educated population of workers living in Washington County.

National, State, and Regional Economic Trends	Implications for Economic Growth in Sherwood
The national median income for people over the age of 25 in 2017 was about$47,164. Workers without a high school diplomaearned $20,124 less than the median income, and workers with a high school diploma earned $10,140 less than the median income. Workers with some college earned $6,916 less than median income, and workers with a bachelor's degree earned $13,832 more than the median. Workers in Oregonexperience the same patterns as the nation but pay is generally lower in Oregon than the national average.	
Importance of high quality natural resources The relationship between natural resources and local economies has changed as the economy has shifted away from resource extraction. Increases in the population and in households' incomes, plus changes in tastes and preferences, have dramatically increased demands for outdoor recreation, scenic vistas, clean water, and other resource-related amenities. Such amenities contribute to aregion's quality of life and play an important role in attracting both households and firms.	The region's high quality natural resources present economic growth opportunities for Sherwood, ranging from agriculture and wineries to amenities that attract visitors and contribute to the region's high quality of life.

National Trends

Economic development in Sherwood over the next 20 years will occur in the context of long-run national trends. The most important of these trends include:

- **Economic growth will continue at a moderate pace**. Analysis from the Congressional Budget Office (CBO) predicts moderate growth of just above 2.0% GDP throughout 2018 and over the next decade, assuming current laws remain intact, and a growth of around 1.9% per year until 2027.

  The unemployment rate is expected to decrease to 4.3% by the end of 2017 and fall to 4.2% early 2018. Growth in hourly compensation may increase labor force participation, slowing its longer-term decline.

  Unemployment is expected to be 4.9% from 2021-2027, which is slightly above the estimated natural rate of unemployment but considerably lower than unemployment rates for 2010 to 2015 (during the recovery from the 2007-2009 recession).[15]

- **The aging of the Baby Boomer generation, accompanied by increases in life expectancy.** As the Baby Boomer generation continues to retire, the number of Social Security recipients is expected to increase from 59 million in 2014 to over 90 million in 2035, a 53% increase. However, due to lower-birth rate replacement generations, the number of covered workers is only expected to increase 14.7% over the same time period, from 165 million to almost 190 million in 2035. Currently, there are 36 Social Security beneficiaries per 100 covered workers in 2014 but by 2035 there will be 58 beneficiaries per 100 covered workers. This will increase the percent of the federal budget dedicated to Social Security and Medicare.[16]

  Baby boomers are expecting to work longer than previous generations. An increasing proportion of people in their early- to mid-50s expect to work full-time after age 65. In 2004, about 40% of these workers expect to work full-time after age 65, compared with about 30% in 1992.[17] This trend can be seen in Oregon, where the share of workers 65 years and older grew from 2.9% of the workforce in 2000 to 4.1% of the workforce in 2010, an increase of 41%. Over the same ten-year period, workers 45 to 64 years increased by 15%.[18]

- **Need for replacement workers.** The need for workers to replace retiring baby boomers will outpace job growth. According to the Bureau of Labor Statistics, total employment in the United States will grow by about 11.5 million jobs over 2016 to 2026. Annually, they estimate there will be 18.7 million occupational openings over the same period. This exhibits the need for employees over the next decade as the quantity of openings per year is large relative to expected employment growth. About 71% of annual job openings are in occupations that do not require postsecondary education.[19]

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[15] Congressional Budget Office. An Update to the Budget and Economic Outlook: 2017-2027. June 2017. **********.cbo.gov/system/files/115th-congress-2017-2018/reports/52801-june2017outlook.pdf.

[16] The Board of Trustees, Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, 2015, *The 2015 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds*, May 13, 2015.

[17] "The Health and Retirement Study," 2007, National Institute of Aging, National Institutes of Health, U.S. Department of Health and Human Services.

[18] Analysis of 2000 Decennial Census data and 2010 U.S. Census American Community Survey, 1-Year Estimates for the table Sex by Age by Employment Status for the Population 16 Years and Over

[19] "Occupational Employment Projections to 2016-2026," Bureau of Labor Statistics, 2018.

♣ **The importance of education as a determinant of wages and household income.** According to the Bureau of Labor Statistics, a majority of the fastest growing occupations will require an academic degree, and on average, they will yield higher incomes than occupations that do not require an academic degree. The fastest-growing occupations requiring an academic degree will be registered nurses, software developers, general and operations managers, accountants and auditors, market research analysts and marketing specialists, and management analysts. Occupations that do not require an academic degree (e.g., retail salesperson, food preparation workers, and home care aides) will grow, accounting for approximately 71% of all new jobs by 2026. These occupations typically have lower pay than occupations requiring an academic degree.[20]

The national median income for people over the age of 25 in 2017 was about $47,164. Workers without a high school diploma earned $20,124 less than the median income, and workers with a high school diploma earned $10,140 less than the median income. Workers with some college earned $6,916 less than median income, and workers with a bachelor's degree earned $13,832 more than median. Workers in Oregon experience the same patterns as the nation but pay is generally lower in Oregon than the national average.[21]

♣ **Increases in labor productivity.** Productivity, as measured by output per hour of labor input, increased in most sectors between 2000 and 2010, peaking in 2007. However, productivity increases were interrupted by the recession. After productivity decreases from 2007 to 2009, many industries saw large productivity increases from 2009 to 2010. Industries with the fastest productivity growth were Information Technology-related industries. These include wireless telecommunications carriers, computer and peripheral equipment manufacturing, electronics and appliance stores, and commercial equipment manufacturing wholesalers.[22]

Since the end of the recession (or 2010), labor productivity has increased across a handful of large sectors but has also decreased in others. In wholesale trade, productivity—measured in output per hour—increased by 19% over 2009 to 2017. Retail trade gained even more productivity over this period at 25%. Food services, however, have remained stagnant since 2009, fluctuating over the nine-year period and shrinking by 0.01% over this time frame. Additionally, the Bureau of Labor Statistics reports multifactor productivity in manufacturing has been slowing down 0.3% per year over the 2004 to 2016 period. Much of this, they note, is due to slowdown in semiconductors, other electrical component manufacturing, and computer and peripheral equipment manufacturing.[23]

♣ **Increases in automation across sectors.** Automation is a long-running trend in employment, with increases in automation (and corresponding increases in productivity) over the last century and longer. The pace of automation is increasing, and the types of jobs likely to be automated over the next 20 years (or longer) is broadening. Lower paying jobs are more likely to be automated, with potential for automation of more than 80% of jobs paying less than $20 per hour over the next 20 years. About 30% of jobs paying $20 to $40 per hour and 4% of jobs paying $40 or more are at risk of being automated over the next 20 years.[24]

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[20] "Occupational Employment Projections to 2016-2026," Bureau of Labor Statistics, 2018.

[21] Bureau of Labor Statistics, Employment Projections, March 2018. **********.bls.gov/emp/ep_chart_001.htm

[22] Brill, Michael R. and Samuel T. Rowe, "Industry Labor Productivity Trends from 2000 to 2010." Bureau of Labor Statistics, *Spotlight on Statistics*, March 2013.

[23] Michael Brill, Brian Chanksy, and Jennifer Kim. "Multifactor productivity slowdown in U.S. manufacturing," *Monthly Labor Review*, U.S. Bureau of Labor Statistics, July 2018. Retrieved from: **********.bls.gov/opub/mlr/2018/article/multifactor-productivity-slowdown-in-us-manufacturing.htm.

[24] Executive Office of the President. (2016). Artificial Intelligence, Automation, and the Economy.

Low- to middle-skilled jobs that require interpersonal interaction, flexibility, adaptability, and problem solving will likely persist into the future as will occupations in technologically lagging sectors (e.g. production of restaurant meals, cleaning services, hair care, security/protective services, and personal fitness).[25] This includes occupations such as (1) recreational therapists, (2) first-line supervisors of mechanics, installers, and repairers, (3) emergency management directors, (4) mental health and substance abuse social workers, (5) audiologists, (6) occupational therapists, (7) orthotists and prosthetists, (8) healthcare social workers, (9) oral and maxillofacial surgeons, and (10) first-line supervisors of firefighting and prevention workers. Occupations in the service and agricultural or manufacturing industry are most at-risk of automation because of the manual-task nature of the work.[26,27,28] This includes occupations such as (1) telemarketers, (2) title examiners, abstractors, and searchers, (3) hand sewers, (4) mathematical technicians, (5) insurance underwriters, (6) watch repairers, (7) cargo and freight agents, (8) tax preparers, (9) photographic process workers and processing machine operators, and (10) accounts clerks.[29]

♣ **Consolidation of Retail.** Historical shift in retail businesses, starting in the early 1960s, was the movement from one-off, 'mom and pop shops' toward superstores and the clustering of retail into centers or hubs. Notably, we still see this trend persist; for example, in 1997, the 50 largest retail firms accounted for about 26% of retail sales and by 2007, they accounted for about 33%.[30] The more recent shift began in the late 1990s, where technological advances have provided consumers the option to buy goods through e-commerce channels. The trend toward e-commerce has become increasingly preferential to millennials and Generation X, who are easier to reach online and are more responsive to digital ads than older generations.[31] Since 2000, e-commerce sales grew from 0.9% to 6.4% (2014) and are forecasted to reach 12% by 2020. It is reasonable to expect this trend to continue. With it has come closures of retail stores. By 2027 for example, an estimated 15% of about 1,050 U.S. malls in smaller markets will close, impacting local employment levels, local government revenue streams (tax dollars), and neighborhood character.

The draft 2018 Metro Urban Growth Report[32] describes the uneven impact on retail from e-commerce. Overall, e-commerce accounts for 9% of national retail sales, with online sales growing at a faster rate than retail sales growth overall. Nationally, non-store retailers are negatively affecting furniture stores, electronics, clothing, and recreational goods (e.g., sporting goods, hobby supplies, and books and music). The retail types that grew strongly in the Portland Region between 2007 and 2017 were grocery stores, general merchandise stores, and miscellaneous specialty retailers.

While it is unclear what impact e-commerce will have on employment and brick and mortar retail, it seems probable that e-commerce sales will continue to grow, shifting business away from

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[25] Autor, David H. (2015). Why Are There Still So Many Jobs? The History and Future of Workplace Automation. Journal of Economic Perspectives, Volume 29, Number 3, Summer 2015, Pages 3–30.

[26] Frey, Carl Benedikt and Osborne, Michael A. (2013). The Future of Employment: How Susceptible Are Jobs to Computerisation? Oxford Martin School, University of Oxford.

[27] Otekhile, Cathy-Austin and Zeleny, Milan. (2016). Self Service Technologies: A Cause of Unemployment. International Journal of Entrepreneurial Knowledge. Issue 1, Volume 4. DOI: 10.1515/ijek-2016-0005.

[28] PwC. (n.d.). Will robots really steal our jobs? An international analysis of the potential long-term impact of automation.

[29] Frey, Carl Benedikt and Osborne, Michael A. (2013). The Future of Employment: How Susceptible Are Jobs to Computerisation? Oxford Martin School, University of Oxford.

[30] Hortaçsu, Ali and Syverson, Chad. (2015). The Ongoing Evolution of US Retail: A Format Tug-of-War. Journal of Economic Perspectives, Volume 29, Number 4, Fall 2015, Pages 89-112.

[31] Pew Research Center (2010b). Generations 2010. Retrieved Online at: **********pewinternet.org/Reports/2010/Generations-2010.aspx

[32] *Urban Growth Report*, Discussion Draft, Metro, July 3, 2018, Appendix 4.

some types of retail. Over the next decades, communities must begin considering how to redevelop and reuse retail buildings in shopping centers, along corridors, and in urban centers.

The types of retail and related services that remain will likely be sales of goods that people prefer to purchase in person or that are difficult to ship and return (e.g., large furniture), specialty goods, groceries and personal goods that maybe needed immediately, restaurants, and experiences (e.g., entertainment or social experiences).

♣ **The importance of high-quality natural resources.** The relationship between natural resources and local economies has changed as the economy has shifted away from resource extraction. High-quality natural resources continue to be important in some states, especially in the Western U.S. Increases in the population and in households' incomes, plus changes in tastes and preferences have dramatically increased demands for outdoor recreation, scenic vistas, clean water, and other resource-related amenities. Such amenities contribute to a region's quality of life and play an important role in attracting both households and firms.[33]

♣ **Continued increase in demand for energy.** Energy prices are forecasted to increase over the planning period. While energy use per capita is expected to decrease through 2050, total energy consumption will increase with rising population. Energy consumption is expected to grow primarily from industrial (0.9%) and, to a lesser extent, commercial users (0.4%). Residential consumption is forecasted to stagnate (0.0%), and transportation will slightly decrease (-0.1%). This decrease in energy consumption for transportation is primarily due to increased federal standards and increased technology for energy efficiency in vehicles. Going forward through the projection period, potential changes in federal laws (such as decreases in car emissions) leave energy demand somewhat uncertain.

Energy consumption by type of fuel is expected to change over the planning period. By 2050, the U.S. will continue to shift from crude oil towards natural gas and renewables. For example, from 2017 to 2050, the Energy Information Administration projects that U.S. overall energy consumption will average a 0.4% annual growth rate, while consumption of renewable sources grows at 1.4% per year. With increases in energy efficiency, strong domestic production of energy, and relatively flat demand for energy by some industries, the U.S. will be able to be a net exporter of energy over the 2017 to 2050 period. Demand for electricity is expected to increase, albeit slowly, over 2017 to 2050 as population grows and economic activity increases.[34]

♣ **Impact of rising energy prices on commuting patterns.** As energy prices increase over the planning period, energy consumption for transportation will decrease. These increasing energy prices may decrease willingness to commute long distances, though with expected increases in fuel economy, it could be that people commute further while consuming less energy.[35] Over 2019 to 2035, the U.S. Energy Information Administration estimates in its forecast that the decline in transportation energy consumption as a result of increasing fuel economy more than offsets the total growth in vehicle miles traveled (VMT). VMT for passenger vehicles is forecasted to increase through 2050.

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[33] For a more thorough discussion of relevant research, *see*, for example, Power, T.M. and R.N. Barrett. 2001. *Post-Cowboy Economics: Pay and Prosperity in the New American West*. Island Press, and Kim, K.-K., D.W. Marcouiller, and S.C. Deller. 2005. "Natural Amenities and Rural Development: Understanding Spatial and Distributional Attributes." *Growth and Change* 36 (2): 273-297.

[34] Energy Information Administration, 2018, *Annual Energy Outlook 2018 with Projections to 2050*, U.S. Department of Energy, February 2018. **********eia.gov/outlooks/aeo/pdf/AEO2018.pdf. Note, the cited growth rates are shown in the Executive Summary and can be viewed here: **********.eia.gov/outlooks/aeo/data/browser/#/?id=2-AEO2018&cases=ref2018&sourcekey=0.

[35] Energy Information Administration, 2018, *Annual Energy Outlook 2018 with Projections to 2050*, U.S. Department of Energy, February 2018.

- **Potential impacts of global climate change.** The consensus among the scientific community that global climate change is occurring expounds important ecological, social, and economic consequences over the next decades and beyond.[36] Extensive research shows that Oregon and other western states already have experienced noticeable changes in climate and predicts that more change will occur in the future.[37]

  In the Pacific Northwest, climate change is likely to (1) increase average annual temperatures, (2) increase the number and duration of heat waves, (3) increase the amount of precipitation falling as rain during the year, (4) increase the intensity of rainfall events, and 5) increase sea level. These changes are also likely to reduce winter snowpack and shift the timing of spring runoff earlier in the year.[38]

  These anticipated changes point toward some of the ways that climate change is likely to impact ecological systems and the goods and services they provide. There is considerable uncertainty about how long it would take for some of the impacts to materialize and the magnitude of the associated economic consequences. Assuming climate change proceeds as today's models predict, however, some of the potential economic impacts of climate change in the Pacific Northwest will likely include:[39]

  - *Potential impact on agriculture and forestry.* Climate change may impact Oregon's agriculture through changes in growing season, temperature ranges, and water availability.[40] Climate change may impact Oregon's forestry through an increase in wildfires, a decrease in the rate of tree growth, a change in the mix of tree species, and increases in disease and pests that damage trees.[41]
  - *Potential impact on tourism and recreation.* Impacts on tourism and recreation may range from (1) decreases in snow-based recreation if snow-pack in the Cascades decreases, (2)

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[36] Karl, T.R., J.M. Melillo, and T.C. Peterson, eds. 2009. *Global Climate Change Impacts in the United States.* U.S. Global Change Research Program. June. Retrieved June 16, 2009, from ***.globalchange.gov/usimpacts; and Pachauri, R.K. and A. Reisinger, eds. 2007. *Climate Change 2007: Synthesis Report. Contribution of Working Groups I, II, and III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change.*

[37] Doppelt, B., R. Hamilton, C. Deacon Williams, et al. 2009. *Preparing for Climate Change in the Upper Willamette River Basin of Western Oregon.* Climate Leadership Initiative, Institute for a Sustainable Environment, University of Oregon. March. Retrieved June 16, 2009, from *******climlead.uoregon.edu/ pdfs/willamette_report3.11FINAL.pdf and Doppelt, B., R. Hamilton, C. Deacon Williams, et al. 2009. *Preparing for Climate Change in the Rogue River Basin of Southwest Oregon.* Climate Leadership Initiative, Institute for a Sustainable Environment, University of Oregon. March. Retrieved June 16, 2009 from *******climlead.uoregon.edu/pdfs/ROGUE%20WS_FINAL.pdf

[38] Mote, P., E. Salathe, V. Duliere, and E. Jump. 2008. *Scenarios of Future Climate for the Pacific Northwest.* Climate Impacts Group, University of Washington. March. Retrieved June 16, 2009, from *******cses.washington.edu/db/pdf/moteetal2008scenarios628.pdf; Littell, J.S., M. McGuire Elsner, L.C. Whitely Binder, and A.K. Snover (eds). 2009. "The Washington Climate Change Impacts Assessment: Evaluating Washington's Future in a Changing Climate - Executive Summary." *In The Washington Climate Change Impacts Assessment: Evaluating Washington's Future in a Changing Climate*, Climate Impacts Group, University of Washington. Retrieved June 16, 2009, from ***.cses.washington.edu/db/pdf/ wacciaexecsummary638.pdf; Madsen, T. and E. Figdor. 2007. *When it Rains, it Pours: Global Warming and the Rising Frequency of Extreme Precipitation in the United States.* Environment America Research & Policy Center and Frontier Group.; and Mote, P.W. 2006. "Climate-driven variability and trends in mountain snowpack in western North America." *Journal of Climate* 19(23): 6209-6220.

[39] The issue of global climate change is complex and there is a substantial amount of uncertainty about climate change. This discussion is not intended to describe all potential impacts of climate change but to present a few ways that climate change may impact the economy of cities in Oregon and the Pacific Northwest.

[40] "The Economic Impacts of Climate Change in Oregon: A preliminary Assessment," Climate Leadership Initiative, Institute for Sustainable Environment, University of Oregon, October 2005.

[41] "Economic Impacts of Climate Change on Forest Resources in Oregon: A Preliminary Analysis," Climate Leadership Initiative, Institute for Sustainable Environment, University of Oregon, May 2007.

negative impacts to tourism along the Oregon Coast as a result of damage and beach erosion from rising sea levels,[42] (3) negative impacts on availability of water-oriented river recreation (e.g., river rafting or sports fishing) as a result of lower summer river flows, and (4) negative impacts on the availability of water for domestic and business uses.

Short-term national trends will also affect economic growth in the region, but these trends are difficult to predict. At times, these trends may run counter to the long-term trends described above. A recent example is the downturn in economic activity in 2008 and 2009 following declines in the housing market and the mortgage banking crisis. One of the results of the economic downturn was a decrease in employment related to the housing market, such as construction and real estate. As these industries recover, they will continue to play a significant role in the national, state, and local economy over the long run. This report takes a long-run perspective on economic conditions (as the Goal 9 requirements intend) and does not attempt to predict the impacts of short-run national business cycles on employment or economic activity.

State Trends

Short-Term Trends

Oregon is on its way to recovery from the recent recession. According to the Oregon Office of Economic Analysis (OEA), the Oregon economy "continues to hit the sweet spot." Wages remain below the national average, but they are at its highest point relative to the early 1980s. Over the past year, Oregon added over 39,000 jobs, a 2.1% growth rate. The leisure and hospitality, construction, professional and business services, and health services industries have accounted for over half of total growth in the State. Oregon continues to have an advantage in job growth compared to other states, due to its industrial sector and in-migration flows. Though Oregon's labor market is tight, it continues to gain more workers, signaled by an improving market participation rate relative to its low recessionary levels.[43]

The housing market continues to recover as Oregon's economy improves. Oregon is seeing an increase in household formation rates, which is good for the housing market. Though younger Oregonians are tending to live at home with their parents longer, the aging Millennial generation (from their early 20s to mid-to-late 30s) and the state's increase in migration will drive demand for homes in the coming years. The latter half of 2017 was the largest level of home construction since early 2007 levels. Through 2020, the OEA forecasts moderate to strong housing growth. Beyond this time frame, it forecasts an average growth of 24,000 units per year to satisfy the demand for Oregon's growing population and to make up for the underdevelopment of housing post-recession.[44]

The Oregon Index of Leading Indicators (OILI) has grown quite rapidly since January 2017. The leading indicators showing improvement are volume of air freight, help wanted advertisements, increases in housing permits, industrial productions, initial claims for unemployment, the manufacturing purchasing managers index (PMI), new incorporations of companies, the appreciating Oregon Dollar Index, semiconductor billings, and withholdings of wages and salaries. The one slowing indicator is consumer sentiment.[45]

Oregon's economic health is dependent on the export market. The value of Oregon exports in 2017 was $21.9 billion. The countries that Oregon exports the most to are China (18% of total Oregon exports),

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[42] "The Economic Impacts of Climate Change in Oregon: A preliminary Assessment," Climate Leadership Initiative, Institute for Sustainable Environment, University of Oregon, October 2005.

[43] Office of Economic Analysis. Oregon Economic and Revenue Forecast, March 2018. Vol. XXXVIII, No. 1, page 4 **********oregon.gov/das/OEA/Documents/forecast0318.pdf

[44] Office of Economic Analysis. Oregon Economic and Revenue Forecast, March 2018. Vol. XXXVIII, No. 1, page 12.

[45] Office of Economic Analysis. Oregon Economic and Revenue Forecast, March 2018 Vol. XXXVIII, No. 1, page 9.

Canada (11%), Malaysia (11%), South Korea (9%), Japan (8%), and Vietnam (7%).[46] With straining trade relations overseas, specifically with China, Oregon exports are left potentially vulnerable, as China is a top destination for Oregon exports.[47] An economic slowdown across many parts of Asia will have a spillover effect on the Oregon economy. Furthermore, with the United States' withdrawal from the Trans-Pacific Partnership in January 2017, it is unclear how much Pacific Northwest trade will be impacted in the years to come.

Long-term Trends

State, regional, and local trends will also affect economic development in Sherwood over the next 20 years. The most important of these trends includes continued in-migration from other states, distribution of population and employment across the state, and change in the types of industries in Oregon.

- **Continued in-migration from other states.** Oregon will continue to experience in-migration (more people moving *to* Oregon than *from* Oregon) from other states, especially California and Washington. From 1990 to 2017, Oregon's population increased by about 1.3 million, 66% of which was from people moving into Oregon (net migration). The average annual increase in population from net migration over the same time period was just over 33,200. During the early- to mid-1990's, Oregon's net migration was highest, reaching over 60,000 in 1991, with another smaller peak of almost 42,100 in 2006. In 2017, net migration reached just over 58,800 persons. Oregon has not seen negative net migration since a period of negative net migration in the early- to mid-1980's.[48]

- **Forecast of job growth.** Total nonfarm employment is expected to increase from 1.87 million in 2017 to just below 1.98 million in 2021, an increase of 111,000 jobs. The industries with the largest growth will be Professional and Business Services, Health Services, and Manufacturing, accounting for 58% of the forecasted growth.[49]

- **Continued importance of manufacturing to Oregon's economy.** Oregon's exports totaled $19.4 billion in 2008, nearly doubling since 2000, and reached almost $22 billion in 2017. The majority of Oregon exports go to countries along the Pacific Rim, with China, Canada, Malaysia, South Korea, and Japan as top destinations. Oregon's largest exports are tied to high-tech manufacturing and mining, as well as agricultural products.[50] Manufacturing employment is concentrated in five counties in the Willamette Valley or Portland area: Washington, Multnomah, Lane, Clackamas, and Marion Counties.[51]

- **Shift in manufacturing from natural resource-based to high-tech and other manufacturing industries.** Since 1970, Oregon started to transition away from reliance on traditional resource-extraction industries. A significant indicator of this transition is the shift within Oregon's manufacturing sector, with a decline in the level of employment in the Lumber & Wood Products industry and concurrent growth of employment in other manufacturing industries, such as high-

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[46] United States Census. State Exports from Oregon, 2014-2017. **********.census.gov/foreign-trade/statistics/state/data/or.html.

[47] Office of Economic Analysis. Oregon Economic and Revenue Forecast, March 2018 Vol. XXXVIII, No. 1, page 13.

[48] Portland State University Population Research Center. 2013 Annual Population Report. April 2014. **********.pdx.edu/prc/annual-oregon-population-report

[49] Office of Economic Analysis. Oregon Economic and Revenue Forecast, March 2018. Vol. XXXVIII, No. 1, page 42 **********oregon.gov/das/OEA/Documents/forecast0318.pdf.

[50] United States Census. State Exports from Oregon, 2014-2017. **********.census.gov/foreign-trade/statistics/state/data/or.html.

[51] Oregon Employment Department. *Employment and Wages by Industry (QCEW)*. 2017 Geographic Profile, Manufacturing (31-33). Retrieved from: qualityinfo.org.

tech manufacturing (Industrial Machinery, Electronic Equipment, and Instruments), Transportation Equipment manufacturing, and Printing and Publishing.[52]

- **Income.** Oregon's income and wages are below that of a typical state. However, mainly due to the wage growth over the last two to three years, Oregon wages are at their highest point relative to other states since the recession in the early 1980's. In 2017, the average annual wage in Oregon was $51,117, and in 2016, the median household income was $57,532 (compared to national average wages of $53,621 in 2017, and national household income of $57,617 in 2016).[53] Total personal income (all classes of income, minus Social Security contributions, adjusted for inflation) in Oregon is expected to increase by 35%, from $192.6 billion in 2017 to $260.6 billion in 2023. Per capita income is expected to increase by 25% over the same time period, from $46,400 in 2017 to $58,100 in 2023 (in nominal dollars).[54]

- **Small businesses continue to account for a large share of employment in Oregon**. While small firms played a large part in Oregon's expansion between 2003 and 2007, they also suffered disproportionately in the recession and its aftermath (64% of the net jobs lost between 2008 and 2010 was from small businesses).

  In 2017 small businesses (those with 100 or fewer employees) accounted for 95% of all businesses and 66% of all private-sector employment in Oregon. Said differently, most businesses in Oregon are small (in fact, 78% of all businesses have fewer than 10 employees), but the largest share of Oregon's employers work for large businesses.

  The average annualized payroll per employee for small businesses was $37,149 in 2015, which is considerably less than that for large businesses ($54,329) and the statewide average for all businesses ($47,278).[55]

  Younger workers are important to continue growth of small businesses across the nation. More than one-third of Millennials (those born between 1980 - 1999) are self-employed, with approximately half to two-thirds interested in becoming an entrepreneur. Furthermore, in 2011, about 160,000 startup companies were created each month; 29% of these companies were founded by people between 20 to 34 years of age.[56]

- **The Portland Metro region is expected to continue to grow over the next 20 years.** Metro forecasts growth of 524,000 new people between 2018 and 2038 and 209,000 more jobs over the same period. The sectors expected to have the most growth are Professional and Business Services, as well as Education and Health Services. Manufacturing employment is expected to decrease slightly over the 20-year period.[57]

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[52] Although Oregon's economy has diversified since the 1970's, natural resource-based manufacturing accounts for about 38% of employment in manufacturing in Oregon in 2017, with the most employment in Food Manufacturing (nearly 30,000) and Wood Product Manufacturing (nearly 23,000) (QCEW).

[53] Average annual wages are for "Total, all industries," which includes private and public employers. Oregon Quarterly Census of Employment and Wages, 2016. Retrieved from: **********.qualityinfo.org; Bureau of Labor Statistics, Quarterly Census of Employment and Wages, 2016; Total, U.S. Census American Community Survey 1-Year Estimates, 2016, Table B19013.

[54] Office of Economic Analysis. Oregon Economic and Revenue Forecast, March 2018. Vol. XXXVIII, No. 1, page 44 **********oregon.gov/das/OEA/Documents/forecast0318.pdf.

[55] U.S Census Bureau, 2015 Statistics of U.S. Businesses, Annual Data, Enterprise Employment Size, U.S and States. **********.census.gov/data/tables/2015/econ/susb/2015-susb-annual.html.

[56] Cooper, Rich, Michael Hendrix, Andrea Bitely. (2012). "The Millennial Generation Research Review." Washington, DC: The National Chamber Foundation. Retrieved from: **********uschamberfoundation.org/sites/default/files/article/foundation/MillennialGeneration.pdf.

[57] *Urban Growth Report*, Discussion Draft, Metro, July 3, 2018. The population and employment forecast are the "most likely growth" forecasts presented in the report.

Regional and Local Trends

Throughout this section and the report, Sherwood is compared to the State of Oregon, Washington County, and the Portland Region (which is Multnomah, Washington, and Clackamas Counties). These comparisons are to provide context for changes in Sherwood's socioeconomic characteristics.

Availability of Labor

The availability of trained workers in Sherwood will impact development of its economy over the planning period. A skilled and educated populace can attract well-paying businesses and employers and spur the benefits that follow from a growing economy. Key trends that will affect the workforce in Sherwood over the next 20 years include its growth in its overall population, growth in the senior population, and commuting trends.

Growing Population

Population growth in Oregon tends to follow economic cycles. Oregon's population grew from 2.8 million people in 1990 to 4.1 million people in 2017, an increase of almost 1,300,000 people at an average annual rate of 1.40%. Oregon's growth rate slowed to 1.1% annual growth between 2000 and 2017.

Sherwood's population grew faster than that of the State or Portland Region since 1990. Sherwood's population grew from about 3,000 residents in 1990 to more than 19,000 residents in 2017, an increase of more than 16,000 people or more than 500%.

Table 8. Population Growth, Sherwood, Portland Region, and Oregon, 1990 – 2017

Geography	1990	2000	2010	2017	Number	Percent	AAGR
Sherwood	3,093	11,791	18,194	19,350	16,257	526%	7.03%
Portland Region	1,174,291	1,444,219	1,641,036	1,811,860	637,569	54%	1.62%
Oregon	2,842,321	3,421,399	3,831,074	4,141,100	1,298,779	46%	1.40%

Source: U.S. Census Bureau, 1990, 2000, and 2010. Portland State University Population Estimates, 2017.

Age Distribution

The number of people aged 65 and older in the U.S. is expected to increase by nearly three-quarters by 2050, while the number of people under age 65 will only grow by 16%. The economic effects of this demographic change include a slowing of the growth of the labor force, need for workers to replace retirees, aging of the workforce for seniors that continue working after age 65, an increase in the demand for healthcare services, and an increase in the percent of the federal budget dedicated to Social Security and Medicare.[58]

Figure 1 through Figure 4 show the following trends:

- ♣ Sherwood's population is getting older faster father than those of Washington County, the Portland Region, or Oregon. This suggests that Sherwood is attracting more people in mid-life and more people over 65 years old.
- ♣ Sherwood has a smaller percentage of population between 40 and 59 years old and a smaller percentage of population older than 60 years, compared with Washington County, the Portland

[58] The Board of Trustees, Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, 2017, *The 2017 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds*, July 13, 2017. *The Budget and Economic Outlook: Fiscal Years 2018 to 2028*, April 2018.

Region, or Oregon. This shows that Sherwood is attractive to people in their mid-life, which affects potential availability of mid-career workers.

♣ Washington County's population is expected to continue to age, with people 60 years and older increasing from 18% of the population in 2017 to 24% of the population in 2035. This is consistent with Statewide trends. Sherwood may continue to attract mid-life and older workers over the planning period. While Sherwood's share of retirees may increase over the next 20 years, availability of people nearing retirement (e.g., 55 to 70 years old) is likely to increase. People in this age group may provide sources of skilled labor, as people continue to work until later in life. These skilled workers may provide opportunities to support business growth in Sherwood.

Sherwood's median age has increased by about six years since 2000. This change suggests that Sherwood is attracting more workers in mid-life and more people over 65 years old.

Figure 1. Median Age, 2000 to 2012-2016

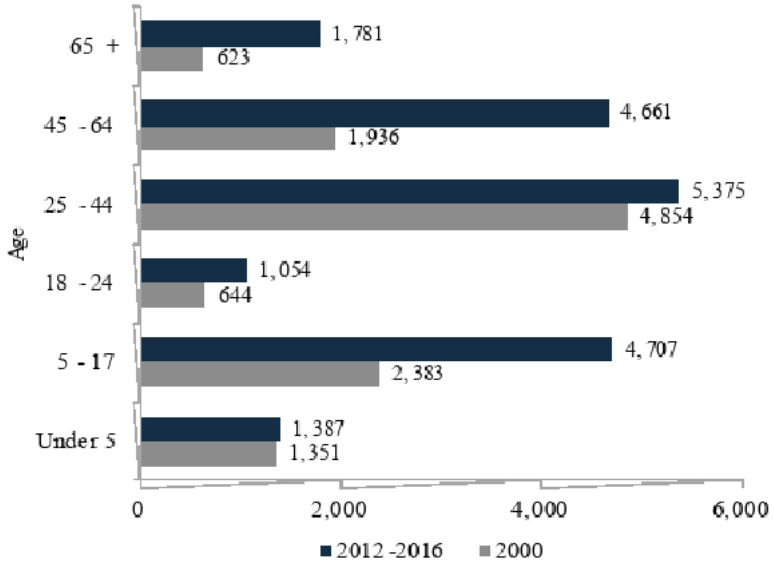
Source: U.S. Census Bureau, 2000 Decennial Census, Table P013; American Community Survey 2012-2016 5-year estimate, Table B01002.

2000	31.4 Sherwood	33.0 Wash. County	34.9 Portland Region	36.3 Oregon
2012-16	37.0 Sherwood	36.2 Wash. County	34.9 Portland Region	39.1 Oregon

From 2000 to 2012-2016, Sherwood's largest population increase was for the population aged 45 to 64 years old. This is larger than statewide trends.

Figure 2. Sherwood population change by age, 2000 to 2012-2016

Source: U.S. Census Bureau, 2000 Summary File; American Community Survey 2012-2016 5-year estimate, Table B01001.

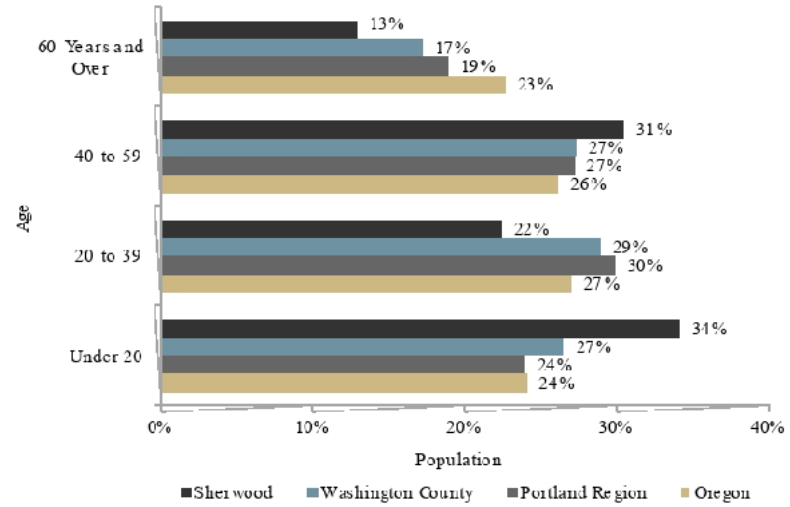


From 2012 to 2016, 53% of Sherwood's residents were between 20 and 59 years old.

Sherwood has a larger share of residents under the age of 20 than the Portland Region and the State. Sherwood has a comparatively small population of residents between the ages of 20 to 39 (22%).

Figure 3. Population distribution by age, Sherwood, Washington County, Portland Region, and Oregon, 2012-2016

Source: U.S. Census Bureau, American Community Survey, 2012-2016 5-year estimate, Table B01001.

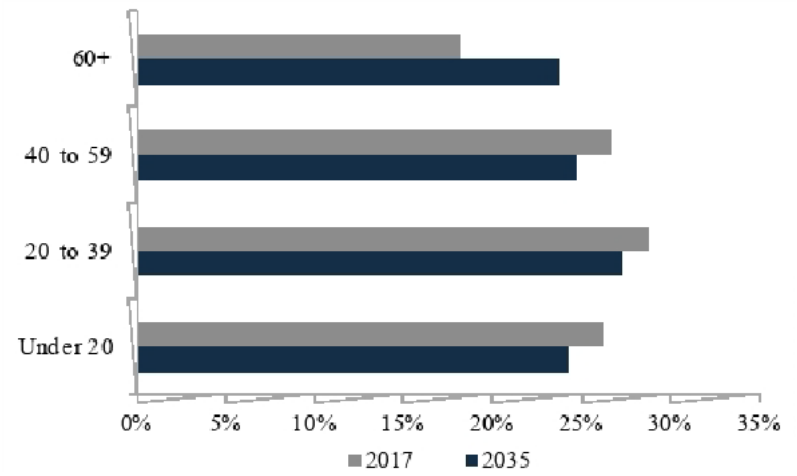


By 2035, Washington County will have a larger share of residents older than sixty than it does today.

The share of residents aged 60 years and older will account for 24% of Washington County's population, compared to 18% in 2017.

Figure 4. Population Growth by Age Group, Washington County, 2017 - 2035

Source: Oregon Population Forecast, 2017.



Income

Income and wages affect business decisions for locating in a city. Per capita income[59] grew most years during the 34-year period, with the exception of a decrease during the recession. Between 1980 and 2016, Oregon's per capita personal income was consistently lower than the U.S. average. In 1980, Oregon's per capita personal income equaled the national average. By 2016, Oregon's per capita personal income reached 89% of the national average. Oregon's relatively low wages make the state attractive to businesses seeking to locate in areas with lower-than-average wages.

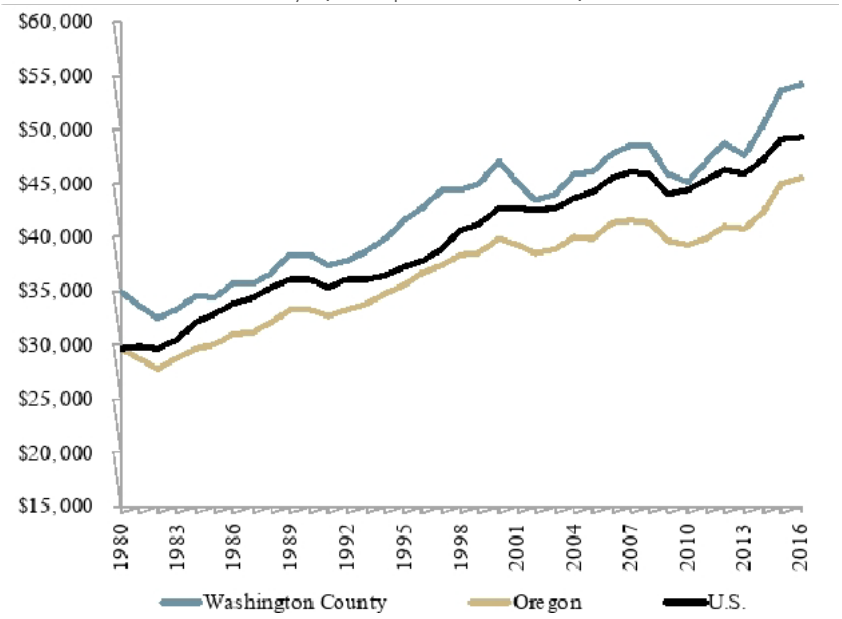
Washington County's per capita income remained consistently above the State average and the U.S. average.

Per capita income (adjusted for inflation) in the nation, Oregon, and Washington County has grown since 1980.

Oregon's per capita income grew 15% in the post-recession period between 2009 and 2016, larger than the nation's 12% growth over the same period, but less than Washington County's 18% over this time frame. Washington County's per capita income was 117% of Oregon's average in 2016.

Figure 5. Per Capita Personal Income, Washington County, Oregon, and U.S., 1980 to 2016, Inflation-adjusted 2016 Dollars

Source: Bureau of Economic Analysis, Per Capita Personal Income, Table CA-1.



[59] Personal income includes wages, dividends and interest from investments, rent from investments, pension play payments and transfer payments (e.g., social security payments). Per capita personal income is the personal income of the area divided by the total number of people in the area.

Between 2000 and 2016, Washington County's per capita personal income grew, and its average wages increased. Over the same period, average wages increased in Oregon and the U.S. The increase in average wages in Washington County has many causes, but one cause is the change in mix of jobs in Washington County since 2001. The sectors in Washington County with the largest number of employees is Manufacturing and Business Services, both of which have above-average wages (see Table 10).

Sherwood's wages are below average for the Portland Region and for the nearby cities of Tigard and Tualatin. The primary reason for lower wages at jobs in Sherwood is the mix of jobs in Sherwood, with Retail and Accommodations and Food Services having the largest number of employees in Sherwood but wages below the city average (see Figure 20).

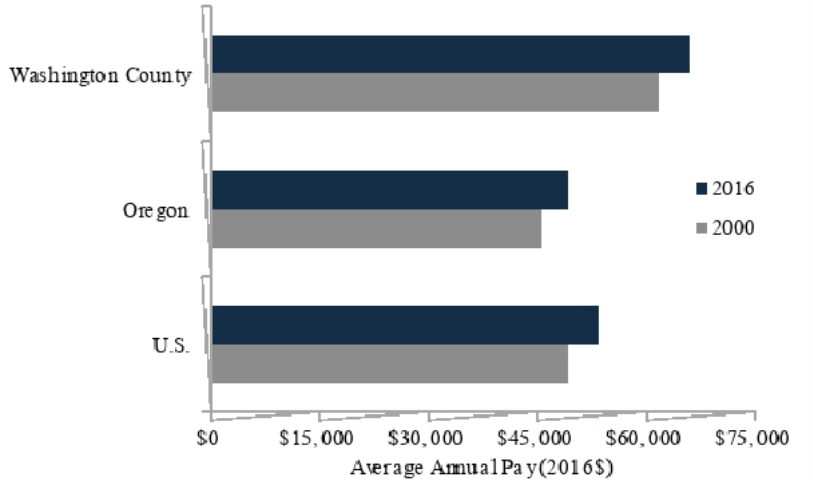
At the same time, median household income and median family income in Sherwood are considerably above those of Washington County. This suggests that many residents of Sherwood either work outside of Sherwood (where wages are higher) or have income from sources other than wages (such as investments). The commuting patterns in Sherwood show that only 8% of Sherwood's working residents both live and work in Sherwood (see Figure 16).

From 2000 to 2016, average annual wages rose in Washington County, Oregon, and the nation.

In 2016, average annual wages were $65,908 in Washington County, $49,467 in Oregon, and $53,621 across the nation.

Figure 6. Average Annual Wage, Covered Employment, Washington County, Oregon, and U.S., 2000 to 2016, Inflation-adjusted 2016 Dollars

Source: Bureau of Labor Statistics, Quarterly Census of Employment and Wages.

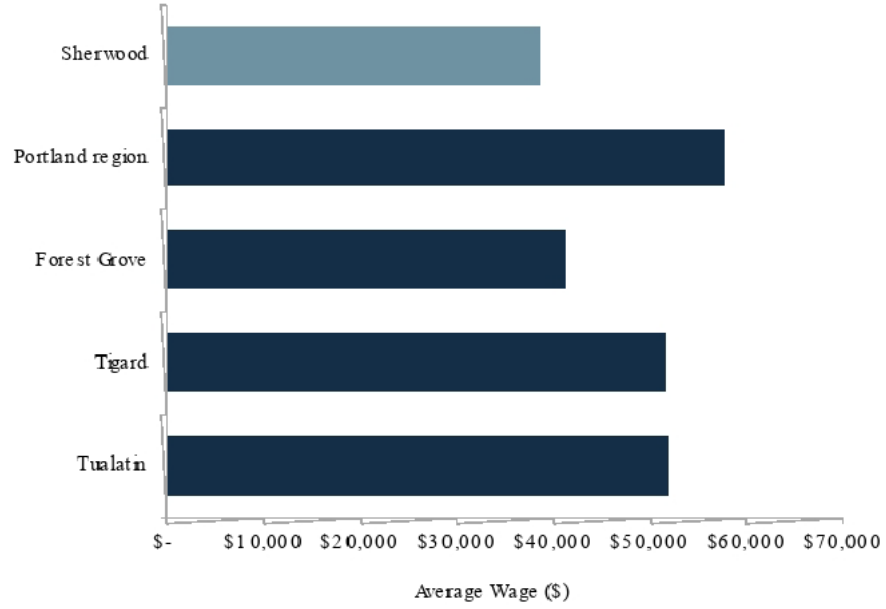


In 2016, average annual wages in Sherwood were lower than other cities in the Portland region.

In 2016, average annual wages were $38,696 in Sherwood and $57,616 in the Portland region. Average annual wages in cities such as Forest Grove, Tigard, and Tualatin were between Sherwood and the Portland region.

A large number of jobs in Sherwood (see Figure 20) are lower wage sectors, such as in Retail and Accommodations and Food Services.

Figure 7. Average Annual Wage, Covered Employment, Sherwood and Portland region, 2016.
Source: Oregon Quarterly Census of Employment and Wages.



Over the 2012-2016 period, Sherwood's median household income was well above comparable cities in the region, as well as Washington County's, the Portland Region's, and the State's median household income.

Figure 8. Median Household Income,[60] 2012-2016
Source: U.S. Census Bureau, American Community Survey, 2012-2016 five-year estimate, Table B19013.

$86,111 Sherwood	$69,743 Washington County	$53,270 Oregon	
$49,857 Forest Grove	$65,505 Tigard	$71,896 Tualatin	$63,097 Wilsonville

[60] The Census calculated household income based on the income of all individuals 15 years old and over in the household,

whether they are related or not.

Sherwood's median family income was well above that of Washington County's, the Portland Region's, and the State's median family income for the 2012-2016 period.

Figure 9. Median Family Income,[61] 2012-2016

Source: U.S. Census Bureau, American Community Survey, 2012-2016 five-year estimate, Table B19113.

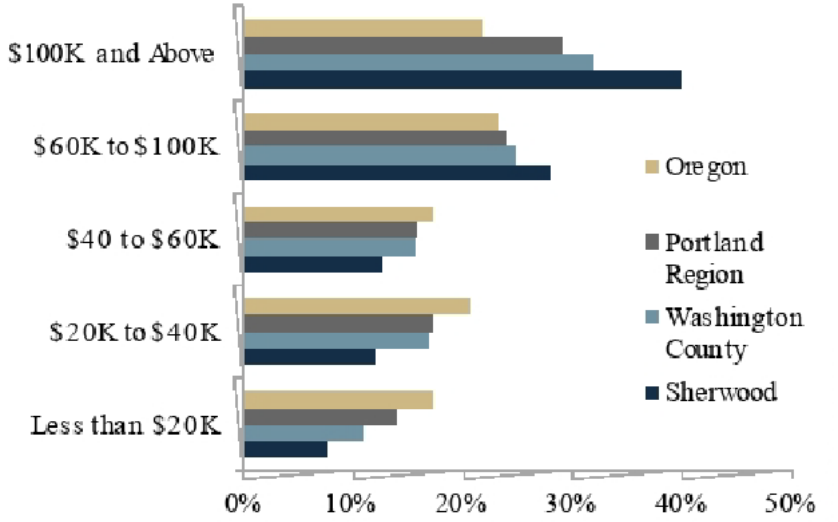
$97,196	$81,887	$65,479
Sherwood	Washington County	Oregon

During the 2012-2016 period, 40% of Sherwood households earned more than $100,000.

About 28% of Sherwood households had an income between $60,000 and $100,000 compared to 23% statewide, 24% in the Portland Region, and 25% in Washington County.

Figure 10. Household Income by Income Group, Sherwood, Washington County, Portland Region, and Oregon, 2010-2016, Inflation-adjusted 2016 Dollars

Source: U.S. Census Bureau, American Community Survey, 2012-2016 5-year estimates, Table B19001.



[61] The Census calculated family income based on the income of the head of household, as identified in the response to the Census forms, and income of all individuals 15 years old and over in the household who are related to the head of household by birth,

marriage, or adoption.

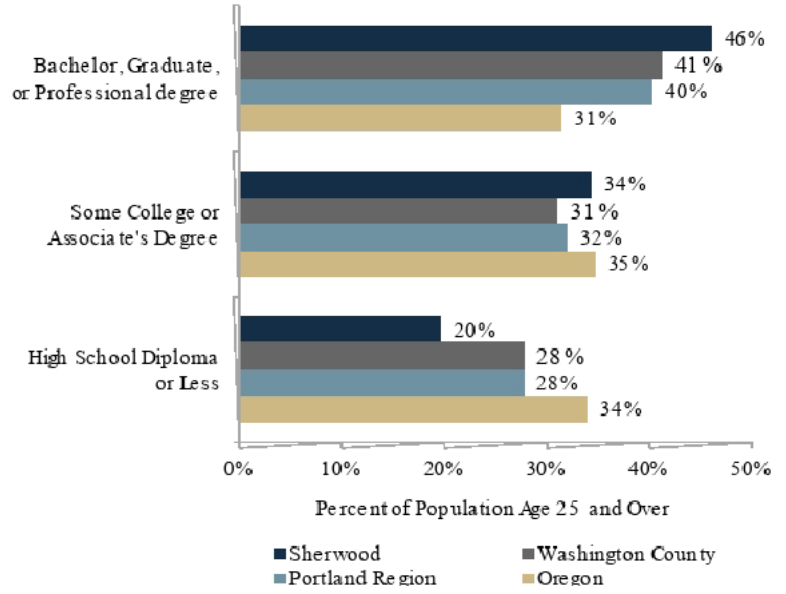
Educational Attainment

The availability of trained, educated workers affects the quality of labor in a community. Educational attainment is an important labor force factor because firms need to be able to find educated workers.

Sherwood has a larger share of residents with Bachelor, Graduate, or Professional school degrees (46%) relative to Washington County (41%), the Portland Region (40%), and Oregon (31%).

Figure 11. Educational Attainment for the Population 25 Years and Over, 2012-2016

Source: U.S. Census Bureau, American Community Survey, 2012-2016 5-year estimate, Table B15003.



Labor Force Participation and Unemployment

The current labor force participation rate is an important consideration in the availability of labor. The labor force in any market consists of the adult population (16 and over) who are working or actively seeking work. The labor force includes both the employed and unemployed. Children, retirees, students, and people who are not actively seeking work are not considered part of the labor force. According to the 2012-2016 American Community Survey, Sherwood has more than 9,700 people in its labor force.

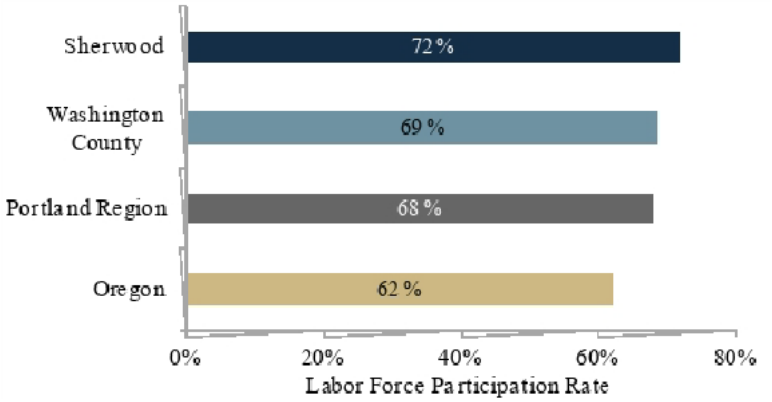
In 2017, the Oregon Office of Economic Analysis reported that 64% of job vacancies were difficult to fill. In the Portland Metro region, 51% of job vacancies were hard to fill. The most common reason for difficulty in filling jobs included a lack of applications (30% of employers' difficulties), lack of qualified candidates (17%), unfavorable working conditions (14%), a lack of soft skills (11%), and a lack of work experience (9%).[62] These statistics indicate a mismatch between the types of jobs that employers are demanding and the skills that potential employees can provide.

Sherwood has a higher labor force participation rate (72%) than Washington County (69%), the Portland Region (68%) and Oregon (62%).

The likely reason for the higher labor force participation rate is Sherwood's smaller share of people over 60 years old.

Figure 12. Labor Force Participation, Sherwood, Washington County, Portland Region, Oregon, 2012-2016

Source: U.S. Census Bureau, American Community Survey, 2010-2016 5-year estimate, Table B23001.

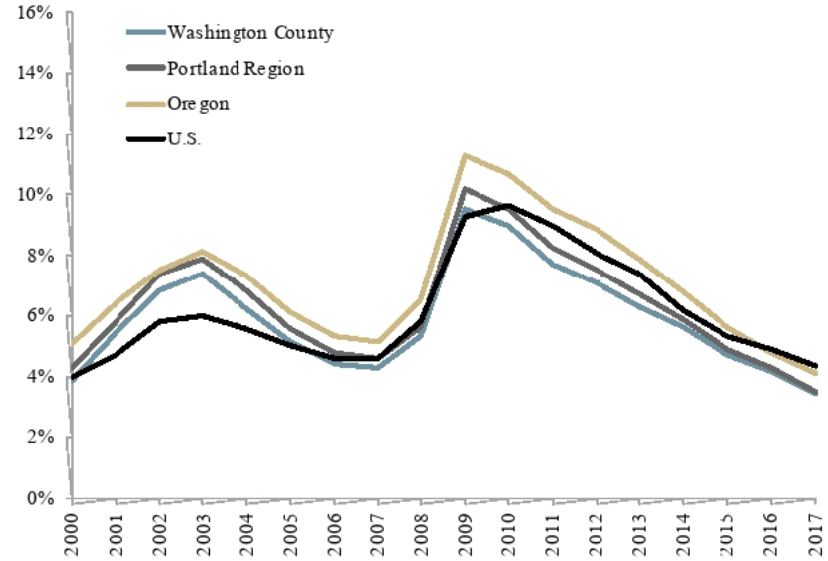


[62] *Oregon's Current Workforce Gaps: Difficult-to-fill Job Openings, Oregon Job Vacancy Survey*, Oregon Employment Department, June 2018.

The unemployment rate in Oregon and the U.S. has declined since the recession. Unemployment rates for 2017 in Washington County, the Portland Region, and across the state are below 2000 rates. In 2017, the unemployment rate in Washington County was about 3.4%, lower than the Portland Region's rate of 3.5%, Oregon's rate of 4.1% and the national rate of 4.4%.

Figure 13. Unemployment Rate, Washington County, Portland Region, Oregon, and US, 2000 - 2017

Source: Bureau of Labor Statistics, Local Area Unemployment Statistics and Labor Force Statistics.



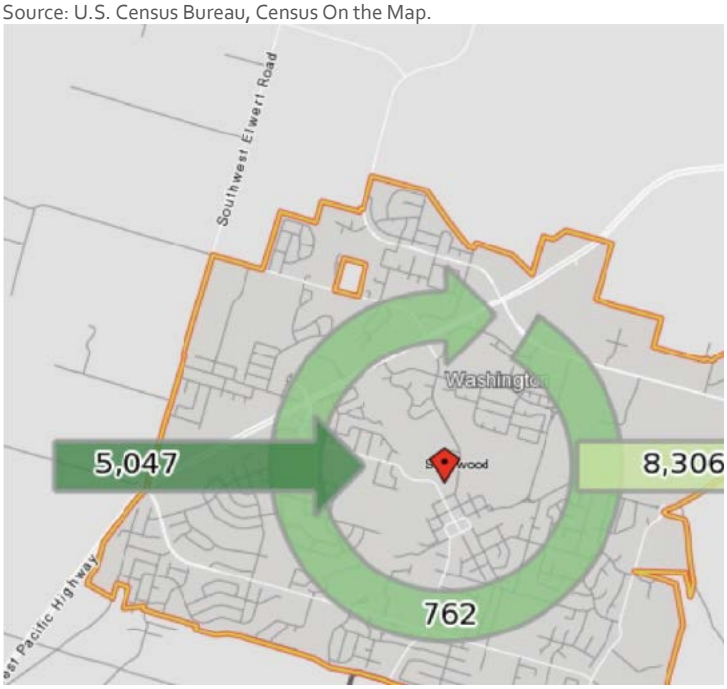
Commuting Patterns

Commuting plays an important role in Sherwood's economy because employers in Sherwood are able to access workers from people living in the city and from across the Portland Metro Region. In the 2012-2016 period, about 23% of Sherwood's residents had a commute of less than 15 minutes compared to 26% of Washington County residents, 23% of Portland Region residents, and 32% of Oregon residents.

Sherwood is part of an interconnected regional economy. Fewer people both live and work in Sherwood than commute into or out of the city. This commuting pattern is similar to that in similar-sized cities in the Portland Region.

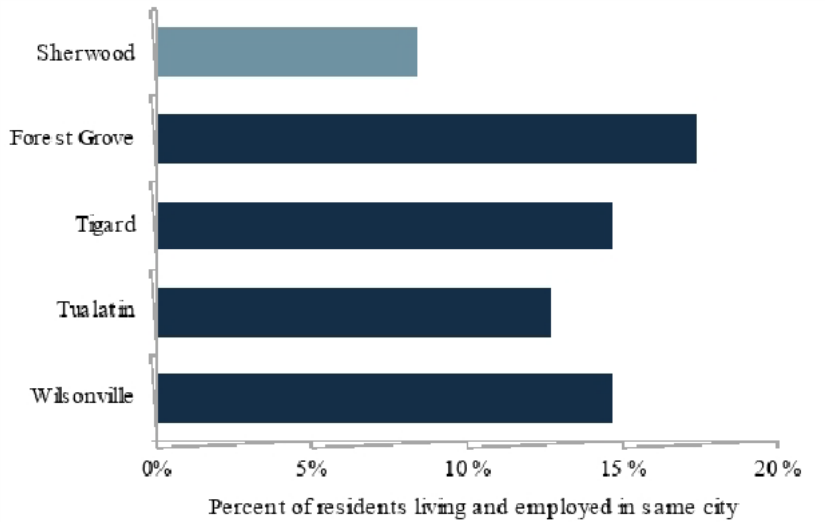
Figure 14. Commuting Flows, Sherwood, 2015

Source: U.S. Census Bureau, Census On the Map.



About 8% of Sherwood residents also work in Sherwood. Other cities in the Portland region have a larger share of residents that work in the same city, but many still commute outside for employment.

Figure 15. Residents that Live and Work in the Same City, Sherwood, 2015
Source: U.S. Census Bureau, Census On the Map.



About 13% of all people who work in Sherwood also live in Sherwood.

Figure 16. Places Where Sherwood Workers Lived,[63] 2015
Source: U.S. Census Bureau, Census On the Map.

13%	11%	5%	5%
Sherwood	Portland	Beaverton	Tigard

About 8% of residents who live in Sherwood also work in Sherwood. Twenty-two percent of Sherwood residents commute to Portland.

Figure 17. Places Where Sherwood Residents were Employed,[64] 2015
Source: U.S. Census Bureau, Census On the Map.

8%	22%	8%	8%
Sherwood	Portland	Beaverton	Tigard

[63] In 2015, 5,809 people worked at businesses in Sherwood, with 13% (762) people both living and working in Sherwood.

[64] In 2015, 9,068 residents of Sherwood worked, with 8% of Sherwood residents (762 people) both living and working in Sherwood.

Figure 16 shows 11% of people who work in Sherwood commute from Portland, 5% from Beaverton, and 5% from Tigard. The remaining workers commute from many other cities located across the Portland Metro area.

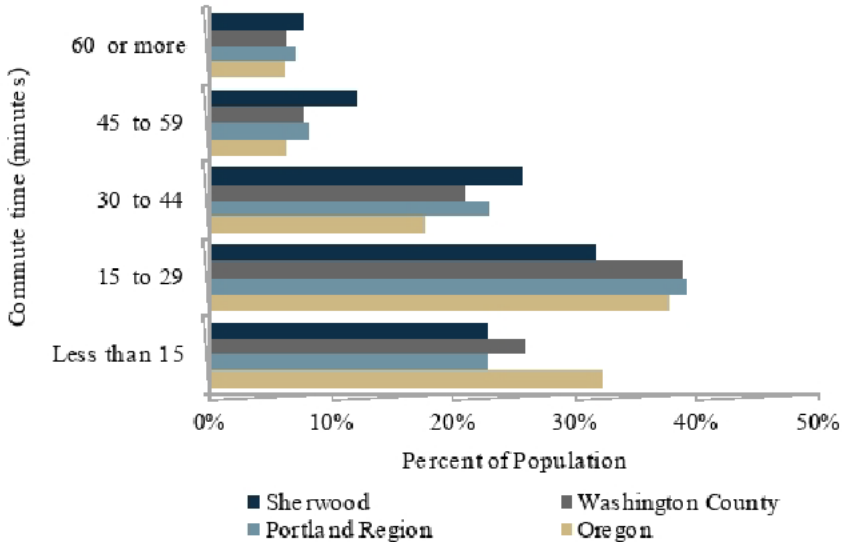
These findings are consistent with the commuting findings presented in the 2018 Draft Urban Growth Report. That report shows that most jobs in the region are in Multnomah County, with about 46% of workers who live in Washington County commuting to Multnomah County for work.[65]

The majority of Sherwood residents have a commute time of less than 30 minutes.

About 26% of Sherwood residents have commute times between 30 to 44 minutes, and about 20% commute for forty-five minutes or more.

Figure 18. Commute Time by Place of Residence, 2012-2016

Source: U.S. Census Bureau, American Community Survey, 2012-2016 5-year estimate, Table B08303.



[65] *Urban Growth Report*, Discussion Draft, Metro, July 3, 2018

Changes in Employment in Washington County and Sherwood

The economy of the nation changed substantially between 1980 and 2016. These changes affected the composition of Oregon's economy, including both Washington County and Sherwood's economies. At the national level, the most striking change was the shift from manufacturing employment to service-sector employment. The most important shift in Oregon during this period has been the shift from a timber-based economy to a more diverse economy, with the greatest employment in services.

Employment Trends in Washington County

Over the past few decades, employment in the U.S. has shifted from manufacturing and resource-intensive industries to service-oriented sectors of the economy. Increased worker productivity and the international outsourcing of routine tasks have led to declines in employment in the major goods-producing industries.

In the 1970s, Oregon started to transition away from reliance on traditional resource-extraction industries. An important indicator of this transition is the shift within Oregon's manufacturing sector, with a decline in the level of employment in the Lumber & Wood Products industry[66] and concurrent growth of employment in advanced manufacturing industries (Industrial Machinery, Electronic Equipment, and Instruments).[67]

As Oregon has transitioned away from natural resource-based industries, the composition of Oregon's employment has shifted from natural resource-based manufacturing and other industries to service industries. The share of Oregon's total employment in Service industries increased from its 1970s average of 19% to 30% in 2000, while employment in Manufacturing declined from an average of 18% of total employment in the 1970s to an average of 12% in 2000.

The changes in sectors and industries are shown in two tables: (1) between 1980 and 2000 and (2) between 2001 and 2016. The analysis is divided this way because of changes in industry and sector classification that made it difficult to compare information about employment collected after 2001 with information collected prior to 2000.

Employment data in this section is summarized by *sector*, each of which includes several individual *industries*. For example, the Retail Trade sector includes General Merchandise Stores, Motor Vehicle and Parts Dealers, Food and Beverage Stores, and other retail industries.

[66] Lumber and Wood Products manufacturing is in Standard Industrial Classification (SIC) 24

[67] SIC 35, 36, 38

Table 9 shows changes in Washington County between 1980 and 2000. Over the total period, total employment in Washington County increased by 132% from about 93,916 to 218,125 employees. Between 1980 and 2000, employment in services as a share of total employment rose from 15% to 28%.

Table 9. Covered Employment by SIC Industries, Washington County, 1980-2000

Sector	1980	1990	2000	Change 1980 to 2000		
				Difference	Percent	AAGR
Agriculture, Forestry & Fishing	2,344	4,545	5,573	3,229	138%	4.4%
Mining	0	182	251	251	NA	NA
Construction	5,025	7,805	12,202	7,177	143%	4.5%
Manufacturing	32,990	33,636	50,020	17,030	52%	2.1%
Trans., Comm., & Utilities	2,445	4,624	8,173	5,728	234%	6.2%
Wholesale Trade	6,282	12,262	18,675	12,393	197%	5.6%
Retail Trade	18,087	27,480	39,253	21,166	117%	4.0%
Finance, Insurance, & Real Estate	4,025	6,877	12,528	8,503	211%	5.8%
Services	13,805	30,430	61,163	47,358	343%	7.7%
Non Classifiable	NA	NA	101	NA	NA	NA
Government	8,913	8,704	10,186	1,273	14%	0.7%
Total	93,916	136,545	218,125	124,209	132%	4.3%

Source: Bureau of Labor Statistics, Quarterly Census of Employment and Wages, 1980-2000.
Note: "ND" stands for "Not disclosed" and indicates that the data has been suppressed by the BLS due toconfidentiality constraints. In most years, the non-disclosure is negligible.

Table 10 shows employment in NAICS-categorized industries in Washington County for 2001 and 2016. Employment increased by 54,440 jobs, or 24%, over this period. The private sectors with the largest increases in numbers of employees were professional and business services, health care and social assistance, accommodation and food services, and retail trade. Employment in higher wage industries, such as manufacturing, decreased by 2,369 jobs over the 2001 to 2016 time period. The health care and social assistance sector increased by 12,487 jobs.

The average wage for covered employment in Washington County in 2016 was about $65,900.

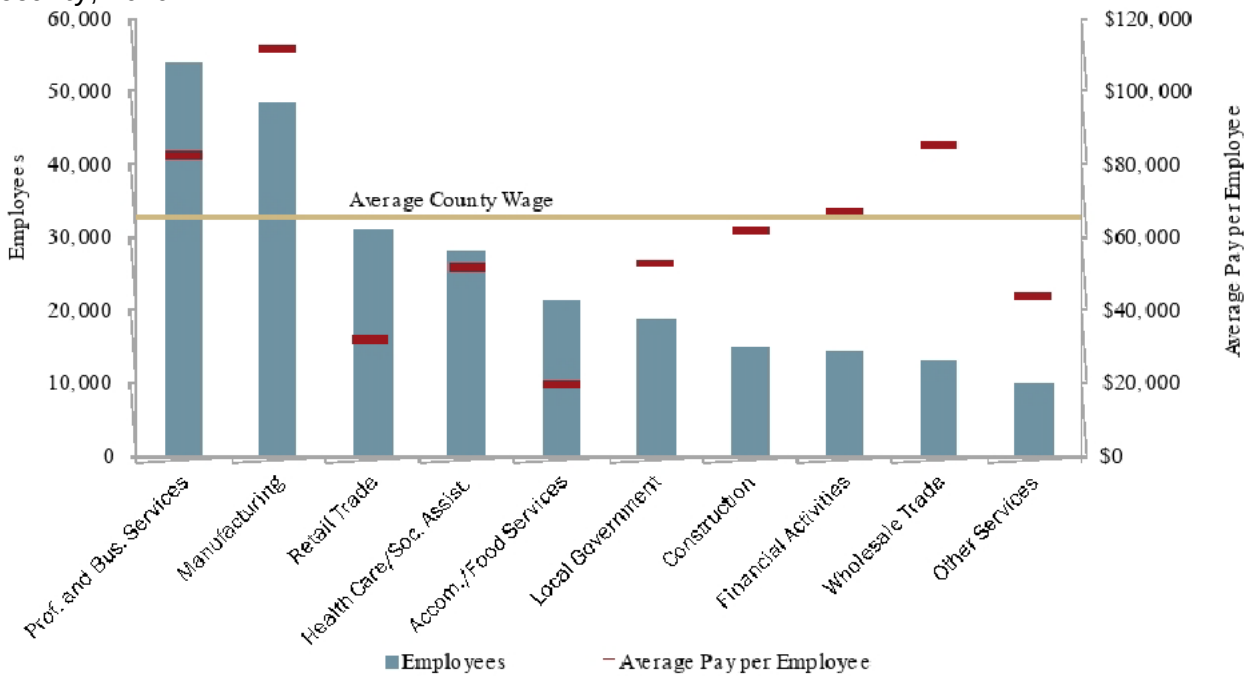
Table 10. Covered Employment by Industry, Washington County, 2001-2016

Sector	2001	2016	Change 2001 to 2016		
			Difference	Percent	AAGR
Natural Resources and Mining	3,607	3,237	-370	-10%	-0.7%
Construction	12,591	14,877	2,286	18%	1.1%
Manufacturing	50,872	48,503	-2,369	-5%	-0.3%
Wholesale trade	14,478	13,362	-1,116	-8%	-0.5%
Retail trade	26,864	31,134	4,270	16%	1.0%
Trade, Transportation, and Utilities	4,500	4,567	67	1%	0.1%
Information	8,687	7,439	-1,248	-14%	-1.0%
Financial Activities	13,139	14,397	1,258	10%	0.6%
Professional and Business Services	34,295	53,768	19,473	57%	3.0%
Educational Services	3,551	5,160	1,609	45%	2.5%
Health care and social assistance	15,532	28,019	12,487	80%	4.0%
Arts, entertainment, and recreation	2,369	4,205	1,836	78%	3.9%
Accommodation and food services	14,237	21,332	7,095	50%	2.7%
Other Services	7,188	9,947	2,759	38%	2.2%
Unclassified	75	45	-30	-40%	-3.3%
Government	16,516	22,949	6,433	39%	2.2%
Total	228, 501	282, 941	54, 440	24%	1.4%

Source: Bureau of Labor Statistics, Quarterly Census of Employment and Wages, 2001-2016.
Note: "ND" stands for "Not Disclosed" and indicates that the data has been suppressed by the BLS due to confidentiality constraints. The total amount of not-disclosed employment is shown in the table.

Figure 19 shows covered employment and average wage for the 10 largest industries in Washington County. Jobs in professional and business services, which account for about 19% of the County's covered employment, pay more per year than the county average ($82,388 compared to $65,553). Jobs in construction and financial activities approximately pay the 2016 County average annual amount. Retail trade, health care and social assistance, accommodation and food services, local government, and other services pay below the 2016 county average, while manufacturing and wholesale trade pay well above the County average.

Figure 19. Covered Employment and Average Pay by Sector, 10 Largest Sectors Washington County, 2016



Source: Bureau of Labor Statistics, Quarterly Census of Employment and Wages, 2016.

Employment Trends in Sherwood

Table 11 shows a summary of covered employment data for the city of Sherwood in 2016. The sectors with the greatest number of employees were Retail Trade (17%), Accommodation and Food Services (13%), and Manufacturing (11%). These sectors accounted for 2,509 jobs or 41% of Sherwood's employment.

The average size for a private business in Sherwood is 9 employees per business, compared to the State average of 11 employees per private business. Businesses with 50 or fewer employees account for roughly 57% of private employment in Sherwood. Businesses with 9 or fewer employees account for 20% of private employment and 4 or fewer account for 10% of private employment.

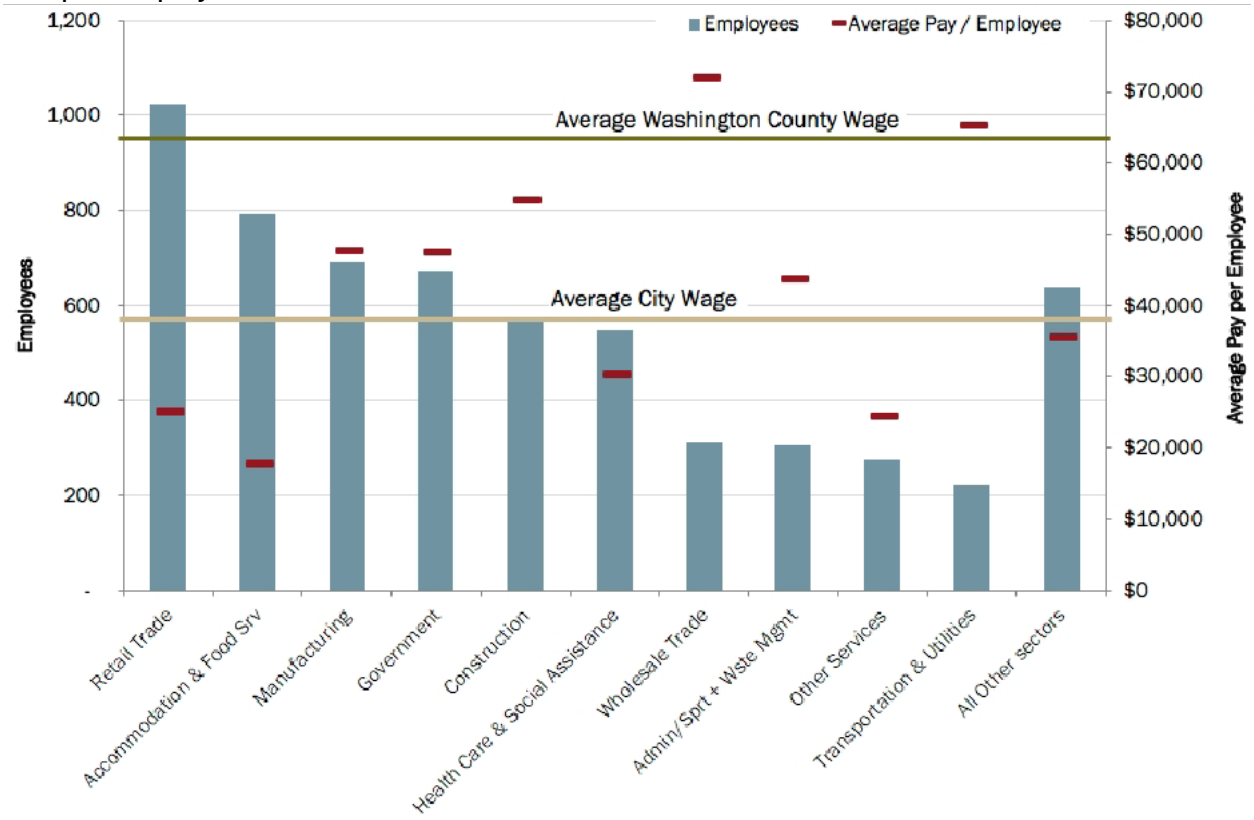
Table 11. Covered Employment and Average Pay by Industry, Sherwood City Limits and Tonquin Employment Area, 2016

Sector/Industry	Establishments	Employees	Payroll	Average Pay / Employee
Construction	60	569	$ 31,381,520	$ 55,152
Manufacturing	30	693	$ 33,207,616	$ 47,919
Wholesale Trade	62	312	$ 22,593,328	$ 72,415
Retail Trade	51	1,022	$ 26,036,704	$ 25,476
Transportation and Utilities	12	221	$ 14,517,532	$ 65,690
Information	10	37	$ 947,471	$ 25,607
Finance and Insurance	31	87	$ 4,715,399	$ 54,200
Real Estate and Rental and Leasing	28	112	$ 4,394,547	$ 39,237
Professional and Technical Services, Mgmt of Companies	60	138	$ 9,106,105	$ 65,986
Administrative and Support and Waste Mgmt Services	40	305	$ 13,401,928	$ 43,941
Private Education Services	12	73	$ 1,299,774	$ 17,805
Health Care and Social Assistance	57	547	$ 16,787,634	$ 30,690
Arts, Entertainment, and Recreation	9	191	$ 2,442,711	$ 12,789
Accommodation and Food Services	45	794	$ 14,300,792	$ 18,011
Other Services	96	275	$ 6,790,400	$ 24,692
Government	11	672	$ 32,107,329	$ 47,779
Total	614	6,048	$ 234,030,790	$ 38,696

Source: Oregon Employment Department, Quarterly Census of Employment and Wages, 2016.

Figure 20 shows the employment and average pay per employee for selected industrial sectors in Sherwood. Average pay for all employees ($38,695) is shown as a light brown line across the graph and average pay for individual sectors as short red lines. The figure shows that Manufacturing; Government; Construction; Wholesale Trade; Administrative and Support and Waste Management; Other Services; and Transportation and Utilities have above average wages. The lowest wages are in Retail Trade and Accommodations and Food Services.

Figure 20. Covered Employment and Average Pay by Industry, Sherwood City Limits and Tonquin Employment Area, 2016



Source: Oregon Employment Department, Quarterly Census of Employment and Wages, 2016.

Sherwood developed with more housing than jobs. The largest industries in Sherwood, Retail and Accommodations and Food Services, not only have lower-than average wages but also generate less property tax revenue than industries that make significant investments in buildings or fixed machinery and equipment.

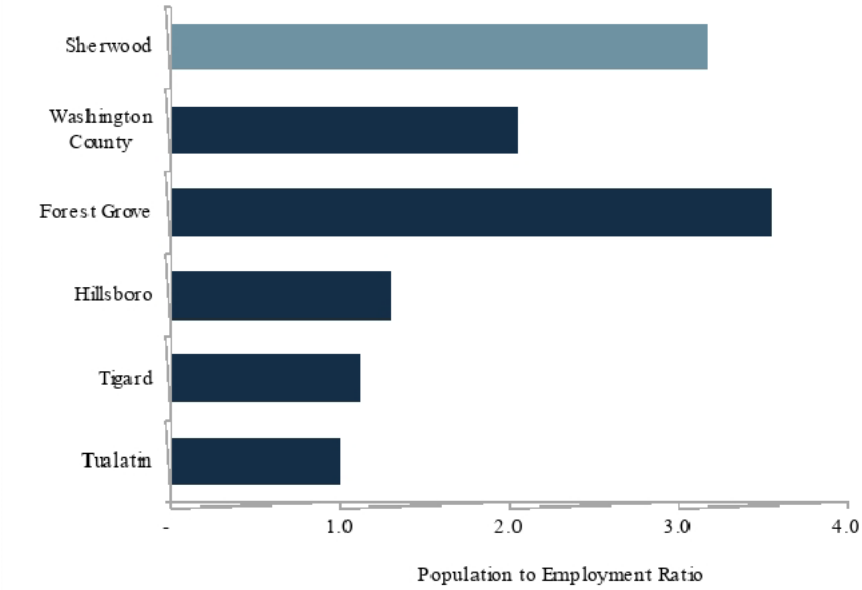
Figure 21 shows that Sherwood currently has 3.2 residents for every job. This is consistent with the commuting patterns shown in Figure 14, which shows that more than 90% of Sherwood's working residents commute out of the City for work. Employment centers like Hillsboro, Tigard, and Tualatin have population to employment ratios closer to one resident for every job.

In 2016, Sherwood had about 3.2 residents for every job.

In comparison, Washington County had an average of 2.0 residents per job. Employment centers like Hillsboro, Tigard, and Tualatin had 1.0 to 1.3 residents per job.

Figure 21. Ratio of Population to Employment, Sherwood and Portland region, 2016

Source: Employment from Oregon Quarterly Censusof Employment and Wages and Annual Population Estimates from Portland State University Population Research Center.



Tourism in Portland Metro and Washington County

Longwoods International provides regional statistics on travel. The following information is from Longwoods International's Oregon 2015 Regional Visitor Report for the Greater Portland Region.[68] Broadly, travelers to the Greater Portland Region account for:

- 10.6 million overnight trips annually; 32% of Oregon Travel.
- Primary market area for travelers is Oregon, Washington, California, and Idaho: 30% of Greater Portland Region visitors are from Oregon; 27% are from Washington; 16% are from California; and 4% are from Idaho.
- 50% stayed 2 or fewer nights; 35% stayed 3-6 days; and 15% stayed 7 or more days.
- Average per person expenditures on overnight trips range from $12 to $50 per night.
- About 66% of visits are by personally-owned automobiles; 22% by rental car; 3% by RV.
- Visitors are younger and well-educated: over half have college degrees; 44% of visitors are between the ages 25-44; 30% are 45-64; 43% earn less than $50k; 21% earn between $50k and $75k; 15% earn between $75k and $100k; and 21% over $100k.

Washington County's direct travel spending increased 78% from 2000 to 2016. The Portland Metro Region's directtravel spending increased by 81% over the same period.

Figure 22. Direct Travel Spending ($ millions), 2000 and 2016
Source: Dean Runyan Associates, Oregon Travel Impacts, 1991-2016.

2000	$2,700 Portland Metro Region	$410 Washington County
2016	$4,900 Portland Metro Region	$728 Washington County

Washington County's lodging tax receipts increased 170% over 2006 to 2016.

Figure 23. Lodging Tax Receipts, 2006 and 2016
Source: Dean Runyan Associates, Oregon Travel Impacts, 1991-2016.

2006	$4,537 Washington County
2016	$12,262 Washington County

Washington County's largest visitor spending for purchased commodities is food services.

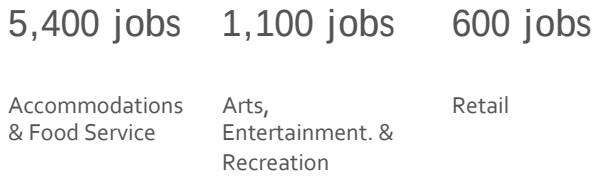
Figure 24. Largest Visitor Spending Categories ($ millions), Washington County, 2016
Source: Oregon Travel Impacts.

$199.6 Food Service	$133.3 Accommodations	$96.7 Retail

[68] "Oregon 2015 Regional Visitor Report, Greater Portland Region," Longwoods International, 2015.

Washington County's largest employment generated by travel spending is in the accommodations and food service industry.

Figure 25. Largest Industry Employment Generated by Travel Spending, Washington County, 2016
Source: Oregon Travel Impacts.



Regional Business Clusters

One way to assess the types of businesses that are likely to have future growth in an area is to examine relative concentration and employment growth of existing businesses. This method of analysis can help determine relationships and linkages within industries, also called industrial clusters. Sectors that are highly concentrated (meaning there are more than the "average" number of businesses in a sector in a given area) and have had high employment growth are likely to be successful industrial clusters. Sectors with either high concentration of businesses or high employment groups may be part of an emerging cluster, with potential for future growth.

The U.S. Cluster Mapper is a database created by the Harvard Business School and the U.S. Economic Development Administration. It provides a snapshot of the business clusters in Washington County. Greater Portland Inc. (GPI) completed a cluster analysis for the Portland region in 2018 as part of the *Greater Portland 2020* economic development strategy.[69] The six target clusters it identified—and how these clusters align with U.S. Cluster Mapper results for Washington County—were:[70]

- **Clean Tech.** GPI identified Clean Tech as a cluster that accounts for 20% of the total cluster employment in the Portland region, as of 2016. Employment in this cluster increased by about 7% between 2006 and 2016. The average wage in Clean Tech in the Portland metropolitan statistical area was $86,300 in 2016, which is above the average wage for Washington County.
- **Computer and Electronics.** The Computer and Electronics cluster accounted for the largest share of total cluster employment in the Portland region in 2016 at 24%. GPI identified this cluster as a "Growing Base Industry," and it closely aligns with the Information Technology and Analytical Instruments cluster, from U.S. Cluster Mapper, which employed 13,267 people in Washington County in 2015. The average wage in Computer and Electronics in the Portland metropolitan statistical area was $132,400 in 2016, above the average wage for Washington County.
- **Software and Media.** GPI identified the Software and Media cluster as an "emerging industry" in the Portland region. Employment in this cluster grew by about 67% between 2006 and 2016 and accounted for 19% of the total cluster employment in 2016. This cluster aligns with the Marketing, Design, and Publishing cluster, from U.S. Cluster Mapper, which employed 2,974 people in Washington County in 2015. The average wage in Software and Media in the Portland metropolitan statistical area was $101,700 in 2016, above the average wage for Washington County.
- **Athletic and Outdoor.** GPI identified the Athletic and Outdoor cluster as a "Growing Base Industry." Employment in this cluster accounted for about 14% of the total cluster employment in the Portland region in 2016, and the Portland region has a higher-than-average average wage in this cluster at $132,763, compared to the U.S. average at $49,366. The Athletic and Outdoor cluster aligns with the Distribution and Electronic Commerce cluster, as defined in U.S. Cluster

[69] Greater Portland Inc. *Greater Portland 2020.* "Regional Trends in Greater Portland's Target Clusters." Presentation. 2018.
[70] Ibid.

Mapper, which employed 21,367 people in Washington County in 2015. The average wage in the Athletics and Outdoors cluster in the Portland metropolitan statistical area was $132,800 in 2016, above the average wage for Washington County.

♣ **Health Sciences and Technology.** Employment in the Health Sciences and Technology cluster grew by about 12% between 2006 and 2016, and GPI identified it as an "Emerging Industry." This cluster aligns with the Education and Knowledge Creation cluster, from U.S. Cluster Mapper, which employed 9,638 people in Washington County in 2015. The average wage in Health Sciences and Technology in the Portland metropolitan statistical area was $7,700 in 2016, just above the average wage for Washington County.

♣ **Metals and Machinery.** GPI identified the Metals and Machinery cluster as a "Growing Base Industry," and employment in this cluster grew by about 5% between 2006 and 2016. The average wage in Metals and Machinery in the Portland metropolitan statistical area was $79,900 in 2016, above the average wage for Washington County.

Outlook for growth in Washington County

Table 12 shows the Oregon Employment Department's forecast for employment growth by industry for the Portland Region (Clackamas, Multnomah, and Washington Counties) over the 2017 to 2027 period. Employment in the region is forecasted to grow at an average annual growth rate of 1.2%.

The sectors that will lead employment in the region for the 10-year period are: Professional and Business Services (adding 28,100 jobs), Private Educational and Health Services (27,300), Trade, Transportation, and Utilities (21,400), Leisure and Hospitality (13,800), Construction (8,600), and Manufacturing (4,900). In sum, these sectors are expected to add 104,100 new jobs or about 85% of employment growth in the Portland Region.

Table 12. Regional Employment Projections, 2017-2027, Portland Region (Clackamas, Multnomah, and Washington Counties)

Industry Sector	2017	2027	Change 2017 - 2027		
			Number	Percent	AAGR
Total private	856, 800	971, 800	115, 000	13%	1.3%
Natural resources and mining	9, 800	10, 600	800	8%	0.8%
Mining and logging	700	700	0	0%	0.0%
Construction	50, 500	59, 100	8, 600	17%	1.6%
Manufacturing	101, 100	106, 000	4, 900	5%	0.5%
Durable goods	76, 300	79, 200	2, 900	4%	0.4%
Wood product manufacturing	2, 300	2, 300	0	0%	0.0%
Trade, transportation, and utilities	176, 900	198, 300	21, 400	12%	1.1%
Wholesale trade	48, 000	51, 800	3, 800	8%	0.8%
Retail trade	95, 000	104, 900	9, 900	10%	1.0%
Transportation, warehousing, and utilities	33, 900	41, 600	7, 700	23%	2.1%
Information	21, 700	24, 300	2, 600	12%	1.1%
Financial activities	60, 000	63, 400	3, 400	6%	0.6%
Professional and business services	155, 500	183, 600	28, 100	18%	1.7%
Private educational and health services	140, 800	168, 100	27, 300	19%	1.8%
Private educational services	22, 800	26, 700	3, 900	17%	1.6%
Health care and social assistance	118, 000	141, 500	23, 500	20%	1.8%
Leisure and hospitality	101, 100	114, 900	13, 800	14%	1.3%
Accommodation and food services	86, 300	97, 800	11, 500	13%	1.3%
Other services	39, 400	43, 500	4, 100	10%	1.0%
Government	114, 100	122, 000	7, 900	7%	0.7%
Federal government	14, 200	14, 900	700	5%	0.5%
State government	7, 600	8, 200	600	8%	0.8%
Local government	92, 300	98, 900	6, 600	7%	0.7%
Local education	47, 200	51, 500	4, 300	9%	0.9%
Total payroll employment	970, 900	1, 093, 800	122, 900	13%	1.2%

Source: Oregon Employment Department. Employment Projections by Industry 2017-2027.

Sherwood's Competitive Advantages

Economic development opportunities in Sherwood will be affected by local conditions as well as the national and state economic conditions addressed above. Economic conditions in Sherwood relative to these conditions in other portions of the Portland region form Sherwood's competitive advantage for economic development. Sherwood's competitive advantages have implications for the types of firms most likely to locate and expand in the Area.

There is little that metropolitan area jurisdictions can do to influence national and state conditions that affect economic development, though they can influence local factors that affect economic development. Sherwood's primary competitive advantages are location, schools, and quality of life. These factors make Sherwood attractive to residents and businesses that want a high quality of life where they live and work.

The local factors that form Sherwood competitive advantage are summarized in the subsections below.

Location

Sherwood's population was approximately 19,350 people in 2017. It is a city located in southern Washington County to the southwest of Tigard. Highway 99 runs southwest-northeast through the city. The highway provides access to Newberg in the southwest as well as Tigard in the northeast and Beaverton further north. Sherwood's location will impact the area's future economic development:

- ♣ Sherwood has access to 99W and the State's highway system and other transportation opportunities. Highway 99W runs southwest-northeast through the Sherwood UGB, which connects up to Interstate 5 in Tigard—residents can also access Interstate 5 by commuting east through Tualatin or southeast through the unincorporated community of Mulloy.
- ♣ Residents and businesses in Sherwood have access to other modes of transportation in Portland, including the TriMet Line 94 which transports passengers from Sherwood to and from Portland, the Portland airport, and Amtrak rail service. Though Sherwood is located in this transportation network, congestion issues on these routes presents barriers for residents commuting in and out of Sherwood, as well as for businesses that need to transport goods and supplies.
- ♣ Sherwood is located within Washington County, the second-most populated county in the State, with 595,860 people in 2017. Sherwood is about 17 miles southeast of Portland, the most populated city in Oregon with 639,100 people in 2017. Other nearby and relatively large cities include Beaverton, Tigard, and Lake Oswego. In 2015, about 92% of Sherwood's residents commuted out of the City for work. Residents and City staff have noted that the high-quality of schools is a factor for choosing to live in Sherwood.
- ♣ Sherwood is located south of Beaverton and near the South Cooper Mountain expansion area, where residential growth will occur in the near term. The proximity of Sherwood to this residential growth may create demand for services to locate in Sherwood. In addition, this population growth may provide housing for workers at businesses that locate or grow in Sherwood.
- ♣ Residents of Sherwood have access to amenities, such as the Tualatin River National Wildlife preserve, that provide a high quality of life. As a city at the edge of the Metro UGB, residents of Sherwood have access to farm land that provides opportunities for agritourism activities.

Sherwood's location, quality of life and schools, and proximity to larger cities in the Portland Region are primary competitive advantages for economic development in Sherwood.

Availability of Transportation

All firms are heavily dependent upon surface transportation for efficient movement of goods, customers, and workers. Access to an adequate highway and arterial roadway network is needed for all industries. Close proximity to a highway or arterial roadway is critical for firms that generate a large volume of truck or auto trips as well as firms that rely on visibility from passing traffic to help generate business.

Businesses and residents in Sherwood have access to a variety of modes of transportation: automotive (99W and local roads); bus (TriMet, Line 94); and air (Portland Airport and Hillsboro Airport). Businesses in Sherwood can ship freight through the Port of Portland via trucks. Sherwood does not currently have active rail access but may have rail access in the future when rail infrastructure is brought into use again.

While Sherwood has automotive access for commuting via 99W as it cuts through Sherwood, this route and other major roads, such as SW Roy Rogers Road and SW Tualatin-Sherwood Road, are frequently congested. This current transportation network is considered a disadvantage for both residents commuting to jobs both in and out of Sherwood and businesses that need a distribution route to access the region.

Sherwood's distance from I-5 is a disadvantage for attracting some types of businesses, such as warehouse and distribution or manufacturers that need close access to I-5 for heavy freight. Sherwood's distance from Portland International Airport is a disadvantage for businesses needing access to commercial air service or freight services offered at the Portland Airport only. Businesses needing access to a general aviation airport, such as those with corporate planes, can use the Hillsboro Airport, which is relatively near Sherwood.

Public Facilities and Services

Provision of public facilities and services can impact a firm's decision regarding location within a region, but ECONorthwest's past research has shown that businesses make locational decisions primarily based on factors that are similar within a region. These factors are: the availability and cost of labor, transportation, raw materials, capital, and amenities. The availability and cost of these production factors are usually similar within a region.

Once a business has chosen to locate within a region, they consider the factors that local governments can most directly affect: tax rates, the cost and quality of public services, and regulatory policies. Economists generally agree that these factors do affect economic development, but the effects on economic development are modest. Thus, most of the strategies available to local governments have only a modest effect on the level and type of economic development in the community. Overall, Sherwood's local public facilities are relatively young and within the expected lifespan of the systems.

Transportation Improvements

The City of Sherwood is bisected by two major transportation corridors that are not city-owned—Tualatin-Sherwood Road (Washington County) and Highway 99 (ODOT). Congestion on these main roads continues to increase, which creates more congestion on local roads within the City of Sherwood. Other than these transportation issues that will need to be addressed at a regional level, most roads that the City maintains are in good condition. The City's Transportation System Plan outlines system plans for Sherwood-owned and maintained roads only, not plans for the regional network, which includes Tualatin-Sherwood Road and Highway 99.

The *Tonquin Employment Area Implementation Plan* identifies the need for $14.1 million in transportation improvements to serve the entire TEA. Transportation improvements include improvements on Oregon Street, Blake Road, the intersection of Oregon St. and Blake Rd., Tonquin

Court, SW 124th Ave, and SW Dahike Lane. Of the $14.1 million, about $10 million is expected to be invested in the first 20 years of development of the Area.

Water

Sherwood updated its *Water System Master Plan* in 2015, which evaluated water demand for the city limits and expansion areas within the UGB for a 20-year planning period. The City sources its main water supply from the Willamette River Water Treatment Plant in Wilsonville. The Plan identifies the need to expand the capacity of the exiting plant, build new pump stations, and expand or replace water mains to meet future demand.

The *Tonquin Employment Area Implementation Plan* identifies the need for $5.4 million in water improvements to serve the entire TEA. Water improvements include the construction of water lines and upgrades to the Willamette River Water Treatment Plant capacity. Of this $5.4 million, about $3 million is expected to be invested in the first 20 years of development of the Area.

Overall, there are no limiting factors in the City's water system when considering the location of new businesses in the proposed target industries. The existing supply and planned improvements within the City limits and the expansion areas will meet future water needs for employment uses.

Wastewater

The *Sanitary System Master Plan*, updated in 2016, identifies current and future capacity and needs of the City's wastewater system. Sherwood's wastewater system is publicly owned, and Clean Water Services provides treatment services. The Plan identifies needed projects to maintain the existing system and future improvements necessary to accommodate growth. These expansions and improvements will meet the needs of developed areas in the City limits as well as the Tonquin Employment Area and the Brookman Annexation Area.

The *Tonquin Employment Area Implementation Plan* identifies the need for $1.7 million in waste water improvements to serve the entire TEA. Waste water improvements are construction of sewer lines along key streets in the TAC. The entire amount is expected to be invested in the first 20 years of development of the Area.

Stormwater

Sherwood updated its *Stormwater System Master Plan* in 2016. While Clean Water Services manages stormwater at a district-level, Sherwood manages its local stormwater program, including areas in the City limits and expansion areas such as Tonquin and Brookman. The existing stormwater system does not have any major deficiencies, but the Plan identifies a few deficiencies that the City plans to address as areas are built out. Potential future changes to hydromodification requirements for new development could affect permitting and costs for new development.

The *Tonquin Employment Area Implementation Plan* identifies the need for $1.9 million in stormwater improvements to serve the entire TEA. Stormwater improvements include construction of stormwater lines and construction of two regional treatment facilities. Of this $1.9 million, about $1.5 million is expected to be invested in the first 20 years of development of the Area.

Availability of Vacant, Serviced Land

One of the key inputs for economic development is vacant, unconstrained land with urban services, such as those discussed in the prior sections. Businesses' needs for land vary from: need for an office in an existing building; need for a small site (such as a one-quarter acre site) for a new small building; or need for a large site (such as a 50-acre site) for one or more large buildings, parking, and other facilities. Businesses consider a range of factors when choosing a location, such as location within the city (and region), access to transportation, location of other businesses, amenities around the site (such as landscaping or access to retail and restaurants), and the characteristics of the site (such as site size and physical constraints)

Chapter 2 presents the buildable lands inventory for Sherwood. Sherwood has a total 310 acres of unconstrained land, 126 acres of which is vacant and 184 acres of which is potentially redevelopable. About 50% of the City's vacant unconstrained land is in the Tonquin Employment Area (TEA), and over 50% of the potentially redevelopable land is in either the TEA or the Brookman Annexation Area.

Sherwood has 17 sites in the five to ten-acre size, most of which are industrial use, in the TEA, or in Brookman. Sherwood has four vacant sites larger than 10 acres of unconstrained land. One of these sites is 45 acres in the TEA, and the other three sites are zoned for industrial uses with two sites designated as General Industrial (30 acres total) and one site designated as Light Industrial (12-acre site).

Although Sherwood has vacant unconstrained land that can support a substantial amount of development, much of that land lacks urban services (such as the services discussed in the prior section). The *Tonquin Employment Area Implementation Plan* documents the infrastructure necessary to support employment growth, as described in the prior section.

Sherwood's vacant unconstrained land base is an advantage for economic development, especially the larger industrial sites in Sherwood and the TEA. The lack of infrastructure to support employment growth is a disadvantage to economic development, as areas without infrastructure, especially the TEA, are unlikely to develop until infrastructure is developed.

Quality of Life

Quality of life is difficult to assess because it is subjective—different people will have different opinions about factors that affect quality of life, desirable characteristics of those factors, and the overall quality of life in any community. Economic factors such as income, job security, and housing cost are often cited as important to quality of life. These economic factors and overall economic conditions are the focus of this report, so this section will focus on non-economic factors that affect quality of life.

Sherwood's quality of life is a key comparative advantage for economic development. Key quality of life factors in Sherwood are:

- **Tualatin River National Wildlife Refuge.** This suburban nature preserve provides residents walking trails and opportunities for wildlife education.
- **Cultural amenities and events.** In addition to the Tualatin River National Wildlife Refuge and other outdoor-recreation opportunities, the City of Sherwood has a robust parks and trail system. The Sherwood Center for the Arts, a new facility located in Old Town, hosts community cultural activities throughout the year. Other amenities available to Sherwood residents are the high-quality sports facilities for local schools, small town character, high-quality neighborhoods with access to amenities, and both community and regional groups.[71]
- **Access to education.** Many residents live in Sherwood because of the high school quality for elementary, middle, and high school students. George Fox University, located in Newberg, and Clackamas Community College, located in Wilsonville, provide access to higher education to residents of Sherwood and the rest of the county.
- **Access to medical care.** Residents of Sherwood can access nearby medical care through the Providence Medical Plaza in Sherwood. About four miles northeast of Sherwood, residents can also access the Kaiser Permanente Tualatin Medical Office.

Sherwood's quality of life makes the city attractive to in-migrants and businesses that are attracted to Washington County.

[71] City of Sherwood Amenities. Retrieved from: **********.sherwoodoregon.gov/economicdevelopment/page/amenities.

4. Employment Growth and Site Needs

Goal 9 requires cities to prepare an estimate of the amount of commercial and industrial land that will be needed over a 20-year planning period. The estimate of employment land need and site characteristics for Sherwood is based on expected employment growth and the types of firms that are likely to locate in Sherwood over the 20-year period. This section presents an employment forecast and analysis of target industries that build from recent economic trends.

This chapter was updated in August 2021 to include an updated employment base and an updated employment forecast for the 2021 to 2041 period.

Forecast of Employment Growth and Commercial and Industrial Land Demand

Demand for industrial and non-retail commercial land will be driven by the expansion and relocation of existing businesses and by the growth of new businesses in Sherwood. This employment land demand is driven by local growth independent of broader economic opportunities, including the growth of target industries.

The employment projections in this section build off of Sherwood's existing employment base, assuming future growth is similar to Washington and Multnomah Counties' long-term historical employment growth rates. The employment forecast does not take into account a major change in employment that could result from the location (or relocation) of one or more large employers in the community during the planning period. Such a major change in the community's employment would exceed the growth anticipated by the city's employment forecast and its implied land needs (for employment, but also for housing, parks, and other uses). Major economic events, such as the successful recruitment of a very large employer, are difficult to include in a study of this nature. The implications, however, are relatively predictable: more demand for land (of all types) and public services.

Projecting demand for industrial and non-retail commercial land has four major steps:

1. **Establish base employment for the projection.** We start with the estimate of covered employment in Sherwood presented in Table 11. Covered employment does not include all workers, so we adjust covered employment to reflect total employment in Sherwood.
2. **Project total employment.** The projection of total employment considers forecasts and factors that may affect employment growth in Sherwood over the 20-year planning period.
3. **Allocate employment.** This step involves allocating types of employment to different land-use types.
4. **Estimate land demand.** This step estimates general employment land demand based on employment growth and assumptions about future employment densities.

The remainder of this section follows this outline to estimate employment growth and commercial and industrial land demand for Sherwood.

Employment Base for Projection

The purpose of the employment projection is to model future employment land need for general employment growth. The forecast of employment growth in Sherwood starts with a base of employment

growth on which to build the forecast. Table 13 shows ECONorthwest's estimate of total employment in the Sherwood city limits, Brookman, and Tonquin Employment Area in 2019.

To develop the figures, ECONorthwest started with estimated covered employment in the Sherwood city limits, Brookman, and Tonquin Employment Area from confidential Quarterly Census of Employment and Wages (QCEW) data provided by the Oregon Employment Department. Based on this information, Sherwood had about 6,784 covered employees in 2019, accounting for 2.2% of covered employment in Washington County.

Covered employment, however, does not include all workers in an economy. Most notably, covered employment does not include sole proprietors. Analysis of data shows that *covered* employment reported by the Oregon Employment Department for Washington County is only about 77% of *total* employment reported by the U.S. Department of Commerce.[72] We evaluated this ratio for each industrial sector for Washington County and used the resulting ratios to determine the number of non-covered employees. This allowed us to determine the total employment in Sherwood. Table 13 shows Sherwood had an estimated 8,920 *total* employees within its UGB in 2019.

Table 13. Estimated total employment by sector, Sherwood City Limits, Brookman, and Tonquin Employment Area, 2019

Employment Sector	Covered Employment	Estimated Total Employment	Covered %of Total
Construction	694	875	79%
Manufacturing	780	811	96%
Wholesale trade	355	448	79%
Retail trade	1,112	1,358	82%
Transportation and warehousing and Utilities	264	342	77%
Information	41	49	83%
Finance and insurance	87	149	58%
Real estate and rental and leasing	102	431	24%
Professional, scientific; mgmt of companies	186	334	56%
Admin. and waste mgmt services	315	395	80%
Educational services	93	186	50%
Health care and social assistance	568	710	80%
Arts, entertainment, and recreation	226	463	49%
Accommodation and food services	920	1,004	92%
Other services, except public administration	404	719	56%
Government	637	646	99%
Total Non-Farm Employment	**6,784**	**8,920**	**77%**

Source: 2019 covered employment from confidential Quarterly Census of Employment and Wage (QCEW) data provided by the Oregon Employment Department.

[72] **Covered** employment includes employees covered by unemployment insurance. Examples of workers not included in covered employment are sole proprietors, some types of contractors (often referred to as "1099 employees"), or some railroad workers. Covered employment data is from the Oregon Employment Department.

Total employment includes all workers based on date from the U.S. Department of Commerce. Total employment includes all covered employees, plus sole proprietors and other non-covered workers.

Employment Projection

The employment forecast covers the 2021 to 2041 period, requiring an estimate of total employment for Sherwood in 2019.

The City of Sherwood does not have an existing employment forecast, and there is no required method for employment forecasting. Sherwood used the forecast growth rate (1.4%) for the 2021 to 2041 planning period based on Metro's 2050 Employment Forecast (March 2021) forecast for Sherwood and the Tonquin Employment Area.[73] Sherwood assumes that the current number of jobs in the Sherwood urban area will grow during the 20-year planning period at a rate equal to the forecast growth rate for Sherwood in Metro's most recent Employment Forecast, an average annual growth rate of 1.42%.

Table 14 shows employment growth in Sherwood between 2021 and 2041, based on the assumption that Sherwood will grow at an average annual growth rate of 1.4%. Sherwood will have 12,162 employees within the UGB by 2041, which is an increase of 2,987 employees (33%) between 2021 and 2041.

Table 14. Employment Growth in Sherwood City Limits, Tonquin Employment Area, and Brookman Annexation Area 2021–2041

Year	Total Employment
2021	9,175
2041	12,162
Change 2021 to 2041	
Employees	2,987
Percent	33%
AAGR	1.42%

Source: ECONorthwest

The forecast of employment shows employment growing faster than Metro's forecast for population and housing growth used in the Sherwood Housing Needs Analysis. If growth occurs at the rates projected, the population to employment ratio would decrease from about 3.2 residents per job to about 2.3 residents per job.

Allocate Employment to Different Land Use Types

The next step in forecasting employment is to allocate future employment to broad categories of land use. Firms wanting to expand or locate in Sherwood will look for a variety of site characteristics, depending on the industry and specific circumstances. We grouped employment into four broad categories of land use based on North American Industrial Classification System (NAICS): industrial, retail commercial, office and commercial services, and government.

[73] The Metro forecast "2050 Employment Distributed Forecast" (March 2021) shows employment in Sherwood and the Transportation Analysis Zone (TAZ) that includes Tonquin Employment Area growing at an average annual growth rate of 1.42% for the 2020 to 2050 period.

The major difference between Metro's forecast of employment growth and the forecast in Table 14 are: (1) Metro used 2018 QCEW data and Table 13 started with 2019 QCEW data; (2) Metro used an estimate of covered employment as the base for the forecast (the QCEW data) but this forecast uses an estimate of Total Employment, as described in Table 13; and (3) the employment base in Table 13 includes the small amount of existing employment in the Brookman and Tonquin Areas.

Table 15 shows the expected share of employment by land-use type in 2021 and the forecast of employment growth by land-use type in 2041 in the Sherwood City Limits, Tonquin Employment Area, and Brookman Annexation Area. The forecast shows growth in all categories of employment, with the following assumptions:

- **Industrial** employment will increase from 28% in 2021 to 34% of all employment by 2041. The increase is the result of the City's policies to support growth of higher-wage industries, such as manufacturing. Included in these policies are support for development in the Tonquin Employment Area. These policies are beginning to pay off, with growth of industrial areas such as the T-S Corporate Park and Cipole Industrial Park. The T-S Corporate Park will include multitenant space in manufacturing, food processing, and technology, and the Cipole Industrial Park will have development in warehousing, distribution, and a semiconductor manufacturing facility. Since late 2019, Sherwood has had 37 inquiries from businesses in industries such as, clean tech manufacturing, technology, warehousing and distribution, and food processing. These businesses were seeking a range of industrial sites as small as six acres and up to 200 acres. Of the 37 inquiries, eight pursued locating their business in Sherwood.

  The City expects to see growth in the target industries described later in this chapter in both the Sherwood city limits and Tonquin Employment Area over the next two years. The State forecast for the Portland Region in Table 12 shows the Portland Region adding 25,800 new jobs in industrial sectors over the 2017-2027 period.

- **Retail Commercial** employment share will decrease from 15% in 2021 to 12% of all employment by 2041, based in part as a result of the forecast for slower population growth in Sherwood and consolidation in the retail industry. While national trends show an overall decrease in retail businesses, some retail will continue to be needed locally. Growth in population in Sherwood and in surrounding areas will drive modest growth in retail businesses in the city over the 20-year period. The State forecast for the Portland Region in Table 12 shows the Portland Region adding 9,900 new jobs in retail over the 2017-2027 period.

- **Office and Commercial Services** employment will nearly hold steady at between 50% and 48% of Sherwood's employment, accounting for the second largest number of new jobs through 2041. This employment group includes commercial jobs with lower than average pay (e.g., accommodations and food services) and service jobs with higher than average pay (e.g., professional services or financial services). The State forecast for the Portland Region in Table 12 shows the Portland Region adding 79,300 new jobs in office and commercial services over the 2017-2027 period, the largest and fastest growing employment grouping.

- **Government** employment share will decrease to about 6% of Sherwood's employment, in part as a result of the forecast for slower population growth in Sherwood. Growth in employment will generally follow population growth, with the majority of government employment growth in public schools. The State forecast for the Portland Region in Table 12 shows the Portland Region adding 7,900 new jobs in government over the 2017-2027 period, more than half of which are forecast to be in public education.

Table 15. Forecast of employment growth by land use type, Sherwood City Limits, Tonquin, and Brookman, 2021–2041

Land Use Type	2021 Employment	2021 % of Total	2041 Employment	2041 % of Total	Change 2021 to 2041
Industrial	2,547	28%	4,135	34%	1,588
Retail Commercial	1,397	15%	1,459	12%	62
Office & Commercial Services	4,567	50%	5,838	48%	1,271
Government	664	7%	730	6%	66
Total	9,175	100%	12,162	100%	2,987

Source: ECONorthwest
Note: The shaded percentages denote an assumption about the future change in the share of employment (asa percent of total) by land use type.

Estimate of Demand for Commercial and Industrial Land

Some employment growth in Sherwood will not require vacant employment land over the 20-year period. Table 16 shows that some employment will locate in residential plan designations, based on the location of existing employment. According to QCEW data, some employment in Sherwood in 2016 is located on land designated for residential uses. The following amounts of employment located in residential plan designations are: (1) 12% of industrial employment, such as home offices for construction companies; (2) 15% of retail employment, such as corner stores or other retail in neighborhoods, and (3) 21% of office and commercial services, such as medical offices or small personal service businesses such as banks or hair stylists.

This analysis assumes that the percentage of new employment locating in residential land designations will remain the same over the 20-year period: 12% of industrial, 15% of retail, and 21% of office and commercial service employment.

Using these assumptions, 467 new employees will be accommodated on land in residential designations and 2,454 new employees will require vacant (including partially vacant) land over the 2021 to 2041 period.

Table 16. Forecast of employment growth by land use type, Sherwood City Limits, Tonquin, and Brookman 2021–2041

Land Use Type	New Employment Growth	Emp. In Res. Designations	New Emp. on Vacant Land
Industrial	1,588	191	1,397
Retail Commercial	62	9	53
Office & Commercial Services	1,271	267	1,004
Total	2,921	467	2,454

Source: ECONorthwest

Table 17 shows demand for vacant (including partially vacant) land in Sherwood over the 20-year period. The assumptions used in Table 17 are:

- **Employment density.** Employees per acre is a measure of employment density based on the ratio of the number of employees per acre of employment land that is developed for employment uses. Table 17 assumes the following numbers of net employees per acre: Industrial will have an average of 15 employees per acre, Retail Commercial will have an average of 20 employees per acre, and Office and Commercial Services will have an average of 25 employees per acre.

  These employment densities are consistent with employment densities in Oregon cities of similar size as Sherwood[74]. Some types of employment will have higher employment densities (e.g., a multistory office building), and some will have lower employment densities (e.g., a convenience store with a large parking lot).

- **Conversion from net-to-gross acres**. The data about employment density is in *net* acres, which does not include land for public right-of-way. Future land need for employment should include land in tax lots needed for employment plus land needed for public right-of-way. One way to estimate the amount of land needed for employment, including public right-of-way, is to convert from *net* to *gross* acres based on assumptions about the amount of land needed for public right-of-

[74] Source of similar employment denities in Oregon cities of similar size of Sherwood, EcoNorthwest

way.[75]A net-to-gross conversion is expressed as a percentage of gross acres that are in public right-of-way.

Based on empirical evaluation of Sherwood's existing net-to-gross ratios, ECONorthwest uses a net-to-gross conversion factor of 11% for industrial and 24% for commercial and retail.

Using these assumptions, the forecasted growth of 2,454 new employees will result in the following demand for vacant (and partially vacant) employment land: 105 gross acres of industrial land, 3 gross acres of retail commercial land, and 53 gross acres of land for office and commercial services.

Table 17. Demand for vacant land to accommodate employment growth, Sherwood City Limits, Tonquin, and Brookman, 2021–2041

Land Use Type	New Emp. on Vacant Land	Employees per Acre (Net Acres)	Land Demand (Net Acres)	Land Demand (Gross Acres)
Industrial	1,397	15	93	105
Retail Commercial	53	20	3	3
Office & Commercial Services	1,004	25	40	53
Total	2,454		136	161

Source: ECONorthwest
Note: Vacant land includes land identified in the buildablelands inventory as vacant or potentially redevelopable.

[75] OAR 660-024-0010(6) uses the following definition of net buildable acre. "Net Buildable Acre" consists of 43,560 square feet of residentially designated buildable land after excluding future rights-of-way for streets and roads. While the administrative rule does not include a definition of a gross buildable acre, using the definition above, a gross buildable acre will include areas used for rights-of-way for streets and roads. Areas used for rights-of-way are considered unbuildable.

Target Industries

The characteristics of Sherwood will affect the types of businesses most likely to locate in the city. Sherwood's attributes that may attract firms are: Sherwood's location in the Portland region; the existing employment base; access to workers from across the Portland region; arts and cultural opportunities; high quality of life; and high quality of schools.

Sherwood's existing businesses are concentrated in the industries defined in Table 18. The industries in green highlight are industries with a high location quotient (i.e., highly specialized compared to national employment in the industry), high employment (i.e., have more than 200 employees in Sherwood), and higher than average wages in Sherwood. These industries have the highest potential for growth, given existing businesses and the higher concentration of employment.

Sherwood also has opportunities for employment growth in industries without a concentration of employment or a high location quotient, such as professional services or wholesale.

Table 18. Concentration of Industries and Employment, City of Sherwood, 2016.

	High Employment	Low Employment
High Location Quotient	• Waste Management and Remediation Services • Specialty Trade Contractors • Heavy and Civil Engineering Construction • Machinery Manufacturing • Merchant Wholesalers, Durable Goods • Building Material and Garden Equipment and Supplies Dealers • Amusement, Gambling, and Recreation Industries • General Merchandise Stores • Food and Beverage Stores • Food Services and Drinking Places	• Construction of Buildings • Real Estate • Wholesale Electronic Markets and Agents and Brokers • Plastics and Rubber Products Manufacturing • Personal and Laundry Services
Low Location Quotient	• Merchant Wholesalers, Nondurable Goods • Miscellaneous Store Retailers • Truck Transportation	• Professional, Scientific, and Technical Services • Ambulatory Health Care Services • Utilities • Administrative and Support Services • Nursing and Residential Care Facilities • Social Assistance

Source: Oregon Employment Department, Quarterly Census of Employment and Wages, 2016.

Greater Portland Inc. (GPI) identified the following regional clusters in their *Regional Trends in Greater Portland's Target Clusters* analysis in 2018:

- Growing Base Industries
  - **Computers and Electronics**, such as semiconductors, electronic communication equipment, computer peripherals, circuit boards, and other electronics.
  - **Metals and Machinery**, such as food processing machinery, medical devices, component parts for manufacturing, and other specialized machinery for manufacturing.
  - **Athletics and Outdoors**, such as design services, professional services, marketing, and some manufacturing of footwear and athletics goods.
- Emerging Industries
  - **Health Sciences Tech**, such as pharmaceutical manufacturing, chemical manufacturing, laboratory instrument manufacturing, medical equipment and supplies manufacturing,

medical equipment and supplies wholesalers, engineering services, scientific research and development services, and medical and diagnostic laboratories.

- **Clean Tech**, such as scientific and technical research and services, engineering services, architectural design, construction, instruments manufacturing, electrical equipment manufacturing, renewable energy equipment and components, architectural design, clean power generation, and waste remediation.
- **Software and Media**, such as software development, data processing, computer systems design, and motion picture and video production.

These regional clusters from the GPI analysis align with some of the industries from the *Tonquin Employment Area Market Analysis, Business Recruitment Strategy, and Implementation Plan.* These industries are:

- Clean Tech
- Technology and Advanced Manufacturing
- Outdoor Gear and Active Wear

The potential growth industries in Sherwood will draw from existing industry concentration in the City and the Portland region, along with the City's economic development policies that align with changing or emerging industries and result in employment growth in Sherwood.

Potential Growth Industries

An analysis of growth industries in Sherwood should address two main questions: (1) Which industries are most likely to be attracted to Sherwood? and (2) Which industries best meet Sherwood's economic development goals? The selection of target industries is based on Sherwood's goals for economic development, economic conditions in Sherwood and the Portland region, and the City's competitive advantages.

Given the current employment base, which is composed of moderately sized businesses, it is reasonable to assume that much of the city's business growth will come from moderate-sized businesses and potentially larger businesses depending on future development at the TEA. This growth will either come from businesses already in Sherwood or new businesses that start or relocate to Sherwood from within the Portland region or from outside of the region.

The industries identified as having potential for growth in Sherwood are:

- **Manufacturing.** Sherwood's attributes, especially its location in the Portland region and proximity to Hillsboro, may attract manufacturing firms, such as:
  - Technology and Advanced Manufacturing, such as such as semiconductors, electronic communication equipment, computer peripherals, and circuit boards.
  - Machinery Manufacturing (Metals and Machinery), food processing machinery, medical devices, component parts for manufacturing, and other specialized machinery for manufacturing.
  - Clean Tech, such as instruments manufacturing, electrical equipment manufacturing, and renewable energy equipment and components.
- **Professional and business services.** Sherwood's high quality of life, access to quality schools, existing population and business base, and proximity to the Portland region may attract professional and business services that prefer to locate in a smaller city like Sherwood, such as:
  - Software and Media, such as software development, data processing, computer systems design, and motion picture and video production.

- Clean Tech, such as scientific and technical research and services, engineering services, architectural design, and construction engineering services.
- Athletics and Outdoors, such as design services, professional services and marketing.
- Other services, such as scientific research, environmental services, or other services.

♣ **Wholesale.** Sherwood's access to Highway 99 may make the city attractive to continued growth of wholesale businesses.

♣ **Services for visitors:** Emphasis on experiences and destinations in and near Sherwood, especially related to agriculture and wineries, will drive demand for services for visitors such as family-friendly events, farmers markets, specialty retail, wine tasting rooms, restaurants, or hotels.

♣ **Services for residents:** Growth in population in and around Sherwood will drive growth of businesses that serve residents, such as medical services, legal services, financial services, retail, personal services (e.g., barbers), and restaurants.

Growth in industries such as the manufacturing, professional and business services, and wholesale, have the potential to increase the average wage and property tax collections in Sherwood.

Sherwood's Economic Development Policies

To complement the findings and recommendations in the Economic Opportunities Analysis, ECONorthwest worked with Sherwood staff and the advisory committees to write Sherwood's Economic Development Strategy. The strategy provides a vision, goals, policies, objectives, and actions related to economic development activities in Sherwood. The goals and policies are listed below.

Goal 1: Prioritize and promote economic development to increase the city tax base by providing and managing a supply of land to target growth industries and support Sherwood's desired economic growth.

> **Policy 1: Land Availability and Management:** The City will plan for a 20-year supply of suitable commercial and industrial land on sites with a variety of characteristics (e.g., site sizes, locations, visibility, and other characteristics) and manage the supply of employment land to make the most efficient use of commercial and industrial land.

Goal 2: Plan and provide adequate infrastructure efficiently and timely to support employment growth.

> **Policy 2: Infrastructure Support:** Provide adequate infrastructure to support employment growth, with a focus on the Tonquin Employment Area.

Goal 3: Support the growth of local businesses and attract new businesses that increase the City's tax base, provide stable, high wage jobs and capitalize on Sherwood's location and high-quality of life to create destinations and experiences for both residents and visitors of Sherwood.

> **Policy 3: Existing Business Retention, New Business Development, and Attraction of New Businesses:** The City will support retention and expansion of existing businesses, growth and creation of entrepreneurial business, and attraction of new businesses that align with Sherwood's revised Community Vision. The types of businesses the City wants to attract most are non-polluting businesses with wages at or above the Washington County average, such as the industries identified in the Economic Opportunities Analysis.[76]

[76] The Economic Opportunities Analysis identifies the following potential growthindustries for Sherwood: Technology and Advanced Manufacturing, Machinery Manufacturing, Clean Tech, Outdoor Gear and Active Wear, Professional and Business Services, Wholesale, Services for Visitors, and Services for Residents.

Site Needs for Potential Growth Industries

OAR 660-009-0015(2) requires the EOA to "identify the number of sites by type reasonably expected to be needed to accommodate the expected [20-year] employment growth based on the site characteristics typical of expected uses." The Goal 9 rule does not specify how jurisdictions conduct and organize this analysis.

The rule, OAR 660-009-0015(2), does state that "[i]ndustrial or other employment uses with compatible site characteristics may be grouped together into common site categories." The rule suggests, but does not require, that the city "examine existing firms in the planning area to identify the types of sites that may be needed." For example, site types can be described by: (1) plan designation (e.g., heavy or light industrial), (2) general size categories that are defined locally (e.g., small, medium, or large sites), or (3) industry or use (e.g., manufacturing sites or distribution sites). For purposes of the EOA, Sherwood groups its future employment uses into categories based on their need for land with a particular plan designation (i.e., industrial or commercial) and by their need for sites of a particular size.

Based on the forecasts of employment growth in Table 16 and the average business size of business in Sherwood in 2019 (using analysis of Quarterly Census of Employment and Wage data), employment growth in Sherwood will require:

- **Industrial** employment will grow by 1,588 employees, with 1,397 employees requiring vacant land. The average size of industrial employers in Sherwood in 2019 was 11.4 employees per business. At that average size, Sherwood will need 122 industrial sites.
- **Retail Commercial** employment will grow by 62 employees, with 53 employees requiring vacant land. The average size of retail employers in Sherwood in 2019 was 20.2 employees per business. At that average size, Sherwood will need 3 retail sites.
- **Office & Commercial Services** employment will grow by 1,271 employees, with 1,004 employees requiring vacant land. The average size of industrial employers in Sherwood in 2019 was 6.5 employees per business. At that average size, Sherwood will need 154 office and commercial sites.

The potential growth industries described in the prior section are a mixture of business sizes, from small businesses to larger businesses. For the most part, Sherwood's potential growth industries need relatively flat sites, especially for industrial or manufacturing businesses, with access to arterial roads to connect with I-5 or key employment centers in Hillsboro or Portland.

Manufacturing and other industrial businesses likely to locate in Sherwood will have a range of space needs:

- **Small-scale manufacturing space.** Businesses would be located in an industrial building with many other users.
- **Space in a flex services building.**
- **Mid-sized manufacturing**. Businesses would be located potentially in a building with a few other businesses. Between 2015 and 2017, Greater Portland Inc. (GPI) reported manufacturing projects in its pipeline that requested an average square footage between 35,000 square feet (approximately two to four-acre sites) and 104,000 square feet (approximately eight to 10-acre sites).
- **Land for construction of a building designed for the manufacturer.** In 2017, of GPI's manufacturing projects five requested land for a new building and 21 requested locations in an existing space.

Professional and technical service businesses have a range of space needs, ranging from:

- **Space in an existing building**. Businesses would be located as one of several or many firms within the building. Between 2015 and 2017, GPI's projects—both office and manufacturing projects—consistently requested existing space over "greenfield" space to build new facility. In 2017, about 80% of GPI's projects requested existing space for their business.[77]
- **Space in a building dominated by one firm**. This could potentially be with manufacturing or other industrial space in the building.
- **Land for construction of a building designed for the firm.** However, in the case where the business needs to build a building, they are typically seeking existing space rather than land to build a new facility.

[77] "2015-2017 Pipeline Trend Analysis," Greater Portland Inc., February 2018.

5. Land Sufficiency and Conclusions

This chapter presents conclusions about Sherwood's employment land sufficiency for the 2021-2041 period. The chapter then concludes with a discussion about Sherwood's land base and its ability to accommodate growth over the next 20 years, as well as recommendations for the City to consider, ensuring it meets its economic growth needs throughout the planning period.

This chapter was updated in August 2021 to include an updated calculation of land sufficiency based on updates to the buildable lands inventory, employment base, and employment forecast for the 2021 to 2041 period.

Land Sufficiency

Table 19 shows commercial and industrial land sufficiency within the Sherwood City Limits, Tonquin Employment Area (TEA), and Brookman Annexation Area. It shows:

- **Vacant and Potentially Redevelopable Unconstrained Land** from Table 5 for land within Sherwood, TEA, and Brookman. Table 19 shows that Sherwood has 97 gross acres of industrial land and 25 gross acres of commercial land (including retail commercial).
- **Demand for Commercial and Industrial Land** from Table 17. Table 19 shows Sherwood will need a total of 105 gross acres for industrial uses and 56 gross acres for commercial (including retail commercial) uses over the 2021-2041 period.

Table 19 shows that Sherwood has:

- An 8-acre deficit of industrial land.
- A 4-acre surplus of retail commercial land.
- A 35-acre deficit of office commercial land.
- A 127-acre supply of future development land in TEA and Brookman. This supply will likely meet needs for both industrial and commercial demand.

Table 19. Comparison of the Capacity of Unconstrained Vacant and Potentially Redevelopable Land with Employment Land Demand by Land Use Type, Sherwood City Limit, Tonquin, and Brookman, 2021–2041

Land Use Type	Land Supply (Suitable Gross Acres)	Demand (Gross Acres)	Land Sufficiency (Deficit)
Industrial	97	105	(8)
Retail Commercial	7	3	4
Office & Commercial Services	18	53	(35)
Future Development (Tonquin and Brookman)	127	-	127
Total	249	161	

Source: ECONorthwest

Conclusions and Recommendations

The conclusions about commercial and industrial land sufficiency are:

- **Sherwood is forecast for growth in both commercial and industrial employment sectors.** Sherwood is planning for growth of about 2,987 new jobs in the city over the 2021 to 2041 period. About 1,588 of the jobs will be in industrial land uses, 1,271 in office and commercial services, and 62 in retail. Growth of these jobs will result in demand for about 105 gross acres industrial land and 56 gross acres of commercial land.

- **Sherwood has enough employment land to accommodate growth.** Table 19 shows Sherwood has enough land for employment growth over the next 20 years. The Tonquin Employment and Brookman Annexation will provide both industrial and a limited amount of commercial employment. If the City continues to implement its economic development policies, the rate of development may lead to a shortage of appropriate sites—particularly sites in excess of 10 acres—for employment growth in the City of Sherwood, thereby creating development opportunities in the future growth area of Sherwood West.

- **Sherwood's wages are below average for the Portland Region and for the nearby cities of Tigard and Tualatin.** The primary reason for lower wages at jobs in Sherwood is the mix of jobs in Sherwood, with Retail and Accommodations and Food Services having the largest number of employees in Sherwood but wages below the city average. Sherwood's target industries generally have above average wages, except for some types of services for visitors and residents of Sherwood, such as Retail and Accommodations and Food Services. In addition, Sherwood's target industries are generally more likely to increase the City's property tax base, except for some types of services for visitors and residents of Sherwood, such as Retail and Accommodations and Food Services.

- **Most new businesses will be relatively small and will require small and mid-sized sites.** Sherwood's businesses are generally small, averaging 9 employees per business. Businesses with 50 or fewer employees account for roughly 57% of private employment in Sherwood. Businesses with 9 or fewer employees account for 20% of private employment and 4 or fewer account for 10% of private employment. Growth of small businesses presents key opportunities for economic growth in Sherwood. Sherwood has about 51 sites smaller than five acres. Some of these sites may subdivide into smaller sites.

- **Sherwood will need to manage its industrial land base to ensure that there are sufficient small and mid-sized sites available for development.** Within the context of the site needs discussed at the end of Chapter 4, Sherwood will need to manage its industrial land base, including Tonquin Employment Area, to ensure that there are sufficient opportunities for small and mid-sized businesses, either through subdivision of larger sites (e.g., sites of ten acres and larger) industrial sites or through the development of some larger sites for many small businesses in one or more shared building.

- **Sherwood has a 35-acre deficit of land for office commercial uses.** Some of this land deficit may be accommodated in the Tonquin Employment Area, which is expected to accommodate about 380 commercial employees and which would address 15 to 19 acres of this deficit. The Brookman Annexation Area is also expected to designate about 15 acres of land for commercial and retail uses. The City will need to identify opportunities address the remaining deficit, through policies that encourage infill or redevelopment of existing commercial land or through redesignating land to commercial uses.

- **Sherwood will need to address key infrastructure needs in the City and in the development of the Tonquin Employment Area.** Transportation issues currently present barriers to business locating or expanding in Sherwood due to congestion and limited access to the major road networks. Additionally, the implementation of infrastructure development of the Tonquin Employment Area needs to be addressed to retain and attract the businesses and targeted industries in Sherwood's economic development policies.

- **Sherwood will need to continue to provide flexibility in its development code to provide opportunities for growing and developing businesses that both provide services and are related to manufacturing businesses.** The line between commercial businesses (i.e., businesses that locate in an office space in downtown) and industrial businesses is blurring. Many of the types of business with growth potential in Sherwood have characteristics (and site needs) of both office businesses and industrial businesses, such as scientific and technical and engineering services for Clean Tech or design services for Athletics and Outdoors. Businesses in these industries produce traded-sector goods. They may prefer not to locate in traditional downtown office spaces, but their activities are not consistent with the traditional manufacturing activities allowed in industrial areas either.

The following are ECONorthwest's recommendations to Sherwood based on the analysis and conclusions in this report.

- **Update the Economy Element of the Comprehensive Plan.** The Economy Element has not been updated in more than a decade. We recommend that the Planning Commission and City Council review the revised policies in the Sherwood Economic Development Strategy and, after making additional necessary revisions to the policies, adopt the revised goals, objectives, and implementation strategies into the Economy Element.

- **Align the City's goals for economic development with planning for infrastructure development.** Aside from ensuring that there is sufficient land to support employment growth, one of the most important ways that the City can support economic development is through planning for and developing infrastructure (e.g., roads, water, sanitary sewer, and storm water systems). We recommend that the City align its goals for economic development with infrastructure development through updates to the City's Capital Improvements Plan.

  Providing infrastructure in the TEA is necessary to allow employment growth to occur in the TEA. Without infrastructure, much of the TEA will remain undeveloped.

- **Identify opportunities to support the creation, growth, development, and retention of businesses in Sherwood.** Retention and expansion of new and existing businesses, including those that create destinations and experiences for residents and visitors, is one of Sherwood's key opportunities for economic growth. The City can support businesses by understanding businesses' opportunities for growth and expansion and lowering or eliminating the barriers in Sherwood that limit growth and expansion. Some barriers are beyond control of the City, such as access to capital. An example of this type of opportunity is the development of Sherwood's first semiconductor manufacturer in Cipole Industrial Park, along with warehousing and distribution facilities.

- **Work with partners to develop a broad economic development strategy for Sherwood.** The revisions to the Comprehensive Plan presented in the Sherwood Economic Development Strategy focus on land-based policies and actions. The city also needs a broader strategy for economic development that focuses on issues such as communication with existing businesses to identify barriers to expansion, economic development, marketing of Sherwood's businesses and business opportunities, building business and other partnerships, and coordinating economic development efforts with local and regional economic development organizations.

  This strategy could be developed through leadership from the city leadership and city staff, with one or more staff members responsible for developing and implementing policies to encourage economic growth. The strategy should identify a focused list of actions that the City Council wants to achieve over a limited time period (e.g., 5 years), with specific assignments to partners and identification of funding sources to implement the actions.

- **Monitor and replenish the total and short-term supply of commercial and industrial land on a regular, periodic basis.** The buildable lands inventory identifies the existing development status of employment land in Sherwood, as well as identifies the existing short-term land supply. While Sherwood will not completely update the buildable lands inventory on an annual basis, City staff should still monitor the development status of these employment lands and replenish short-term supply when possible.

- **Support infill and redevelopment of existing commercial and industrial land.** The buildable lands inventory identifies areas where infill and redevelopment are more probable over the 20-year planning period. Other opportunities for redevelopment may become apparent in the future. We recommend that the city support and encourage infill and redevelopment to make the most efficient use of employment land in Sherwood. The types of tools that the city offers in support of infill and redevelopment should be consistent with the city's development goals. In areas where the city wants to encourage higher intensity development, such as in Old Town, the city should offer more support for redevelopment, including financial and regulatory redevelopment incentives.

Appendix A. Buildable Lands Inventory

The buildable lands inventory is intended to identify commercial and industrial lands that are available for development for employment uses within the Sherwood City Limits, Tonquin Employment Area, and Brookman Annexation Area. The inventory is sometimes characterized as *supply* of land to accommodate anticipated employment growth. Population and employment growth drive *demand* for land. The amount of land needed depends on the type of development and other factors.

This chapter presents results of the commercial and industrial buildable lands inventory for the City of Sherwood. The results are based on additional analyses of Metro's 2018 BLI completed by ECONorthwest and reviewed by City staff. The remainder of this chapter summarizes key findings of the draft buildable lands inventory. This chapter includes tabular summaries, maps, and narrative descriptions.

Methodology

The general structure of the buildable land (supply) analysis is based on the methods used for Metro's buildable lands inventory included with the 2018 Urban Growth Report, Appendix 2.[78] ECONorthwest used GIS data with the Metro BLI as a starting point for determining buildable employment land in Sherwood. The buildable lands inventory uses methods and definitions that are consistent with OAR 660-009 and OAR 660-024. The steps in the inventory were:

- Generate employment "land base." This involved "clipping" the tax lots in the Sherwood City Limits, Tonquin Employment Area, and Brookman Annexation Area that were designated as employment lands in the Metro BLI[79] and intersecting them with the comprehensive plan layer. The GIS function was followed by a quality assurance step to review the output and validate that the resulting dataset accurately represents all lands designated for employment use in the Sherwood City Limits, Tonquin Employment Area, and Brookman Annexation Area.
- Classify lands. Each tax lot was classified into one of the following categories, using Metro's classification system as a starting point and reviewed by City staff:
  - Vacant land
  - Potentially redevelopable land[80]
  - Developed or exempt land
- Identify constraints. The City identifies areas in steep slopes (over 15%), landslide hazard areas, wetlands, public facilities, floodways, Title 3 stream and floodplain protection areas, and Title 13 riparian corridors and upland habitats. These areas are deducted from lands that were identified as vacant or potentially redevelopable. To estimate the constrained area within each tax lot, all

[78] Appendix 2 Buildable Lands Inventory, 2018 Urban Growth Report (Discussion draft). Metro. June 2018. **********oregonmetro.gov/sites/default/files/2018/07/03/UGR_Appendix2_Buildable_Lands_Inventory.pdf

[79] Metro defined employment land by zone as "ZONE_GEN in ('COM','IND','MUR')."

[80] Metro used a "strike-price method" to determine redevelopment potential for each tax lot. A full description of the method is available in the 2018 Urban Growth Report: **********oregonmetro.gov/sites/default/files/2018/07/03/UGR_Appendix2_Buildable_Lands_Inventory.pdf.

constraints listed above were merged into a single constraint file, which was overlaid on tax lots.[81]

- ♣ Evaluate redevelopment potential. According to statewide planning rules, redevelopable land is land on which development has already occurred, but on which, due to present or expected market forces, there is potential that existing development will be converted to more intensive uses during the planning period. Lands determined to be redevelopable have been categorized as "potentially redevelopable" for the purpose of this analysis.[82]
- ♣ Tabulation and mapping. The results are presented in tabular and map formats with accompanying narratives. The maps include lands by classification and maps of vacant and partially vacant lands with constraints.

Definitions

Metro developed the buildable lands inventory with a tax lot database from RLIS. The tax lot database is current as of March 2018. The inventory builds from the database to estimate buildable land by plan designation. A key step in the buildable lands inventory was to classify each tax lot into a set of mutually exclusive categories. Metro classified all tax lots in Sherwood into one of the following categories:

- ♣ *Vacant land.*[81] Any tax lot that is "fully vacant (Metro aerial photo)"; or "with less than 2,000 sq. ft. developed AND developed part is under 10% of entire tax lot"; or that is "95% or more 'vacant' from the GIS vacant land inventory."
- ♣ *Potentially redevelopable land.*[83] For tax lots that were not classified vacant or exempt, Metro included all other employment land tax lots in the strike-price model. Tax lots with a value greater than zero in the "net_emp_acres_strike_price" field in the Metro BLI GIS layer were considered to have redevelopment potential. The value in that field for each tax lot is the number of acres that is potentially redevelopable, not including constrained acres. Tax lots with a "net_emp_acres_strike_price" value of zero were considered developed.
- ♣ *Developed land.*[84] Tax lots with a "net_emp_acres_strike_price" value of zero were considered developed.
- ♣ *Exempt land.*[85] Land that is classified as either, "tax exempt with property codes for city, state, federal and Native American designations; schools; churches and social organizations; private streets; rail properties; tax lots under 1,000 sq. ft. (0.023 gross acres); parks, open spaces and where possible private residential common areas." Metro used GIS data and Assessor's data to determine the status of exempt land. ECONorthwest included all tax lots classified as exempt land in the developed land tabular and mapping information, but these tax lots can still be distinguished in the GIS data layer.

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[81] Net buildable acreage for taxlots designated as "potentially redevelopable" was determined using the "net_emp_strike_price" field from the Metro 2018 BLI. This field already factors in constrained area, thus ECONorthwest did not deduct constrained area from this number. For taxlots designated as "vacant," we calculated the constrained area of the taxlot and subtracted the constrained area from the total taxlot area.

[82] Appendix 2 Buildable Lands Inventory, 2018 Urban Growth Report (Discussion draft). Metro. June 2018. p. 20. **********oregonmetro.gov/sites/default/files/2018/07/03/UGR_Appendix2_Buildable_Lands_Inventory.pdf.

[83] Appendix 2 Buildable Lands Inventory, 2018 Urban Growth Report (Discussion draft). Metro. June 2018. **********oregonmetro.gov/sites/default/files/2018/07/03/UGR_Appendix2_Buildable_Lands_Inventory.pdf

[84] Appendix 2 Buildable Lands Inventory, 2018 Urban Growth Report (Discussion draft). Metro. June 2018. **********oregonmetro.gov/sites/default/files/2018/07/03/UGR_Appendix2_Buildable_Lands_Inventory.pdf

[85] Appendix 2 Buildable Lands Inventory, 2018 Urban Growth Report (Discussion draft). Metro. June 2018. pp. 20-21. **********oregonmetro.gov/sites/default/files/2018/07/03/UGR_Appendix2_Buildable_Lands_Inventory.pdf.

ECONorthwest initially classified land using Metro's categories and generated maps for City staff to review. City staff had previously reviewed Metro's analysis for Sherwood, but there were a few updates to tax lots that had redeveloped since that review. ECONorthwest adjusted the classification accordingly and noted manual changes in the GIS data layer.

Development constraints

The physical constraints used in the Sherwood buildable lands inventory include: areas subject to landslides, areas with slopes greater than 15%,[86] lands within the 100-year flood plain, Metro's Title 3 land (including Water Resource Conservation Areas), lands within Metro's Title 13 Habitat Conservation Areas (Class I and II, A and B), Wetlands, and public facilities.

Land base

Table 20 summarizes all land included in the employment land base (e.g., lands with plan designations that allow employment). ECONorthwest used this land base in the buildable lands analysis for Sherwood. The land base includes traditional employment designations with Sherwood's city limits—Commercial and Industrial—along with land designated for future development in the Tonquin Employment Area and Brookman Annexation Area as of May 2018. According to Metro RLIS data, within Sherwood's city limits there are about 171 acres in 134 tax lots with a commercial plan designation, and about 478 acres in 115 tax lots with an industrial plan designation. The Tonquin Employment Area is located on the eastern edge of Sherwood's city limits and is in the Metro UGB. It has about 282 acres in 25 tax lots. The Brookman Annexation Area, also within the Metro UGB, is located southwest of Sherwood's city limits. It has about 25 acres designated for employment land in 4 tax lots.

Table 20. Acres in Sherwood City Limit, Tonquin, and Brookman, 2018[87]

Plan Designation/ Area	Tax Lots	Total Acres
Commercial	134	171
Industrial	115	478
Tonquin	25	282
Brookman	4	25
Total	278	956

Source: Metro RLIS, 2018 BLI,& ECONorthwest analysis.

The next step in the inventory was to classify lands into mutually-exclusive categories that relate to their development status. The categories include:

- Vacant land
- Potentially redevelopable land

[86] Metro's calculation of constrained area for employment land includes slopes greater than 25%. Lands for commercial and industrial uses are typically developed on slopes no greater than 15%, so we used an "erase" function in GIS to determine any constrained areas that were not included in Metro's calculation of constrained area. These additional constraints were subtracted from the "net_emp_strike_price" value for tax lots designated as "potentially redevelopable," and included in the total constraints layer and subtracted from the total area for tax lots designated as "vacant."

[87] The original land base included 277 tax lots. The final version includes 278 tax lots, because City staff requested to split a tax lot in the Tonquin Employment Area into two tax lots. One tax lot is the planned water treatment plant, which was considered developed in the BLI, and the other remained designated as "vacant." In addition, the "Langer Farms site" was originally included in the BLI with the northern portion of the site as potentially redevelopable and counted in the unconstrained buildable acreage. In the current version, the entire tax lot was classified as vacant after discussion with City staff about the development of the Fun Center and retail/commercial shopping plaza on the remainder of the site.

- Developed land
- Except land

ECONorthwest used the rules described in the prior section to perform a preliminary classification, based on Metro's previous analysis. The next step was to show the results in map form for City staff to review and suggest changes. ECONorthwest completed the manual classification changes, as noted in the GIS data layer.

Table 21 shows commercial and industrial land in Sherwood by classification (development status). The results show that Sherwood has 956 total acres in commercial and industrial plan designations. Of the 956 acres in the UGB, about 474 acres (50%) are in classifications with no development capacity, 233 acres (24%) are constrained and 249 acres (26%) are buildable land with development capacity.

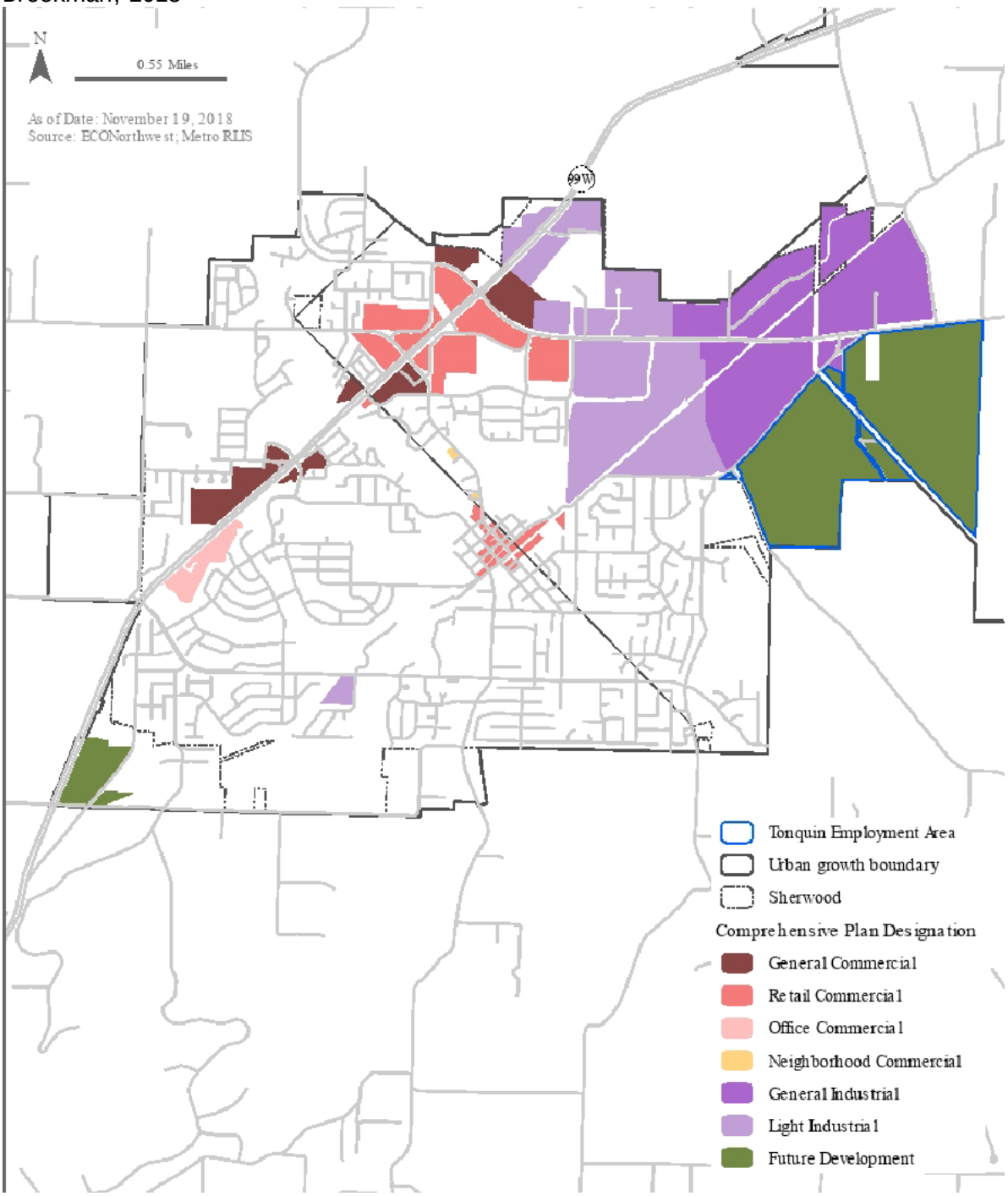
Table 21. Employment acres by classification and plan designation, Sherwood City Limits, Tonquin, and Brookman Annexation Area, 2021

Plan Designation	Tax Lots	Total Acres	Acres with No Development Capacity	Constrained Acres	Total Unconstrained Buildable Acres
Commercial	134	171	119	27	25
General Commercial	31	62	38	10	14
Neighborhood Commercial	2	1	1	0	0
Office Commercial	11	16	6	5	5
Retail Commercial	90	92	74	12	6
Industrial	115	478	290	91	97
General Industrial	66	238	158	19	61
Light Industrial	49	240	132	72	36
Tonquin	25	282	62	111	110
Future Development	25	282	62	111	110
Brookman	4	25	3	4	18
Future Development	4	25	3	4	18
Total	278	956	474	233	249
Percent of Total		100%	50%	24%	26%

Source: Metro RLIS, 2018 BLI, & ECONorthwest analysis.

Map 2 shows commercial and industrial land in Sherwood by plan designation.

Map 2. Map of employment land by classification, Sherwood City Limits, Tonquin, and Brookman, 2018



Vacant buildable land

The next step in the commercial and industrial buildable land inventory was to net out portions of vacant tax lots that are unsuitable for development. Areas unsuitable for development fall into three categories: (1) developed areas of partially vacant tax lots, (2) areas with service constraints (5 tax lots within the UGB east of I-5 have no access to infrastructure such as water and sewer), (3) areas with physical constraints (areas with wetlands, floodways, riparian setback areas and steep slopes).

Table 22 shows unconstrained buildable acres for vacant and potentially redevelopable land by plan designation. The results show that Sherwood has about 249 net buildable acres in commercial and industrial plan designations. Of this, 10% (25 acres) is in the commercial designations, 39% (97 acres) is in industrial designations, and 51% (127 acres) is designated as future development in the Tonquin Employment Area and Brookman Annexation Area.

Table 22. Employment land with unconstrained development capacity (Vacant, Potentially Redevelopable) by plan designation, Sherwood City Limits, Tonquin, and Brookman, 2021

Plan Designation	Uncon-strained Vacant Acres	Unconstrained Potentially Redevelopable Acres	Total Unconstrained Buildable Acres
Commercial	11	14	25
General Commercial	5	8	13
Office Commercial	4	1	5
Retail Commercial	2	5	7
Industrial	31	66	97
General Industrial	17	44	61
Light Industrial	14	22	36
Tonquin	23	86	109
Future Development	23	86	109
Brookman	0	18	18
Future Development	0	18	18
Total	65	184	249
Percent of Total	26%	74%	100%

Source: Metro RLIS, 2021 BLI, & ECONorthwest analysis.

Map 3 shows commercial and industrial land in Sherwood by development status with development constraints.

Map 3. Map of employment land by classification with development constraints, Sherwood City Limits, Tonquin, and Brookman, 2021

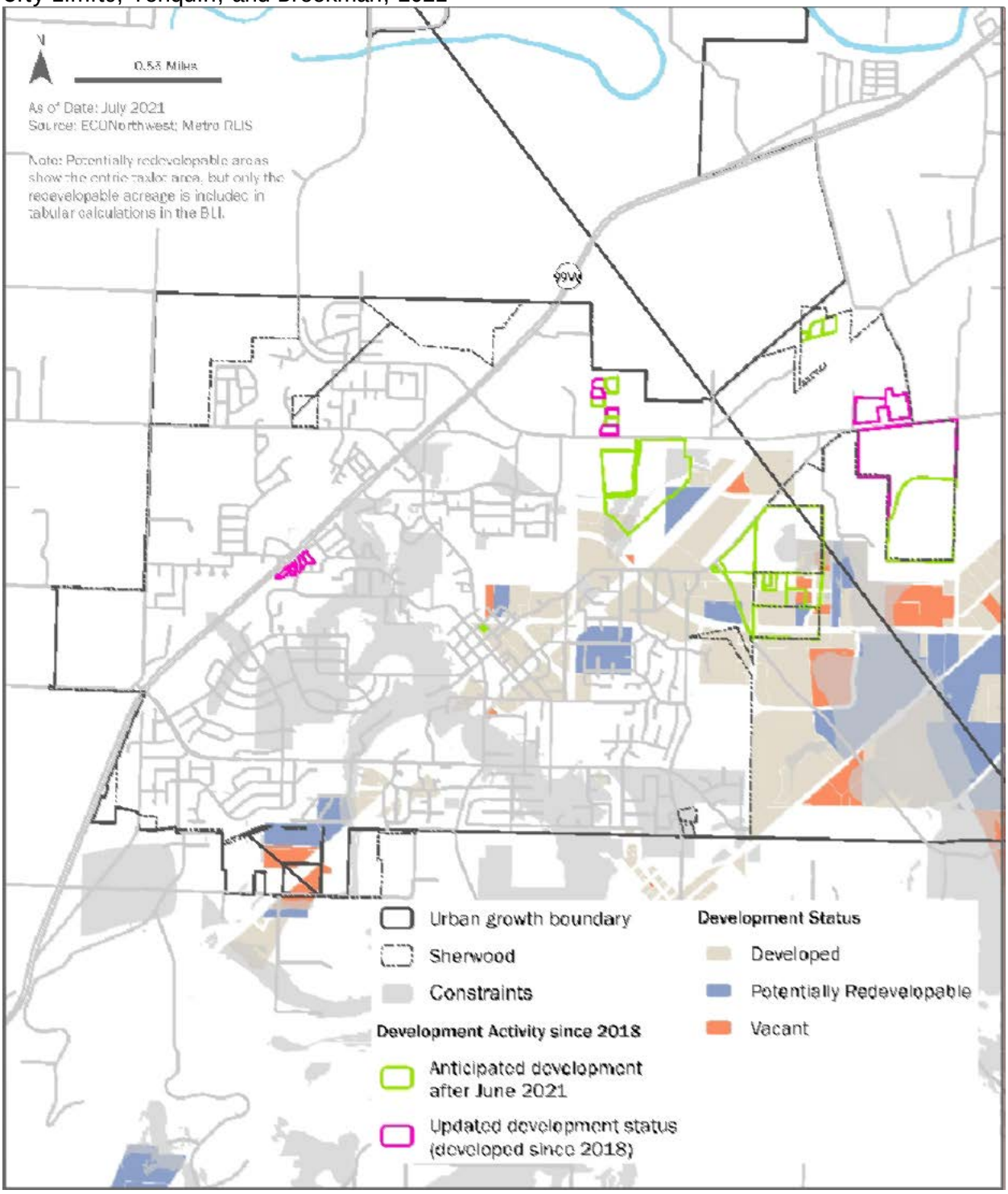


Table 23 shows the size of lots by plan designations for buildable employment land. Sherwood has 30 lots that are smaller than 2 acres (with 25 acres of land). Sherwood has 37 lots between 2 and 10 acres (183 acres of land) and 3 lots between 10 and 50 acres in size (42 acres of land).

Table 23. Lot size by plan designation, buildable acres, Sherwood City Limits, Tonquin, and Brookman, 2021

	Buildable Acres in Tax Lot				
Plan Designation	<1	1 - 1.99	2 - 4.99	5 - 9.99	10 - 49.99
Acres					
Commercial	3	4	13	5	0
General Commercial	1	0	7	5	0
Neighborhood Commercial	0	0	0	0	0
Office Commercial	2	1	3	0	0
Retail Commercial	0	3	3	0	0
Industrial	6	7	29	13	42
General Industrial	1	3	14	13	30
Light Industrial	5	4	15	0	12
Tonquin	2	3	16	89	0
Future Development	2	3	16	89	0
Brookman	0	0	11	7	0
Future Development	0	0	11	7	0
Subtotal	**11**	**14**	**69**	**114**	**42**
Taxlots					
Commercial	6	3	4	1	0
General Commercial	2	0	2	1	0
Neighborhood Commercial	0	0	0	0	0
Office Commercial	2	1	1	0	0
Retail Commercial	2	2	1	0	0
Industrial	11	5	10	2	3
General Industrial	3	2	5	2	2
Light Industrial	8	3	5	0	1
Tonquin	3	2	4	12	0
Future Development	3	2	4	12	0
Brookman	0	0	3	1	0
Future Development	0	0	3	1	0
Subtotal	**20**	**10**	**21**	**16**	**3**

Source: Metro RLIS, 2021 BLI, & ECONorthwest analysis.

The data in Table 23 show that Sherwood has no commercial sites larger than 10 acres within the city limits. Sherwood does, however, have industrial sites larger than 10 acres (a total of 42 acres). In addition, the Tonquin Employment Area has 12 sites between 5 and 10 acres and no sites larger than 10 acres. The Brookman Annexation Area has 3 sites between 2 and 5 acres and 1 site between 5 and 10 acres.

Appendix B. Comprehensive Plan Goals and Policies

This chapter presents Sherwood's 2040 Comprehensive Plan goals and policies within the Thriving and Diversified Economy chapter of the Plan.

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

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

POLICY 1.2 Encourage development of employment to increase the city's tax base through a faster growth rate of jobs.

POLICY 1.3 Pursue development of higher employment densities in areas with planned or existing public facilities, utilities, and transportation infrastructure.

POLICY 1.4 Support business growth in Sherwood to diversify and expand commercial and industrial development in order to provide employment opportunities and expand the tax base.

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

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

POLICY 1.7 Attract businesses identified as Target Industries in Sherwood's most recent Economic Opportunities Analysis.

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

POLICY 1.9 Encourage opportunities for workforce development and training that meets the needs of new and existing businesses in Sherwood.

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

POLICY 2.1 Land Supply: The City will provide a 20-year supply of suitable commercial and industrial land on sites with a variety of characteristics (e.g., site sizes, locations, visibility) and manage

the supply of employment land to make most efficient use of commercial and industrial land.

POLICY 2.2 Provide for an adequate supply of commercial and industrial land to accommodate the types and amount of economic development and growth anticipated in the future, as described in the City's most recent Economic Opportunities Analysis (EOA).

POLICY 2.3 Provide a range of site sizes and locations to accommodate the market needs of a variety of office-commercial, retail commercial, and industrial employment uses.

POLICY 2.4 Maintain an adequate short-term supply of suitable office commercial, retail commercial and industrial land to respond to economic development opportunities as they arise.
"Short-term supply" means suitable land that is ready for construction usually within one year of an application for a building permit or request for service extension.

POLICY 2.5 Monitor and replenish the short-term supply and total available commercial and industrial land on a regular, periodic basis.

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

POLICY 2.7 Continue to provide flexibility in Sherwood's development code to support non-retail commercial and industrial development with the Target Industries identified in the recent EOA, most of which will need space in an existing building, sites smaller than five acres, or sites between five and 15 acres in size.

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

POLICY 2.9 Develop criteria, in conjunction with objectives of this chapter, to identify industrial or commercial areas that are more appropriate for other uses (e.g., industrial land redesignated for commercial uses) based on their site characteristics (e.g., location, size, configuration, or transportation access), as needed.

City Council Meeting Date: November 16, 2021

Agenda Item: Public Hearing *(First Reading)*

TO: Sherwood City Council

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

SUBJECT: **Ordinance 2021-012, Amending the Sherwood Comprehensive Plan Ordinance 1978-689, as amended to replace in its entirety the current Comprehensive Plan with Updated Comprehensive Plan goals and policies** *(First Reading)*

Issue:
Shall the City Council adopt the updated Sherwood 2040 Comprehensive Plan?

Background:
The Comprehensive Plan represents the long-term vision for the City as it relates to land use and the delivery of public serves. It directs all activities related to land use, infrastructure, natural systems and services in the City. It provides guidance for including the whole Sherwood community in these decisions. Oregon state law requires cities and counties to adopt a comprehensive plan, zoning, and land division ordinances that are needed to implement the Comprehensive Plan. All comprehensive plans must be consistent with the Statewide Planning Goals. There are 19 statewide planning goals; however, only twelve are applicable to the City. While there have been piecemeal updates to the Comprehesive Plan over the year since it was last updated in 1991, this is the first comprehensive update to the Plan since 1991.

The updated Comprehensive Plan is organized to reflect the community themes identified through the City Visioning process in 2018/2019 while also complying with state law. The themes included in the Comprehensive Plan cover broad, interconnected subjects that demonstrate clear relationships with the individual Statewide Planning Goals. The six theme areas that help define and guide future policy decisions of our community include:

1. Thriving and Diversified Economy
2. Strong Community, Culture, and Heritage
3. Strategic and Collaborative Government
4. Attractive and Attainable Housing
5. Coordinated and Connected Infrastructure
6. Healthy and Valued Ecosystem

Exhibit 1 attached to the Ordinance provides the full set of Comprehensive Plan goals and policies in the format in which it is proposed for adoption. Staff developed a Background Report, a Community Profile, and a Survey for each theme to establish a framework for making goal and policy determinations. The background reports, community profile, and survey information will be combined in a separate volume of supporting documents to be used as the basis for future Comprehensive Plan updates. The Plan update

includes introductory sections of each theme and describes the role of the Comprehensive Plan in the land use planning process. The update also includes technical documents (Housing Needs Analysis, Economic Opportunities Analysis, Parks Master Plan, and Transportation System Plan) by reference.

The Comprehensive Plan establishes a policy framework that helps to inform planning documents used by the City to guide future growth and development in our community. The Plan will help inform future actions to be taken to carry out its implementation and may include such tools as establishing new programs or identifying the procedures needed to carry out the goals and policies within the Plan as part of City operations – this includes Community Code Updates, updates to city planning documents, service coordination agreements, etc. After Plan adoption, the next step is developing an action plan, with specific actions identified (for the Community Development Department and potentially other departments in the City under the direction of the City Manager's office) to implement the goals and policies. Implementation measures will be provided in the action plan and approved in a separate document to provide flexibility in their uses as a City work plan.

Plan Process

The Comprehensive Plan update began in 2019, following the establishment of a Community and Technical Advisory Committee (CAC and TAC). The update process engaged every department of the City and multiple partner agencies. Technical documents, including the Housing Needs and Economic Opportunites Analysis, background reports, and surveys, underwent review by the project CAC, TAC, the Project Advisory Team, Planning Commission, and other relevant city committees and City Council.

Community Engagement

During the Comprehensive Plan update process, community involvement was critical and was designed to meet the community's needs and expectations. The work to develop draft goals and policies for the first three themes of the Plan occurred prior to the global COVID-19 pandemic. A public involvement plan was created and included strategies for robust outreach to engage the community, connecting to diverse communities and local agency partners. Community surveys, interviews, open houses, and attendance at community events and meetings (prior to COVID-19) provided for input and community review of the goals and policies in the Plan document. The Comprehensive Plan Update process included a variety of opportunities for community engagement and interagency involvement:

- 12 Community Advisory and Technical Advisory meetings
- 6 meetings with the Project Advisory Team that provided guidance to the public outreach efforts
- Other Commission and Committee meetings included: Sherwood Parks and Recreation Advisory Board, Sherwood Cultural Arts Commission, and Police Advisory Board
- Organizational outreach outside City government with Sherwood Chamber of Commerce, Rotary, Sherwood Main Street
- Outreach in person included Sherwood Art Walk, Music on the Green, Robin Hood Festival, an Open House in early March 2020 (all prior to Covid-19)
- Online outreach through City email distribution lists; the City's website, Facebook, Twitter and Nextdoor accounts; a project website, and surveys completed by over 1,000 participants
- Regular updates to the Planning Commission and 3 work sessions prior to the adoption process
- Regular updates to the City Council and one work session with the Planning Commission Chair prior to the adoption process

Interagency review and notification of the adoption hearing process were sent to partner agencies. A 35-day notice was sent to DLCD on September 21, 2021. No formal comments were received from partner

agencies. Public Notice for the Planning Commission hearing and City Council meeting was in accordance with state law and the Sherwood Zoning and Community Development Code and published in "The Times" newspaper on October 7th and 21st, 2021.

One joint public comment was received from the Oregon Fair Housing Council and Housing Land Advocates. Their primary concern is that Sherwood is not in compliance with Statewide Land Use Goal 10, Housing and that the finding in the staff report was not adequate in addressing Goal 10. They are concerned that the City is not addressing the shortage of housing units forecasted in the adopted Housing Needs Analysis through upzoning and increasing densities within the current City boundary. In response, the finding was modified as part of the Planning Commission's recommendation of the Plan. The Housing Needs Analysis indicates that the City will need to request a UGB expansion in the future to meet future housing needs, and the finding anticipates a future request to Metro.

Following a public hearing on the proposed Comprehensive Plan and the first reading of the ordinance, a second hearing is scheduled for December 7, 2021.

Financial Impacts:
This is a city-initiated application. The cost of the Comprehensive Plan update process was approved and accounted for within the City's budget.

Recommendation:
Staff respectfully recommends City Council open the public hearing on Ordinance 2021-012, to adopt the Sherwood 2040 Comprehensive Plan. If needed, a second hearing on this Ordinance has been scheduled for December 7, 2021.

Attachments
1) Planning Commission Recommendation to Council
2) Public Comment
    A. Fair Housing Council of Oregon and Housing Land Advocates, October 25, 2021
3) Ordinance with Exhibit 1

CITY OF SHERWOOD
Date: November 5, 2021

Planning Commission Recommendation to the City Council
Sherwood 2040 Comprehensive Plan

Case File: 2021-020-PA

Recommendation of the Planning Commission

The Sherwood Planning Commission held a public hearing on October 26, 2021, to take testimony and consider the application (Case File: LU 2021-020 PA). One testimony was received in opposition to the proposed Comprehensive Plan. Staff proposed amending the Goal 10 finding to address the testimony received. The Planning Commission recommended minor formatting and editorial changes to wording. The Commission voted to close the hearing. After considering the application materials, the proposed amendments, and the findings in the staff report, the Planning Commission voted to recommend the proposed Sherwood 2040 Comprehensive Plan to the City Council.

Erika Palmer
Planning Manager

Proposal:
The City of Sherwood Planning Commission will hold a public hearing to evaluate the Sherwood 2040, Moving Forward Together Comprehensive Plan (Case File 2021-020-PA) and consider recommending the Plan to City Council for adoption. The Sherwood 2040, Moving Forward Together, Comprehensive Plan will replace the existing Plan adopted in 1991 (Ordinance 1991-922).

The Comprehensive Plan is a planning document that directs all activities related to land use and the future of natural and man-made systems and services in Sherwood over the next 20 years. The Comprehensive Plan helps manage expected population and employment growth through a set of goals and policies that align with the community's vision. Land use planning procedures are used to connect the goals and policies of a comprehensive plan to the administrative review process for development applications and help ensure consistency with the development code, capital improvement plans, and other implementing codes and plans.

I. BACKGROUND

The current Comprehensive Plan was last updated beginning in 1989, required by State Law, a process officially known as periodic review, and adopted by City Council on March 13, 1991. Over the past thirty years, the City has experienced significant residential growth. The population has increased from 2,990 in 1989 to 20,450 in 2021. Many of the goals and policies in the 1991 Comprehensive Plan are outdated. Although not required by the State, the City Council recognized the need to update the Plan to represent the current conditions better, to ensure that

the community plans for and mitigates the impact of growth, and to gather community feedback from residents on what they desire as the future direction of Sherwood.

In the spring of 2018, the City of Sherwood launched the Sherwood 2040 Comprehensive Plan Vision. This city-wide community engagement process outlines the desired future for the Sherwood community in the year 2040. The City undertook the Visioning Process as one of the initial steps in updating the Comprehensive Plan. The Visioning Process engaged community members to develop a shared understanding of Sherwood today and create a planning process that will address critical issues for the future. Undertaking a Visioning Process before updating the Comprehensive Plan was especially important for a community like Sherwood, given the City's dramatic growth and change over the years. The Sherwood 2040 Comprehensive Plan Vision was the first step in identifying what makes Sherwood special, envisioning what it will look like tomorrow, and creating a new Comprehensive Plan to realize that Vision.

The Vision is organized around six core areas, covering broad, interconnected topics consistent with community priorities identified through the process. Each core area includes a set of Goals, which provide the basis for the policy framework of the Comprehensive Plan.

The process for developing the Comprehensive Plan was organized around these six theme areas. The six core areas are: 1) Thriving and Diversified Economy 2) Strong Community Culture and Heritage; 3) Strategic and Collaborative Governance; 4) Attractive and Attainable Housing; 5) Coordinated and Connected Infrastructure and 6) Healthy and Valued Ecosystems. Over the course of two years, the community, City staff, and a Community Advisory Committee (CAC), Technical Advisory Committee (TAC), and Project Advisory Committee (PAT) engaged in learning and discussion around trends, opportunities, challenges, and key policy considerations. Background information, data, and technical analyses related to the topics were compiled and reviewed for each theme area to understand current conditions and trends. Then, key policy questions were identified and discussed through a combination of surveys, focus groups, and booths at Sherwood events with community members, touching hundreds of community members over the 24-month process. Due to the pandemic, outreach strategies were modified, and the meetings were conducted virtually, but this did not limit communication with the public – more details can be found below in this report under State Land Use Goal 1.

All of this work has culminated into the draft *Sherwood 2040, Moving Forward Together Comprehensive Plan.*

II. PUBLIC COMMENTS

Public notice was posted in "The Times," a local paper with general circulation on October 7th and 21, 2021, and on the City's website on October 6, 2021. As of the date of this report, no public comments have been received; however, comments are welcome up to twenty-four hours prior to the public hearing.

III. AGENCY COMMENTS

Staff sent an e-notice to affected agencies on September 21, 2021, and sent DLCD notice on September 21, 2020. As of the date of this report, no agency comments have been received.

IV. REQUIRED FINDINGS

The City must demonstrate that the Plan is consistent with applicable state, regional, and local policies, rules, and regulations to adopt the proposed Plan. The following findings relate to compliance with all applicable criteria. The criteria relevant to this Plan Amendment are as follows:

The applicable code criteria include:

A) Sherwood Zoning and Community Development Code Chapter 16.80, *Plan Amendments*

B) Statewide Planning Goals that apply to this matter include: 1,2,5,6,7,8,9,10,11,12,13,14.

C) Other applicable policies, rules, and regulations include:
Oregon Administrative Rules (OAR)
- Oregon Administrative Rule (OAR) 660, Division 007 – Metropolitan Housing Rule
- OAR 660, Division 12 – Transportation Planning Rule
- OAR 660, Divison 023 – Procedures and Requirements for Complying for Goal 5

Oregon Revised Statutes (ORS)
- ORS 197.030-307 – Needed Housing
- ORS 195.025-195.036 – Metro Coordination

Metro Regional Functional Plan Requirements
- Title 1: Housing Capacity
- Title 3: Water Quality and Flood Management
- Title 4: Industrial and Other Employment Areas
- Title 6: Centers, Corridors, Station Communities and Main Streets
- Title 7: Housing Choices
- Title 8: Compliance Procedures
- Title 11: Planning for New Urban Areas
- Title 12: Protection of Residential Neighborhoods Nature in Neighborhoods
- Title 13: Nature in Neighborhoods
- Title 14: Urban Growth Boundary

Metro Regional Transportation Functional Plan Requirements:
- Title 1: System Design
- Title 2: TSP Updates
- Title 3: Projects
- Title 4: Parking Management
- Title 5: Comprehensive Plans
- Title 6: Compliance

CITY OF SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE

Chapter 16.80, Plan Amendments

16.80.010 Initiation of Amendments

An amendment to the City Zoning Map, the text of the Comprehensive Plan, or the text of the Zoning and Community Development Code may be initiated by the Council, Commission, or an owner of property within the City.

Response: The City of Sherwood proposes a major text amendment to the Sherwood Comprehensive Plan that will completely replace the current Plan adopted by Ordinance 1991-922 in its entirety with updated goals and policies. The Sherwood City Council initiated this major text amendment in 2018, recognizing that the Plan was outdated.

Finding: Based on the response above, the initiation of this major text amendment to adopt a new updated Comprehensive Plan was initiated by the Sherwood City Council and, therefore, satisfies this criterion.

16.80.020 Amendment Procedures

Zoning Map or Text Amendment

A. Application - An application for a Zoning Map or text amendment shall be on forms provided by the City and shall be accompanied by a fee pursuant to Section 16.74.010.

B. Public Notice - Public notice shall be given pursuant to Chapter 16.72.

C. Commission Review - The Commission shall conduct a public hearing on the proposed amendment and provide a report and recommendation to the Council. The decision of the Commission shall include findings as required in Section 16.80.030.

D. Council Review - Upon receipt of a report and recommendation from the Commission, the Council shall conduct a public hearing. The Council's decision shall include findings as required in Section 16.80.030. Approval of the request shall be in the form of an ordinance.

Response: As stated above, this is a City initiated amendment to the Comprehensive Plan. This is a Type V review process, and as such, the Planning Commission will conduct a public hearing and provide a report and recommendation to the Council. Notice was provided in accordance with Chapter 16.72. The decision of the Commission will include findings as required in Section 16.80.030.

Finding: As based on the response above, this Plan Amendment application meets this criterion.

16.80.030 Review Criteria

A. Text Amendment

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

Response: The City of Sherwood proposes a major text amendment to the Sherwood Comprehensive Plan that will completely replace the current Plan in its entirety with updated goals and policies. The Council recognized this as a community need and made it a priority in 2018 as it had been 30 years since the last Comprehensive Plan update. As described in additional detail below in this staff report, the Comprehensive Plan update is consistent with the City's adopted Transportation System Plan's intent and all applicable state and regional regulations. This standard is met.

Finding: Based on the response above, the Comprehensive Plan update is consistent with the City's adopted TSP and all applicable state and regional regulations.

B. Map Amendment

An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that:

1. **The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.**
2. **There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.**
3. **The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.**
4. **Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.**

Finding: This standard is not applicable as the update is not proposing any amendments to the City's General Plan and Zoning Map.

C. Transportation Planning Rule Consistency

1. **The applicant shall demonstrate consistency with the Transportation Planning Rule, specifically by addressing whether the proposed amendment creates a significant effect on the transportation system pursuant to OAR 660-012-0060. If required, a Traffic Impact Analysis (TIA) shall be prepared pursuant to Section 16.106.080.**

Finding: This standard is not applicable as the Comprehensive Plan update is not proposing zone changes or impacts to the transportation system pursuant to OAR 660-012-0060. The proposed Comprehensive Plan is consistent with the City's adopted TSP and satisfies this standard.

OREGON STATEWIDE PLANNING GOALS

As addressed below, the City's Comprehensive Plan supports the Oregon Statewide Planning Goals that apply to Sherwood.

For quick reference, the matrix below breaks down the Comprehensive Plan by its six theme areas, topics, goal statements, and the associated statewide planning goal.

Theme Area	Topic Area	Goal Statements	Associated Statewide Planning Goal
Thriving and Diversified Economy	Economic Development	1. Accelerate the growth of local businesses and attract new businesses that balance the City's tax base, provide stable, high-wage jobs and capitalize on Sherwood's location and enhance the high-quality of life. 2. Prioritize and promote economic development to balance the City's tax base by maintaining a supply of land to target growth industries and accelerate Sherwood's desired economic growth.	(9) Economic Development
Strong Community, Culture,and Heritage	Community Engagement	1. Value Sherwood's heritage, traditions, and diverse community wisdom by working together and thinking creatively through meaningful, informed, and innovative participation by all. 2. Actively explore accessible, and effective methods of communication and participation to foster transparency and connection to the community. 3. Foster a culture of collaboration and partnership between residents, community groups, businesses, service providers, and government.	(1) Citizen Involvement (5) Historic Resources (11) Public Facilities and Services
Strategic and Collaborative Governance	Governance and Growth Management	1. Coordinate with adjacent jurisdictions, local service providers, and regional and state governmental agencies to manage growth and development in Sherwood. 2. Provide timely, orderly, and efficient delivery of public facilities and services to balance the development of complete neighborhoods, employment areas, schools, and public spaces. 3. Ensure that the rate, amount, type, location, and cost of new development will preserve and enhance Sherwood's quality of life so that it is accessible to all community members. 4. Provide open and transparent governance by assuring information is available and disseminated through a variety of methods that is accessible to people of diverse ages, abilities, and backgrounds.	(2) Land Use Planning (11) Public Facilities and Services (7) Areas Subject to Natural Disasters and Hazards (11) Public Facilities and Services (14) Urbanization
	Community Health and Safety	5. Ensure a high level of public health, and safety and community preparedness by providing well-funded and well-planned police, and fire protection, and emergency services for Sherwood residents. 6. Maintain and improve the quality of the air, water and land resources. 7. Encourage land use patterns that locate land use activities in close proximity, reduce or shorten vehicle trips and encourage energy conservation through sustainable site planning, landscaping and construction practices. 8. Minimize impacts and risk to life and property from natural and human-caused disasters.	
Attractive and Attainable Housing	Housing	1. Preserve and enhance the character of existing neighborhoods. 2. Plan new residential developments to integrate with existing Sherwood as complete neighborhoods where community members can live, learn, shop, and recreate. 3. Provide the opportunity for a variety of housing types in locations and at price points that meet the needs of current and future residents.	(10) Housing

Coordinated and Connected Infrastructure	Transportation	1. Plan and implement a transportation system that is forward-looking, responsive, and innovative to maximize capacity and ensure safety, efficiency, and retention of Sherwood's livability and small-town character. 2. Create and enhance safe, multi-modal, and viable transportation options for travel between destinations locally and regionally with particular attention to connecting the areas of Sherwood east and west of Highway 99E, Old Town, and the Tualatin National Wildlife Refuge 3. Identify funding sources and collaborative partnerships to leverage resources for transportation system maintenance and improvements.	(11) Public Facilities and Services (12) Transportation (13) Energy Conservation
	Infrastructure	4. Ensure reliable, safe, affordable, and adequate public facilities to meet Sherwood's existing and future needs. 5. Work with partner agencies to coordinate service delivery, including but not limited to stormwater, water, electric, natural gas, broadband, and waste management.	
Heathy and Valued Ecosystems	Nature, Parks, and Trails	1. Develop a funding strategy and pursue funding sources for land acquisition, parks and recreation facility development, operations and maintenance. 2. Pursue the expansion and enhancement of the City's parks, trail system and greenways that connect people to nature and their destinations. 3. Plan, develop and enhance recreation opportunities, common open space areas, and recreation facilities for Sherwood residents of all ages and abilities. 4. Promote natural resources as a shared and critical community asset by being good stewards of Sherwood's natural resources, ecosystems, and urban forest and protecting and enhancing their function, quality, and diversity.	(5) Natural Resources, Scenic and Historic Areas, and Open Space (6) Air, Water and Land Resource Quality (8) Recreational Needs (13) Energy Conservation

Goal 1: Citizen Involvement
It is the purpose of this Goal to develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Sherwood's goals and policies related to Statewide Land Use Goal 1, Citizen Involvement, can be found in the following theme of the Comprehensive Plan, *Strong Community, Culture, and Heritage,* on pages 38-42 *in the document.*

Response: State Land Use Goal 1 requires the City to develop and implement an appropriately scaled and funded community involvement program to ensure the opportunity for meaningful public involvement throughout the land use planning process. Goal 1 outlines six key elements of citizen involvement, including the following:

- ✓ Citizen Involvement: Involve a cross-section of community members in all phases of the planning process, including an official Committee for Community Involvement to review and enhance involvement in land use planning.
- ✓ Communication: Establish mechanisms for effective communication between the public and elected/appointed officials;
- ✓ Influence: Provide adequate opportunities for the public to be involved in all phases of the planning and decision-making process, including preparation of plans to adoption, minor and major changes to the plan, and implementation of the plan.

- ✓ Technical Information: Ensure information used to reach policy decisions is available in a simplified, understandable format.

- ✓ Feedback Mechanisms: Ensure community members receive a response from policy makers, and retain recommendations resulting from community involvement program for public assessment. Financial Support: Allocate adequate resources (human, financial, and informational) within the City's budget and planning department for the community involvement program.Public engagement was a priority throughout the Comprehensive Plan Update process and became more so when COVID-19 made in-person meetings and open houses virtual. The first three core areas of the Comprehensive Plan were developed through in-person meetings and input received through community functions and open houses.

In establishing the Plan, the City created a Community Engagement Plan to target a cross-section of the community through a variety of different mediums to garner feedback on goals and policies. These outreach approaches included the following:

Committees and Advisory Boards – Three advisory committees to oversee the Comprehensive Plan Update process were created: 1) Community Advisory Committee (CAC, 2) Technical Advisory Committee (TAC), and a Project Advisory Team (PAT). The individuals who served on the CAC were from various Sherwood neighborhoods, a variety of ages, length of time in the community, interests, and backgrounds. The Stakeholder Advisory Committee was an appointed 14-member body serving as more of a "technical advisory group" representing agencies such as Washington County, School District, Oregon Department of Transportation (ODOT), Department of Land Conservation and Development (DLCD), Clean Water Services, Sherwood Police Department and Tualatin Valley Fire and Rescue, etc. These groups met separately roughly every other month to review policies and add additional input to draft policies compiled by staff and the consultant team.

Community Interviews – Throughout the majority of the Comprehensive Plan Update process, staff grappled with challenges and requirements related to the ongoing COVID-19 pandemic. To promote a two-way conversation, interview sessions with community members having expertise in a particular topic theme provided an excellent way to gather information, solicit feedback on draft goals and policy language, and gain additional insights to take back to the CAC and TAC committees. Over eighty (80) community interviews were held on the economic development theme and over twenty-five (25) for the attractive and attainable housing theme. Prior to the interviews, both the CAC and TAC provided input and feedback on potential interviewees.

Informal Virtual Engagement Opportunities – Staff maintained a project website and the City's utility billing email listserv with over 2,000 registered recipients, received project update emails and community surveys.

In-Person Engagement – Prior to the pandemic, staff conducted in-person tabling events to "meet people where they are" at various community events, including the Robin Hood Festival, Sherwood Art Walk, and Music on the Green.

Proactive and effective public involvement is a cornerstone of planning practice, and focused community engagement is crucial to achieving success in land use and transportation planning initiatives that impact the entire community. The Public Involvement section of the Comprehensive

Plan Update includes various goals and policies to continue to foster community participation and reduce barriers to participation.

Finding: Based on the information above, the Comprehensive Plan update is consistent with Oregon Statewide Planning Goal 1.

Goal 2: Land Use Planning
It is the purpose of this Goal to establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

Sherwood's goals and policies related to Statewide Land Use Goal 2, Land Use Planning, can be found in the following theme of the Comprehensive Plan, *Strategic and Collaborative Governance,* on pages 44-50 in the document.

Response: Through the update process, the updated documents that form the City's factual base include: the City's Housing Needs Analysis (HNA) and the Economic Opportunity Analysis (OEA). Key findings from these two documents have been integrated into the policies in the Plan, specifically into the themes, Thriving and Diversified Economy and Attractive and Attainable Housing. The HNA and EOA documents are incorporated by reference.

The Technical Advisory Committee (TAC) provided support and reviewed the draft policies and technical studies through the plan-making process. The City partnered with a number of agencies and governmental bodies to fact-find and gather feedback. If the agency and/or government bodies were not represented on the TAC, city staff often had direct participation to s seek guidance and coordination on natural hazard preparation, historical and cultural arts planning, public facilities, and parks and recreation.

- Tualatin Valley Fire and Rescue provides emergency services and educational outreach on fire prevention and natural hazards.
- The Sherwood School District operates the public school system for children in Sherwood and the surrounding area.
- The Sherwood Chamber of Commerce and Sherwood Main Street provides business support resources to local businesses
- Washington County provides numerous services staff reached out to, including Land Use, Transportation, and Housing Services.
- City Boards – Cultural Arts Commission, Parks and Recreation Advisory Board, Library Advisory Board, Police Advisory Board, were all provided updates and the opportunity to provide input.

The Strategic and Collaborative Governance theme policies focus on Governance and Growth Management that support Land Use Goal 2. Policies support:

- Coordinating growth with adjacent jurisdictions, service providers, and local and state agencies;
- Routinely verifying inventories for factual updated information

- Maintaining a Comprehensive Plan that is consistent with regional, state and federal regulations.

The City administers the General Plan and Zoning Map and the associated Sherwood Zoning and Community Development Code that implements the Comprehensive Plan, General Plan, and Zoning Map as part of its land use process in conformance with Statewide Planning Goal 2. This Comprehensive Plan update does not propose changes to the City's General Plan Map and Zoning Map.

Finding: The proposed Comprehensive Plan update complies with Goal 2.

Goal 3: Agricultural Lands
It is the purpose of Goal 3 to preserve and maintain agricultural lands.

Response: This Goal serves to preserve and maintain farmland and its associated uses. The Comprehensive Plan establishes policy for land intended for future urbanization within the urban growth boundary (UGB). There are agricultural land designations within the City of Sherwood.

Finding: Goal 3 does not apply to the Comprehensive Plan amendment.

Goal 4: Forest Lands
It is the purpose of this Goal to conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Response: This Goal serves to preserve and maintain forestry lands and its associated uses. As stated above, the Comprehensive Plan establishes policy for land intended for future urbanization within the urban growth boundary (UGB). There are agricultural land and forest land use designations within the City of Sherwood.

Finding: Goal 4 does not apply to the Comprehensive Plan amendment.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces
It is the purpose of this Goal to protect natural resources and conserve scenic and historic areas and open spaces.

Sherwood's goals and policies related to Statewide Land Use Goal 5, Natural Resources, Scenic, and Historic Areas, can be found in the following themes of the Comprehensive Plan, *Strong Community Culture and Heritage*, on pages 38-42, and *Healthy and Valued Ecosystems*, on pages 64-69, in the document

Response: Goal 5 directs the City to adopt programs that inventory, evaluate and develop protections for natural and cultural resources that include wildlife habitat, riparian corridors, wetlands, and cultural areas. There are existing state and federal programs in place to govern some Goal 5 resources. In some cases, compliance with the state and/or federal program is

sufficient to comply with Goal 5 for that particular resource. The City must also comply with Metro Title 13 for all mapped resources located within the Urban Growth Boundary (UGB). By meeting Metro Title 13, the City also complies with Goal 5 for riparian and wildlife habitat.

Natural Resources

Sherwood is home to many natural resource areas such as Chicken, Rock, and Cedar Creeks and their associated tributaries, flood plains, wetlands, and ponds, the Tonquin Scabland Geologic Area (TSGA) as well as stands of mature trees and forest canopy. Sherwood last updated its Open Spaces and Natural Resources Inventory and Natural Resources and Recreation Plan Map in 1990. Based on Metro's more recent Regionally Significant Fish and Wildlife Habitat Inventory Map, Sherwood has a mix of riparian and wetland areas that support fish and wildlife habitat across the City.

The Sherwood Zoning and Community Development Code (SZCD) has established regulatory language to protect, preserve and otherwise property manage the City's natural and environmental resources for the public.

Floodplain (SZCD Chapter 16.134) -- The SZCD identifies the FEMA floodplain area and establishes development review and floodplain administrator duties. The SZCD also identifies permitted and prohibited uses in the floodplain and set forth development standards and notification requirements to FEMA.

Parks, Trees and Open Space (SZCD Chapter 16.142) – The SZCD assures the provision of a system of public and private recreation and open space areas. The SZCD provides standards for open space and recreation facilities in, single-family or duplex residential subdivisions and multi-family development. New development is required to install street trees, and the City has a street tree program for the removal and replanting of required street trees.

Wetland, Habitat and Natural areas (SZCD Chapter 16.144) – The SZCD ensures that all residential, commercial and industrial uses comply with wetland, habitat and natural area standards. These code sections are consistent with Metro's Regionally Significant Fish and Wildlife Habitat map and refer to Clean Water Services Design and Construction standards.

Clean Water Services (CWS) and the City of Sherwood are responsible for stormwater management. CWS regulates activities that can impact the watershed, including development near or within creeks and wetlands through the enforcement of buffer zones known as Vegetated Corridors. CWS' adopted Design and Construction Standards describe the administrative and technical requirements for designing and constructing residential or commercially developed sanitary and surface water management systems, erosion control methods, and vegetated corridors. CWS requires that applicants seeking development permits secure a Service Provider Letter that specifies the conditions and requirements associated with Vegetated Corridors and Sensitive Areas and conditions necessary to issue a Stormwater Connection Permit pursuant to Design and Construction Standards. Allowable activities within the water quality sensitive area and vegetated corridor are restricted. The vegetated corridor is required to be enhanced with dense native trees, shrubs, and ground cover. Developers are required to improve Vegetated

Corridors that CWS identifies as "degraded" or "marginal" and mitigate for any unavoidable encroachments.

The regulations of other agencies may apply to development proposals on lands containing natural resources, including the U.S. Army Corps of Engineers, the Oregon Division of State Lands, the U.S. Fish and Wildlife Service, the Environmental Protection Agency, the Oregon Department of Fish and Wildlife, and Federal Emergency Management Agency. The City notifies applicable agencies for referral responses to specific development proposals prior to the issuance of City permits. The City also encourages the applicant to contact applicable agencies before development plans are completed so as to consider the requirements and restrictions that may be imposed by the agencies.

Sherwood is a leader as a steward of its natural environment. Vegetated corridors are protected and weave through the City, providing habitat, safe passage for wildlife, clean water and air, and a place for people to connect with nature. The City actively preserves mature trees and natural areas.

Cultural and Historic Resources

The City of Sherwood undertook a Cultural Resouces Inventory in 1989 to comply with Goal 5. Three levels of resources, primary, secondary, and contributing, were identified. Most of the primary resources are located in downtown Sherwood. In 1992 (Ordinance 92-946), established historic preservation standards for Sherwood included in the Old Town Overlay Zone, which provides for site design review and elements to preserve and/or enhance the area's historic character. The overlay zone applies to all properties within the zone boundary. The following chapters in the SZCDC are intended to establish objectives and define development standards to guide the physical development in the historic downtown of Sherwood. Depending on the improvement impact, development in this area will be a Type II, or IV review.

SZCDC 16.162- Old Town Overlay
SZCDC 16.164 – Landmark Review
SZCDC 16.166 -- – Landmark Designation
SZCDC 16.188 – Landmark Alteration
SZCDC 16.70 – Landmark Designation Incentives

Historic and cultural resources provide important context for what Sherwood was and what it will become. In addition to preserving local history and character, investment in historic and cultural resources enriches community identity and enhances our community's livability. The Strong Community Culture and Heritage theme area include policy language supporting cultural and historical resources.

Finding: Based on the response above, the proposed Comprehensive Plan is consistent with Goal 5. The Comprehensive Plan does not propose any changes to the General Plan and Zoning Map, inventories or the Development Code. No new Goal 5 programs are proposed or will be changed through this update process. The policies adopted in the Plan will be applied to support

the City's existing Goal 5 program requirements and will not create any conflicts in future application of Goal 5. Based on the response above, the proposed Comprehensive Plan is consistent with Goal 5.

Goal 6: Air, Water, and Land Resources Quality
It is the purpose of this Goal to maintain and improve the quality of the air, water, and land resources of the state.

Sherwood's goals and policies related to Statewide Land Use Goal 6, Air, Water, and Land Resource Quality, can be found in the following theme of the Comprehensive Plan*, Healthy and Valued Ecosystems* pages 60-69 *in the document.*

Response: Goal 6 requires cities and counties to ensure that solid waste, thermal, noise, atmospheric, or water pollutant and contaminant process discharges from existing and future developments do not violate state or federal environmental quality standards or degrade the quality of air, water, or land resources. The Oregon Department of Environmental Quality (DEQ) regulates air, water, and land with CWA Section 401 Water Quality, Water Quality Certificate, State 303(d) listed waters, Hazardous Wastes, Clean Air Act (CAA), and Section 402 NPDES Construction and Stormwater permits. DEQ regulates sanitary sewer systems through Water Pollution Control Facilities Permits, solid waste facilities through Solid Waste Disposal Site Permits, and air quality through Air Contaminant Discharge Permits.

Sherwood's Zoning and Community Development Code requires development in industrial and other zones to comply with current state air quality statutes and rules as administered by DEQ. The Development Code also requires special conditions to extract and process minerals and aggregates.

Additionally, the Department of State Lands and the Army Corps of Engineers regulates jurisdictional wetlands and CWA Section 404 water of the state and the country, respectively. Clean Water Services regulates impervious surface and stormwater runoff throughout the City, manages wastewater treatment facilities and shares responsibility with the City for wastewater conveyance. Clean Water Services is an active participant in the internal review of the Comprehensive Plan update and on the project's Technical Advisory Committee. Sherwood's existing Design and Construction Standards are based on those adopted by Clean Water Services and provide guidelines for stormwater management that all new development and redevelopment projects must meet, as well as detailed requirements for the design of actual stormwater treatment and detention facilities.

Finding: Based on the response above, the proposed draft policies are consistent with state land use Goal 6 in the *Strategic and Collaborative Governance* and *Healthy and Valued Ecosystem* comprehensive plan themes.

Goal 7: Areas subject to Natural Hazards
It is the purpose of this Goal to protect people and property from natural hazards.

Sherwood's goals and policies related to Statewide Land Use Goal 7, can be found in the following theme of the Comprehensive Plan, *Strong Community, Culture, and Heritage,* on pages 38-42 *in the document.*

Response: State Land Use Goal 7 requires Comprehensive Plans to reduce the risks to people and property from natural hazards, including floods, landslides, earthquakes, and related hazards.

While community safety is often regulated within the context of public facilities and services, community health is not explicitly governed in a regulatory environment, rather relying on the interconnected nature of policies that deal with physical, environmental, and economic characteristics of cities. Therefore, good governance can help design communities that improve police and fire response times, reduce collective energy use, increase resilience in the face of natural hazards and encourage land use patterns that reduce vehicle trips and congestion and improve traffic safety. Well-designed communities can also help mitigate the effects of public health outbreaks as well as natural hazards that pose the greatest risk to the Sherwood (earthquakes, floods, and winter storms). This is particularly as climate change drives the increased frequency, duration and intensity of many of these events.

The natural hazard most likely to occur in Sherwood is flooding from winter storms. The US Army Corps of Engineers (Corps) manages and administers permit programs overseeing the activities that affect waterways. In Oregon, permits for development are issued jointly by the Oregon Division of State Lands (DSL) and the Corps, and a water quality certification is also required by the Oregon Department of Environmental Quality.

City staff is generally required to sign off on any wetland or waterway permits issued by DSL and the Corps. Sherwood also participates in the National Flood Insurance Program and uses the best available adopted information for floodplain mapping and decision-making, which include the 2018 Washington County Flood Insurance Study and associated Flood Insurance Rate Maps. (FIRMs). The overall risk of flooding is limited in relatively small portions of Sherwood adjacent to tributary streams. The City's existing regulations (Chapter 16.134 Floodplain Overlay of the Sherwood Development Code), are intended to limit development within the flood plan and to protect people and property from potential flood damage. The Floodplain Overaly is applied to land where floodplain is identified.

All future public and private development and infrastructure projects will need to comply with local, state, and national regulations related to earthquakes, floods and other hazards. The City's Comprehensive Plan demonstrates an understanding of the potential impact of natural and human-caused disasters and establishes to reduce the vulnerability of people, property, and the environment to these hazards.

Finding: Based on the response above, the proposed policies are consistent with state land use Goal 7 in the *Strategic and Collaborative Governance* and *Healthy and Valued Ecosystem* comprehensive plan themes.

Goal 8: Recreational Needs
It is the purpose of this Goal to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities.

Sherwood's goals and policies related to Statewide Land Use Goal 8, Recreational Needs, can be found in the following theme of the Comprehensive Plan, *Healthy and Valued Ecosystems,* on pages 64-69 in the document.

Response: Goal 8 requires the City to coordinate planning for recreational areas, facilities, and opportunities to provide the quantity, quality, and location consistent with community needs.

Sherwood recently adopted a new updated Parks and Recreation Master Plan (PRMP) (Ordinance 2021-004, May 18, 2021). The PRMPprovides a community drive vision and long-range guide for Sherwood's parks, facilities, and community programs. The Plan addresses deficiencies, amends strategies and actions, and identifies the needs for future park development, recreational services, trails, and open space preservation. It prioritizes short and long-term needs and provides costs for future park improvements.

Within its 4.3 square miles, Sherwood has an extensive inventory of parks, trails, and recreation facilities and provides a variety of recreation programs. With 67 acres of designated parkland, Sherwood currently provides 3.5 acres of parkland per 1,000 residents. This does not include Sherwood's protected creek corridors, which account for significantly more public land. Though acres per 1,000 has traditionally been one metric for public park agencies, it does not address the proximity of parks to community residents. For this reason, the emerging national standard has become the 10-minute walk or ½-mile. Much of Sherwood has a park within a ½-mile walk, using the street and trail network and factoring in physical barriers such as Highway 99. However, underserved areas exist around school sites northwest of Highway 99, and in areas with very small parks.

The PRMP was developed under the framework of the 2018 Visioning Process for the Comprehensive Plan and identifies eight overarching strategies to provide direction for Sherwood's parks and recreation system. Each of these strategies has accompanying actions, setting policy-level guidance for the recommended improvements, which are incorporated into the Comprehensive Plan. The PRMP also provides park design guidelines. The intent of the design guidelines is to protect and enhance the City's quality of life and community identity and encourage functional, safe, and aesthetically pleasing development while maintaining compatibility with the surrounding environment.

Sherwood has a sophisticated approach to funding parks and recreation services, using a variety of tools and mechanisms to provide services at a high level of quality, including strategic partnerships. The City of Sherwood regularly invests in its parks and recreation facilities, including through its asset management program. The current Capital Improvement Plan (CIP) identifies $1,263,057 in parks capital projects, with funding from Park System Development charges, the General Fund, and grants. Over the past ten years, the most significant sources of funding for parks capital projects have been System Development Charges (SDCs) and transfers from the General Fund. The PRMP proposes physical improvements to Sherwood's existing parks and recreation facilities and recommends new improvements. The PRMP provides an Action Plan that is intended to complement the CIP process, allowing for the sequencing of projects and actions and updated on an annual basis. The Action Plan for the PRMP is organized into three timeframes: Within the next 5 years; 5 to 10 years; and 10+ years.

The City aims to continue meeting the recreation needs of a growing and changing population through careful planning. Sherwood's population growth, as well as the annexation and development of the Brookman Area and Sherwood West, will continue to drive the need for expanded parks and recreation services and facilities.

Finding: Based on the response above, the policies in both the PRMP and Comprehensive Plan include policy language to address future park needs and recreational facilities to satisfy the recreational needs of Oregon residents and visitors.

Sherwood's goals and policies related to Statewide Land Use Goal 9, Ecomomic Development, can be found in the following theme of the Comprehensive Plan, *Thriving and Diversified Economy,* on pages 34-37 in the document.

Goal 9: Economic Development
It is the purpose of this Goal to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Response: Goal 9 requires the City to maintain and plan for an adequate land supply to accommodate at least 20 years of future growth, ensuring citizens have adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon. Comprehensive plans are required to include an analysis of a community's economy related to state and national trends, an assessment of economic development potential, and an inventory of employment land, contain policies for economic opportunities based on that analysis, provide for an adequate supply of a variety of sites supporting employment consistent with identified policies, and ensure designated employment sites and adjacent sites include compatible uses.

Sherwood's economy is linked with the entire region. While the City has a diverse economy, with Retail Trade (17%), Accommodation and Food Services (13%), and Manufacturing (11%) sectors accounting for 41% of Sherwood's employment, over 90% of Sherwood residents commute outside of the City for work. Despite a highly skilled and educated population and an availability of light industrial land for development, Sherwood is met with constraints on infrastructure development and capacity and a location on the geographic fringes of the Metro region. This limits the viable development of employment land, and as a result, the City struggles with an unbalanced tax base. Projected City budget shortfalls create concern that the City will not be able to maintain or increase level of services to its citizens and businesses in the future. In order to get the services Sherwood needs and desires, the City's tax base needs to expand the supply and development of revenue-generating employment land, which is one of the greater contributors to the City's tax base. Expanding existing businesses and attracting new employment to Sherwood– particularly the right kind of jobs in the right places –will provide opportunities for higher-wage jobs and help balance the City's tax base.

<u>2021-2041 Economic Opportunities Analysis</u>
The Economic Opportunities Analysis (EOA), adopted by reference in the Comprehensive Plan provides information about the factors that could affect economic development in Sherwood, including demographics, industry and workforce trends, market health, and includes the City's buildable lands inventory (BLI) for employment within the UGB. The BLI is required by Goal 9 to ensure that current use designations provide an adequate short- and long-term land supply for employment development for meeting existing needs and those of projected growth. It analyzes

existing development patterns and intensity, land and development values, existing land use designations and zoning, and building constraints to determine where there is vacant land and/or land that is likely to be redeveloped and compares the existing supply of land to emerging trends and indicators for future estimates of demand.

The updated employment forecast for the 2021 to 2041 period uses Metro's 2050 Employment Forecast for Sherwood and the Tonquin Employment Area, which assumes an average annual growth rate of 1.42%. By 2041, there will be an increase of 2,987 employees or thirty-three percent (33%) of employees within Sherwood city limits, Brookman Annexation Area, and Tonquin Employment Area. If growth occurs at the rate projected, which is faster than Metro's forecast for population and housing growth used in the Sherwood Housing Needs Analysis, the population to employment ratio would decrease from about 3.2 residents per job to about 2.3 residents per job. Employment growth could even grow faster as Sherwood continues to support Economic Development goals and policies, and strategies for job creation.

Table 1 shows commercial and industrial land with development capacity (lands classified vacant or potentially redevelopable in Metro's buildable lands inventory and verified by City staff). The results show Sherwood has about 249 unconstrained buildable acres within the planning area, 25 of which are Commercial, 97 are Industrial, and the remaining 128 are in the Tonquin Employment Area or Brookman Annexation Area.

Table 1. Employment acres by classification and plan designation, Sherwood City Limits, Tonquin Employment Area, and Brookman Area, 2021

Plan Designation	Tax Lots	Total Acres	Acres with No Development Capacity	Constrained Acres	Total Unconstrained Buildable Acres
Commercial	134	171	119	27	25
General Commercial	31	62	38	10	14
Neighborhood Commercial	2	1	1	0	0
Office Commercial	11	16	6	5	5
Retail Commercial	90	92	74	12	6
Industrial	115	478	290	91	97
General Industrial	66	238	158	19	61
Light Industrial	49	240	132	72	36
Tonquin	25	282	62	111	110
Future Development	25	282	62	111	110
Brookman	4	25	3	4	18
Future Development	4	25	3	4	18
Total	278	956	474	233	249
Percent of Total		100%	50%	24%	26%

Goal 9 requires that cities provide for an adequate supply of commercial and industrial sites consistent with plan policies. To meet this requirement, Sherwood needs an estimate of the amount of commercial and industrial land that will be needed over the 2021-2041 planning period. Table 2 presents the forecast of employment growth by land use type in Sherwood from 2021 to 2041. Sherwood's employment base was 9,175 employees in 2021. The forecast shows that by 2041, Sherwood will have 12,162 employees, an increase of 2,987 jobs over the planning period

Table 2. Forecast of employment growth by land use type, Sherwood City Limits, Tonquin, and Brookman, 2021-2041

Land Use Type	2021 Employment	2021 % of Total	2041 Employment	2041 % of Total	Change 2021 to 2041
Industrial	2,547	28%	4,135	34%	1,588
Retail Commercial	1,397	15%	1,459	12%	62
Office & Commercial Services	4,567	50%	5,838	48%	1,271
Government	664	7%	730	6%	66
Total	9,175	100%	12,162	100%	2,987

Source: ECONorthwest
Note: The shaded percentages denote an assumption about the future change in the share of employment (as a percent of total) by land use type.

The forecast of growth of 2,987 new employees will result in the following demand for vacant employment land: 105 gross acres of industrial land and 56 gross acres of commercial land.

Table 3 compares the supply of suitable employment land with the demand for employment land:

- **Industrial.** Sherwood has a supply of 97 acres of suitable land designated for industrial uses. The employment forecast projects demand for 105 acres of industrial land. Sherwood has less industrial land than the City is projected to need over the 20-year period, with a deficit of 8 gross acres of industrial land.
- **Commercial.** Sherwood has 25 acres of land designated for commercial uses. The employment forecast projects demand for 56 acres of commercial land. Sherwood has less commercial land than the City is projected to need over the 20-year period, with a deficit of 35 gross acres of office commercial land and a surplus of 4 gross acres of retail commercial land.
- **Future Development.** Sherwood has 127 acres of land designated for employment uses in future development designations in the Tonquin Employment Area and Brookman Annexation Area.

Table 3. Comparison of the Capacity of Unconstrained Vacant and Potentially Redevelopable Land with Employment Land Demand by Land Use Type, Sherwood City Limit, Tonquin, and Brookman, 2021-2041

Land Use Type	Land Supply (Suitable Gross Acres)	Demand (Gross Acres)	Land Sufficiency (Deficit)
Industrial	97	105	(8)
Retail Commercial	7	3	4
Office & Commercial Services	18	53	(35)
Future Development (Tonquin and Brookman)	127	-	127
Total	249	161	

Source: ECONorthwest

The characteristics of Sherwood will affect the types of businesses most likely to locate in the City. Sherwood's attributes that may attract firms are Sherwood's location along Highway 99; quality of public facilities and services; availability of vacant, serviced land; quality of schools; and overall quality of life.

The target industries identified as having potential for growth in Sherwood are:

Manufacturing: Sherwood's attributes, especially its location in the Portland region and proximity to Hillsboro, may attract manufacturing firms, such as:

- Technology and Advanced Manufacturing, such as semiconductors, electronic communication equipment, computer peripherals, and circuit boards.
- Machinery Manufacturing (Metals and Machinery), such as food processing machinery, medical devices, component parts for manufacturing, and other specialized machinery for manufacturing.
- Clean Tech, such as instruments manufacturing, electrical equipment manufacturing, and renewable energy equipment and components.

Professional and business services. Sherwood's high quality of life, access to quality schools, existing population and business base, and proximity to the Portland region may attract professional and business services that prefer to locate in a smaller city like Sherwood, such as:

- Software and Media, such as software development, data processing, computer systems design, and motion picture and video production.
- Clean Tech, such as scientific and technical research and services, engineering services, architectural design, and construction engineering services.
- Athletics and Outdoors, such as design services, professional services, and marketing
- Other services, such as scientific research or environmental services.

Wholesale. Sherwood's access to Highway 99 may make the City attractive to continued growth of wholesale businesses.

Services for visitors. Emphasis on experiences and destinations in and near Sherwood, especially related to agriculture and wineries will drive demand for services for visitors including family-friendly events, farmers markets, specialty retail, wine tasting rooms, restaurants, or hotels.

Services for residents. Growth in population in and around Sherwood will drive growth of businesses that serve residents, such as medical services, legal services, financial services, retail, personal services (e.g., barbers), and restaurants

Finding: Based on the response above, the proposed policies in the, *Striving and Diversified Economy* theme is consistent with State Land Use Goal 9.

Goal 10: Housing

It is the purpose of Goal 10 to provide for the housing needs of citizens of the state.

Sherwood's goals and policies related to Statewide Land Use Goal 10, Housing, can be found in the following theme of the Comprehensive Plan, *Attractive and Attainable Housing,* on pages 52-57 in the document.

Response: Sherwood's population growth and shifting demographics affect future housing growth and shape the changes in the City's housing market. While Sherwood's population has

been growing relatively fast in recent years, the population has been aging while the community continues to attract younger people and more households with children. In addition, Sherwood's population is becoming more ethnically diverse. If these trends continue, there will be changes in the types of housing demanded in Sherwood in the future.

The aging of the population is likely to result in increased demand for smaller single-family housing, multi-family housing, and senior living. The growth of younger and diversified households is likely to result in increased demand for a wider variety of housing that is affordable and appropriate for families with children, such as small single-family housing, townhouses, duplexes, and multi-family housing. Changes in commuting patterns could affect future growth in Sherwood. Currently, Sherwood's housing stock is predominantly single-family detached.

Housing prices are higher in Sherwood than the regional averages, though the City's increasing homeownership costs are consistent with the upward national trend. Almost three quarters of Sherwood's residents own their homes. Sherwood households have a relatively high income, which affects the type of housing that is affordable, particularly for young people and new families. Future housing affordability will depend on the relationship between income and housing price, and whether housing prices will continue to outpace income growth.

The City's most recent Housing Needs Analysis (HNA) for the 2019-2039 period provides Sherwood with a factual basis to support future planning efforts related to housing, and was used to help develop Comprehensive Plan goals and policies that are consistent with the HNA while reflecting City priorities and strategies.

As required by state law, the HNA examines household growth based on Metro's coordinated forecast. The forecast includes growth in both areas within the city limits, as well as areas currently outside the city limits that the City expects to annex for residential uses. The HNA identifies an additional 1,728 new households between 2019 and 2039. Sherwood must provide enough land to accommodate forecasted housing needs for the next 20 years which can be met through continued annexation of the Brookman area and planning for Sherwood West.

Goal 10 requires the City to maintain and plan for an adequate land supply to accommodate at least 20 years of future growth, providing flexibility in housing location, type, and density (specifically at an overall density of 6 or more units/acre with the opportunity for 50 percent of new units to be attached single-family or multi-family) to ensure the availability and prices of housing units are commensurate with the needs and financial capabilities of Oregon households.

Comprehensive plans are required to include an analysis of community housing needs by type and affordability, an assessment of housing development potential, and an inventory of residential land; contain policies for residential development and supportive services based on that analysis that increase the likelihood that needed housing types will be developed; and provide for an adequate supply of a variety of housing types consistent with identified policies and meeting minimum density and housing mix requirements (established by OAR 660, Division 007).

2019-2039 Housing Needs Analysis

Sherwood's 2019-2039 Housing Needs Analysis (HNA), adopted by reference in the Comprehensive Plan provides technical and factual background relating to current and future housing needs. The HNA provides information about the factors that could affect housing development including: historical and recent development trends; projections of new housing units needed in the next 20 years; demographic and socioeconomic factors affecting housing choice, and regional and local trends in housing cost and affordability.

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

The HNA analyzes existing development patterns and intensity, existing land use designations and zoning, and building constraints to determine where there is vacant land and/or land that is likely to be redeveloped, and compares the existing supply of land to emerging development trends and projection of needed housing units.

The HNA 2019-2039, includes the buildable lands inventory (BLI), which provides a factual basis to inform update to the housing element of the *Sherwood 2040* Comprehensive Plan, as well as future updates to its City's implementing ordinances.

The HNA 2019-2039 makes the following conclusions regarding compliance with Goal 10:

Sherwood will need to plan for enough residential land to accommodate forecasted housing needs for the next 20-years:

- Sherwood is forecast to add 1,728 new households between 2019 and 2039. Of these 700 new households are inside existing city limits; 1,029 new households are outside current city limits.

- Sherwood's land base can accommodate most of the forecast for growth. Vacant and partially vacant land in the Sherwood Planning Area has the capacity to accommodate about 65% of the forecast for new housing on areas within the city limits and the Sherwood Planning Area.

- Sherwood has a deficit of land for housing. The deficit of land is for 608 dwelling units. The largest deficits are in Medium Density Residential-Low (154 dwelling units); Medium Density Residential-High (252); and High Density Residential (145 dwelling units).

To provide adequate land supply, Sherwood will need to continue annexing the Brookman Area, the primary designated residential in the Sherwood Planning Area. Without Brookman area developing, the City has a projected deficit of 1,155 dwelling units

Comparison of capacity of existing residential land with demand for new dwelling units, dwelling units, Sherwood planning area, 2019-2039

Zone	Capacity (Needed Densities)	Housing Demand	Comparison Capacity *minus* Demand (dwelling units)
Very Low Density Residential	76	95	-19
Low Density Residential	144	182	-38
Medium Density Residential-Low	382	536	-154
Medium Density Residential-High	266	518	-252
High Density Residential	253	398	-145
Total	**1,121**	**1,729**	**-608**

Page 40, Sherwood HNA 2019-2039
Source: ECONorthwest

The implications for Sherwood's housing policies as the City moves forward with the Comprehensive Plan update:

- Sherwood will need Sherwood West to accommodate future growth beyond the existing city limits and Sherwood Planning Area (Brookman) inside the UGB. There is a deficit of 608 dwelling units over the next 20-years in Sherwood city limits and Brookman Area. The growth rate of Metro's forecast for household growth (1.1% average annual growth) is considerably lower than the City's historical population growth rate over the last two decades (8% average annual growth). At the historic growth rate, Sherwood will be out of buildable lands for residential development within 4-10 years. To comply with Goal 10, the City will need to either change its policies to allow for more development on the inventory of vacant land, request a UGB expansion from Metro, or both.

  Sherwood is planning on a future UGB expansion request from Metro that will include residential designated land that will meet housing needs and plan for a variety of housing types based on the HNA. In 2016, the Sherwood West Preliminary Concept Plan was accepted. The City is now re-examining that concept plan based on the HNA, the goals and policies in the Comprehensive Plan, and Metro Title 14 Concept Plan requirements to meet housing needs. This work is primarily funded through a Metro 2040 Planning and Development grant. It is anticipated that the City will move forward with a Metro UGB request through the next Urban Growth Report and UGB request process in 2024.

  Goal 3, under theme area of *Attractive and Attainable Housing*, in the Comprehensive Plan states*: Provide the opportunity for a variety of housing types in locations and at price points that meet the needs of current and future residents.* This Goal and its' set of policies speak directly to the need of providing a wider range of housing options that offer different price points for current and future residents of Sherwood. In a best-effort, this policy links what came out of the Housing Needs Analysis, state requirements (Land Use Goal 10, Housing), and what staff has heard from the community. Throughout the process of developing goals and policies for housing, there is support for townhomes, courtyard housing, accessory dwelling units and single-story homes for the growing elderly population. The community supports both homeownership and lower income housing opportunities in areas with access to jobs, transportation, and other supportive amenities as identified in policies within the Plan.

- Sherwood has a relatively limited supply of land for moderate and higher density housing. The limited supply of land in these zones is a barrier to development of townhouses and multi-family housing, which is needed to meet the housing demand for growth of people over 65, young families, and moderate-income households. Sherwood will need to plan for a greater variety of housing types.

- Sherwood will have an ongoing need for providing affordable housing to lower-income households. About 31% of households in Sherwood have incomes below 80% of the MFI. These household will need a range of housing types, such as lower-cost single family housing, townhouses, or multi-family housing. Sherwood currently has a limited supply of land available in its planning area for moderate and high-density housing.

Metropolitan Housing Rule: OAR 660, Division 007

OAR 660-007 (the Metropolitan Housing rule) is designed to "assure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metropolitan Portland (Metro) urban growth boundary."

OAR 660-007 also specifies the mix and density of new residential construction for cities within the Metro Urban Growth Boundary (UGB): "Provide the opportunity for at least 50 percent of new residential units to be attached single- family housing or multiple family housing or justify an alternative percentage based on changing circumstances" (OAR 660-007-0030 (1).

OAR 660-007-0035 sets specific density targets for cities in the Metro UGB. Sherwood's average density target is six dwelling units per net buildable acre.

The HNA forecast of needed housing unit by mix, Sherwood Planning Area, 2019-2039

Housing Type	New Dwelling Units (DU)	Percent
Single-family detached	865	50%
Single-family attached	432	25%
Multifamily	432	25%
Total	**1,729**	

Page 27, Sherwood HNA 2019-2039
Source: ECONorthwest

The assumed housing mix meets the requirements of OAR 6660-007-0030 to "designate sufficient buildable land the opportunity for at least 50 percent of new residential units to be attached single-family housing or multiple family housing." Sherwood's Zoning and Development Code allows for the opportunity for attached and/or multi-family housing in the MDRL, MDRH, HDR zones. Approximately 126 of the 175 buildable acres in Sherwood City Limits and Planning Area are in these zones (see Table 8, page 39, Sherwood HNA 2019-2039).

The HNA demonstrates that development in Sherwood occurred at considerably higher densities than the minimum allowable densities in each zone. The overall development in Sherwood average from 2000-2014 averaged 8.2 dwelling units per net acre (See Table B-3, Appendix page B-9, Sherwood HNA 2019-2039). The needed density in Sherwood is consistent with the densities

achieved in residential zones Sherwood over the 2000-2014 period. These densities are (See Table B-4, Appendix page B-10, Sherwood HNA 2019-2039):

Zone	Dwelling units per net acre
Very Low Density Residential	2.9
Medium Density Residential	6.5
Medium Density Residential High	7.7
High Density Residential	19.1

These densities, when applied to Sherwood's supply of buildable land in the capacity analysis, results in an overall density of 7.3 dwelling units per net acre (See page 28, Sherwood HNA 2019-2039). This housing density meets the requirements of OAR 660-007-0035 to "provide for an overall density of six or more dwelling units per net buildable acre." The future density (7.3) is lower than the historical density (8.2) due to the deficit of available HDR and MDRH land.

The HNA concludes that both the maximum density (and minimum lot size) and the historical development density estimates exceed the State requirement (OAR 660-007-0035(2)) to "provide for an overall density of six or more dwelling units per net buildable acre." The estimate results in an average density of between 7.3 to 8.6 dwelling units per net acre.

Range of capacity estimates, Sherwood vacant and partially vacant land, gross acres and gross densities, 2015

		Capacity based on Zoning: Minimum Densities		Capacity based on Zoning: Maximum Densities and Minium Lot Sizes		Capacity based on Historical Development Densities		Difference in Capacity between Maximum Densities and Historical Densitites	
Zone	Buildable Acres	Dwelling units	Derived Density	Dwelling units	Derived Density	Density Assumption	Dwelling units	Difference in Dwelling Units	Difference in Density
Land within City Limits									
VLDR	24	19	0.8	94	3.9	2.9	69	25	1.0
VLDR_PUD	1	-	-	4	3.8	2.9	3	1	0.9
LDR	22	71	3.2	113	5.1	6.5	144	(31)	(1.4)
MDRL	14	75	5.2	112	7.8	6.1	88	24	1.7
MDRH	21	111	5.3	223	10.7	7.7	161	62	3.0
HDR	14	224	16.0	303	21.7	19.1	266	37	2.6
Subtotal	**96**	**500**	**5.2**	**849**	**8.8**		**731**	**118**	**8.8**
Brookman and Other Unincorporated Areas									
VLDR	1	2	1.6	4	3.2	2.9	3	1	0.3
MDRL	52	275	5.3	401	7.7	6.1	317	84	1.6
MDRH	8	36	4.7	62	8.1	7.7	58	4	0.4
MDRL/H*	15	78	5.3	109	7.5	7.5	109	-	-
HDR	3	49	15.4	70	22.1	19.1	60	10	3.0
Subtotal	**79**	**440**	**5.6**	**661**	**8.4**		**547**	**114**	**8.4**
Total	**175**	**940**	**5.4**	**1,510**	**8.6**	**7.3**	**1,278**	**232**	**1.3**

Page 37, Sherwood HNA 2019-2039

The conclusion of the housing needed analysis is that Sherwood's historical densities meet Sherwood's future housing needs.

Finding: Based on the response above, Sherwood plans for a complete community that balances housing needs. Sherwood has identified meeting the Metropolitan Housing Rule and the community will continue to meet residential land supply through annexations in Brookman area and through a future Metro Urban Growth Boundary request. Sherwood is planning on a future UGB expansion request from Metro that will include residential designated land that will

meet housing needs and plan for a variety of housing types based on the HNA and the goals and policies within the Comprehensive Plan. It is anticipated that the City will move forward with a UGB request from Metro through the next Urban Growth Report and UGB request process in 2024.

The goals and policies reflected in the theme, Attractive and Attainable Housing (pages 52-57), 2040 Sherwood Comprehensive Plan are consistent with Goal 10, Housing, and OAR 660-007.

Goal 11: Public Facilities and Services
It is the purpose of this Goal to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Sherwood's goals and policies related to Statewide Land Use Goal 11, Public Facilities and Services, can be found in the following themes of the Comprehensive Plan, *Strong Community Culture and Heritage* (pages 38-42), *Strategic and Collaborative Governance* (pages 44-50), and *Coordinated and Connected Infrastructure* (pages 58-63).

Response: Goal 11 requires the City to *"plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."* To provide for coordinated service provision, the Urban Planning Area Agreement (UPAA) signed in 2017 by the City and Washington County identifies the eventual boundaries of Sherwood, and guides the transition of unincorporated lands when annexed to Sherwood, and identifies the appropriate providers of local water, sewer, storm sewer, and transportation facilities within the Urban Planning Area.

The City of Sherwood provides many public facilities and services to its residents and coordinates with several other local service providers to provide timely, orderly, and efficient provision of services to serve the community. The City provides planning and zoning services, as well as water, wastewater, stormwater, and transportation facilities. The City also coordinates with other facility providers, including the Sherwood School District, Portland General Electric, Pride Disposal, Clean Water Services, and TriMet. Reliable and consistent public facilities are necessary to maintain the high quality of life that residents enjoy. Planning for future expansions and capacity is vital to accomodating growth over the next several decades.

Public Facilities Plan Adoption
Goal 11 requires the City to have an adopted Public Facilities Plan (PFP) addressing water, sewer, and transportation facilities. Public facilities planning allows jurisdictions to create coordinated strategies for infrastructure and service provision over a longer-term horizon than is normally used in programs such as Capital Improvement Programs (CIPs), which plan for the short-term (typically 1 to 5 years). Without adequate planning for public facilities, utilities and services, coordination between multiple city departments, service providers, and districts can prove challenging and may result in gaps in service, inefficiencies and/or unnecessary expenses. Sherwood addresses water, sewer, stormwater services through infrastructure and/or service master plans.

The goals and policies of the Comprehensive Plan support the criteria required for evaluating these systems, as well as the process for identifying system deficiencies and recommended improvements, as outlined in each of these system master plans. In addition to public infrastructure and services like water, sewer and stormwater, the expansion of highspeed broadband capabilities across Sherwood is a City Council priority. Growth in broadband as a public utility can aid in energy conservation, the deployment of smart city applications, and growth in other technologies.

Following best practices in infrastructure and service planning, the City has also adopted several infrastructure master plans, including:

Sherwood Transportation System Plan (TSP), Ordinance 2014-012
Water System Master Plan, Ordinance 2015-004
Sherwood Sanitary Sewer Master Plan, Ordinance 2016-004
Stormwater Master Plan, Ordinance 2016-015
Parks and Recreation Master Plan, Ordinance 2021-004
Water Management and Conservation Plan

To help fund facilities and services, the City employs a combination of utility rates, connection fees, System Development Charges assessed on new development.

Finding: Sherwood is planning for timely, orderly, and efficient arrangement of public facilities and services. Based on the response above, The 2040 Comprehensive Plan includes goals and policies regarding the future provision of public facilities and services.

Goal 12: Transporation
The purpose of Goal 12 is to provide and encourage a safe, convenient, and economic transportation system.

Sherwood's goals and policies related to Statewide Land Use Goal 12, Transportation, can be found in the following themes of the Comprehensive Plan, *Coordinated and Connected Infrastructure* (pages 58-63).

Response:
Goal 12 and the State Transportation Rule (TPR) (OAR 660-012) requires cities to provide and encourage a safe, convenient, and economic transportation system. Together they require the City to develop and maintain a Transportation System Plan (TSP), which must be incorporated as part of the Comprehensive Plan. A local TSP acts as a guiding policy document for long-term transportation planning and presents the City's goals and policies while outlining and prioritizing proposed improvements for motor vehicle, pedestrian, bicycle, public transit, and freight systems in addition to neighborhood traffic management strategies. A local TSP also identifies funding sources and collaborative partnerships to leverage resources for system maintenance and improvements.

The City of Sherwood last adopted a full TSP in 2014 (Ordinance 2014-012), which was an update to Sherwood's original TSP, which was adopted in 2005. The City's adopted TSP is consistent with statewide planning policies and the Metro Regional Transportation Plan. In

2018, The City made refinements to the TSP. The purpose of the update was to make the road classification system consistent with Washington County and reclassify Brookman Road as an arterial instead of a collector roadway.

TSPs are updated periodically due to changing economic, population, and travel trends. All jurisdictions within the region must update or amend their TSPs to comply with Metro's Regional Transportation Plan. The City's TSP is scheduled to be updated within the next 3 years. This Comprehensive Plan Update does not include a full sail update to Transporation goals and policies but relies on the current adopted TSP for this purpose. No changes to the Comprehensive Plan land use designations are being proposed as part of the Comprehensive Plan Update. The TSP contains a set of goals and policies to guide the development of the future transportation system. Policy 1.1, under Goal 1, in the theme Coordinated and Connected infrastructure, states to "develop, implement, and regularly update the City's Transportation System (TSP). A future updated TSP and changes to the goals and policies will be a forthcoming Post Acknowledgement Plan Amendment to the Comprehensive Plan.

Goal 12 requires that the land uses in the Comprehensive Plan and the supporting transportation facilities in the TSP are coordinated and compatible because no changes were made to land uses in this Comprehensive Plan Update; the TSP remains coordinated and consistent with the plan document. The transportation section of the Comprehensive Plan in theme, Coordinated and Connected Infrastructure, includes policy language supporting a transportation system that is safe, convenient, and provides for transportation choices. The policies in the updated Comprehensive Plan promote a multi-modal system and prioritize street design features and techniques that promote safe and comfortable travel for all different transportation modes, based on the street context and function, to help reduce vehicle trips for daily needs. Other policies related to transportation include the support of cleaner and more efficient fuels, leveraging partnerships and funding, ensuring safe and convenient transportation access across Highway 99W for all modes of travel.

Other themes in the Comprehensive Plan include additional policies that may not address transportation directly but address other aspects contributing to an efficient transportation system, including Attractive and Attainable Housing, which promotes development patterns to support active transportation near commercial/retail areas.

Transportation Planning Rule: OAR 660-012

The TPR sets forth specific requirements related to the development of the TSP for consistency with Goal 12. The City has demonstrated compliance with all TPR sections related to the preparation of the TSP in its acknowledged Plan, which is adopted by reference and is unchanged by the Comprehensive Plan update. The Comprehensive Plan update does not (i) change the functional classification of any existing or planned transportation facility, (ii) change the standards implementing a functional classification system, (iii) allow types of uses or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification or a transportation facility, or (iv) reduce the performance standards of a public facility below the minimum acceptable level in the adopted TSP.

Finding: Based on the response above, Sherwood plans to provide and encourage a safe, convenient, and economical transportation system.

The goals and policies reflected in the theme, Coordinated and Connected Infrasture (pages 58-63), 2040 Sherwood Comprehensive Plan are consistent with Goal 12, Transporation and the Transporation Planning Rule OAR 660-660.

Goal 13: Energy Conservation
The purpose of this goal is to conserve energy.

Sherwood's goals and policies related to Statewide Land Use Goal 13, Energy Conservation, can be found in the following themes of the Comprehensive Plan, *Coordinated and Connected Infrastructure*, pages 34-37, and *Healthy and Valued Ecosystems,* pages 58-63 in the document.

Response: Goal 13, Energy Conservation, requires that local governments consider the effects of its comprehensive plan on energy consumption. This includes spatial changes to future patterns of allowed land uses and land use decisions impacting transportation systems and renewable energy.

The updated Comprehensive Plan recognizes energy efficiency throughout multiple theme areas in the plan document. The Plan encourages and promotes the following:

- The development of electric vehicle charging stations in existing, new development, and redevelopment.
- The expansion of infrastructure for walking, bicycling, and transit which uses less energy than other transportation modes.
- Housing and mixed-use development in areas near transit and daily activities to reduce vehicle miles traveled.
- Responsive development code and standards that reflect emerging trends addressing energy and climate challenges and opportunities.
- Development and the implementation of an Energy Conservation Plan.
- Expansion of Sherwood Broadband to expand fiber services for all users and support smart city applications that promote efficient use of energy.
- Adaptive reuse when designing buildings and sites to respond to changing environmental and energy needs and conditions while remaining compatible with adjacent development and uses.

Finding: Based on the response above, Sherwood plans to encourage the conservation of energy.

The goals and policies reflected in the themes, Coordinated and Connected Infrastructure (pages 58-63-), and Healthy and Valued Ecosystems (pages 58-63) in the 2040 Sherwood Comprehensive Plan are consistent with Goal 13, Energy.

Goal 14: Urbanization

The purpose of Goal 14, Urbanization, is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Sherwood's goals and policies related to Statewide Land Use Goal 14, Urbanization, can be found in the following theme of the Comprehensive Plan, *Strategic and Collaborative Governance,* pages 44-50.

Response: Goal 14 requires the establishment and maintenance of an Urban Growth Boundary (UGB) to ensure the efficient use of land, accommodation of a 20-year projected population and employment growth, and an orderly transition from rural to urban land uses. Metro is responsible for managing the UGB and evaluating whether it needs to be adjusted to accommodate growth over the 20-year planning period under state law. The City must demonstrate that the regional household and employment growth allocated by Metro can be accommodated in an orderly and efficient manner that preserves and enhances livability.

To manage coordinated regional growth Metro adopted the Regional Framework Plan, which unites all of Metro's adopted land use, transportation, and other regional planning requirements. Under Metro's charter and state law, the City is required to comply and be consistent with urbanization and other requirements in Metro's Functional Plan. Findings for consistency with Metro's Urban Growth Management Functional Plan (UGMP) are found below in this staff report.

The updated Comprehensive Plan does not include any revisions to the City's Comprehensive General Plan/Zoning Map or the Urban Growth Boundary. The Plan manages residential and employment growth impacts, promotes efficient urban development, and protects natural resources from sprawl. In planning for future growth, the City prepared policies that promote the efficient transition between urban and rural land, planning for and providing adequate public services, and encouraging a mix of housing.

Finding: Based on the response above, Sherwood plans to provide for an orderly and efficient transition from rural to urban land uses to accommodate jobs and housing to provide for a livable community.

The goals and policies reflected in the theme, Strategic and Collaborative Governance (pages 44-50), of Sherwood Comprehensive Plan, are consistent with Goal 14, Urbanization.

Goal 15: Willamette River Greenway
Goal 16: Estuarine Resources
Goal 17: Coastal Shorelands
Goal 18: Beaches and Dunes
Goal 19: Ocean Resources

Response: Statewide Planning Goals 15-19 establish requirements for specific geographic areas for the Willamette Valley Greenway and Coastal areas managed by the Oregon Coastal Management Program. The Comprehensive Plan does not involve land or resources in these

areas; therefore, there are no policies related to these statewide land use planning goals within the Comprehensive Plan document.

Finding: Based on the response above, Statewide Planning Goals 15-19 are not applicable to the Comprehensive Plan Update.

METRO COORDINATION: ORS 195.025 and 195.036

Response*:* Oregon Revised Statute assigns Metro the responsibility for coordinating the comprehensive plans for the 29 jurisdictions within the region, including Sherwood. To do so, Metro: 1) adopts a 20-year population forecast for the region, 2) allocates 20-year housing and employment need by jurisdiction based on the population forecast, and 3) requires local jurisdictions to adopt the 20-year population forecast and meet the 20-year housing and employment allocations in the Comprehensive Plan.

Finding: The findings for Goals 9 and 10 provide more information on Sherwood's Economic Opportunities Analysis, Housing Needs Analysis, and the goals and policies ensure that the Comprehensive Plan update meets the allocation of jobs and housing in the forecast.
For these reasons, the Comprehensive Plan update is consistent with ORS 195.025 and ORS 195.036.

METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

Metro's long-range growth management plan for the Portland metropolitan area is the 2040 Growth Concept Plan. The Urban Growth Management Functional Plan (UGMFP) is Metro's code to meet the 2040 Growth Concept Plan goals. Under state law and Metro's charter, Sherwood must comply and be consistent with the UGMFP because the City is located within Metro's boundary.

The UGMFP is typically directed at land use and zoning regulations, but a few provisions address Comprehensive Plan land use designations. The proposed Comprehensive Plan amendment will replace the 1990 Comprehensive Plan in its entirety. The amendment will not change the General Plan/Zoning Map or the Sherwood Zoning and Community Development Code.

Title 10 in the UGMP defines "compliance" as substantial rather than absolute compliance. The City's Comprehensive Plan and implementing ordinances must, on the whole, substantially achieve the intent of the standards in the functional plan. Metro's 2019 Compliance Report concludes that Sherwood complies with all relevant titles of the UGMFP.

Title 1: Housing Capacity

Response: Title 1 of the UGMFP is intended to promote efficient land use within the Metro UGB by increasing the capacity to accommodate housing capacity. Title 1 requires the City to adopt minimum residential development density standards by March 2011. If the City did not adopt a minimum density by March 2011, the City must adopt a minimum density that is at least 80 percent of the maximum density. Title 1 also provides measures to decrease development capacity in selected areas by transferring the capacity to other areas of the community. This may be approved as long as the community's overall capacity is not reduced.

Sherwood has established minimum densities in the Sherwood Zoning and Community Development Code (SZCDC) that comply with Title 1 for all zones that dwelling units are authorized. The Comprehensive Plan Amendment is for the text of the Comprehensive Plan and does not reduce densities or make any changes to land use designations or zoning. The findings for Goal 10 include information from the Housing Needs Analysis evaluating housing capacity and demonstrating how the Plan supports efficient and orderly development. Metro's 2019 Compliance Report concludes that Sherwood is in compliance with the City's Title 1 responsibilities.

Finding: Based on the response above, the Comprehensive Plan update is consistent with Title 1.

Title 3: Water Quality and Flood Management

Response: Title 3 includes requirements "*to protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding."*

The City may demonstrate compliance with Title 13 in one of three ways:

1. Adopt all or part of the Title 3 Model Ordinance and the Metro Water Quality and Flood Management Area Map; or
2. Demonstrate that existing city and county comprehensive plans and implementing ordinances and maps substantially comply with the performance standards in Section 3.07.340; or
3. Any combination of the above that substantially complies with all performance standards in Section 3.07.340.

Compliance with Metro's Water Quality and Flood Management Area map in Sherwood is achieved through multiple standards in the Sherwood Zoning and Community Development Code.

Section 16.144, Wetland, Habitat and Natural Areas, of the SZCDC, applies the City's wetland inventory, the Regionally Significant Fish and Wildlife Habitat Area map, and associated standards. Section 16.134, Floodplain Overlay, contains the provision for floodplain management. These sections ensure compliance with Title 3 to reduce the potential for flood damage and regulate uses that can negatively impact the floodplain. These standards also require coordination with state and federal agencies (Department of State Lands, Army Corps of Engineers, etc.). The Comprehensive Plan update supports the provisions in the SZCDC and does not propose any changes at this time.

Finding: Based on the response above, the Comprehensive Plan update is consistent with Title 3.

Title 4: Industrial and Other Employment Areas

Response: Title 4 is intended to maintain a regional supply of existing industrial and employment land by limiting the type and scale of non-industrial uses (including retail, schools, places of assembly, and parks) in identified Regionally Significant Industrial Areas (RSIAs), Industrial, and

Employment Areas. As a result, Title 4 supports Title 6 by encouraging the location of retail and commercial uses in Centers, Corridors, Main Streets and Station Communities to implement the desired future settlement pattern depicted in the Region 2040 Growth Concept.

Sherwood's Industrial Zones (Employment Industrial, Light Industrial, and General Industrial) codified in Chapter 16. 31, Industrial Land Use Districts in the SZCDC accommodates the regional need to create and preserve large lots for industrial use, as set forth in Title 4. Metro's 2016 Compliance Report concludes that Sherwood is in compliance with the City's Title 4 responsibilities, and the Comprehensive Plan Update does not propose any changes that would allow competing uses or make any other changes to land use designations or zoning.

The findings for Goal 9 include information from the Economic Opportunities Analysis evaluating employment capacity and demonstrating how the Comprehensive Plan supports industrial uses and employment areas.

Finding: Based on the response above, the Comprehensive Plan update is consistent with Title 4.

Title 6: Centers, Corridors, Station Communities, and Main Streets
Response: Title 6 requires the City to take actions and make investments backing regional investments that recognize the Centers, Corridors, Main Streets, and Station Communities established in the Region 2040 Growth Concept as the principal centers of urban life in the region.

The Comprehensive Plan update describes Sherwood's design types that integrate typologies consistent with the 2040 Growth Concept Plan. Sherwood adopted the Town Center Plan (Ordinance 2013-007). The Sherwood Town Center Plan designates and lays out a plan for a "Town Center" that both meets regional planning objectives and guides future growth and development in a way that is unique to Sherwood. The Town Center designation is intended to recognize and enhance principal centers of urban life within the region while acknowledging that these centers of activity are diverse and embody a strong sense of community identity. The Town Center Plan establishes the boundaries of the Sherwood Town Center, describes the vision for the area and identifies a framework and strategies for realizing that vision. The City continues to support mixed-use development in appropriate locations near services and transit.

The Comprehensive Plan update does not change the City's General Plan and Zoning Map. The Plan update continues to support an urban framework that is consistent with the 2040 Growth Concept Map.

Finding: Based on the response above, the City complies with Title 6.

Title 7: Housing Choice
Response: Title 7 is designed to ensure the production of affordable housing in the UGB. Under Title 7, the City is required to ensure that its Comprehensive Plan and implementing ordinances include strategies to: ensure the production of a diverse range of housing types, maintain the existing supply of affordable housing, increase opportunities for new affordable housing dispersed

throughout the City, and increase opportunities for households of all income levels to live in affordable housing (3.07.730).

The findings for Goal 10 Housing include findings from the Housing Needs Analysis that demonstrate that Sherwood currently has a range of housing types, including single-family detached and attached, duplexes, multi-family, and mixed-use developments. The findings for Goal 10 also illustrate the policies in the Comprehensive Plan Amendment supporting a diverse range of housing types. The City will be implementing House Bill 2001 by June 30, 2022, and will be making amendments to the Sherwood Zoning and Community Development Code to allow for additional housing choices (plexes, and cottage clusters). Future changes to Sherwood's Development Code will be a Post Acknowledgement Plan Amendment that will notify Metro for review and comment. The City's Comprehensive Plan establishes housing policy that supports opportunities for the development of a range of housing types that are attainable to current and future households at all income levels, as described in the Sherwood Housing Needs Analysis, to maintain Sherwood's high quality of life.

Finding: Based on the response above, the Comprehensive Plan update complies with Title 7.

Title 8: Compliance Procedure
Response: Title 8 establishes a process for ensuring compliance with the UGMFP. An amendment to the City comprehensive plan or land use regulations is deemed to comply with the functional plan only if the City provided notice to Metro as required by section 3.07.820(a). The City of Sherwood provided Metro a copy of the 35-Day notice required by DLCD for the Comprehensive Plan Amendment on the same day as submittal.

Finding: Based on the response above, the Comprehensive Plan Amendment is consistent with Title 8.

Title 10: Definitions
Response: Title 10 contains definitions for terms used in the UGMFP. The terms used in the Comprehensive Plan Update and those with the SZCDC are consistent wth the definitions provided in Title 10.

Finding: Based on the response above, the Comprehensive Plan update is consistent with Title 10.

Title 11: Planning for New Urban Areas
Response: Title 11 of Metro's Urban Growth Management Functional Plan provides guidance on the conversion of land from rural to urban uses. Land brought into the Metro UGB is required to be maintained at rural densities until the completion of a concept plan and annexation into the municipal boundary. Concept planning and comprehensive plan provisions must ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. Title 11 also guides long-range planning for urban reserves.

The City has adopted concept plans for lands brought into the UGB, including: Area 59 (Ordinance 2006-018); Brookman Concept Plan (Ordinance 2009-004) and the Brookman Refinement Plan (Ordinance 2021-001), Adams Avenue North Concept Plan (Ordinance 2009-009); Tonquin Employment Area (Ordinance 2010-014), Sherwood High School Concept Area (Ordinance 2017-008). Metro's 2019 Compliance Report concludes that Sherwood complies with all Title 11 responsibilities.

Finding: Based on the response above, the City complies with Title 11 Planning for New Urban Areas.

Title 12: Protection of Residential Neighborhoods
Response: Title 12 protects existing residential neighborhoods from air and water pollution, noise, and crime and ensures neighborhoods are provided adequate levels of public services. Title 12 ensures that residents have access to schools and parks by:

- Providing opportunities for walking, biking, and transit;
- Encouraging shared use of school and park facilities; an
- Prioritizing school sites in close proximity to residents with opportunities for walking, biking, and transit.

As described in this report above, through Sherwood's compliance with Statewide Land Use Planning Goals and Metro UGMFP, the Comprehensive Plan Update provides policies, and the SZCDC provides development standards that protect existing and future residential neighborhoods.

Finding: Based on the response above, Sherwood complies with Title 12.

METRO REGIONAL TRANSPORTATION FUNCTIONAL PLAN
Metro's Regional Transportation Plan (RTP), adopted by Metro in December 2018, identifies the transportation policies, projects, and strategies needed to implement the 2040 Growth Concept and provide a transportation system to serve the travel needs of the Portland Metropolitan area for the next 20 years.

Sherwood's TSP must be consistent with the policies established by the RTP. Pursuant to Metro Code 3.08.010.C, if the City's TSP is consistent with the Metro Regional Transportation Functional Plan (RTFP), Metro also deems it consistent with the RTP.

The Comprehensive Plan update was developed by incorporating and expanding on the goals and policies included in the existing TSP. The Comprehensive Plan update does not propose any changes to the General Plan/Zoning Map or the City's TSP and its components. Therefore, the goals and policies in the Comprehensive Plan update are consistent with those in the TSP. Additionally, the Comprehensive Plan update includes the functional classifications and maps from the TSP and adopts the fully acknowledged TSP by reference.

Through the City's adoption process of the 2014 TSP, findings were made, demonstrating consistency with RTFP accepted by Metro and acknowledged by LCDC.

Finding: Based on the response above, the Comprehensive Plan Update complies with the Regional Transportation Functional Plan.

V. CONCLUSIONS AND RECOMMENDATIONS

As proposed, the draft Sherwood 2040 Comprehensive Plan, supports and meets the intent all applicable state and regional criteria.

STAFF RECOMMENDATION
Based on the above findings and applicable code criteria, staff recommends that Council approves the Sherwood 2040 Comprehenisve Plan, Case File LU 2021-020 PA, and move the Ordinance to a second hearing on December 7, 2021.

October 25, 2021

Sherwood Planning Commission
c/o Erika Palmer
22560 SW Pine Street
Sherwood, OR 97140

Re: Major text amendment to the Sherwood Comprehensive Plan that will replace the document in its entirety with updated goals and policies. (LU 2021-020 PA)

Dear Planning Commission Members:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you know, all amendments to the City's Comprehensive Plan and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). When a decision is made affecting the residential land supply, the City must refer to its Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI) in order to show that an adequate number of needed housing units (both housing type and affordability level) is supported by the residential land supply after enactment of the proposed change. Goal 10 findings are also required for code changes affecting residential development feasibility, such as parking standards and setbacks.

The staff report for the proposed amendments to the Sherwood Comprehensive Plan recommend their approval. This conclusion is contingent on the Goal 10 findings contained within the report, articulating that "Sherwood plans for a complete community that balances housing needs," and then suggests Goal 10 is satisfied. However, based on Sherwood's own HNA this statement is not supported. Sherwood has a deficit of 608 dwelling units, the largest number in the Medium to High Density Zones. The HNA states that affordable housing types (apartments, townhomes,

etc.) are needed to serve the 31% of Sherwood residents that have incomes below 80% Median Family Income (MFI). Yet, the amendments advance that the only way to meet these goals is through achieving compliance with the Metropolitan Housing Rule and performing annexations. In contrast to other cities, this approach does not consider the most direct method of meeting its housing obligations upzoning and increasing densities in order to fulfill the city's housing needs.

Additionally, even if the city could meet its deficit of higher density zoned land through annexations from Brookman and Sherwood West, as the amendments contend, this would create a mimicry of redlining, with the more affordable housing options lumped together and isolated from the rest of the city. The new housing recommendations of the Sherwood comprehensive plan would meet the minimum requirements of the Metropolitan Housing Rule, but it would ensure default segregation (if not outright exclusion) of Sherwood's more vulnerable present or future residents. See Attachment 1, describing HLA's concerns about Sherwood's patterns of segregation. The required Goal 10 findings must demonstrate that the changes do not leave the City with less than adequate residential land supplies with respect to the types, locations, and affordability ranges affected. *See Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane Cty. v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations).

Moreover, the City's track record with annexations shows that annexation is not a problem solver for housing. For example, Sherwood annexed land to expand its high school. Instead of planning for a mix of housing on ample land available for such use in proximity to the new high school, the City instead prioritized massive sports field. In fact, that school site search said that having a single high school mascot was more important than even considering the possibility of two high schools – such that housing opportunities could have been, but were not, considered in a the mix of school sites that could have alternately been considered. See Attachment 2, an excerpt of the decision approving high school annexation. The City has not taken a proactive approach to building up its housing supply or building-in affordability to that supply.

Significantly, Sherwood ranked near the bottom of large cities in housing production during 2020. Attachment 3.

HLA and FHCO urge the commission to defer adoption of the proposed amendments until adequate Goal 10 findings can be made, and the proposal evaluated under the HNA and BLI. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Allan Lazo, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Allan Lazo at information@fhco.org or reach him by phone at (503) 223-8197 ext. 104.

Thank you for your consideration.

Allan Lazo
Executive Director
Fair Housing Council of Oregon

Jennifer Bragar
President
Housing Land Advocates

cc: Kevin Young (kevin.young@state.or.us)
Metro Council
Roger Alfred

Attachment 1

Housing Land Advocates

BY EMAIL

December 4, 2018

President Tom Hughes and Metro Councilors
600 NE Grand Avenue
Portland, OR 97232

Re: UGB Expansion Proposals

Dear President Hughes and Metro Councilors,

As Metro considers proposals to expand the urban growth boundary, Housing Land Advocates ("HLA") believes that it is imperative that Metro recommit to providing present and future urban Clackamas, Washington, and Multnomah County residents with greater access to affordable housing. By Metro's authority within Oregon's statewide land use system, and pursuant to state and federal requirements as set forth below, HLA believes the time for Metro to integrate these obligations into any plans to expand the urban growth boundary is now. Please include this letter in the record.

I. Federal Case Law

As the elected body to represent and govern regional planning for more than 1.5 million Oregonians, Metro sets policies that profoundly affect local governments that are federal funding recipients. To support local entities in efforts to obtain funding for affordable housing endeavors and sustain grants, Metro must undertake all necessary measures to ensure that zoning ordinances and policies do not impede access to affordable housing.

Under the federal Fair Housing Act ("FHA"), it is unlawful to "otherwise make unavailable … a dwelling to any person because of race, color, religion, sex familial status, or national origin."[1] Pursuant to the decision in *Metropolitan Housing Development Corp. v. Arlington Heights* (*"Arlington Heights"*)[2] effect, rather than motivation, has long been the

[1] 42 USC §3601.

[2] 616 F.2d 1006 (7th Cir. 1980). The procedural background in *Arlington Heights* included the Supreme Court' consideration of whether the zoning decision at issue could be construed as violating the Equal Protection Clause. *Arlington Heights v. Metropolitan Housing Development Corporation*, 429 U.S. 252 (1977). The Supreme Court ruled that no federal constitutional violation occurred because under its then-recent decision in *Washington v. Davis,* 426 U.S. 229, 240-242 (1976), as no intent to discriminate was shown. The Supreme Court remanded the case to the 7th Circuit to consider whether discriminatory effect violates the FHA. The case was subsequently settled; however, the Seventh Circuit set out four factors to analyze the effects of housing discrimination that could not be shown to be intentional. These factors were effectively adopted by the Supreme Court in *Texas Dept. of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, 576 U.S. ___ , 135 S.Ct. 2507, 192 L.Ed.2d 514 (2015).

touchstone in determining whether a government entity has denied individuals housing on the basis of race or interfered with the right to equal housing opportunities under the FHA.[3]

In *Arlington Heights*, the defendant city's zoning ordinance prohibited the Metropolitan Housing Development Corp. from building new low-cost housing that would be available to racial minorities. On remand the 7th Circuit held that if the challenged zoning ordinance had the ultimate effect of keeping members of protected classes out of the predominantly white suburban city, the defendant city was obligated under the FHA to refrain from implementing the zoning ordinance. As the City of Portland similarly noted in its June 17, 2011, Fair Housing Plan Analysis of Impediments, zoning that excludes or deters multi-family housing might result in the concentration of protected classes in particular areas of a city,[4] and as *Arlington Heights* indicated, such zoning ordinances might result in an FHA violation. Therefore, Metro's obligation does not end with simple policy choices. Rather, Metro unquestionably has an affirmative duty to alleviate discriminatory effects of its member jurisdiction's historic zoning decisions as they move forward to create modern plans.

Further, under Executive Order No. 12892, recipients of federal funding for "all programs and activities related to fair housing and development" have an affirmative duty to further fair housing.[5] The U.S. Department of Housing and Urban Development ("HUD") has defined three elements that certify a recipient in affirmatively furthering fair housing ("AFFH") and therefore in compliance with criteria crucial for maintaining or receiving such funds. The three elements to obtain certification are: (i) an Analysis of Impediments ("AI") to Fair Housing Choice; (ii) actions to overcome the effects of any impediments identified through the analysis; and (iii) records reflecting the actions taken in response to the analysis. As a recipient of federal transportation dollars, Metro must ensure that these three elements are being met, at least to the extent that Metro is responsible for reviewing and approving transportation and land use plans of member jurisdictions, and allocation of federal transportation funding throughout the region.

More recently, in *United States Anti-Discrimination Center of Metro New York v. Westchester County* ("*Westchester County*"), the county was found liable because its AI failed to

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[3] *See also U.S. v City of Black Jack, Missouri*, 508 F2d 1179, 1181 (8th Cir. 1974) (holding that a local ordinance that was shown to have racially discriminatory effect, and was not justified by a compelling government interest, violated the FHA).

[4] "*Fair Housing Plan 2011: An Analysis of Implements to Fair Housing Choice and the Strategies to Address Them.*" City of Portland, Gresham, and Multnomah County. Available at https://www.portlandoregon.gov/phb/article/653184 (Accessed November 29, 2018).

[5] Executive Order 12892, LEADERSHIP AND COORDINATION FOR FAIR HOUSING IN FEDERAL PROGRAMS: AFFIRMATIVELY FURTHERING FAIR HOUSING.

> "...[A]ll executive departments and agencies shall administer their programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) in a manner affirmatively to further the purposes of the [Fair Housing Act] … the phrase programs and activities shall include programs and activities operated, administered, or undertaken by the Federal Government; grants; loans; contracts; insurance; guarantees; and Federal supervision or exercise of regulatory responsibility (including regulatory or supervisory authority over financial institutions)."

See also 24 CFR Parts 5, 91, 92, 570, 575, 576, and 903.

include any mention or analysis of impediments to fair housing by race and ethnicity.[6] In December 2010, HUD rejected the county's revised AI for failure to "make any material link between those impediments [to fair housing choice] and the actions the County will take to overcome them."[7] As a result, in addition to identifying impediments to fair housing choice in their AIs, counties must show a "material link" between the impediments and their proposed recommendations to ameliorate the impediments. Although the second and third AFFH requirements were not at issue in the *Westchester County* case, Metro must take affirmative and concrete steps to overcome impediments, and to keep records reflecting the actions taken. Metro should remember this instruction when undertaking its planning and coordination functions.[8]

II. Metro Authority – Oregon Statutory Obligations

Metro has an affirmative duty to ensure that the comprehensive plans of cities and counties within its jurisdiction address their respective affordable housing needs.[9] Existing law gives Metro the authority to conduct reviews of local jurisdictions' comprehensive plans and to propose changes to bring these plans into compliance with Statewide Planning Goals, including Goal 10,[10] which requires a local jurisdiction to conduct a housing needs analysis ("HNA") and adopt a plan to accommodate current and future housing needs.[11]

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[6] *United States Anti-Discrimination Center of Metro New York v. Westchester County,* 668 F.Supp.2d 548, 562–65 (S.D.N.Y.2009).

[7] HUD Priv. Lrt. Rule (Dec. 21, 2010) Available at https://prrac.org/pdf/12-21-2010_HUD_Response_to_Westchester_AI.pdf (Accessed November 29, 2018).

[8] HUD's Fair Housing Planning Guide defines an AI as "a comprehensive review of a jurisdiction's laws, regulations, and administrative policies, procedures, and practices affecting the location, availability, and accessibility of housing, as well as an assessment of conditions, both public and private, affecting fair housing choice." "Impediments to fair housing choice are any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that restrict housing choices or the availability of housing choices, or any actions, omissions, or decisions that have [such an] effect." Fair Housing Planning Guide at 4-4. Available at https://prrac.org/pdf/12-21-2010_HUD_Response_to_Westchester_AI.pdf (Accessed December 4, 2018).

[9] Metro Code (Or.) §3.07.730. Cities and counties within the Metro region shall ensure that their comprehensive plans and implementing ordinances:

A. Include strategies to ensure a diverse range of housing types within their jurisdictional boundaries.
B. Include in their plans actions and implementation *measures designed to maintain the existing supply of affordable housing as well as increase the opportunities for new dispersed affordable housing within their boundaries.*
C. Include in their plans actions and implementation measures aimed at increasing opportunities for households of all income levels within individual jurisdictions in *affordable housing*. (emphasis added).

[10] Goal 10 provides for "[b]uildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density."

[11] In 2010, Ordinance No. 10-1233B and Ordinance No. 11-1252A demonstrated Metro's acknowledgement of its responsibilities and prescribed Metro's compliance procedures and Regional framework plan.

For the greater Portland metropolitan area, Metro manages the shared urban growth boundary for the 24 cities in the area, which includes Beaverton, Hillsboro, King City, and Wilsonville. Prior to any Urban Growth Boundary ("UGB") expansion, a local jurisdiction needs to demonstrate its current compliance with that HNA and how it will continue to comply with that HNA and with the proposed UGB expansion. Metro must use its authority to require cities and counties to change their comprehensive plans and land use regulations to comply with the FHA.[12]

Goal 14 also requires Metro to demonstrate how the region's housing needs under Goal 10 are being met within the current UGB and how they will continue to be met if the UGB is expanded.[13] This includes housing "at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density."[14]

Metro's own studies in preparation for its January 2010 urban growth report confirmed that these affordable housing needs were not being met. To meet demand, Metro's Regional Framework Plan called for the establishment of affordable housing production goals to be adopted by local governments.[15] Metro and local governments are required to issue a biennial affordable housing inventory to demonstrate their continued dedication to reaching affordable housing goals. This report must include not only the number and types of affordable housing units preserved during the reporting time, but also the number of new units built and the county resources committed to the development of these affordable housing units.

Metro also has the power to create and enforce Functional Plans[16] and direct changes in city or county plans and land use regulations as needed to bring them into compliance with such

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[12] Metro's authority under ORS 268.390 is greater than the authority of individual counties under ORS 195, allowing them to recommend them to "recommend or *require cities and counties, as it considers necessary, to make changes in any plan and any actions taken under the plan substantially comply with the district's functional plans* adopted under subsection (2) of this section and its urban growth boundary adopted under subsection (3) of this section …" (emphasis added).

[13] Goal 14 requires that "[p]rior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary."

[14] In addition, the "Statement of Purpose" for OAR 660-007-0000 states, "OAR 660- 007-0030 through 660-007-0037 are intended to establish by rule regional residential density and mix standards to measure Goal 10 Housing compliance for cities and counties within the Metro urban growth boundary, and to ensure the efficient use of residential land within the regional UGB consistent with Goal 14 Urbanization."

[15] Metro Code (Or.) §3.07.740 (2011).

[16] Metro Code (Or.) §3.07.850.

A. The Metro Council may initiate enforcement if a city or county has failed to meet a deadline for compliance with a functional plan requirement of if the Council has good cause to believe that a city or county is engaged in a pattern or a practice of decision-making that is inconsistent with the functional plan.

Functional Plans.[17] In addition to the existing Regional Solid Waste Management Plan and Urban Growth Management Functional Plan, of which voluntary affordable housing production goals are a subsection, Metro should implement, compel and enforce a separate affordable housing functional plan on a uniform level. HLA continues to believe that a distinct Functional Plan addressing regional shortfalls in needed housing would establish clear expectations and elicit more robust compliance with needed housing goals.

Further, the Metro Code sets out Metro's responsibility to oversee local compliance with statewide planning goals and Metro's power to enforce compliance by issuing orders in accordance with its own Functional Plan.[18] If the Land Conservation and Development Commission ("LCDC"), charged with overseeing statewide compliance with planning goals, so determines that compliance with planning goals is lacking, it may order a local government – a term that expressly includes Metro as well as the cities and counties within Metro's boundaries – to bring its plans and land use regulations in compliance.[19] Taken together, HLA believes that Metro's state-delegated authority and statutory obligations demonstrate that Metro has a duty to implement affordable housing initiatives, and that Metro's duty should not be taken lightly

III. Metro Authority – UGB Expansion

In addition to Metro's duty to oversee the compliance of cities and counties in conjunction with its regional framework plan, Metro itself must address local affordable housing concerns when it decides to expand the Urban Growth Boundary ("UGB"). Metro is subject to the mandates of ORS 197.296.[20] Consequently, Metro must take into account the region's housing needs when establishing buildable lands within the UGB.[21]

In 2010, Metro adopted two ordinances that each reflected Metro's responsibility to account for affordable housing during UGB expansion: Ordinance 10-1252A and Ordinance 10-1244B.[22] The Staff report for Ordinance 10-1252A stated that its purpose was to "[h]elp ensure opportunities for low-income housing types throughout the region so that families for modest means are not obligated to live concentrated in a few neighborhoods," because concentrating poverty is not desirable for the residents or the region.[23] Furthermore, Ordinance 10-1244B reinforced that goal and stated that "particular attention" will be given to affordable housing when expanding the UGB, and that Metro would seek agreement with local governments to

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[17] *Id.*
[18] ORS 268.390.
[19] ORS 197.320. The Land Conservation and Development Commission shall issue an order requiring a local government, state agency or special district to take action necessary to bring its comprehensive plan, land use regulation, limited land use decisions or other land use decisions into compliance with the goals, acknowledged comprehensive plan provisions or land use regulations if the commission has good cause to believe.
[20] *GMK Developments, LLC v. City of Madras*, 225 Or. App. 1 (2008).
[21] ORS 197.296
[22] *See* MC 3.07.1120 Planning for Areas Added to the UGB.
[23] Metro, Or., Staff Report for Ordin. 10-1252A (Dec. 29, 2010).

improve affordable housing.[24] Together, these ordinances plainly announced Metro's intention to implement affordable housing initiatives throughout Clackamas, Washington, and Multnomah counties.

A. *Housing Land Advocates v. City of Happy Valley*

In *Housing Land Advocates v. City of Happy Valley*,[25] the City of Happy Valley approved an application for the zoning reduction of a previously zoned Mixed Use Residential property to a 31-lot subdivision allowing development of detached single-family residential dwellings on individual lots.[26] HLA appealed the city's decision, arguing that the city failed to show how the 31 single-family homes would meet the housing needs of current and future Happy Valley and Portland-area residents of all income levels.[27] HLA specifically cited the city's responsibility under Title 1 of Metro's Urban Growth Management Functional Plan, specifically Metro Code Section 3.07.120(e), which requires a local government to "maintain or increase its housing capacity" in line with "a compact urban form and a 'fair share' approach to meeting housing needs."[28] Without an adequate housing analysis, the city, HLA claimed, failed to comply with statewide planning goals, namely Goal 10 and the Needed Housing Statutes at ORS 197.295 to .314.[29] In response to HLA's claims, the city argued that the zone change produced a reduction of "a mere .004 percent."[30] The city concluded that this reduction was "negligible," which the city argued conformed to the standard established under Metro Code Section 3.07.120(e).

While the Land Use Board of Appeals ("LUBA") agreed that this zone reduction "qualifies as negligible," LUBA determined that the comparison used by the city to calculate this reduction was not the comparison required under MC 3.07.120(e). The reason being the city's findings "neither identifies what the minimum zoned residential capacity of the subject property is nor how much that minimum zoned residential density is reduced by the challenged amendment."[31] LUBA concluded that the city would instead need to compare the reduction of the minimum zoned capacity of the property to the city's overall minimum zoned residential capacity.[32] Ultimately, LUBA upheld the standard under the acknowledged MC 3.07.120(e) that only "negligible" reductions were permitted when a city reduced the minimum zoned capacity of

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[24] Metro, Or., Exhibit A to Ordin. 10-1244B Section 1.3.10 (Dec. 16, 2010).
[25] *Housing Land Advocates v. City of Happy Valley*, LUBA No. 2016-031-105 (Mar. 24, 2017).
[26] *Id.,* at 3.
[27] *Housing Land Advocates v. City of Happy Valley*, LUBA No. 2016-031-105 at 3, 6.
[28] MC §3.07.120 ("Housing Capacity").
[29] ORS 197.307(3) provides, "When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need." ORS 197.307(4) provides, "Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land described in subsection (3) of this section. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay."
[30] *Housing Land Advocates v. City of Happy Valley*, LUBA No. 2016-031-105 at fn.10.
[31] *Id.*, at 23-24.
[32] *Id.*, at 23.

a single lot or parcel.[33] As a result, LUBA remanded the case and ordered the city to include in its findings the "methodology and math" used to calculate the percent reduction in minimum zoned residential capacity.

Under the *Happy Valley* case, Metro needs to give the "negligible" loss standard means on a region-wide basis. Otherwise, we face the same battle and die the death of a thousand cuts. A 1% cumulative reduction could qualify as "negligible," as could 100 units (depending on the capacity of the jurisdiction). This should be a prerequisite Metro-wide prior to considering any boundary expansion, including the one proposed for the four cities involved in this round. Further, at this time, none of the four city proposals include findings that demonstrate that they meet the standard under the acknowledged MC 3.07.120(e) that only "negligible" reductions are permitted. That code section must be interpreted consistently with the Goals it implements, specifically Goals 10 and 14, under 197.829(1)(c) and (d). A new expansion of the UGB must show compliance and, particularly, demonstrate compliance with the "orderly and efficient" accommodation of land uses within a UGB under Goal 14. The mechanisms to assure compliance must be within the Metro Actions allowing for the boundary expansion. Moreover, we assert that the evaluation of the UGB amendments cannot be limited to the four candidate areas for the boundary expansion, but must include the entire UGB as amended in order to demonstrate compliance with the statewide planning goals. In addition, Goal 2 requires that the plans shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans.

While HLA can point to the specific shortcomings of these proposals, these cities, not HLA, have a legal duty to show that they are in compliance with MC 3.07.120(e). Moreover, Metro also has a legal duty to hold these cities to the standard upheld by LUBA and the very codes that Metro adopted in its Functional Plan. Until then, Metro will continue to be in violation of its own code and state laws.

B. *Deumling v. City of Salem*

In 2016, the City of Salem enacted Ordinance No. 14-16, which amended the Salem/ Keizer regional urban growth boundary (UGB) to add approximately 35 acres of land located in Polk County and zoned for exclusive farm use (EFU) to the city's UGB.[34] The ordinance also adopted an exception to Statewide Planning Goal 15 (Willamette River Greenway),[35] in connection with a new bridge over the Willamette River.[36] The petitioners argued that the city's proposal violated OAR 660-004-0018(4)(a). Under OAR 660-004-0018(4)(a), when a local government adopts a reasons exception to a goal, "plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception." The land subject to the Goal 15 exception was entirely within the city's UGB as it

[33] *Id.*
[34] *Deumling v. City of Salem*, LUBA No. 2016-126, 5-6 (August 9, 2017).
[35] Goal 15 is "to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway."
[36] *Deumling v. City of Salem*, LUBA No. 2016-126, at 3.

existed prior to the ordinance adoption.[37] In response, the city claimed that the existing plan and zoning designations would be maintained for the land subject to the Goal 15 exception.[38]

LUBA determined that the city failed to explain why the existing plan and zoning designations limit the uses "public facilities and services, and activities" to only those justified in the exception.[39] For this reason, LUBA remanded the case and required the city to "more clearly explain" why the existing plan and zoning designations for the land subject to the Goal 15 exception satisfied those requirements in OAR 660-004-0018(4)(a).[40]

In addition to the reporting requirements under MC 3.07.120(e), the four cities proposing expansion to the UGB must also clearly explain how they will be in compliance with statewide planning goals, as discussed above. Should one of these local governments adopt a reasons exception to a statewide planning goal to expand the UGB, that city's plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in that exception. For this reason, Metro must be remain cognizant of this case as it considers the four UGB expansion proposals.

IV. HLA Questions Whether Metro Will be able to Make Adequate Goal 10 Findings

The local government, Metro in this case, must demonstrate that its actions do not leave it with less than adequate residential land supplies in the types, locations, and affordability ranges affected. See *Burk v. Umatilla County*, 20 Or LUBA 54 (1990). The regional housing crisis is well-known. Yet, Metro has done little to proactively contribute to solving the problem. Instead, it attempts to make the decision here without any explanation of its compliance with Goal 10.

Goal 10 findings are not only required by the goal, but are necessary as a practical matter so a record of the ability to provide needed housing throughout the region is made under Goal 2, Land Use Planning. Already one of the most expensive suburbs in the region, Happy Valley, was let off the hook in complying with Goal 10 in the downzone case described above, and the need for affordable housing across the region grows. For example, see Exhibit 1, a letter submitted in the Happy Valley record showing that needed housing for all income levels was not provided within that city or urban Clackamas County. which are both within Metro's jurisdiction.

In Washington County, and the City of Sherwood, the story is very similar to the Clackamas County/Happy Valley situation where Sherwood is a less economically integrated suburb of Washington County. According to the Washington County Consolidated Plan, Sherwood residents make the highest income of all cities within the county limits, and has the highest median income levels. See Exhibit 2, page 1. Failure to analyze the impacts of this proposed urban growth expansion across the region calls into question Goal 10 compliance of a

[37] *Id.*, 30.
[38] *Id.*
[39] *Id.*
[40] *Id.*, at 31.

narrow UGB expansion that does not address the exclusive zoning in member cities like the cities of Happy Valley and Sherwood.

Metro has created its own problem to figure out how to make Goal 10 findings in this case. On November 28, 2007, Metro's Chief Operating Officer ("COO") issued a letter to member local jurisdictions suspending reporting requirements related to housing and employment accommodation (then 3.07.120(D)), and housing choice for the affordable housing supply under Metro Code 3.07.740(B). See November 28, 2007 COO Letter attached as Exhibit 3. HLA has no knowledge that the suspension described in the November 28, 2007 letter has been lifted, despite years of advocating for a lift of the suspension. So far as we are able to ascertain, there was no Metro Council action to undertake this suspension. Unfortunately for Metro and the cities seeking the expansion here, a 10-year "temporary suspension" may mean that making Goal 10 findings are more difficult.[41] If the member jurisdictions had submitted reports on meeting their fair share of affordable housing, then the public would be able to analyze whether expanding the UGB to include the proposals here makes sense in the context of the Statewide Planning Goals and regional compliance with Goal 10.

Metro must ensure that a decision to expand the boundaries in Beaverton, King City, Hillsboro, and Wilsonville does not, in effect, push off onto other cities within the region a housing responsibility it is required to assume. *Gresham v. Fairview*, 3 Or LUBA 219 (1981). Nowhere in the record is there any evidence concerning a reasoned analysis of Goal 10, Metro's regional buildable lands inventories, housing need projections, fair share allocations, housing and coordination policies, or of their application to this proposed UGB amendment. This is particularly concerning given that Sherwood had initially considered participating in the current expansion, but as soon as affordable housing was mentioned as part of the expansion goals, the city abandoned its plan to apply. Metro did not even take a step to insist that Sherwood needs to take steps to address affordability, thus, exclusionary zoning in Sherwood continues.

/// /// ///

[41] While Metro may try to avoid the direct application of the legislative UGB amendment criteria, by claiming its adoption of criteria in MC 3.07.1428 is the exclusive process for reviewing this expansion, nothing in the code states that the criteria under its own legislative decision making under 3.07.1525 do not apply (rather only direct compliance with Goal 14 is directly resolved). In any event, Metro's own code should provide context for the necessary evaluation that needs to take place in any UGB expansion, particularly MC 3.07.1425(c)(5) that requires Metro to consider, "**Equitable** and efficient distribution of housing and employment opportunities throughout the region." (emphasis added).

Above are the results of our research and show Metro's legal duty to require the cities of Beaverton, King City, Hillsboro, and Wilsonville to incorporate changes to their housing plans prior to the proposed land coming inside the UGB. We look forward to working with Metro to assure that it meets its obligations under the statewide planning goals. Please add Housing Land Advocates to the notice list, Housing Land Advocates, c/o Jennifer Bragar, 121 SW Morrison Street, Suite 1850, Portland, OR 97204.

Sincerely,

Jennifer Bragar
President, Housing Land Advocates

cc: (by e-mail)
Taylor Smiley-Wolfe
Anna Braun
Gordon Howard
Roger Alfred
Paulette Copperstone

City of Happy Valley
Planning Commission
16000 SE Misty Drive
Happy Valley, OR 97086

January 19, 2016

RE: "EAGLES LOFT ESTATES"
COMPREHENSIVE PLAN MAP/ZONING MAP AMENDMENT (CPA-14-15/LDC-15-15); 31-LOT SUBDIVISION (SUB-03-15); AND VARIANCE (VAR-08-15)

Dear Planning Commissioners:

This letter is jointly submitted by the Fair Housing Council of Oregon (FHCO) and Housing Land Advocates (HLA). Both FHCO and HLA are Oregon non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians.

For the reasons set forth below, we request that the proposed comprehensive plan and zoning amendments be denied, together with the subdivision and variance applications that depend on those amendments.

1. The proposed amendments do not comply with Oregon's Needed Housing Statutes, with Oregon's Statewide Housing Goal (Goal 10) and Planning Goal (Goal 2), or with LCDC's interpretive rules.

ORS 197.307(6) provides that local governments cannot adopt standards that have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

ORS 197.303(3) provides that, when a need has been shown for housing of particular ranges and rent levels, such needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

The record lacks evidence sufficient to enable the city to determine, among other things, the city's current state of compliance or noncompliance with these statutes, such as the city's housing needs, the relevant buildable lands inventories, how the current designation addresses existing and projected needs, the city's fair share of regional housing needs and supplies, and other information necessary to establish that the proposed amendments will not have the effects proscribed by ORS 197.307(6) and that city will either remain in compliance or not slip further out of compliance as a result of the proposed amendments and variances.

The City's decision does not comply with Goal 10 requirements that land use regulations related to housing must be based on an inventory of buildable lands. Goal 10 requires the city:

> "To provide for the housing needs of citizens of the state. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density."

Goal 10 requires local governments to inventory their buildable land, identify needed housing, and designate and zone enough build able land to satisfy the identified housing need. *Burk v. Umatilla County*, 20 Or LUBA 54 (1990). *See also*, *McIntyre-Cooper Co. v. Board of Comm. Washington County*, 2 Or LUBA 126, 129 (1980), *aff'd*, 55 Or App 78, *rev den*, 292 Or 589 (1981). The burden of proving that housing needs are met by the land use regulation rests with the City. *Gann v. City of Portland*, 12 Or LUBA 1, 4 (1984).

When a city with an acknowledged comprehensive plan and implementing ordinances amends its implementing ordinances to downzone or impose other substantial restrictions on lands within its acknowledged Goal 10 land supplies, the city must demonstrate that its actions do not leave it with less than adequate supplies in the types, locations, and affordability ranges affected. *Opus Development v. City of Eugene*, 28 Or LUBA 670 (1995) (*Opus I*); 30 Or LUBA 360, 373(1996) (*Opus II*), *aff'd* 141 Or App 249, 918 P2d 116 (1996) (*Opus III*); *Volny v. City of Bend*, 37 Or LUBA at 510-11; *Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); *Home Builders Assn. of Lane County v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations).

Further, OAR 660-008-0010 provides LCDC's interpretation of Goal 10 Housing specific to Portland Metro and its planning jurisdictions:

> "The mix and density of needed housing is determined in the housing needs projection. Sufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection. The local buildable lands inventory must document the amount of buildable land in each residential plan designation."

LCDC's generally-applicable housing interpretive rule defines "housing needs projection" as:

> "[a] local determination, justified in the plan, as to the housing types, amounts and densities that will be: (a) Commensurate with the financial capabilities of present and future area residents of all income levels during the planning period; (b) consistent with OAR 660-007-0010 through 660-007-0037 and any other adopted regional housing standards; and (c) consistent with Goal 14 requirements for the efficient provision of public facilities and services, and efficiency of land use." OAR 660-007-0005(5)

OAR 660-007-0005(6) defines "Multiple Family Housing" as "attached housing where each dwelling unit is not located on a separate lot."

OAR 660-007-0005(7) defines "Needed Housing" as follows:

> "'Needed Housing' means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels, including at least the following housing types:
>
> > (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy; . . .'

Nowhere in the record is there any evidence concerning or reasoned analysis of these statutes, goals, and rules, of Happy Valley or Portland Metro's buildable land inventories, housing needs projections, fair share allocations, housing and coordination policies, or of their application to these proposed amendments and entitlements.

Such analysis and evidentiary support is essential. In one of its earliest affordable housing opinions, *Kneebone v. Ashland*, 3 LCDC 131 (1979), the LCDC remanded a City of Ashland ordinance downzoning needed residential lands because the city's record failed to demonstrate that the downzoning would not reduce Ashland's supply of lands for needed housing in violation of the statewide housing goal. In its opinion, LCDC reminded Oregon's local governments that

> "Planning decisions must meet the standards set by the goals. Insofar as compliance depends upon specific, ascertainable fact, compliance must be shown by substantial evidence in the record. Insofar as compliance depends upon value judgments and policy, compliance must be shown by a coherent and defensible statement of reasons relating the policies stated or implied in the goals to the policies of the planning jurisdiction." 3 LCDC at 124

LCDC's Metro Housing Rule, at OAR 660-008-0060, provides as follows:

> "(2) For plan and land use regulation amendments which are subject to OAR 660, Division 18 [Post-Acknowledgment Plan and Zoning Amendments, or PAPAs], the local jurisdiction shall either:
>
> > (a) Demonstrate through findings that the mix and density standards in this Division are met by the amendment; or
> >
> > (b) Make a commitment through the findings associated with the amendment that the jurisdiction will comply with provisions of this Division for mix or density through subsequent plan amendments."

The city has not made, and almost certainly cannot make, either the demonstration called for in subsection (a) or the commitment called for in subsection (b), both of which would require a

showing of surpluses in supplies over projected needs, supported by the kind of reasoned analysis and evidentiary support that LCDC required in *Kneebone*. Given the current shortage of buildable, available, affordable lands planned and zoned for multi-family housing in Happy Valley, its sub-region, and Portland Metro as a whole, FHCO and HLA do not believe that the requisite demonstrations can be made at this time or in the foreseeable future.

2. The proposed amendments do not comply with the intergovernmental coordination requirements of LCDC's statewide Goals 2 (Land Use Planning) and 10 (Housing) because the city failed to coordinate its actions with all other affected governmental units.

There is no evidence in the record of this proceeding that the Oregon Department of Land Conservation and Development, Portland Metro, as regional coordinator, or other nearby jurisdictions such as Gresham, Portland, Clackamas County, and Oregon City, have agreed to increase their share of comparably planned, zoned, serviced, and located land or that Happy Valley has made any efforts to coordinate with them concerning their ability and willingness to accommodate the reallocation of housing need effected by the proposed amendments. *See Creswell Court v. City of Creswell*, 35 Or LUBA 234 (1998); *1,000 Friends of Oregon v. North Plains*, 27 Or LUBA 371, *aff'd* 130 Or App 406, 991 P2d 1130 (1994).

3. The proposed amendments and variances are inconsistent with the City of Happy Valley's Comprehensive Plan.

Applicable Happy Valley Comprehensive Plan Policies that are not addressed adequately or at all to date include the following:

> **Policy 8:** To assume proportionate responsibility for development within the City of Happy Valley consistent with projected population for the City.
>
> **Policy 42:** To increase the supply of housing to allow for population growth and to provide for the housing needs of a variety of citizens of Happy Valley.
>
> **Policy 43:** To develop housing in areas in areas that reinforce and facilitate orderly and compatible community development.
>
> **Policy 44:** To provide a variety of lot sizes, a diversity of housing types including single family attached (townhouses) duplexes, senior housing and multiple family and range of prices to attract a variety of household sizes and incomes to Happy Valley.
>
> **Policy 45:** The City shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels that are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.
>
> **Policy 46:** The City shall provide a range of housing that includes land use districts that allow senior housing, assisted living and a range of multi-family housing products. This

range improves housing choice for the elderly, young professionals, single households, families with children, and other household types.

Before the city can approve the amendments and the related subdivision and variance entitlements, you must be able to find that the applicant has proven by a preponderance of the evidence that all of the above policies have been satisfied. HLA simply does not believe this is possible given the current state of affordable housing need and supply in Happy Valley, its sub-region of Portland Metro, and Portland Metro as a whole.

4. The proposed amendments and variances are inconsistent with Metro's Functional Plan.

The applicant has not demonstrated compliance with Title I of the Metro Urban Growth Management Functional Plan, which requires each city to maintain or increase its housing capacity. FHCO and HLA do not believe that the applicant can meet this requirement because the requested zone change would reduce the city's housing capacity with respect to scarce needed housing types, densities, location, and affordability ranges.

5. The proposed amendments risk violation of federal fair housing requirements.

HLA believes that any action by the City that results in a reduction in housing diversity and affordability could violate the city's obligation to affirmatively further fair housing under them Federal fair Housing Act, 42 U.S.C. §§ 5304(b)(2), 5306(d)(7)(B), 12705(b)(15), 1437C-1(d)(16).

The Fair Housing Act (the Act) declares that it is "the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States." It does so by prohibiting discrimination in the sale, rental, and financing of dwellings, and in other real estate-related transactions because of race, color, religion, sex, familial status, national origin, or disability. In addition, the Fair Housing Act requires that HUD administer programs and activities relating to housing and urban development in a manner that affirmatively furthers the policies of the Act.

Courts have examined the legislative history of the Fair Housing Act and related statutes. They have found that the purpose of the affirmatively furthering fair housing mandate is to ensure that recipients of Federal housing and urban development funds do more than simply not discriminate: recipients also must address segregation and related barriers for groups with characteristics protected by the Act, including segregation and related barriers in racially or ethnically concentrated areas of poverty. In the 1972 Supreme Court case, *Trafficante v. Metropolitan Life Insurance Company*, 409 U.S. 205, 211 (1972), the Court quoted the Act's co-sponsor, Senator Walter F. Mondale, in noting that the Fair Housing Act was enacted by Congress to replace the racially or ethnically concentrated areas that were once called "ghettos" with "truly integrated and balanced living patterns." In 2015, in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, 576 U.S. ___ (2015), the Supreme Court again acknowledged the Fair Housing Act's continuing role in moving the Nation toward a more integrated society, holding that disparate impacts on protected classes, whether intended or not, can result in violations of the Act.

High concentrations of wealth appear to be a proxy for exclusionary zoning practices in Happy Valley. As reported on June 23, 2015, in the Oregonian, Happy Valley is the "richest town" in Oregon. See Exhibit A attached here. This raises concerns about the city's ability to comply with the Act. The Clackamas County Consolidated Plan ("Con Plan" available at http://www.clackamas.us/communitydevelopment/documents/conplan_final.pdf - pages referred to below are attached as Exhibit B) shows that Happy Valley's population growth between 2000-2010 was 208%, and in 2010, 76% of the population was white. See Con. Plan p. 26 and 31. Poverty has increased in the County by 10.4% between 2000 and 2010 and nearly half of female householders with young children under 5 (a protected class) lived in poverty. *Id.* at 53. Notwithstanding this crisis, Happy Valley's housing supply consists almost exclusively of single family units. *Id.* at 55. Downzoning the subject property will continue the trend of ignoring the need for affordable housing in areas of opportunity, such as Happy Valley.

Thank you for your consideration. Please provide written notice of your decision, to FHCO and HLA, c/o Louise Dix, at 1221 SW Yamhill Street, Portland, OR 97205.

Louise Dix
Fair Housing Council of Oregon

Jennifer Bragar, President
Housing Land Advocates

GSB:7496250.1 [30187.00129]

'Richest town in Oregon' may surprise you

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The website 24/7 Wall St. recently pored through Census data to come up with a list of the richest towns in each state. For their list, the site's editors stuck to only incorporated towns with 25,000 or fewer residents. (Sorry, Lake Oswego and West Linn.)

Even so, **the town at the top [http://247wallst.com/special-report/2015/06/17/the-richest-town-in-each-state/9/]** will likely surprise a lot of people. Happy Valley has more often been in the news for its unprecedented over-development just before the Great Recession, and subsequent real estate collapse. Images of empty subdivisions are rooted in many Oregonians' minds when it comes to Happy Valley.

But 24/7 Wall St. found Happy Valley's median income of $92,773 to be tops in Oregon. **At the other end of the spectrum: Prineville [http://247wallst.com/special-report/2015/06/05/the-poorest-town-in-each-state/9/]** , long one of the areas with the highest unemployment in the state, and a median income of $29,959.

The gap between richest small town and poorest small town puts Oregon about in the middle of the pack nationally, the website said.

-- The Oregonian/Oregonlive.com

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Ad Choices

EXHIBIT A

2012-2016 CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT

CLACKAMAS COUNTY
COMMUNITY DEVELOPMENT DIVISION

Health, Housing & Human Services
CLACKAMAS COUNTY

April 2012

EXHIBIT B

HOUSEHOLDS AND FAMILIES

According to the 2012 ACS data, there were 200,160 households in Washington County, of which approximately 134,176 (67.0%) were considered "family" households. The remainder (33.0%) was "non-family" households, consisting of individuals living alone or unrelated individuals living together. Of the 134,176 family households, 79.0% consisted of a male or female householder living with a spouse, including those with children or other related family members. The remaining families consisted of a male (6.0%) or female (15.0%) householder living with children or other family members but not with a spouse.

In 2012, the average household size for the county was 2.63 persons. There was a significant difference between the average household size for the county's Latino population (4.30 persons) and that of the non-Latino population (2.34 persons) in 2012. Table 3-99 in Chapter 3 provides information on the average household size for all cities in the county for 2012, the most recent year for which this information is available. This table shows that the average household sizes for the cities with all or a portion of their land within Washington County ranged from 3.57 persons (Cornelius) to 1.57 persons (King City). More current data on average household sizes (from the five year 2008-2012 American Community Survey) show the household sizes for the following cities: Banks, (3.26 persons), Sherwood (2.97 persons), Forest Grove (2.72 persons), Hillsboro (2.94 persons), Tualatin (2.65 persons), Tigard (2.50 persons), Beaverton (2.45 persons) and Durham (2.25 persons).

INCOME AND POVERTY

In 2012, the county's cost of living was among the highest in Oregon. The median household income in Washington County was $64,375. The standard for self-sufficiency in Washington County, as reported by Worksystems, is $65,800 for a four-person household, which is currently the highest self-sufficiency standard in Oregon. The cities in the county with the highest median income were Sherwood ($82,257), Durham ($65,313) and Banks ($65,000). The lowest median household incomes were in King City ($36,446), Forest Grove ($45,892) and Cornelius ($50,977). The per capita income in Washington County in 2012 was $31,476, with the highest in Durham ($41,490). The lowest per capita income was in Cornelius ($17,582).

Median household incomes in Washington County grew by $12,253 from 2000 to 2012, an increase of 23.5%.

In 2000, 7% of residents had incomes below the poverty rate; by 2012, the poverty rate had increased to 10.9%. All told, between 2000 and 2012, the number of people in poverty in Washington County grew by 76%. Poverty rates were lowest in Sherwood (4.6%) and Banks (5.1%). Poverty rate was highest in Cornelius (16.9%) and Forest Grove (19.6%). The poverty rate in Forest Grove grew by almost 4 percentage points since 2007.

County-wide, over half of the residents below the poverty level were White, although the percentage of all White residents who were below the poverty level was lower than any other ethnic group. The highest poverty rates in 2012 were found among residents who defined themselves as having some other race (25.8%), American Indian or Alaska Native residents (25.5%) and Black or African American (18.6%). The poverty rate for the Latino population was 24.1%. All of these ethnic and racial groups bear a disproportionate percentage of poverty. See Table 1-4 for a full description of the percentages of persons living in poverty in Washington County by race and ethnicity.

The demand for low-cost affordable housing far exceeds the supply. In addition to market-rate units that serve low- and moderate-income households, there were approximately 7,000 subsidized rental housing units and 2,700 households with rental housing vouchers in Washington County in 2011, based on information in the Regional Affordable Housing Inventory prepared by Metro and data related to Section 8 vouchers from the Washington County Department of Housing Services. Since some vouchers are used in subsidized units, there are an estimated 7,000 - 9,000 households living in subsidized rental housing in Washington County, which represents 3.6% - 4.6% of all housing units in the County. Based on the estimates of available housing for households with incomes below 50% of the area median, there is an estimated need for 14,000 - 23,000 units for households with incomes below 50% of median available through private market (unsubsidized) and subsidized housing units and/or vouchers for subsidized units. This represents approximately 7 to 11% of all households in Washington County.

Ethnic and racial minorities comprise a disproportionate percentage of lower income households and are concentrated in specific areas. For example, 38% of Latino households have extremely low- or low-incomes, in comparison to 17% of all households in the County. In addition, there are 9 Census Tracts in the County that have concentrations of racial or ethnic minorities or "Minority Concentrations". Minority Concentrations are defined as those Census Tracts that have a percentage of racial or ethnic minority households from the 2010 Census that is at least 20% higher than the percentage for that racial or ethnic minority population across the whole County overall. All but two of these Census Tracts represent a concentration of Latino residents.

A significant number of households in the County also have special needs, including older adults, people with substance abuse problems, survivors of domestic violence, people with AIDS, ex-offenders, people with physical and mental disabilities, farmworkers and the homeless. Data on these populations are presented later in this section. These needs are presented in tabular form in Table 3-12.

The following is a table showing the population and household growth in Washington County between 2000 to 2011 utilizing data from the 2000 Census and 2007-2011 ACS.

TABLE 3-3 **Housing Needs Assessment Demographics**

Demographics	Base Year: 2000	Most Recent Year: 2011	% Change
Population	443,906	520,562	17%
Households	168,543	197,364	17%
Median Income	$52,054	$63,814	23%

Source:: 2000 Census (Base Year), 2007-2011 ACS (Most Recent Year)

As noted in the regulation at 91.205(b)(2), a "disproportionately greater need" exists when the percentage of persons in a category of need who are members of this particular racial group is at least 10 percentage points higher than the percentage of low income persons in Washington County with one or more of the four housing problems: : lacks complete kitchen facilities; lacks complete plumbing facilities; more than one person per room; or housing cost burden is greater than 30% of household monthly income. Three racial or ethnic groups have disproportionately greater needs, as identified in Tables 13 – 16 across income levels ranging from 0% to 100% of the Area Median Income (AMI) derived from 2007-2011 CHAS data. Those racial or ethnic groups include: persons who are Black or African American, Pacific Islanders and persons who are of Asian descent.

As indicated in Table 3-17, 86% of persons in the 0-30% Area Median Income (AMI) range reported having one or more of four housing problems: lacks complete kitchen facilities; lacks complete plumbing facilities; more than one person per room; or housing cost burden is greater than 30% of household monthly income. Of the described racial and ethnic categories, Pacific Islanders showed a disproportionately greater need in that 100% of persons in this category of need (0-30%AMI) reported having one or more housing problems (14 percentage points higher than the County as a whole). While not quite exceeding the 10 percentage points higher than threshold to meet the regulatory definition of "disproportionately greater need", it should be noted that 93% of American Indian/Alaska Natives (7 percentage points higher than the County as a whole) and 95% of Hispanic or Latino persons (9 percentage points higher than the County as a whole) in the 0-30% AMI income range reported having housing problems.

As indicated in Table 3-18, 84% of all persons in the 30-50% AMI range reported having one or more of four housing problems. Of the described racial and ethnic categories, Pacific Islanders showed a disproportionately greater need in that 100% of persons in this category of need (0-50% AMI) reported having one or more housing problems (16 percentage points higher than the County as a whole). While not quite exceeding the 10 percentage points higher than threshold to meet the regulatory definition of "disproportionately greater need", it should be noted that 91% of Hispanic or Latino persons in the 0-50% AMI range reported having housing problems (9 percentage points higher than the County as a whole).

Table 3-19 shows that 53% of all persons in the 50-80% AMI range reported having one or more of the four housing problems. Of the described racial and ethnic categories in this category of need (50-80% AMI), Black or African Americans, Asians and Pacific Islanders all showed a disproportionately greater need. 82% of persons who are Black or African American reported having one or more of the four housing problems (29 percentage points higher than the County as a whole). 64% of persons who are Asian reported having one or more of the four housing problems (11 percentage points higher than the County as a whole). 80% of persons who are Pacific Islanders reported having one or more of the four housing problems (27 percentage points higher than the County as a whole).

Table 3-20 shows that 35% of all persons in the 80-100% AMI range reported having one or more of the four housing problems. Of the described racial and ethnic categories in this category of need (80-100% AMI), persons who are Asian showed a disproportionately greater need. 52% of persons who are Asian reported having one or more of the four housing problems (17 percentage points higher than the County as a whole). 64% of persons who are Asian reported having one or more of the four housing problems (11 percentage points higher than the County as a whole). 80% of persons who are Pacific Islanders reported having one or more of the four housing problems (27 percentage points higher than the County as a whole). 39% of Hispanic or Latino persons reported having one or more of the four housing problems (only 4 percentage points higher than the County as a whole, but the only other racial/ethnic category that indicates a greater percentage of need in the 80-100% AMI range.

Number of Housing Units

Total Housing Units

There were an estimated 212,386 housing units in Washington County in the year 2012. The number of housing units has grown approximately 19% from 2000 to 2012. (2000 figures were based on 2000 decennial Census data, 2012 figures were estimated based on 2008-12 ACS data).

TABLE 3-66 Total Housing Units, Washington County 2012

Name of Area	Housing units	% of housing units
Banks	576	0.3%
Beaverton	38,957	18.3%
Cornelius	3,474	1.6%
Durham	568	0.3%
Forest Grove	7,946	3.7%
Gaston	293	0.1%
Hillsboro	34,639	16.3%
King City	2,046	1.0%
Lake Oswego (part)	0	0.0%
North Plains	852	0.4%
Portland (part)	778	0.4%
Rivergrove (part)	15	0.0%
Sherwood	6,244	2.9%
Tigard	20,257	9.5%
Tualatin (part)	9,465	4.5%
Wilsonville (part)	297	0.1%
Subtotal Incorporated	126,407	59.5%
Unincorporated	85,979	40.5%
TOTAL	**212,386**	**100.0%**

Source: 2008-2012 ACS

- The largest cities in terms of number of housing units are Beaverton (18.3%), Hillsboro (16.3%) and Tigard (9.5%). Combined, the three cities contain 44.3% of all housing units in the County.
- Unincorporated areas contain 40.5% of all housing units.
- The remaining 15.4% of housing units are dispersed among the smaller communities.
- The City of Sherwood experienced the fastest growth rate in the area, with an increase in housing units of 40% (1,788 units) between 2000 and 2012.
- Hillsboro added the most absolute units, constructing an estimated 7,447 housing units between 2000 and 2012.

Table 3-69 Distribution of Subsidized Housing highlights where the 7,030 regulated and unregulated units are located in Washington County.

TABLE 3-69 Distribution of Subsidized Housing, Washington County (2011)

Jurisdiction	Number of sites	Unregulated units	Regulated units	Total units
Beaverton	34	11	501	512
Cornelius	10	0	10	10
Durham	1	0	210	210
Forest Grove	31	7	597	604
Hillsboro	62	4	2,196	2,200
North Plains	1	0	33	33
Sherwood	7	1	96	97
Tigard	18	10	632	642
Tualatin	3	0	604	604
Unincorporated County	89	7	2,096	2,118
Washington County	**256**	**40**	**6,975**	**7,030**

Source: 2011 Metro Affordable Housing Inventory Report

A significant percentage of the units (almost a third) are located in Hillsboro. Tigard, Tualatin, Forest Grove and Beaverton each include nearly 500 or more units. A substantial number of units in the inventory are also located in unincorporated portions of the County. In comparing these numbers to the proportion of the population living in these areas of the County, Hillsboro, Forest Grove and Tualatin appear to have higher concentrations of units compared to their share of County population.

The Washington County Department of Housing Services (DHS) manages public housing units owned by the County and administers the Section 8 vouchers. HUD directly administers the Section 811 and 202 housing assistance programs.

Altogether, there are 7,030 subsidized housing units and 2,784 households with housing vouchers in Washington County. Some households with housing vouchers live in subsidized housing units and some live in private market units. There are about 7,000 – 9,000 households living in subsidized housing in Washington County, which represents 3.6% - 4.6% of all housing units in the County. As discussed in the following section, this supply of subsidized housing does not necessarily meet the demand for it, particularly for those in Washington County who are earning less than 30% AMI, given that there are approximately 29,000 low- and moderate-income households in Washington County that are "cost-burdened" (spend more than 30% of their income on housing).

Rental Costs: Per the 2008-12 ACS data, the median gross rent countywide was $961. During that same time, the median contract rent was $839. The difference in amount can be attributed most likely to monthly utility costs. Gaston had the lowest median gross rent ($627) while Sherwood the highest ($1,212). The median gross rent in Washington County grew at an estimated 2.4% per year between 2000 and 2012. This is roughly the rate of inflation during that period. Median gross rents are lowest in some of the smaller outlying communities (e.g., Banks, Gaston and Forest Grove) and highest in Sherwood, Tualatin and King City.

TABLE 3-73 Median Rents, Washington County (2012)

Name of Area	Median Rent ($)
Banks	869
Beaverton	920
Cornelius	920
Durham	844
Forest Grove	756
Gaston	627
Hillsboro	1,023
King City	984
Lake Oswego (part)	0
North Plains	939
Portland (part)	684
Rivergrove (part)	0
Sherwood	1,212
Tigard	920
Tualatin (part)	972
Wilsonville (part)	1,195
Unincorporated	n/a
Washington County	**961**

Source: 2008-2012 ACS

TABLE 3-74 2014 HOME Program Monthly Rent Limits for Washington County (inclusive of utilities)

Monthly Rent ($)	Efficiency (no bedroom)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Fair Market Rent	659	766	912	1,344	1,615
High HOME Rent	666	774	922	1,200	1,319
Low HOME Rent	638	684	821	949	1,058

Source: HUD FMR and HOME Rents

TABLE 3-75 Housing Affordability

% Units affordable to Households earning	Renter	Owner
30% HAMFI	1,691	No Data
50% HAMFI	7,994	2,080
80% HAMFI	39,810	5,973
100% HAMFI	No Data	17,398
Total	49,495	25,451

Source: 2007-2011 CHAS

Home Ownership Costs: In 2012, median monthly homeownership costs (for homeowners with a mortgage) were $1,888 for Washington County. In 2000, the median costs were $1,358, which represents an increase of 3.2% per year. This increase outpaced inflation during that time.

TABLE 3-76 Median Homeownership Costs, Washington County (2012)

Name of Area	Median Selected Monthly Owner Costs With A Mortgage ($)
Banks	1,765
Beaverton	1,868
Cornelius	1,654
Durham	2,184
Forest Grove	1,562
Gaston	1,769
Hillsboro	1,820
King City	1,148
Lake Oswego (part)	0
North Plains	1,629
Portland (part)	2,756
Rivergrove (part)	3,250
Sherwood	2,083
Tigard	1,948
Tualatin (part)	1,909
Wilsonville (part)	0
Unincorporated	n/a
Washington County	**1,888**

Source: 2008-2012 ACS

In 2012, ownership costs (with a mortgage) were highest in Rivergrove (partial) at $2,076 and lowest in King City ($1,148). Similar to rental costs, owner costs were also relatively lower in several smaller outlying communities (e.g., North Plains, Gaston, Cornelius and Forest Grove).

Exhibit 3
Page 1 of 2

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797

METRO

November 28, 2007

TO: Mayors and County Commission Chairs
City and County Administrators
Planning Directors

FROM: Michael Jordan, Chief Operating Officer

RE: Integrating Urban Growth Management Functional Plan Compliance and Performance Measures

The Urban Growth Management Functional Plan, originally adopted unanimously by the Metro Policy Advisory Committee and the Metro Council in 1996, regulates how local governments implement the 2040 Growth Concept. Local governments in the region are required to comply with the Plan's provisions and each year Metro is required to submit a compliance report to the Metro Council detailing each local government's compliance with the Functional Plan.

Elected officials and staff from throughout the region have identified several issues with the current approach to compliance.

- Compliance requirements tend to be focused more on reporting rather than a more substantive evaluation of whether and how 2040 is being implemented.
- Many of the requirements in the Functional Plan are prescriptive. Local governments want more flexibility to meet regional goals.
- Local governments in the region have limited staff resources.

With the New Look at Regional Choices/Making the Greatest Place and Performance Measures projects underway at Metro, now is an appropriate time to revisit how Metro approaches compliance. During the next two years, Metro will be working with you through the Metro Policy Advisory Committee and with your staff through the Metro Technical Advisory Committee to integrate compliance with performance standards. The goal of this endeavor is to develop and use performance standards to evaluate progress in implementing the 2040 Growth Concept.

As a result, Metro will suspend certain Functional Plan reporting requirements, revise Functional Plan titles as needed, continue current compliance requirements for the most recent changes including Title 4 (Industrial and Employment Areas) and Title 13 (Nature in Neighborhoods), and change the annual compliance report. These changes and what local jurisdictions need to do are detailed in the attached sheet.

I believe that integrating compliance with performance measures will result in a more meaningful evaluation and assessment of how the region as a whole is achieving the goals set out in the 2040 Growth Concept. I look forward to continuing our work together.

Attachment 1 – Urban Growth Management Functional Plan Compliance Changes

Functional Plan Title	Requirement	Action
Title 1 Housing and Employment Accommodation	Annual dwelling unit and job capacity report – Metro Code 3.07.120(D)	Temporarily suspend report – local governments do not need to send in annual report Local governments must continue to submit proposed zone changes to Metro for review
Title 1 Housing and Employment Accommodation	Biennial report on actual density of new residential density per net developed acre – Metro Code 3.07.140(D)	Temporarily suspend report – local governments do not need to send in biennial report
Title 2 Regional Parking Policy	Annual report on number and location of new parking spaces – Metro Code 3.07.220(D)	Temporarily suspend report – local governments do not need to send in annual report
Title 3 Water Quality and Flood Management		Metro staff will continue to work with the three jurisdictions that are not in compliance with the Water Quality Performance Standards
Title 4 Industrial and other Employment Areas	Protection of Regionally Significant Industrial Areas – limit size and location of retail commercial uses – Metro Code 3.07.420	Deadline for action was July 22, 2007 for jurisdictions that have Regionally Significant Industrial Areas. Those jurisdictions must either submit information showing they have met requirement or submit a request to extend the deadline to Metro
Title 4 Industrial and other Employment Areas	Protection of Industrial Areas – limit new buildings for retail commercial uses – Metro Code 3.07.430	Deadline for action was July 22, 2007 for jurisdictions that have Industrial Areas. Those jurisdictions must either submit information showing they have met requirement or submit a request to extend the deadline to Metro
Title 4 Industrial and other Employment Areas	Map Amendment Process – Metro Code 3.07.450	Continue requiring amendments to the Title 4 Employment and Industrial Areas map
Title 6 Central City, Regional Centers, Town Centers and Station Communities	Development strategy – Metro Code 3.07.620	Eliminate December 31, 2007 deadline – Metro staff will be working with local government staff to assist and evaluate development strategies
Title 6 Central City, Regional Centers, Town Centers and Station Communities	Biennial progress report – Metro Code 3.07.650	Suspend reporting requirement – Metro staff will be working with local government staff to evaluate centers progress
Title 7 Housing Choice	Affordable Housing Supply – Metro Code. 3.07.740(B)	Temporarily suspend reporting requirement
Title 11 Planning for New Urban Areas	Concept planning – Metro Code 3.07.1120	Continue concept planning for all areas brought into the UGB since 2002
Title 13 Nature in Neighborhoods	Application to Riparian Habitat and Upland Wildlife Areas and Comprehensive Plan Amendments – Metro Code 3.07.1330	Maintain compliance deadlines of March 13, 2007 for Tualatin Basin Natural Resources Coordinating Committee (TBNRCC) members and January 5, 2009 for non-TBNRCC members
Title 13 Nature in Neighborhoods	Report on progress in using voluntary and incentive based education, acquisition, and restoration habitat protection – 3.07.1360(C)	Move deadline to March 15, 2008 to correspond with DEQ TMDL deadline

Attachment 2

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE URBAN GROWTH BOUNDARY IN THE VICINITY OF THE CITY OF SHERWOOD UPON APPLICATION BY THE SHERWOOD SCHOOL DISTRICT	) Ordinance No. 17-1406)) Introduced by Chief Operating Officer) Martha Bennett with the Concurrence of) Council President Tom Hughes

WHEREAS, the Metro Urban Growth Management Functional Plan Title 14: Urban Growth Boundary provides a mechanism to amend the urban growth boundary (UGB) through a major amendment process for public facilities and other non-housing purposes; and

WHEREAS, the Sherwood School District filed an application for a major amendment pursuant to Metro Code Section 3.07.1430 to add approximately 82 acres to the UGB for the purpose of constructing a new high school to serve the Sherwood area; and

WHEREAS, the application was considered by a hearings officer appointed by Metro at public hearings in the City of Sherwood on May 24, 2017 and June 6, 2017; and

WHEREAS, on July 21, 2017 the hearings officer submitted to Metro a proposed order recommending approval of the application, together with findings of fact and conclusions of law in support of a decision by the Metro Council that the application satisfies the requirements of the Metro Code and applicable state law; and

WHEREAS, the Council considered the proposed order and testimony at a public hearing on August 10, 2017 under the procedural requirements of Metro Code Section 3.07.1430(u); now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The UGB is hereby amended, as indicated in Exhibit A, attached and incorporated into this ordinance, to add 82.3 acres to the UGB for development of a high school with sports fields and a roadway improvement, subject to the following three conditions of approval:

    a. The property must be used for a public high school, associated accessory uses, and public transportation improvements consistent with the application for this UGB amendment.

    b. The applicant must comply with the state Transportation Planning Rule (TPR) at the time the zoning is established on the subject property.

    c. The City of Sherwood shall complete the requirements of Urban Growth Management Functional Plan Title 11, section 3.07.1120: Planning for Areas Added to the UGB, prior to development occurring.

2. The Findings of Fact and Conclusions of Law contained in the hearings officer's recommendation attached as Exhibit B and hereby incorporated into this ordinance, explain how this amendment to the UGB complies with applicable provisions of the Regional Framework Plan, Metro Code, and applicable statewide planning laws.

3. The Metro Council adopts as supplemental findings in support of its decision the legal memorandum dated August 15, 2017 attached as Exhibit C and hereby incorporated into this ordinance, which includes responses to issues raised at the public hearing by opponents of the application.

ADOPTED by the Metro Council this 17 day of August 2017.

Tom Hughes, Council President

Attest:

Nellie Papsdorf, Recording Secretary

Approved as to form:

Alison R. Kean, Metro Attorney

Social Consequences: Siting the new high school in the most centrally located area possible is important to fostering a sense of civic and school pride. Although high schools can have fairly significant impacts on an area, they should be sited where the bulk of the population resides and be a use that brings people together in a place that the citizens identify as an integral part of their community. One of the alternatives that the District considered in its facilities planning to alleviate the capacity issue at the existing Sherwood High School was building a second high school. The community, however, was very much opposed to that idea. A small, cohesive community like Sherwood wants to remain bound together not divided by different allegiances to different high schools. All of the sites analyzed in Sherwood West would be superior to any sites in any other urban reserve for these reasons alone; however, within Sherwood West Sites B and C are most centrally located - both now and in the future as the city continues to grow to the south and west. Even so, development of Site B has a more immediate social consequence that Site C does not have. There are a number of residences in Site B that would have to be purchased and demolished in order to develop the new high school. Displacing residents from their homes needlessly is a very adverse social consequence and should not occur if it can be avoided, which in this case it can. Therefore, Site C comes out ahead here, too.

Conclusion: Sites B and C are the two sites that come out the most favorably when one factors in the environmental, energy, economic, and social consequences. However, Site C edges ahead of Site B due to Site B's increased adverse economic and social consequences.

MC 3.07.1425(c)(4): If the Council determines there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering

(4) compatibility of proposed urban uses with nearby agricultural and forest activities occurring on land outside the UGB designated for agriculture or forestry pursuant to a statewide planning goal.

Hearings Officer's Analysis: The District identified a number of site characteristics that a new site would need to meet in order to accommodate a new high school. As discussed above, is one urban reserve area that can efficiently accommodate a new high school - Sherwood West. Sherwood West has been MC 3.07.1110 concept planned and so may be considered for inclusion within the UGB. Sherwood West is adjacent to the city's existing UGB and in close proximity to the bulk of the District's student population. The area is planned for predominantly residential uses, including schools, and so as Sherwood West develops even more of the student population will reside in the vicinity of the proposed high school site. The District studied the 1,291-acre urban reserve for areas within it that could accommodate a new high school site. The District did this by utilizing an engineer and architect to evaluate all sites in the urban reserve that were flat to relatively flat; had a minimum buildable site size of approximately 50 acres or more; no or minimal constraints from streams, wetlands, and intact upland habitat; adequate/feasible access to public utilities; and proximity to a major street network. This analysis yielded six sites, which were then ranked according to the site criteria.

Attachment 3

TUESDAY, OCTOBER 19, 2021

2000 Housing Production Per 1,000 Housing Units In Oregon's 49 Largest Cities: Portland Ranked 8th, Happy Valley #1

Hillsboro recently submitted 2000 housing production data to DLCD required by HB 4006.[There's more on the bill, including reporting requirements, on the DLCD landing page **HERE**].

With the Hillsboro submission 2020 housing production data is now available for all 49 cities subject to the reporting requirements of the bill. (Hopefully, more cities will comply with the Feb. 1st statutory deadline, so that 2021 production data is available more quickly than the 2020 data).

Note that I am focusing here on total housing **PRODUCTION (occupancy certificates granted)** as reported by each city and NOT housing construction permits.

Regulated production and total and regulated permit data is also reported but is NOT the focus of this blog post.

Use of Production Rates vs Production Counts

I may have additional related posts in the coming days but to start I compared the counts of housing units produced in 2020 vs the number of housing units in these cities as reported in the 2020 Census.

This method of comparison allows an assessment relative to the size of the housing stock in each city as opposed to just a raw count of units produced.

Observations:

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These 49 cities had 59% of the total Oregon housing units in the 2020 Census. [1,062,261/1,8137,747].

The 2020 overall rate of production in these 49 cities was 15 units per 1,000 housing units. **(15,944 total units produced/1,062,261 housing units).**

Happy Valley #1:

Happy Valley had the highest production rate at 66.2 units per 1,000 housing units; that rate was triple the housing production rate in the City of Portland (see below).

City of Portland #8

While the City of Portland had by far the highest NUMBER of units produced (6,256) *seven other cities had a higher RATE of production* than the City of Portland, which produced 21 units per 1,000 housing units.

Nonetheless, Portland had 28% [303,034] of the total housing units in the 2020 census in these 49 cities, but produced a larger 39% share of all units in 2020.

10 Cities Had a Housing Production Rate of More Than 20 Units Per 1,000 Housing Units

These 10 cities had 39 % [410,744] of the total housing units in the 49 cities in the 2020 census, but reported a **substantially higher 60% [9,635 units]** of total housing production in these 49 cities.

City	Census 2020 Housing Units	Units Produced in 2020	**2020 Units Produced Per 1,000 Housing Units in 2020 Census**	Rank
49 Cities	1,062,261	15,944	**15.0**	
Happy Valley	8,081	535	**66.2**	1
Redmond	13,262	814	**61.4**	2
Cornelius	3,684	152	**41.3**	3
McMinnville	13,257	395	**29.8**	4
Central Point	7,564	172	**22.7**	5
Dallas	6,890	155	**22.5**	6
Sandy	4,697	104	**22.1**	7
Portland	**302,034**	**6,256**	**20.7**	**8**
Bend	44,449	912	**20.5**	9
Canby	6,826	140	**20.5**	10
Courtesy, Oregon Housing Blog				

Tweets by @oregonhousing

Tom Cusack @oregonhousin

Replying to @oregonhousing

Work Schedule: oregon.gov/lcd/UP/Documen…

Oct 24, 2021

Tom Cusack @oregonhousin

Oregon Regional Housing Needs Analysis. Effort is ramping up, with first meeting on Oct 28. Agenda: oregon.gov/lcd/UP/Documen… Landing page: oregon.gov/lcd/UP/Pages/H…

Oct 24, 2021

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2010 Census

(The last city reporting 2020 data, Hillsboro, ranked 19th with a production rate of 13 units per 1,000 housing units).

14 Cities Had a Housing Production Rate Below 5 Units Per 1,000 Housing Units

There were 14 cities where less than 5 units were produced for every 1,000 housing units, including *six cities* in the Portland metro area.

These cities had 16 % [170,923] of the total housing units in these 49 cities in the 2020 Census, but reported a much smaller 4.5% **[721 units]** of the total housing production in these 49 cities.

City	Census 2020 Housing Units	Units Produced in 2020	**2020 Units Produced Per 1,000 Housing Units in 2020 Census**	Rank
49 Cities	1,062,261	15,944	**15.0**	
Sherwood	7,132	33	**4.6**	36
Beaverton	42,288	182	**4.3**	37
Keizer	15,277	62	**4.1**	38
Springfield	25,614	101	**3.9**	39
Cottage Grove	4,251	16	**3.8**	40
Ontario	4,682	15	**3.2**	41
Coos Bay	7,611	24	**3.2**	42
Newport	5,697	17	**3.0**	43
West Linn	10,491	26	**2.5**	44
Lake Oswego	18,345	33	**1.8**	45
Tualatin	11,171	1	**0.1**	46
Gladstone	4,943	-	**0.0**	47
La Grande	5,852	-	**0.0**	47
Lebanon	7,569	-	**0.0**	47
Courtesy, Oregon Housing Blog				

Graph of 2020 Production Rate Per 1,000 Units for All 49 Large Cities:

75th FHA Anniversary Celebration
AARP Reverse Mtg. Calculator
Beaverton Civic Plan
Brookings Blueprint for Prosperity
Buy Oregon Bonds
C-SPAN Congressional Video Search
CALENDAR: Oregon Housing Blog
Center for American Progress
Conf.of State Banking Supervisors
Consider the Person Campaign
Consumer Law and Policy Blog
DATA.GOV
Excel OneDrive Public Files
FHA Mortgagee Letters
FHFA House Price [Change] Calculator
FICO Loan Savings Calculator
Financial Crisis Inquiry Commission
Foreclosure-Response.ORG
Front Porch Real Estate Blog (OregonLive)
GSE CY 2010 Access Databases
GSE CY 2010 Excel Files
HOPE NOW ALLIANCE
HUD RECOVERY Site
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HUD Waivers: CY 2010-2014
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Hardest Hit Plan Submissions, SECOND Round States.
Hardest Hit Plans, as APPROVED by Treasury
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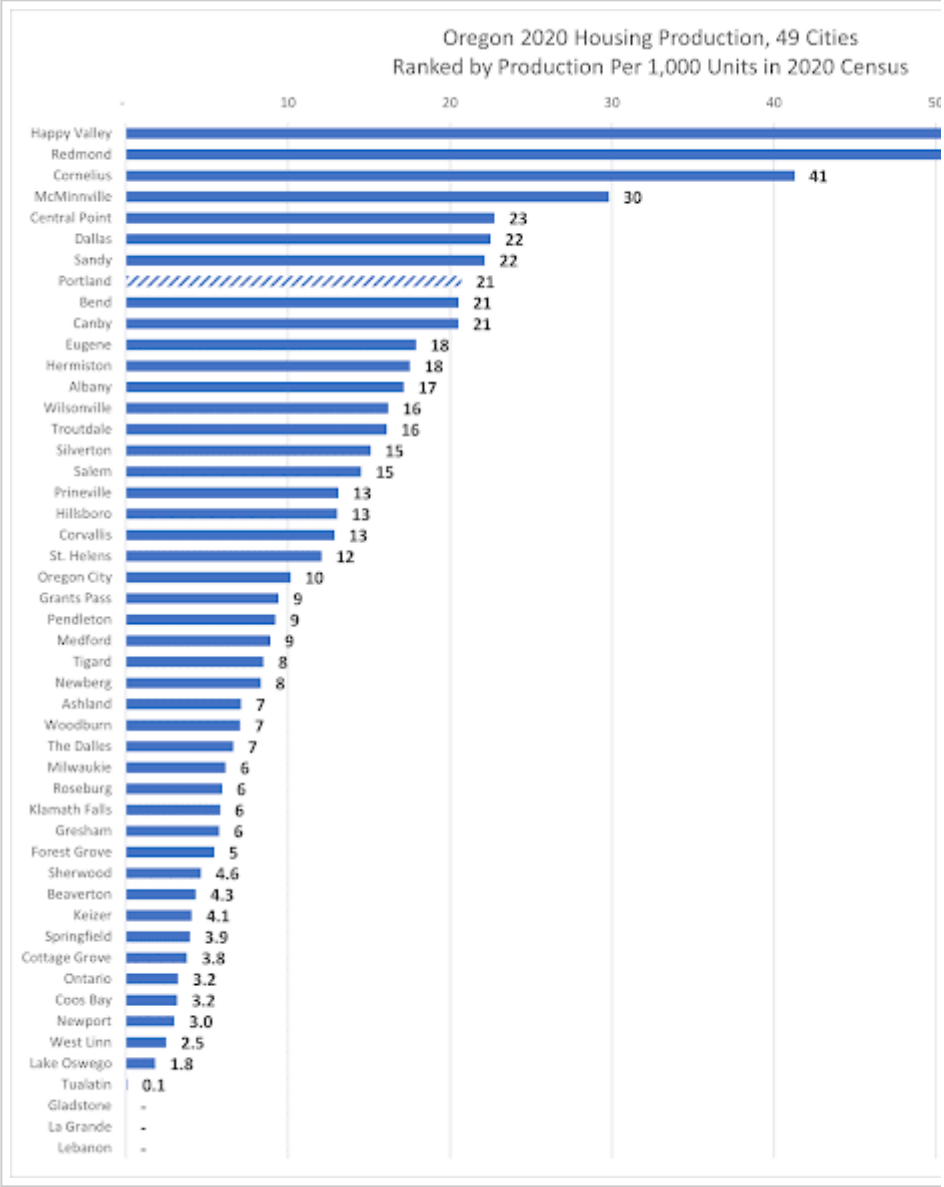

Courtesy, Oregon Housing Blog.

POSTED BY TOM CUSACK AT 10/19/2021 10:00:00 AM

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MCC OR Admin Rules
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Making Home Affordable Plan
Making Home Affordable:Lender/Servicer Guidance
NY Times Buy vs. Rent Calculator
National Low Income Housing Coalition
National Mortgage News
News Hour Making Sense-Econ. Education
Novogradac Podcasts
OFA CY 2010 Meeting Packets
OHCS Transition Plan
ONLINE WSJ Mtg. Maps
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OTS Monthly Market Monitor
OTS-Qtrly. Mortgage Metrics Reports
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USA Spending.gov
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White House.GOV
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ABOUT ME

TOM CUSACK

On Independence Day in 2007 I retired after 34 years of federal service at HUD, the last 10 as the Field Office Director in Portland Oregon. My primary blog is the Oregon Housing Blog.

VIEW MY COMPLETE PROFILE

BANNER PHOTO CREDIT

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

ORDINANCE 2021-012

AMENDING SHERWOOD COMPREHENSIVE PLAN ORDINANCE NO. 1978-689, AS AMENDED, TO REPLACE IN ITS ENTIRETY THE CURRENT COMPREHENSIVE PLAN WITH UPDATED COMPREHENSIVE PLAN GOALS & POLICIES

WHEREAS, on February 15, 1978, the City Council passed Ordinance No. 1978-689 adopting the Sherwood Comprehensive Plan; and

WHEREAS, the land use goals and policies in the Sherwood Comprehensive Plan were last fully updated in 1991 and have been amended in a piecemeal manner; and

WHEREAS, in 2018, the City launched the Sherwood 2040 Comprehensive Plan Vision, a city-wide community engagement process that outlines a desired future for the community in the year 2040 as one of the initial steps in updating the Comprehensive Plan (approved by Resolution 2019-006)

WHEREAS, the City has now prepared a proposed major text amendment to the Sherwood Comprehensive Plan establishing land use goals and policies informed by extensive public outreach and supported by background reports and technical research and analysis; and

WHEREAS, the Sherwood Comprehensive Plan, as amended, requires consideration, and a public hearing by the Planning Commission; and

WHEREAS, the Planning Commission held a public hearing on the proposed Comprehensive Plan on October 26, 2021; and after review and consideration of public testimony, the Planning Commission recommended City Council approval of the Sherwood 2040 Comprehensive Plan; and

WHEREAS, on November 16, 2021, the City Council held a public hearing to receive additional public testimony on the proposed Sherwood 2040 Comprehensive Plan; and

WHEREAS, at the close of the public hearing, the Council gave due consideration to the Planning Commission recommendation , and hereby adopts the findings of the Planning Commission attached hereto as Exhibit 1 as their own in regard to this matter.

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

City's Comprehensive Plan shall be amended to read as documented in Exhibit 1, attached to this Ordinance.

Section 2. The proposed Sherwood 2040 Comprehensive Plan in Exhibit 1, attached to this Ordinance, is hereby **APPROVED**.

Section 3. This Ordinance shall become effective 30 days from its adoption

Duly passed by the City Council this 16th of November, 2021.

_____ _____
Keith Mays, Mayor Date

Attest:

_____
Sylvia Murphy, MMC, City Recorder

	AYE	NAY
Scott	____	____
Griffin	____	____
Brouse	____	____
Young	____	____
Garland	____	____
Rosener	____	____
Mays	____	____

City of Sherwood

2040

MOVING FORWARD TOGETHER

COMPREHENSIVE PLAN

ORDINANCE NO. 2021-XXX: ADOPTED MONTH/DAY/YEAR EFFECTIVE MONTH/DAY/YEAR

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ACKNOWLEDGMENTS

City Council

Keith Mays, Mayor
Tim Rosener, Council President
Sean Garland
Kim Young
Renee Brouse
Russell Griffin
Doug Scott

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Justin Kai, Vice Chair
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City Administration

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Julia Hajduk, Community Development Director

Dear Sherwood Community,

It is my honor to present to you the City's updated Comprehensive Plan, "Moving Forward Together, Sherwood 2040." It has been over three decades since City Council last adopted a Plan. In nearly thirty years, Sherwood has grown from 3,000 residents to almost 20,000. The Comprehensive Plan is our guiding document for how we should grow as a community. This document represents our collective vision for the future. It is the product of three years of dedication and commitment from a Community Advisory Committee, City staff, and input from Sherwood residents.

Growth is on the heart and minds of our community. We often hear that we need to keep Sherwood, Sherwood. For our community, this means Sherwood is a place where trails, sidewalks, and streets enable families to explore parks and neighborhoods and access schools safely on foot or by bike; creating spaces where art, culture, and our heritage are valued; respecting and preserving the natural environment; and making sure that growth supports our tax base to support our exemplary services (police, library, recreation) and improvements to our infrastructure such as roads and utilities. This Plan sets the course for moving Sherwood into the future as a resilient, evolving, and prosperous community that supports our values.

The success of this Plan will depend on your continued participation as we work together to strengthen neighborhoods and businesses. We all must work together to realize the future that we have collectively envisioned. As we move forward together to the year 2040, residents of Sherwood will appreciate their friendly, safe, connected, and family-orientated community. Those who grew up in Sherwood stay for family-wage jobs and high quality of life, and those who raised families here can retire in the place they proudly call home. Sherwood is renowned for its excellent schools, parks, thriving local businesses, small-town feel, access to amenities, jobs, and natural areas.

Thank you all for your hard work, and we look forward to working with you to implement this Plan.

Sincerely,

Keith Mays, City of Sherwood Mayor

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WHAT IS A COMPREHENSIVE PLAN?

What is a Comprehensive Plan?

The Comprehensive Plan is a planning document that directs all activities related to land use and the future of natural and man-made systems and services in Sherwood over the next 20 years. The Comprehensive Plan helps manage expected population and employment growth through a set of goals and policies that align with the community's vision. Land use planning procedures are used to connect the goals and policies of a comprehensive plan to the administrative review process for development applications, and help ensure consistency with the development code, capital improvement plans and other implementing codes and plans.

Who uses the Comprehensive Plan?

City leaders use the Comprehensive Plan to coordinate public investments, establish the services that a City provides, and make decisions about how and where land is developed. In addition to its use by City Council, appointed commissions, committees, boards, and City staff, a Comprehensive Plan is designed to be used by individuals and groups, including public agencies, organizations, residents, businesses, and property owners.

All community members may use the Plan to:

- Support or advocate for specific programs in the City's work plan or annual budget;
- Review, evaluate and comment on proposed land use projects, infrastructure improvements, and public service provisions.
- Learn about planning topics, issues, and trends in Sherwood, as well as specific land use designations for their property and neighborhood; and
- Inform development of applications for grants or other funding.

The Comprehensive Plan is a living document. As demographics, economics and technology change, so do the attitudes and aspirations of the community. City Council will consider decisions to adopt, amend, or repeal parts of the Comprehensive Plan or implementation tools in response to changing conditions, needs, trends, and other information.

How is the Comprehensive Plan used in decision-making?

The Comprehensive Plan contains a broad range of policies for decision-makers, like City Council, to consider when making legislative and quasi-judicial land use decisions. Policies are examined for their applicability to the decision at hand, and Council must weigh and balance applicable policies to determine whether a particular decision would "on the whole" comply with the Comprehensive Plan.

Almost all decisions will include applicable policies that weigh more than others, based on supporting facts and the type of decision being made. In cases where there are competing directions embodied by different policies, City Council may choose the direction they believe best embodies the spirit of the Plan, based on the community's vision.

Oregon Land Use Planning Requirements

Comprehensive planning in Oregon was mandated by the 1973 Legislature with the adoption of Senate Bill 100 (ORS Chapter 197). Under this Act, the Land Conservation and Development Commission (LCDC) was created and directed to adopt Statewide Planning Goals and Guidelines. These Goals and Guidelines were adopted by LCDC in December 1974 and became effective January 1, 1975.

To date, Oregon has adopted nineteen Statewide Planning Goals, and all Oregon cities and counties are required to have a Comprehensive Plan that is consistent with these Goals. Statewide Planning Goals include topics such as land use planning, citizen involvement, housing supply, economic development, transportation systems, natural resources management, recreation, and more. Each Statewide Planning Goal includes a set of guidelines that, in conjunction with community priorities, help direct the content within comprehensive plans. Once adopted, all area and community plans, zoning codes, permits, and public improvements are required be consistent with the Comprehensive Plan. This structure ensures that cities implement the State's policy goals first through the comprehensive plan, and then by more detailed supporting and implementing documents. Twelve of the of the nineteen Statewide Planning Goals apply to Sherwood. These include:

Goal 1 **CITIZEN INVOLVEMENT**
Goal 2 **LAND USE PLANNING**
Goal 5 **NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES**
Goal 6 **AIR, WATER, AND LAND RESOURCE QUALITY**
Goal 7 **AREAS SUBJECT TO NATURAL HAZARDS**
Goal 8 **RECREATIONAL NEEDS**
Goal 9 **ECONOMIC DEVELOPMENT**
Goal 10 **HOUSING**
Goal 11 **PUBLIC FACILITIES**
Goal 12 **TRANSPORTATION**
Goal 13 **ENERGY CONSERVATION**
Goal 14 **URBANIZATION**

IMPLEMENTING THE COMPREHENSIVE PLAN

Zoning and development code serves as the major implementation mechanism of the Comprehensive Plan. LCDC Goals and Guidelines require "ordinances controlling the use and construction on the land, such as building codes, sign ordinances, subdivision and zoning ordinances" be adopted to carry out the Plan. The City's zoning map shows the type, location and density of land development and redevelopment permitted in the future and may be updated to reflect the policy framework established by the Comprehensive Plan.

In addition, the Comprehensive Plan is also implemented through area-specific and topic-specific plans, which guide public investments. Area-specific planning efforts take place for a smaller part of the city, like a district or neighborhood. The City of Sherwood also adopts plans that are topic or infrastructure specific, such as a Water Management and Conservation Plan. These plans contain many components, such as background information, vision statements, policies, code amendments, land use or zoning map changes, as well as potential Capital improvement Projects (CIP). These plans should follow the ethos of the Comprehensive Plan and should not contradict its goals. The components of area-specific or topic-specific plans either can be adopted by ordinance or resolution. They can also result in an amendment to the Comprehensive Plan or its implementation tools to ensure they stay current over time.

COMPREHENSIVE PLAN			
IMPLEMENTING CODES AND PLANS			
Development Code	Growth Area Plans	Capital Improvement Plans	Infrastructure Plans (Water, Sewer, Transportation)

CITY DEPARTMENT PLANNING		
Strategic Plans	Work Plans	Budgeting

Updating the Comprehensive Plan

Like all cities in Oregon, we must plan for current and future generations. We know that communities that plan for growth have the best chance of managing their destiny in a way that retains the qualities that brought us here in the first place: our small-town character, forests and farms, parks and public spaces, excellent schools, and thriving businesses.

Why Now?

Sherwood last updated its Comprehensive Plan in 1990. Since then, the city has changed dramatically over the years, yet the community's vibrancy and small-town character has endured. In 1990, Sherwood was home to only 3,000 residents. today, the city has more than 19,000 residents. the city has also doubled in physical size and is witnessing a change in the demographics of its population. Because of the dramatic growth over the past 30 years, the last comprehensive Plan no longer represents the vision and values of the current Sherwood residents and its business community.

Developing the Sherwood 2040 Vision and Comprehensive Plan

In the spring of 2018, the City of Sherwood launched the Sherwood 2040 Comprehensive Plan Vision, a city-wide community engagement process that outlines a desired future for the Sherwood community in the year 2040. The City undertook the Visioning Process as one of the initial steps in updating

the Comprehensive Plan. The Visioning Process engaged community members to develop a shared understanding of Sherwood today and create a planning process that will address key issues for the future.

Undertaking a Visioning Process before updating the comprehensive Plan was especially important for a community like Sherwood, given the city's dramatic growth and change over the years. The Sherwood 2040 Comprehensive Plan Vision was the first step in identifying what makes Sherwood special, envisioning what it will look like tomorrow and creating a new Comprehensive Plan to realize that vision.

The Visioning Process spanned the spring, summer and fall of 2018. Through Community Conversations, booths and surveys at community-wide fairs and events, Comprehensive Plan Vision Summits and online engagements, the Visioning Process engaged hundreds of community members in conversations about what makes Sherwood unique. In these conversations, community members also envisioned what Sherwood could look like in 2040.

During the Visioning Process, the community engaged in conversations about:

- *What do we love about Sherwood today?*
- *Where is Sherwood headed?*
- *What do we want to see in Sherwood in the future?*
- *How do we get there?*

THE SCHOOLS
My Neighbors
Community
THE PARKS!
City of Sherwood
Community Development Dept.
Building
Engineering
www.SherwoodOregon.us
Sherwood 2040
THE COFFEE

ART WALK
STOP
1

Sherwood 2040

City of Sherwood

Sherwood 2040
What is going well in Sherwood?

With guidance from a community Advisory Committee and support from City staff, this input helped craft the Sherwood 2040 Comprehensive Plan Vision and Goals. The Vision is organized around six core areas, which covers broad, interconnected topics that are consistent with community priorities identified through the process. Each core area includes a set of Goals, which provide the basis for the policy framework of the comprehensive Plan.

The process for developing the comprehensive Plan was organized around these six theme areas. over the course of two years, the community, City staff, and a Community Advisory Committee (CAC), Technical Advisory Committee (TAC) and Project Advisory Committee (PAT) engaged in learning and discussion around trends, opportunities, challenges and key policy considerations.

For each theme area, background information, data and technical analyses related to the topics were compiled and reviewed to understand current conditions and trends. Then, key policy questions were identified and discussed through a combination of surveys, focus groups and booths at Sherwood events with community members, touching hundreds of community members over the 24 month process.

Thriving and Diversified Economy

Strong Community, Culture, and Heritage

Strategic and Collaborative Governance

Attractive and Attainable Housing

Coordinated and Connected Infrastructure

Healthy and Valued Ecosystem

In March of 2020, midway through the process, the COVID-19 global pandemic brought unprecedented uncertainty to the engagement and outreach efforts of the Comprehensive Plan process. Given the mandatory pivot to digital platforms for communication, the City turned to social media, newsletters and City-wide listservs to share information and provide opportunities for feedback, all while actively exploring the parameters of online engagement.

To ensure the continuity of high quality learning and engagement at a time when broader, in-person outreach efforts were limited by the COVID-19 pandemic, each theme area included in-depth phone and video interviews with community organizations, groups, agencies and/or partners that represent various areas of expertise, offered in-depth knowledge and understanding of specific topic areas. This guidance and feedback helped craft the policies and objectives of the Comprehensive Plan and were reviewed in an iterative process among the community, CAC, TAC, Planning Commission, City Council and staff to ensure alignment with the Vision and Goals.

What is Sherwood like today?

WHO WE ARE

Sherwood is attracting younger people and more households with children over time. Compared to Washington County, Sherwood has a greater number of family households (nearly 78%).

Age Group	2010 Census
Younger than 18	31%
18 to 24	5%
25 to 44	41%
45 to 64	16%
65 and older	5%

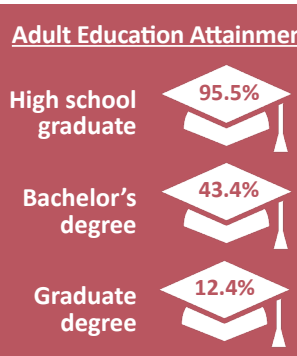
Sherwood Households	
Average household size	31%
Households / Children Under 18	5%
Households / Children Under 65	41%

HOW WE'VE GROWN

During its 125 years of urbanization, Sherwood has experienced significant growth in both population and physical size. The average annual growth rate from 1990 to 2013 was 8%. For comparison, Washington County grew at 2.5% annually between 1990-2013. It remains a desirable place to live, as demonstrated by appearances in national "Best Places to Live" listings.

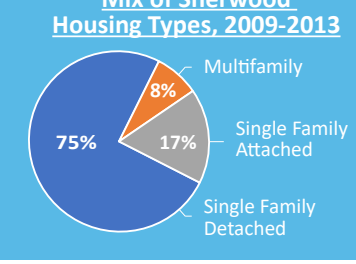
In 1952, Sherwood spanned 9 blocks and had less than 600 people. By 2015, Sherwood was 4.3 square miles with over 19,000 people. The average residential density in the past 15 years (2010-2014) was 8.2 dwelling units per acre.

OUR EDUCATION



The Sherwood School District has a total enrollment is more than 6,000 students in four elementary schools, two middle schools and one high school. A new high school opened in 2020, with the two existing middle schools occupying the former high schoo Sherwood also has two private schools and one charter school. Sherwood schools have been recognized for academic excellence at the state and national level, and enjoy the reputation of being one of the premier public school districts in the U.S. Sherwood is so well educated that the high school graduation rate is nearing 100%, and over 40% of the adult population holds a bachelor's degree.

OUR HOMES



Homes in Sherwood are generally newer, more valuable, and more likely to be owner-occupied than those in Washington County. As of 2016, the median home value in Sherwood was $381,700, but current estimates are at $415,000. Median rent for 2016 was $1,500, but we have a relatively high rate of home ownership – 73% of homes are owner occupied.

OUR PLAY

- 11 Developed parks
- 4 Special-use facilities (Arts Center, City-owned YMCA, senior center, & field house)
- 300 Acres of City-owned open space
- 6.5 Miles of paved multi-use trails (more to come with Cedar Creek/ Tonquin Ice Age Trail)
- 270 Bird and animal species at the 2000-acre Tualatin National Wildlife Refuge, one of only ten urban refuges in the United States

OUR WORK

Sherwood's Largest Industries

- Health care and social assistance
- Manufacturing
- Retail trade
- Professional, scientific, management and administrative services

Over 72% of Sherwood's population over the age of 16 is in the labor force. The average commute time is 26.8 minutes, with 81% driving alone to work. Nearly 7% work from home or telecommute. The median household income is $78,355. With the ratio of jobs to population at 0.3 (2004), Sherwood is "housing rich, and jobs poor."

OUR COMMUNITY

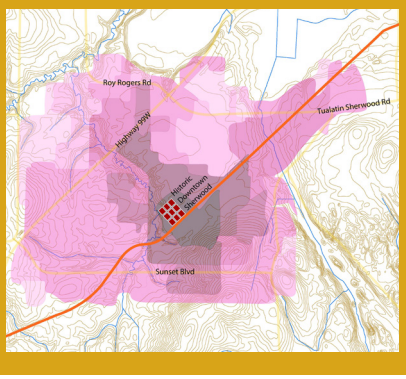
Our citizens are active in a wide range of community organizations and host many regular events, including the Robin Hood Festival, Cruise-In, Movies in the Park, Music on the Green, Farmer's Market, and Art Walk. Our organizations invest in the community, raising thousands of dollars to support our families, children and schools. Sherwood boasts a Center for the Performing Arts.

Citizen Involvement

- Parks and Recreation Board
- Urban Renewal Agency Planning Advisory Committee
- Policy Advisory Board
- Cultural Arts Commission
- Library Board
- Planning Commission
- Budget Committee
- Citizen Advisory Committees

OUR LANDFORM

Sherwood's Historic Growth 1889-2014

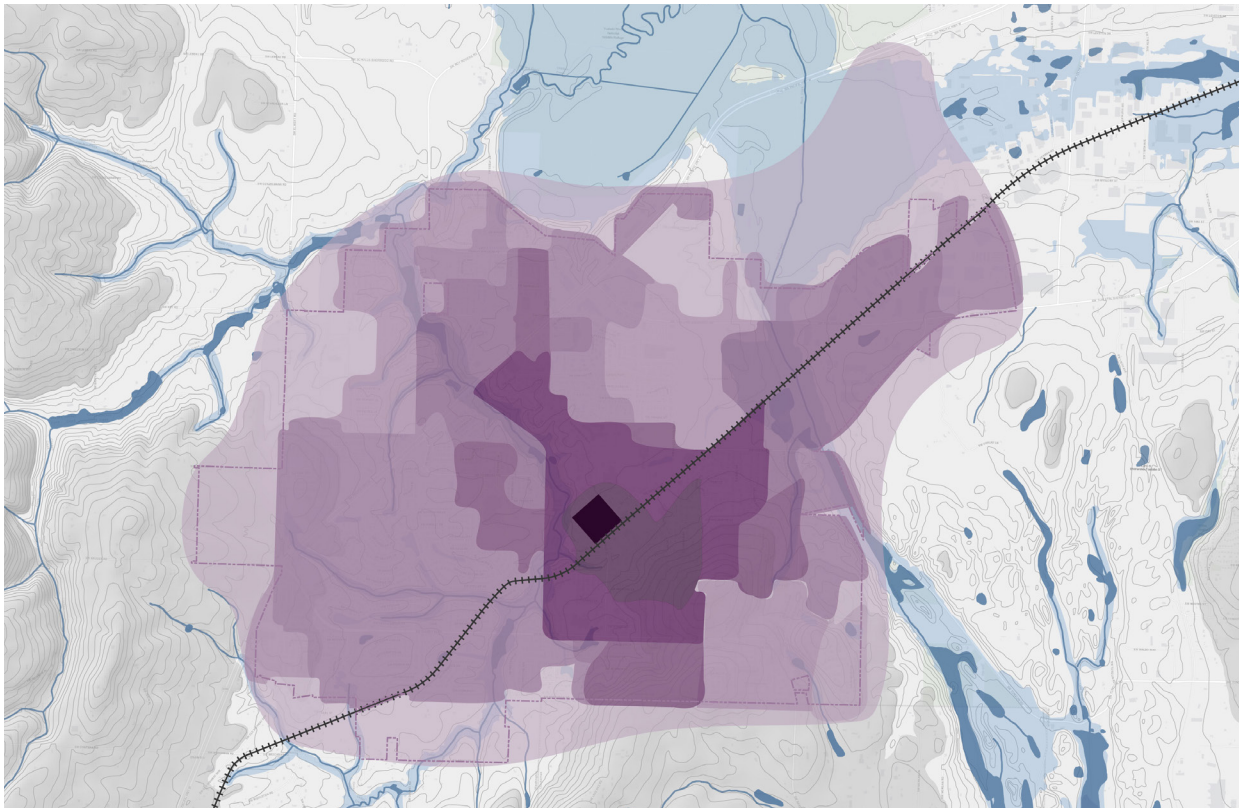


During its short 125 years of urbanization, Sherwood has experienced significant growth in both population and physical size. Yet somehow, Sherwood has kept its small town appeal. One of the possible explanations for the small town identity lies in the neighborhood scale of individual developments. Analysis reveals a pattern of walkable (quarter mile radius) neighborhoods circling the historic downtown. It appears that Sherwood was deliberately planned around the concept of the walkable neighborhood as the building block of the community as a whole. Taken together, the entire town fits within an imaginary circle with a radius of only one mile: all local destinations are close and potentially within walking and biking distance from any residence.

HOME
INN / TIME
GUESTS
BALL
STRIKE
OUT

OUR URBAN FORM

Sherwood's Footprint



City Footprint Expansion, 1889-Present.

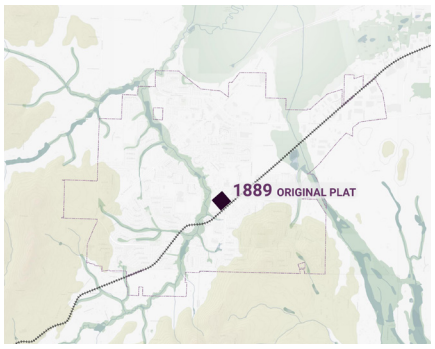
Understanding Sherwood's past is key to planning Sherwood's future. Sherwood as it exists today did not just happen; it is the result of many years of small and big, individual and collective decisions. By understanding the history and pattern of growth in Sherwood, we obtain valuable insights into the local identity and values that help to guide future urban growth.

PRE-SETTLER ERA

Prior to the arrival of immigrants, the Sherwood area was inhabited by the Atfalati band of the Kalapuya nation, who ranged across the valley in a hunter-gather style. They are known to have used deliberate burns to clear the valley floor to encourage the growth of the camas plant and to maintain habitat beneficial to deer and elk.

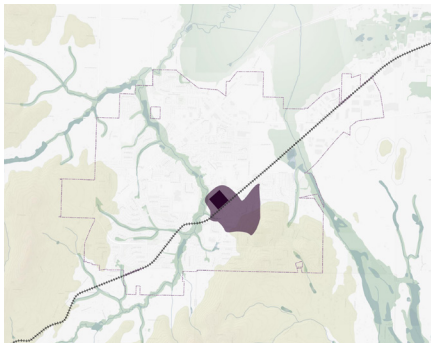
SMOCKVILLE

In 1885 founders James and Mary Smock settled on nearly flat pasture along the east bank of Cedar Creek. They plated “Smock Ville” in 1889, after donating a right-of-way across their property to the Portland and Willamette Valley Railway, providing access to the larger region for people and cargo. Unlike most newly-platted towns from this period, Sherwood’s streets were platted with a 40 degree rotation relative to the cardinal points. The diagonal route of the railway explains the orientation of Sherwood’s original nine block plat.



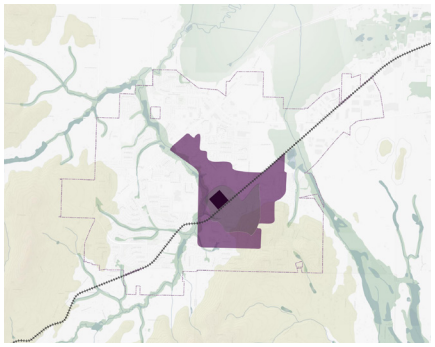
1889-1960

During the first decade, Sherwood’s footprint on the landscape was largely contained within the original nine block town plat. In the later decades up to 1960, Sherwood grew modestly, but some expansion took place towards the southeast around the train depot and up the hill along Pine Street. All destinations in town were in close walkable proximity to each other. The population in 1960 was around 680 people.



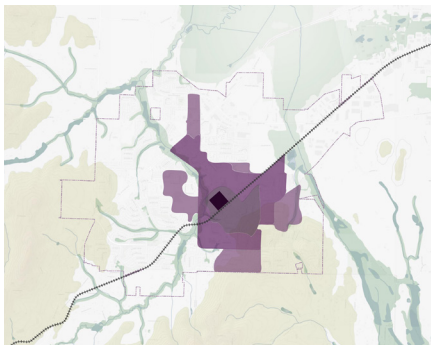
1960-1970

Around 1960, the automobile started affecting urban settlement patterns across the nation, resulting in more dispersed settlement patterns that are also reflected in Sherwood’s expanding urban footprint. A series of annexations took place over the next 50 years that changed the landscape and the community. The first annexation accommodated growth along the east bank of Cedar Creek towards Highway 99W. In ten years’ time, the population doubled to 1,396 residents.



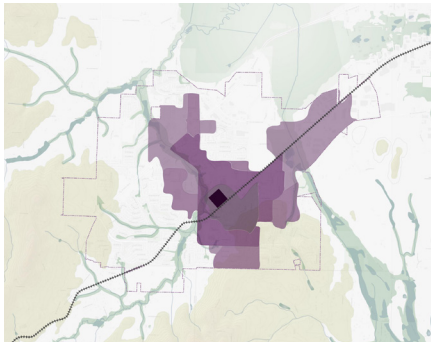
1970-1980

Sherwood continued to attract newcomers and the next decade saw growth across Cedar Creek for the first time with the new High School forming an important component. Growth also occurred towards the southeast, on hillsides facing north and west. In this decade the population grew by nearly 1,000 to 2,386 people.



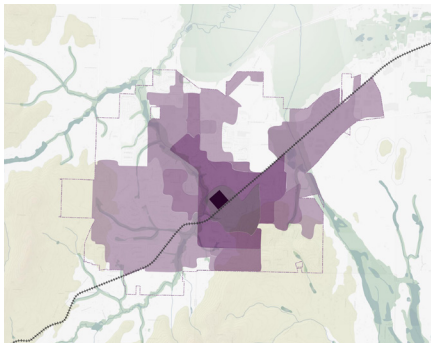
1980-1990

Between 1980 and 1990, the pace of development dropped a little due to recession but the population still grew by about 700 people to 3,093. To accommodate this increase, the town continued to expand around Cedar Creek and, for the first time, north of Highway 99W. Employment areas were developed in the northeast, along the railway.



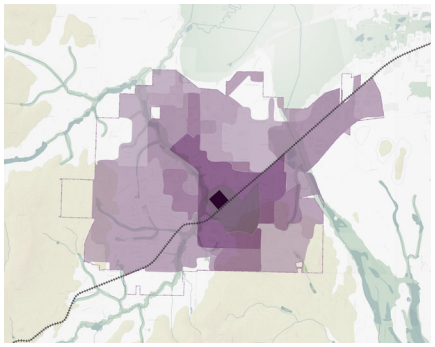
1990-2000

During the last decade of the twentieth century, Sherwood experienced a real boom in population and expansion. Fueled by a strong regional and national economy, the population grew by nearly 9,000 to 11,791 in 2000 for a 380% population increase. The physical imprint on the landscape expanded significantly with the realization of large subdivisions such as Woodhaven. During this decade, urban development also took place northwest of Highway 99W, and into the hills southeast and southwest of town.



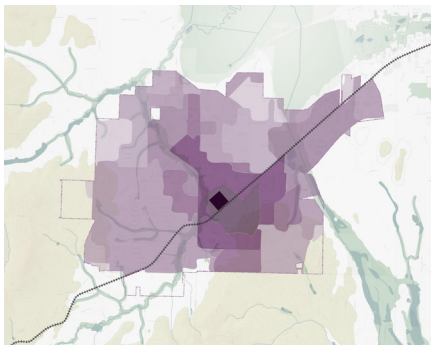
2000-2010

The first decade of the twenty-first century saw continued but slightly more tempered growth. A 154% population increase over ten years added approximately 6,000 people to Sherwood, bringing the total to 18,194 by the end of the decade. This growth is accommodated mostly in areas in the northwest area of town along Cedar Creek (Roy Rogers Road) and between the historic Old Town and Tualatin-Sherwood Road.



2010-2014

US census data takes us only four years farther to 2014, when Sherwood hovers around a population of 19,000 with a lower population increase compared to the two decades prior, most likely as an effect of the Great Recession. Most of the growth that did occur took place along the ever expanding edges of Sherwood in the north and southeast.



Urban Framework

A combination of nature, human civil engineering ingenuity, and a national land surveying strategy.

Human settlements in the American West are almost always inspired by the local landscape context, and subsequently shaped by it as the settlement grows over time. Settlements turn into villages, towns, and even cities, in response to the specific landscape constraints or opportunities. With Sherwood, this pattern is no different.

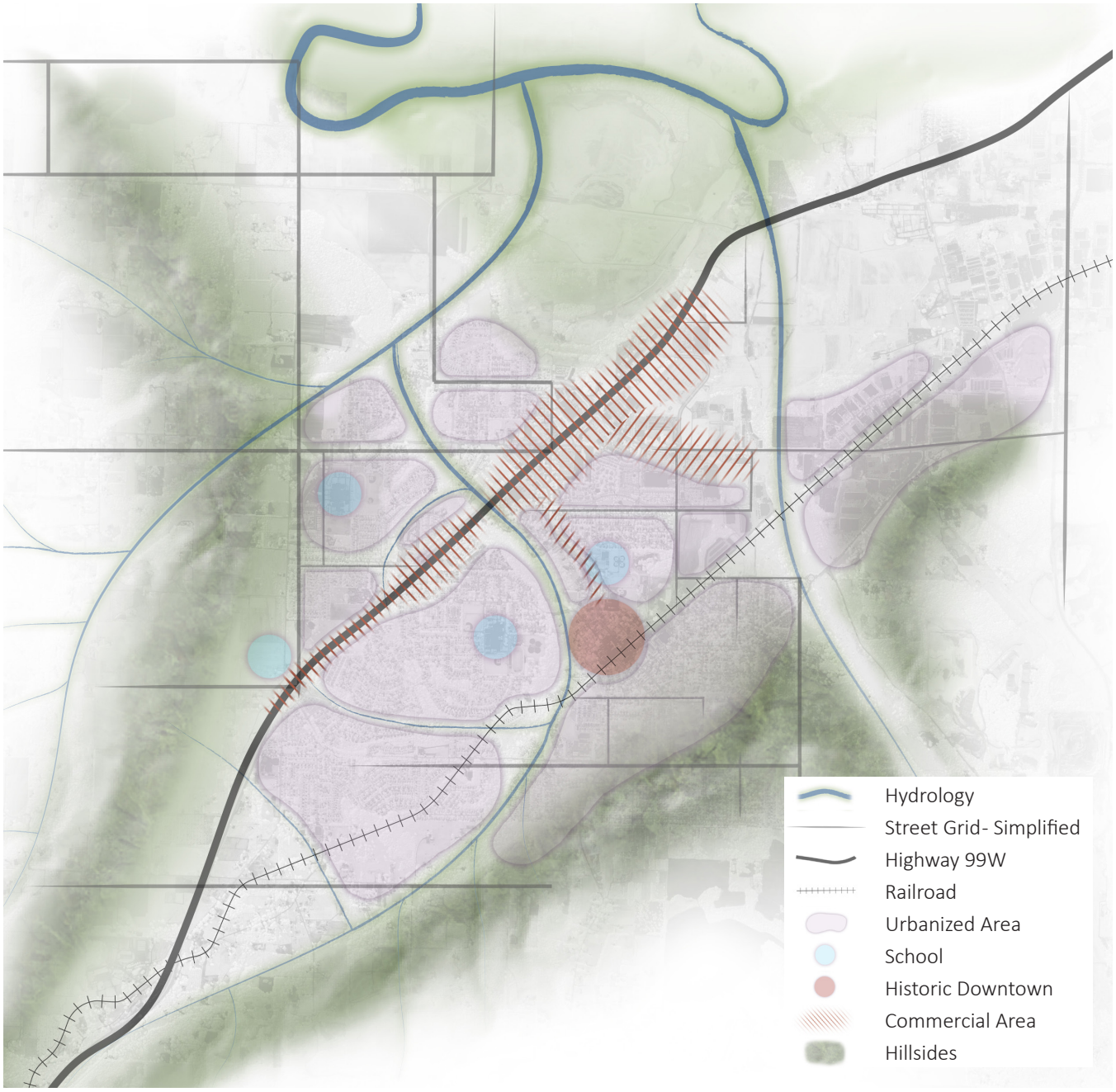
The landscape underlying and surrounding Sherwood is rich, consisting of two ridgelines (Chehalem and Parett Mountains) along a river floodplain (the Tualatin). Three Creeks: Chicken, Cedar, and Rock Creek, connect the mountains to the river, carrying runoff and carving out canyons along the way. Sherwood settled on the banks of Cedar Creek. Sherwood's circa 150 years of development are influenced by the steepness of the terrain, and the challenge and cost of crossing creeks.

Those challenges can still be "read" in the alignment of the Railroad that was the impetus for Sherwood's initial settlement, and Highway 99 following later. These regional connections sought the easiest route through the landscape, often based on ancient native paths. The unique 45-degree orientation relative to the cardinal directions of Sherwood's downtown is a direct result of the railroad's path of least resistance.

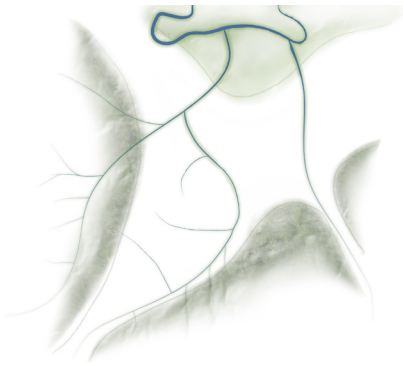
The final force shaping Sherwood is the Public Lands Survey System (PLSS) from 1785, also known as the "Jeffersonian Grid". These imaginary lines across the American West Territories form perfect square mile sections, a system to divide real property for settling or for sale. Imaginary lines became boundaries over time, manifesting themselves as an urban grid, becoming a physical guide for (re-)development.

Thus, Sherwood's form and spatial framework is a combination of three systems: the natural, the human, and the political.

Inside of this framework Sherwood found its place, and it will continue to shape Sherwood.

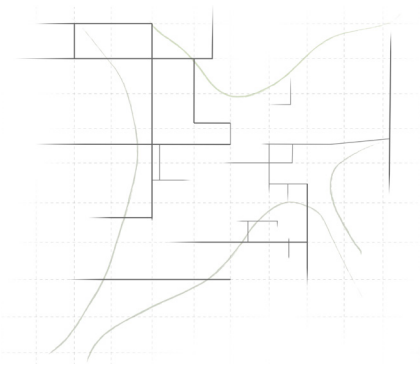


Urban Framework



Underlying Landform

Manmade Connections

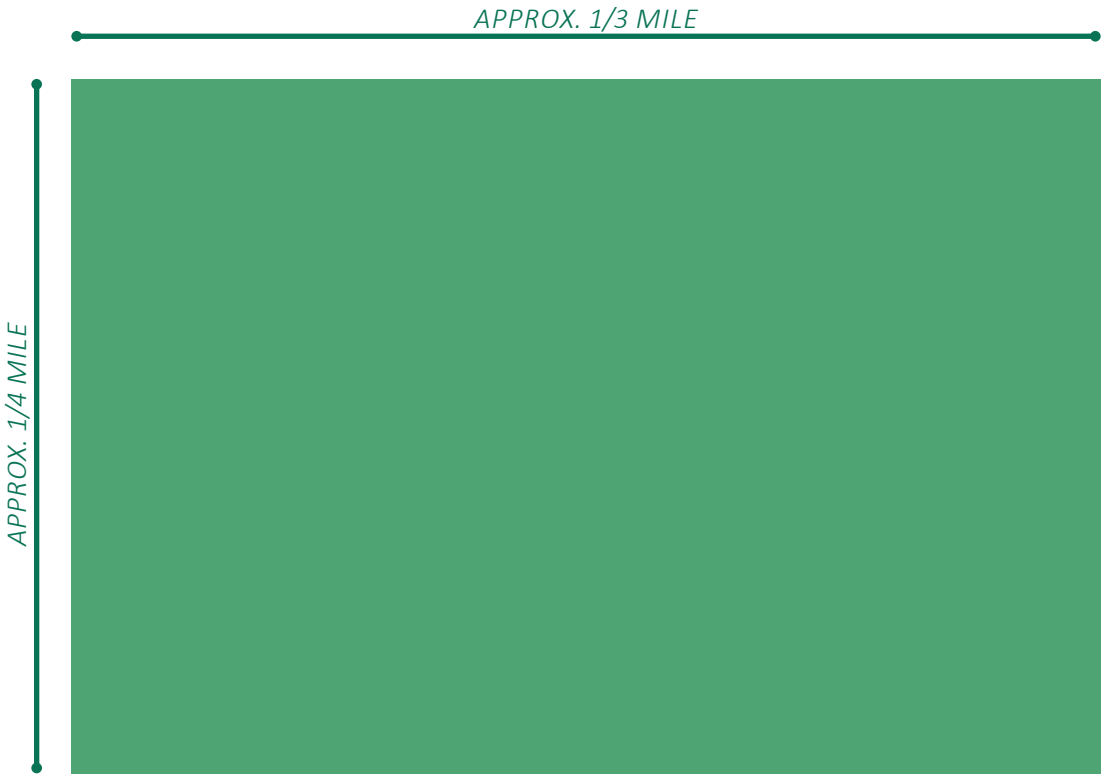


Urban Grid

Land Use Gallery

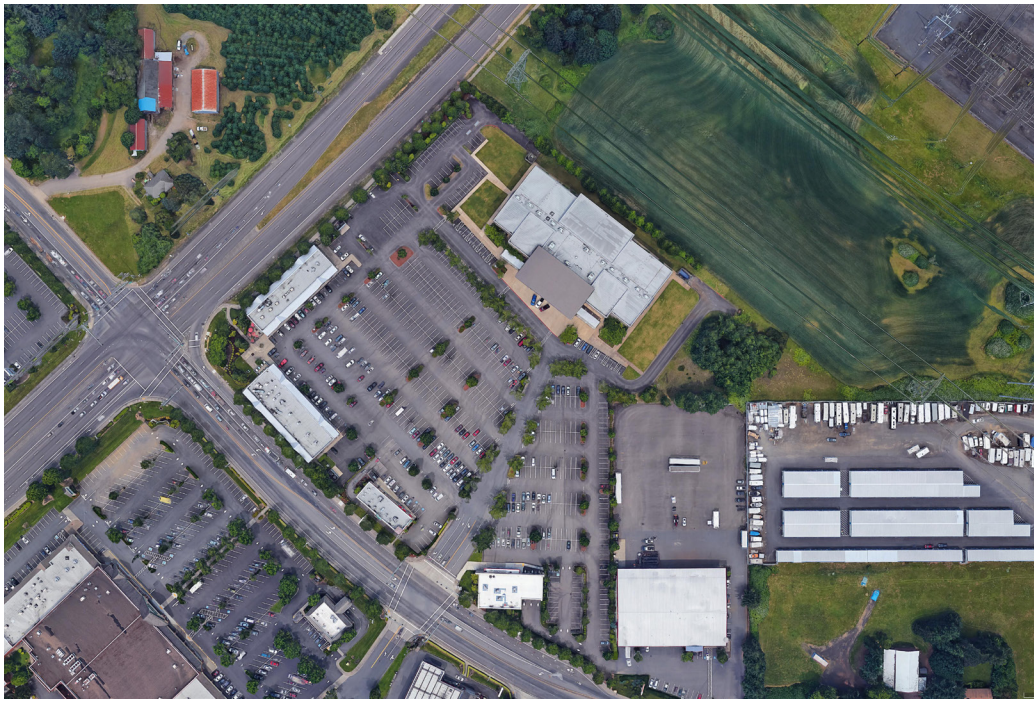
Regulated by the Comprehensive Plan, land use zoning, and transportation planning, Sherwood has taken on a physical form that defines the experience of anyone who lives, works, or visits Sherwood. The resulting development pattern provides the stage on which daily life takes place. The following pages explore these development patterns, revealing the relationship between the system of land use regulations, transportation, and the underlying landform. Since the land use gallery reflects a layering of these three factors, categories in this section are not meant to directly align with zoning designations. Understanding current development patterns in this way is valuable for determining the direction and form of future development. Each pattern is briefly described and illustrated with an aerial photo (courtesy of Google Earth) combined with a typical view from the ground. The aerial photos are all shown at the same scale to allow for side by side comparison.

The following pages present Sherwood Land Use types in aerial format (Google Earth). To facilitate easy comparisons between land use types, the scale of each of the aerials is approximately the same, shown below. The aerials comprise an area of nearly 57 acres.



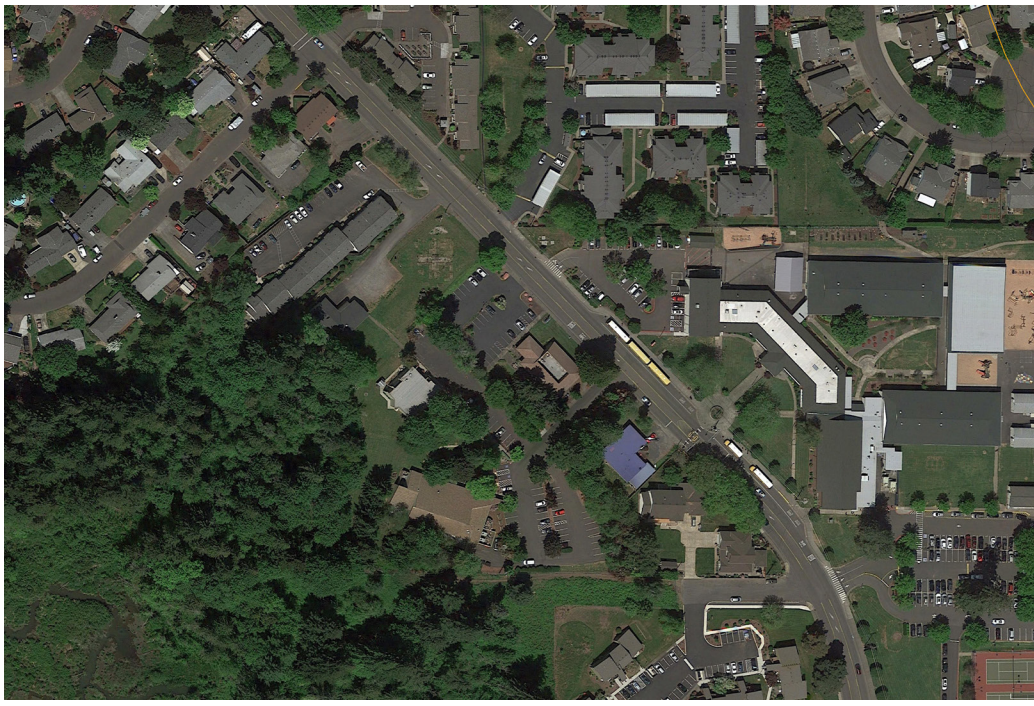
General Commercial

This highway oriented commercial use dominates the experience for people passing through Sherwood. Use provides space for shopping, restaurants and entertainment facilities, such as the movie theater. Most people access these facilities by car, so large surface parking lots offer space for parking. The volume and speed of vehicles associated with this land use type makes it difficult for pedestrian and bicyclists to access them safely. The goals and policies reflected in this plan reflect future bike and pedestrian pathways to these areas, and safe crossings at Highway 99W to connect the area to all of Sherwood.



Neighborhood Commercial

This land use type is allowed in some places but is rare in Sherwood, perhaps because market conditions do not favor this smaller commercial land use type. This commercial type is often able to deliver small retail and services in close proximity to neighborhoods, making walking or biking to shopping and services possible.



Office Commercial

This land use type is also rare in Sherwood, though there are several office parcels that remain undeveloped. Development in these areas is difficult due to access and lot configuration challenges along Highway 99W. Some of those challenges could be resolved as the market demand for this type of development increases, and as part of the goals and policies of this plan. The image to the right shows an area where office commercial is permitted but none has been developed due to the aforementioned constraints.

Retail Commercial

Like the General Commercial land use category, this retail commercial is primarily oriented along Highway 99W. This development pattern is of the typical “strip mall” variety, with buildings setback from the highways to make space for ample surface parking lots. This type of development serves as the location for many of the daily needs and services of Sherwood residents.

Old Town Retail Commercial

The Old Town district is a smaller, more intimate and pedestrian oriented type of retail, located in the historic core of Sherwood. Parking is mostly provided on the street and a high quality streetscape provides a safe and comfortable pedestrian experience. The Old Town district also provides the backdrop for some of the most significant community events.

Employment Industrial

This land use category is intended to promote development that provides jobs in key industries in Sherwood as identified by the State of Oregon and the City's economic development strategy. The land use pattern will reflect large and medium-sized parcels that can accommodate small and mid-sized industrial campuses. Recent development has occurred along Tualatin-Sherwood Road and SW 124th Avenue, including the Tualatin Sherwood Corporate Park and the Willamette Water Supply Program located in the Tonquin Employment Area. This type of development will continue to occur and is critical to meeting the City's economic development goals.

General Industrial

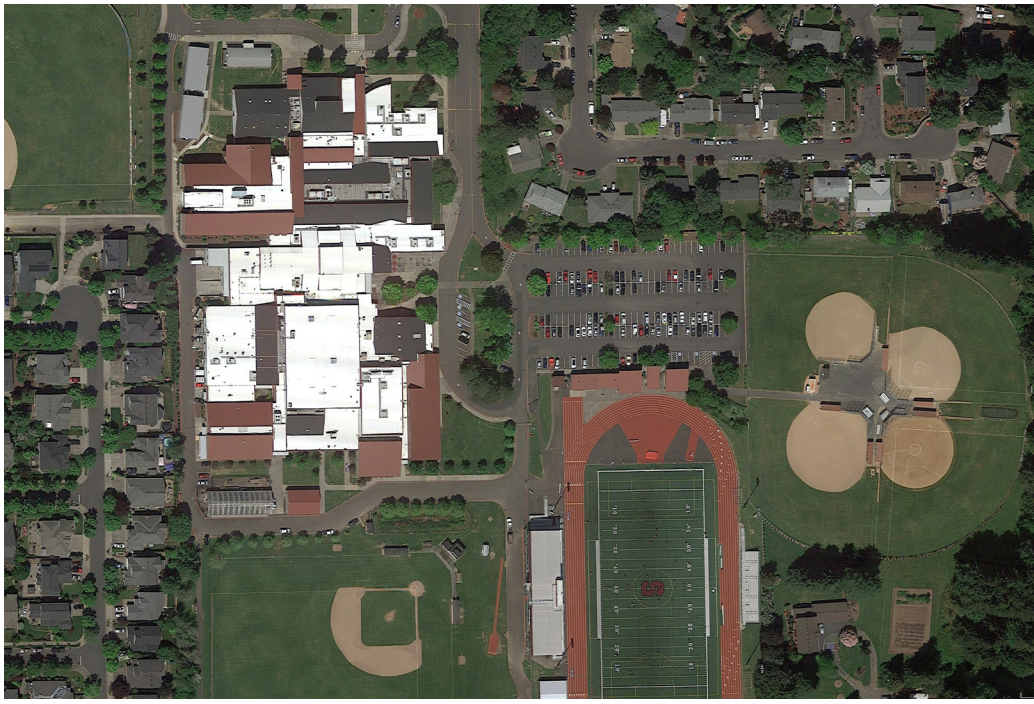
Most employment land in Sherwood consists of general industrial land. Good jobs and industry support a healthy local economy, centered on distribution and manufacturing. Most of this land use type is located in the eastern part of the city, adjacent Tualatin-Sherwood Road. The development pattern is characterized by large, single story buildings surrounded by loading docks, lay down yards and parking lots.

Light Industrial

This land use category provides space for smaller and less intensive land use types. These uses include light manufacturing, small-scale food and beverage production, contractor and construction supplies, and auto-care facilities. Compared to the general industrial land use, parcels and buildings are smaller.

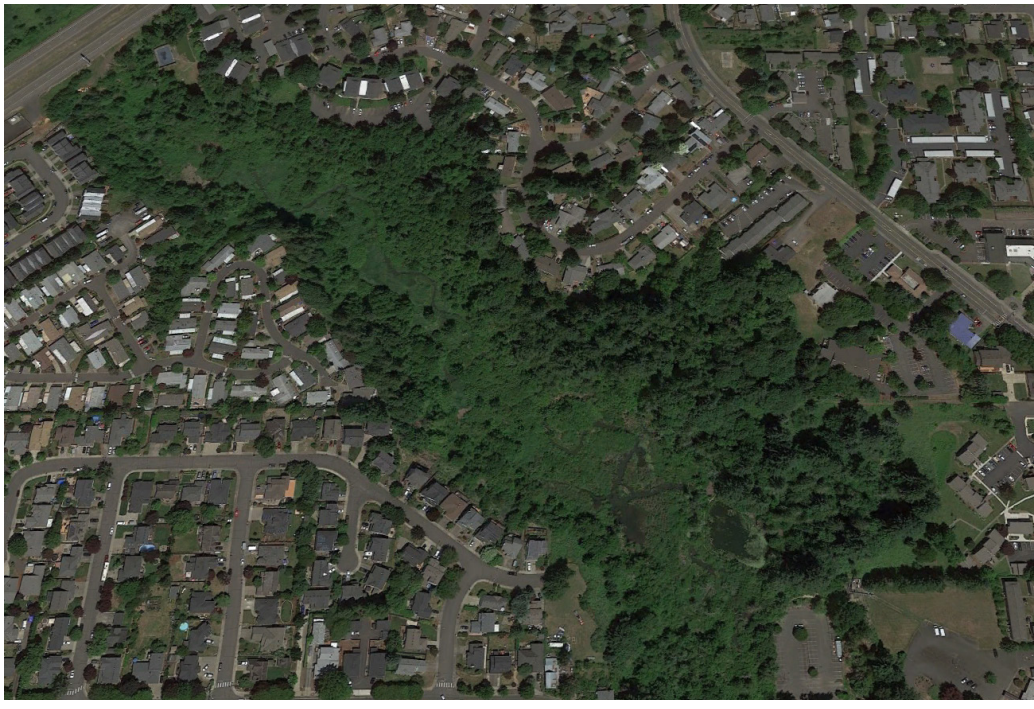
Institutional Use - Public

This land use category provides space for critical community services such as schools, fire stations, libraries, and other facilities that serve the community. Often these uses become iconic landmarks in the community, as in the case of Laurel Ridge and Edy Ridge Schools. The sports facilities associated with these schools take up a significant amount of space, and they serve as a distinct community focus in the daily life of many families. Surface parking lots also take up considerable amounts of space; despite the presence of a trails network, most visitors reach these facilities by car.



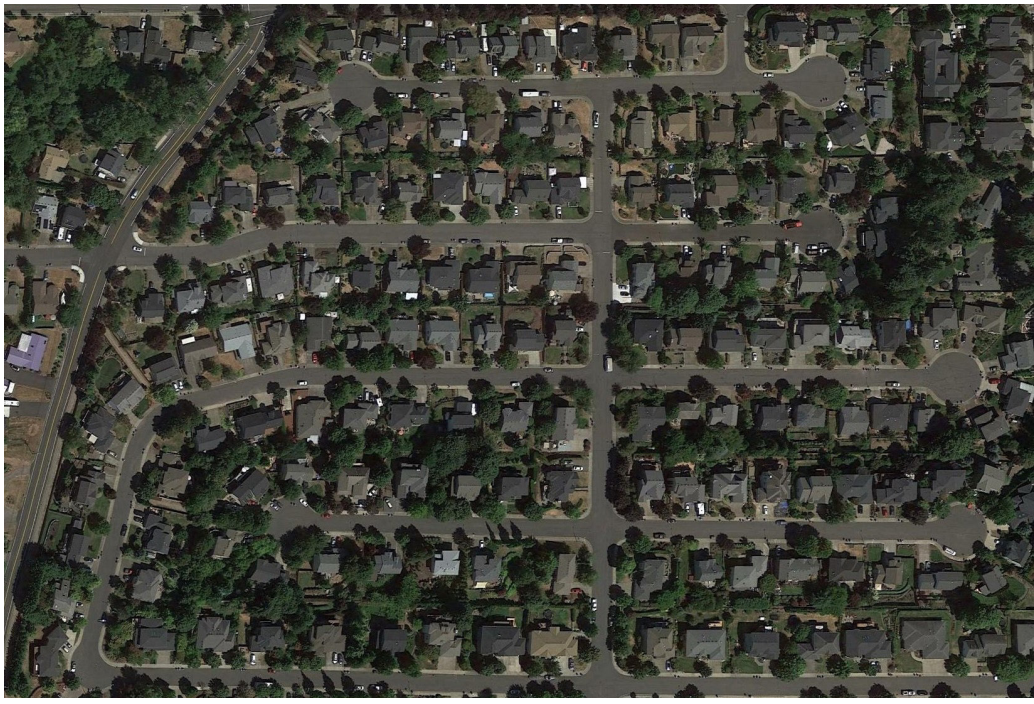
Open Space

Although technically not a land use category in the Comprehensive Plan, natural open space is a key element of the form and character of Sherwood. As described in the landform analysis, Sherwood neighborhoods are nestled between creeks. These creeks have carved out canyons and corridors that are filled with lush vegetation. Most of these corridors are accessible through a vast network of trails. Several public parks are located adjacent these natural features to take advantage of their beauty. Access to nature is one of the key elements in the unique quality of life in Sherwood.



High Density Residential

Permitted multifamily housing types in high density residential areas include condos, apartments, and townhomes. Common open spaces and parks provide room for play and recreation. Homes are closer together and typically two stories tall. The street patterns trend toward the efficiency of more grid-like networks, but an occasional cul-de-sac can still be found. The inclusion of trails and walkways provide access to schools, parks and other local destinations, allowing for a more walkable character and lifestyle. Sherwood is lacking HDR available land.



Medium Density Residential

The medium residential land use type allows for a generous lot size. Yards are a little less wide and homes are located somewhat closer to each other, but back yards are still spacious, and the resulting neighborhood character is still decidedly suburban. The street pattern mimics the suburban character with quiet cul-de-sacs and maze-like street connections, opening up to collector streets. Medium density residential land uses are allowed in two zones: MDR-Low and MDR-High.

Low Density Residential

This land use is one of the most ubiquitous in Sherwood. Typical street patterns are characterized by curvilinear alignments and cul-de-sacs, lined with trees. This development pattern remains popular with families in Sherwood for the generously sized private yards and quiet streets. Transportation wise, this land use type relies on the car for most trips, and on the school bus for getting to and from school.

Very Low Density Residential

Very Low Density Residential is found in a few places in Sherwood, and it allows for housing on large tracts of land. The homes on these parcels are typically large and accessed by private, and sometimes shared, driveways. This land use type allows for residential on constrained land with challenging topography or wetlands, that can be excluded from development impact. Property in this zone that is developed through a Planned Unit Development process and generally conforms to the SE Sherwood Master Plan may develop to a maximum density of four dwelling units per net buildable acre. This land use type can form an appropriate transition from the city to agrarian or natural lands beyond the urban growth boundary. residents in this land use type typically rely on cars to access their daily needs, since the large parcels sizes involved keep most other uses at a distance.

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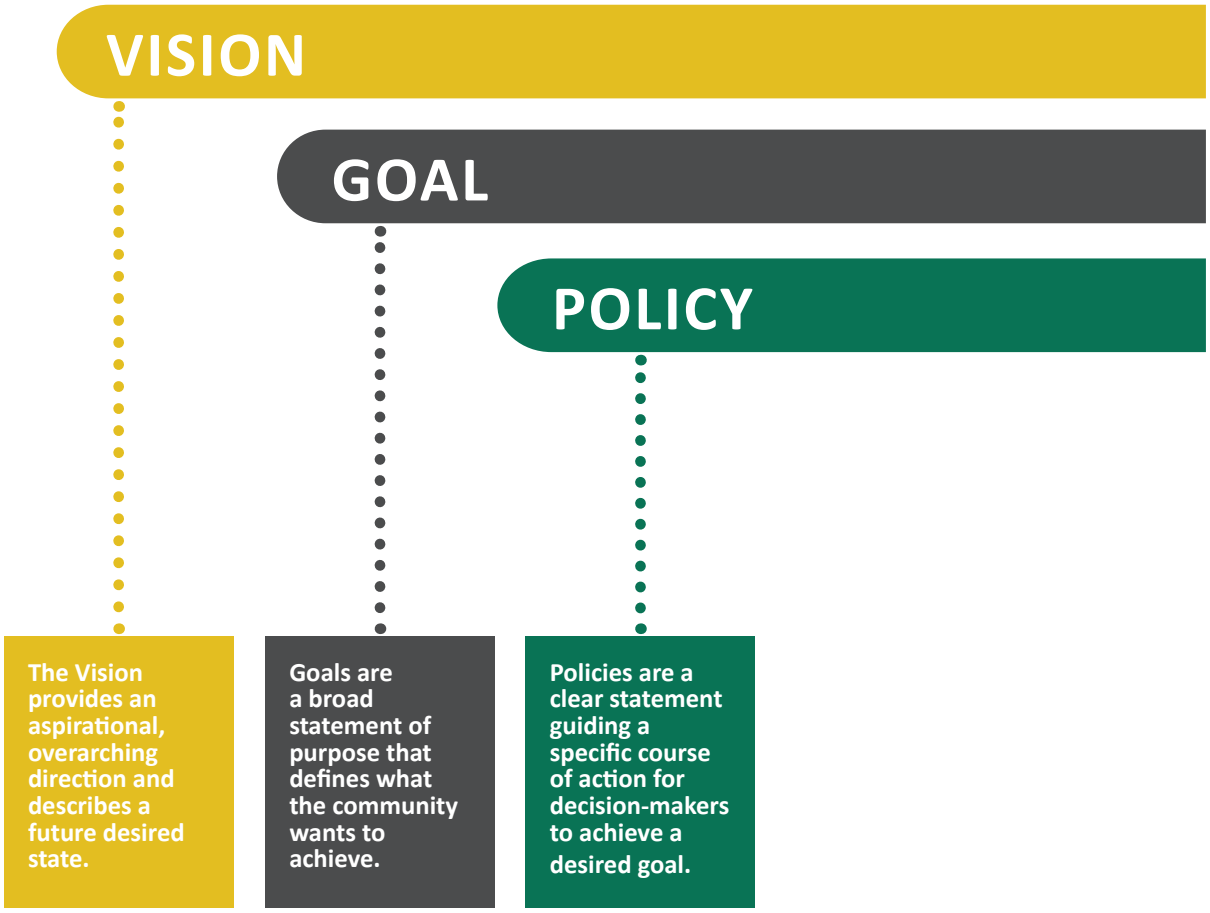
VISION, GOALS, AND POLICIES

User Guide

The Sherwood 2040 Comprehensive Plan is organized around the six Theme Areas identified in the Comprehensive Plan Vision. Each Theme Area covers broad, interconnected topics with a set of goals and policies that are consistent with community priorities identified in the 2018 Sherwood Visioning Process, as well as Oregon's Statewide Planning Goals.

Each Theme Area opens with an overview of the topics covered to provide content and information about the City's overall policy strategy. Guided by a Vision Statement, each Theme Areas present a series of Goals. Each Goal includes a set of Policies.



Comprehensive Plan Vision

In the year 2040, residents of Sherwood appreciate their safe, connected, family-oriented and friendly community. Those who grew up in Sherwood stay for family wage jobs and a high quality of life, and those who raised their families here can retire in the place they proudly call home. Sherwood is renowned for its excellent schools, parks, thriving local businesses, small town feel and access to metropolitan amenities, jobs and natural areas.

Thriving and Diversified Economy

In 2040, the Sherwood economy has grown to include a variety of businesses big and small that offer stable employment opportunities, higher-wage jobs, and balance the tax base to protect and maintain Sherwood's quality of life. Sherwood provides great destinations and experiences for both residents and visitors.

Strong Community, Culture, and Heritage

In 2040, Sherwood successfully retains its treasured small-town character and strong sense of community while welcoming diverse businesses and residents. Old Town preserves its historic atmosphere as an attractive place to shop, dine, and gather. The library and performing arts center play a vital role as place of learning and sharing, and art and creativity are woven into the fabric of the city. A variety of community events uphold a legacy of bringing the community together and giving Sherwood a sense of place.

Strategic and Collaborative Governance

In 2040, residents enjoy well-funded police, fire, and emergency response services that keep Sherwood safe. The city is governed in a fiscally responsible and responsive manner that allows for strategic, well-planned growth and the adequate provision of services.

Attractive and Attainable Housing

In 2040, Sherwood has a range of housing choices for a diversity of ages and income levels, providing community members the ability to live in Sherwood throughout all stages of life.

Coordinated and Connected Infrastructure

In 2040, the city's transportation system is efficient, safe, and provides transportation options. The town has an active and connected transportation network where residents enjoy walking and bicycle paths between neighborhoods, parks, schools, the Tualatin National Wildlife refuge and Old Town. Quality public facilitates, services, and utilities contribute to a high quality of life. Sherwood has an excellent school system, an asset that draws families to the community. Sherwood residents of all ages enjoy the city's robust park system, community centers and state-of-the-art athletic and recreation facilities.

Healthy and Valued Ecosystem

In 2040, Sherwood is a leader as a steward of its natural environment. Vegetated corridors are protected and weave through the city providing habitat, safe passage for wildlife, clean water and air, and a place for people to connect with nature. The city actively preserves mature trees and natural areas.

Thriving and Diversified Economy

In 2040, the Sherwood economy has grown to include a variety of businesses big and small that offer stable employment opportunities, higher-wage jobs, and balance the tax base to protect and maintain Sherwood's quality of life. Sherwood provides great destinations and experiences for both residents and visitors.

Sherwood's economy is linked with the entire region. While the City has a diverse economy, with Retail Trade (17%), Accommodation and Food Services (13%), and Manufacturing (11%) sectors accounting for 41% of Sherwood's employment, over 90% of Sherwood residents commute outside of the city for work.

Despite a highly skilled and educated population and an availability of light industrial land for development, Sherwood is met with constraints. Infrastructure development, capacity and a location on the geographic fringes of the Metro region limits the viable development of employment land. As a result, the City struggles with an unbalanced tax base. Projected City budget shortfalls create concern that the City will not be able to maintain or increase level of services to its citizens and businesses in the future. In order to get the services Sherwood needs and desires, the City's tax base needs to expand the supply and development of revenue-generating employment land, which is one of the greater contributors to the City's tax base. Expanding existing businesses and attracting new employment to Sherwood– particularly the right kind of jobs in the right places –will provide opportunities for higher wage jobs and help balance the City's tax base.

The Thriving and Diversified theme explores the topic of economic development and complies with:

Goal 9: Economic Development

This is a top priority for City Council, and the City of Sherwood is renewing efforts to build a self-sustaining, vital and vibrant local economy. To support these efforts and guide future growth and development, the City of Sherwood prepared an Economic Opportunities Analysis (EOA) and Economic Development Strategy for the 2021-2041 planning forecast. The EOA is a key requirement to a Comprehensive Plan update and complying with Statewide Planning Goal 9. The EOA was prepared concurrently during the Visioning Process in 2018 and updated with new data and a new planning horizon during the Comprehensive Plan process.

The EOA is used to help develop Comprehensive Plan goals and policies that are consistent with the EOA and which reflect City priorities and strategies. The EOA update includes a number of components to meet the requirements of Goal 9, including an Economic Trends Analysis, a Target Industry Analysis, a Forecast of Employment Land Need, and an Evaluation of Employment Land Supply (the Buildable Land Inventory). The EOA also includes an Economic Development Strategy that includes specific recommendations for the City's employment areas, including the Tonquin Employment Area and Old Town Sherwood (part of the Town Center).

Goal 1

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

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

POLICY 1.2 Encourage development of employment to increase the city's tax base through a faster growth rate of jobs.

POLICY 1.3 Pursue development of higher employment densities in areas with planned or existing public facilities, utilities, and transportation infrastructure.

POLICY 1.4 Support business growth in Sherwood to diversify and expand commercial and industrial development in order to provide employment opportunities and expand the tax base.

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

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

POLICY 1.7 Attract businesses identified as Target Industries in Sherwood's most recent Economic Opportunities Analysis.

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

POLICY 1.9 Encourage opportunities for workforce development and training that meets the needs of new and existing businesses in Sherwood.

Goal 2

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

POLICY 2.1 Land Supply: The City will provide a 20-year supply of suitable commercial and industrial land on sites with a variety of characteristics (e.g., site sizes, locations, visibility) and manage the supply of employment land to make most efficient use of commercial and industrial land.

POLICY 2.2 Provide for an adequate supply of commercial and industrial land to accommodate the types and amount of economic development and growth anticipated in the future, as described in the City's most recent Economic Opportunities Analysis (EOA).

POLICY 2.3 Provide a range of site sizes and locations to accommodate the market needs of a variety of office-commercial, retail commercial, and industrial employment uses.

POLICY 2.4 Maintain an adequate short-term supply of suitable office commercial, retail commercial and industrial land to respond to economic development opportunities as they arise.

"Short-term supply" means suitable land that is ready for construction usually within one year of an application for a building permit or request for service extension.

POLICY 2.5 Monitor and replenish the short-term supply and total available commercial and industrial land on a regular, periodic basis.

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

POLICY 2.7 Continue to provide flexibility in Sherwood's development code to support non-retail commercial and industrial development with the Target Industries identified in the recent EOA, most of which will need space in an existing building, sites smaller than five acres, or sites between five and 15 acres in size.

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

POLICY 2.9 Develop criteria, in conjunction with objectives of this chapter, to identify industrial or commercial areas that are more appropriate for other uses (e.g., industrial land re-designated for commercial uses) based on their site characteristics (e.g., location, size, configuration, or transportation access), as needed.

Strong Community, Culture and Heritage

In 2040, Sherwood successfully retains its treasured small-town character and strong sense of community while welcoming diverse businesses and residents. Old Town preserves its historic atmosphere as an attractive place to shop, dine, and gather. The library and performing arts center play a vital role as place of learning and sharing, and art and creativity are woven into the fabric of the city. A variety of community events uphold a legacy of bringing the community together and giving Sherwood a sense of place.

Community Engagement

Proactive and effective public involvement is a cornerstone of planning practice, and focused community engagement is crucial to achieve success in land use and transportation planning initiatives that impact the entire community. The City maintains a Public Involvement Program (PIP) that helps ensure the opportunity for its residents to be involved in planning processes.

In addition, the City conducts many public involvement activities including public notification of land use applications, hosting meetings and events for various projects, including the formation of community advisory committees and outreach activities catered to the specific needs of the project. The City also utilizes multiple channels of communication to share public information, such as the City's website and social media. To further government transparency and education, the City also runs the Sherwood Citizen University, and hosts a strong volunteer program across the City. The broader Sherwood community is also home to many civic groups, organizations, clubs, non-profits and churches that lend to an active and engaged citizenry.

The Strong Community, Culture, and Heritage theme explores the topics of community engagement, historic and heritage resources, as well as civic, arts, and cultural spaces. This theme complies with:

Goal 1: Citizen Involvement

Goal 5: Historic Resources (Part 1)

Goal 11: Public Facilities and Services (Part 1)

Historic and Heritage Resources

Historic sites and cultural facilities maintain continuity with the City's past and provide places for people to congregate, learn about and enjoy Sherwood's heritage. Historic resources in Sherwood are regulated by historic landmark protection standards in the City's Development Code. Special resource and overlay zones, like the Old Town Overlay District, establish objectives and define a set of standards to guide physical development for the preservation, protection and management of the historic or cultural resource. A Cultural Resources Inventory process was last undertaken in 1989 to comply with Goal 5 and resources were evaluated according to four broad criteria: historic significance, architectural significance, integrity and use considerations.

Civic, Arts, and Cultural Spaces

While there are few regulations which govern the provision of civic, arts and cultural spaces from a land use planning perspective, many of these civic and cultural spaces are planned for as best practice through infrastructure master plans, community concept plans and transportation system plans. Sherwood owns and operates many buildings and civic spaces. In addition, the community benefits from other public and private facilities and amenities, as well as events, festivals and activities that lend to the quality of life and sense of community. The Visioning Process uncovered civic, arts and cultural spaces as a key community priorities.

Goal 1

Value Sherwood's heritage, traditions, and diverse community wisdom by working together and thinking creatively through meaningful, informed and innovative participation by all.

POLICY 1.1 Practice collaborative and inclusive community engagement to reach the full spectrum of the Sherwood community.

POLICY 1.2 Create and maintain a Public Involvement Program (PIP) that develops consistent procedures and outlines how staff will plan, implement and evaluate public involvement activities within the context of planning projects.

POLICY 1.3 Ensure the Planning Commission meets annually as the Committee for Community Involvement to review and make recommendations to improve public involvement efforts.

POLICY 1.4 Provide information to the public in a variety of accessible and easy to understand formats, including multiple languages where appropriate.

POLICY 1.5 Develop innovative strategies to facilitate meaningful participation from the City's diverse communities and address participatory barriers such as language, time, location, and level of involvement.

POLICY 1.6 Create opportunities for youth and seniors to be engaged in civic affairs and public decision-making processes through advisory boards, commissions and other activities.

POLICY 1.7 Preserve and enhance distinctive historical and cultural features to create a sense of place and reflect Sherwood's heritage, landform, and urban framework.

POLICY 1.8 Update the 1989 Cultural and Historic Resources Survey to determine designated landmarks to be protected by Sherwood landmark protection standards in the code.

POLICY 1.9 Review and update design and development standards of the Old Town Overlay zone.

POLICY 1.10 Identify and codify key elements for the development code that contribute to Sherwood's history and heritage.

POLICY 1.11 Promote adaptation and reuse of historic buildings to encourage preservation.

POLICY 1.12 Recognize and publicize good stewardship of historic and cultural sites and resources.

POLICY 1.13 Promote Sherwood's cultural events, activities and festivals.

Goal 2

Actively explore accessible, and effective methods of communication and participation to foster transparency and connection to the community.

POLICY 2.1 Uphold traditional methods of involvement while embracing emerging technologies to extend participation and engagement.

POLICY 2.2 Maintain effective traditional methods and channels of engagement so they remain accessible.

POLICY 2.3 Improve the City's website interface and platform for better ease of access to information, services, news, records, maps and databases.

POLICY 2.4 Work in partnership with groups and organizations to create a clearinghouse of resources and information about events, activities and services across the City.

POLICY 2.5 Promote a sense of community and culture of service.

POLICY 2.6 Maintain City capability to coordinate and connect different service and volunteer-based organizations, clubs and groups with Sherwood residents.

POLICY 2.7 Expand and promote City-wide volunteer opportunities to build stewardship and community pride.

POLICY 2.8 Promote community educational opportunities to increase understanding, engagement and service among residents for planning, governance and public decision-making purposes.

POLICY 2.9 Harness current and emerging technologies and availability of open source data for interactive participation in all phases of the planning process.

Goal 3

Foster a culture of collaboration and partnership between residents, community groups, businesses, service providers and government.

POLICY 3.1 Plan, coordinate, and support the development of civic, institutional, arts and cultural spaces.

POLICY 3.2 Support the evolving role of key facilities such as the Sherwood library, performing arts and senior centers to maintain value and access for all members of the community.

POLICY 3.3 Coordinate with school districts on acquisition, siting, facility planning and development of facilities.

POLICY 3.4 Support the development of a public art program that invests in community-driven art projects and enriches the public realm for the benefit and enjoyment of the community.

POLICY 3.5 Collaborate with public and private partners to expand and co-locate community gathering spaces and multi-purpose venues across Sherwood to help meet civic, institutional, arts and cultural use needs.

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Strategic and Collaborative Governance

In 2040, residents enjoy well-funded police, fire, and emergency response services that keep Sherwood safe. The city is governed in a fiscally responsible and responsive manner that allows for strategic, well-planned growth and the adequate provision of services.

Urbanization and Growth Management

In recent years, Sherwood was one of the fastest growing cities in oregon. While a bedroom community in the metro region, Sherwood's population grew from about 3,000 residents in 1990 to nearly 20,000 residents in 2019, within a 1.5 square mile radius. To plan for and mitigate the effects of continued, future growth, the city is studying three urban growth areas, which are now all at different stages of planning and development: Sherwood West, Brookman Area, and the Tonquin Employment Area (TEA).

Sherwood's projected growth over the next 50 years means that the City will likely request an expansion of the urban growth boundary for portions of Sherwood West. Developing these urban growth areas can lend to a more balanced ratio of employment to residential land, bringing in higher tax revenues that ensure the quality and livability of the community. Sherwood will also require compliance with the recent passage of House Bill 2001, which requires zoning and code updates to allow for the development of greater variety of housing types. Good governance and management of new growth areas is paramount to the continued livability of Sherwood, and relies on land use planning and procedures that guide administration of the Comprehensive Plan, its implementation mechanisms, as well as regional and state law.

The Strategic and Collaborative Governance theme explores the topics of urbanization, land use planning and procedures, as well as community health and safety and natural hazards. This theme complies with:

Goal 2: Land Use Planning

Goal 7: Natural Hazards

Goal 11: Public Facilities and Services (Part 2)

Goal 14: Urbanization

Community Health and Safety

Because the urban landscape is dictated by a regulatory framework, good governance can also have a profound impact on improving community health, safety and risk management. Combining these topics with those of urbanization and growth management reflects the significant public input captured through the Visioning Process that emphasized the important relationship among these concepts in maintaining a livable community.

While community safety is often regulated within the context of public facilities and services, community health is not explicitly governed in a regulatory environment, rather relying on the interconnected nature of policies that deal with physical, environmental and economic characteristics of cities. Therefore, good governance can help design communities that improve police and fire response times, reduce collective energy use, increase resilience in the face of natural hazards and encourage land use patterns that reduce vehicle trips and congestion and improve traffic safety. Well-designed communities can also help mitigate the effects of public health outbreaks as well as natural hazards that pose the greatest risk to the Sherwood (earthquakes, floods and winter storms).

Governance and Growth Management

Goal 1

Coordinate with adjacent jurisdictions, local service provides and regional and state governmental agencies to manage growth and development in Sherwood.

POLICY 1.1 Maintain a Comprehensive Plan and associated implementation tools consistent with the Metro Urban Growth Management Functional Plan, Regional Framework Plan, and Regional Transportation Plan; the Oregon Statewide Planning Goals; and all other applicable state and federal regulations.

POLICY 1.2 Ensure that land use and plan administration procedures are compatible with the goals and policies in the Comprehensive Plan, consider relevant agreements with and plans by other local jurisdictions, and comply with regional, state, and federal plans and regulations.

POLICY 1.3 Routinely verify whether the City's supply of developable land is sufficient to meet short- and long-term employment and housing needs and coordinate with Metro and Washington County to request additional lands for urbanization when Sherwood's growth areas will not accommodate the 20-year projected demand for employment and/or housing.

POLICY 1.4 Establish and periodically update urban service, urban planning, and other formal intergovernmental agreements as needed to support urbanization, annexation, and urban service provision.

Goal 2

Provide timely, efficient and fiscally responsible delivery of public facilities and services to balance the development of complete neighborhoods, employment areas, schools and public spaces.

POLICY 2.1 Coordinate the extension of public facilities, utilities, and services and prioritization of capital expenditures with Washington County, other public agencies, and special districts.

POLICY 2.2 Adopt updates to system plans, as required by state law or necessary to address changing community needs and incorporate these plans by reference in the Comprehensive Plan.

Goal 3

Ensure that the rate, amount, type, location and cost of new development will preserve and enhance Sherwood's quality of life so that it is accessible to all community members.

POLICY 3.1 Maintain a Comprehensive Plan comprised of coordinated and interrelated components developed with guidance from the community-wide vision so that the consistent implementing tools further the aspirations of the Plan and, subsequently, the vision in day-to-day land use decisions and actions.

POLICY 3.2 Designate land uses in a manner that accommodates projected population and employment growth and ensure development is consistent and compatible with the community's needs and resources.

POLICY 3.3 Provide for compatible, phased and orderly transition from rural to suburban or urban uses, reflecting Sherwood's landform on adjacent land outside Sherwood city limits or the Metro urban Growth Boundary.

POLICY 3.4 Ensure annexation to the City occurs in an orderly and coordinated manner, and services are provided to support urban growth consistent with the 2040 Vision. Consider annexation proposals which meet the following criteria:

a.) The subject property must be located within the Metro Urban Growth Boundary.

b.) The subject property must be contiguous to the existing City limits or separated from it only by a public right of way.

c.) Right-of-way that is not within City limits may be annexed for road reconstruction or modification or for the placement of utilities.

d.) The proposed use for the site complies with the Sherwood Comprehensive Plan and with the designation(s) thereon. If a re-designation of the plan map is requested after an annexation is finalized, the uses allowed under the proposed designation must comply with the Comprehensive Plan.

e.) An adequate level of urban services and infrastructure are available or can be extended in a cost effective and efficient manner to the area.

f.) The proposed annexation represents a logical direction for City expansion, promotes an orderly, reasonable and economically feasible expansion of the City boundaries and, in the judgment of the City, serves the present and future interests of the City.

g.) Improvements for needed infrastructure may be secured by a funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of Sherwood generally.

POLICY 3.5 Require larger UGB expansion areas to complete concept plans that conform to local, regional and state requirements, include a phased development plan and reflect Sherwood's landform to achieve a sustainable transition over time. Concept plans shall strive to:

- *Balance the needs of existing and new residents and businesses to ensure a sustainable tax base to deliver services.*
- *Consider a variety of housing and employment uses for each concept plan as an opportunity to provide walkable neighborhood services and efficient transportation alternatives.*

Goal 4

Provide open and transparent governance by assuring information is available and disseminated through a variety of methods that is accessible to people of diverse ages, abilities and backgrounds.

POLICY 4.1 Ensure that the Comprehensive Plan empowers community members to act as informed participants in the land use planning process by describing how the Plan and implementation tools work together.

POLICY 4.2 Provide a technical documents that evaluate existing conditions related to social, economic, energy, and environmental needs in order to inform and refine policy recommendations and act as a foundation for future updates to the Comprehensive Plan.

POLICY 4.3 Codify a set of review procedures and approval criteria for ministerial, administrative, quasi-judicial, and legislative land use decisions that comply with state and federal law and ensure these actions implement the Comprehensive Plan in a way that:

- *makes the review process clear and understandable for applicants,*
- *enables the public to effectively participate in the local decision-making process, and*
- *facilitates timely review of land use applications by the City.*

POLICY 4.4 Coordinate with the acting Citizen Involvement Committee to develop and approve a Public Communications and Engagement Plan for all legislative Comprehensive Plan amendments that considers public notice and involvement processes as appropriate to the scale and type of the proposed action, such as:

- *noticing requirements above and beyond those established for legislative amendments,*
- *a variety of communication methods to actively solicit public participation,*
- *advanced contextual and technical information on matters under consideration,*
- *a program for educating residents on land use and land use decision processes,*
- *strategies promoting effective communication between the public and officials,*
- *identifying opportunities for public engagement in all phases of the planning process,*
- *a feedback mechanism for compiling and summarizing public comments and recommendations,*
- *follow-up reporting on feedback received.*

POLICY 4.5 Ensure availability of information to build awareness about development and natural hazard measures to the public in a variety of formats, media, and languages, focusing especially on actionable items such as earthquake retrofitting and stocking emergency supplies.

Community Health and Safety

Goal 5

Ensure a high level of public health, and safety and community preparedness by providing well-funded and well-planned police, and fire protection, and emergency services for Sherwood residents.

POLICY 5.1 Build and maintain a citywide emergency, health and hazard response strategy based on existing plans and close coordination with public and private sector partners.

POLICY 5.2 Maintain police, fire, medical, and other public health and safety services at levels of service commensurate with the City's population and activities.

POLICY 5.3 Evaluate additional police and fire demand resulting from new development, redevelopment, or infill development.

POLICY 5.4 Support coordination of public facility and service planning between City departments and local and regional partners to improve efficiency, service delivery and overall community preparedness.

Goal 6

Maintain and improve the quality of the air, water and land resources.

POLICY 6.1 Support the preservation and maintenance of natural resources to mitigate the impact of natural hazards.

Goal 7

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

POLICY 7.1 Encourage habitat-friendly development practices for developments with Regionally Significant Fish and Wildlife Habitats.

POLICY 7.2 Build capacity for greater urban resilience and redundancy in infrastructure and essential public facilities.

POLICY 7.3 Address public safety in development and redevelopment through building and site design, including Crime Prevention Through Environmental Design principles.

POLICY 7.4 Promote compact mixed-use areas, innovative design, and limited neighborhood-serving commercial uses compatible within existing residential neighborhoods to reduce transportation demand.

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

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

Goal 8

Minimize impacts and risk to life and property from natural and human-caused hazards and disasters.

POLICY 8.1 Ensure regular updates to spatial, economic and demographic data used by the City to support hazard planning and response in conjunction with federal, state, and local efforts.

POLICY 8.2 Prohibit development on floodplain in order to reduce the risk of flooding, prevent or reduce risk of human life and property, and maintain functions and values of floodplains such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems.

POLICY 8.3 Provide drainage facilities and regulate development in areas of runoff or erosion hazard.

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Attractive and Attainable Housing

In 2040, Sherwood has a range of housing choices for a diversity of ages and income levels, providing community members the ability to live in Sherwood throughout all stages of life.

Sherwood's population growth and shifting demographics affect future housing growth and shape the changes in the City's housing market. While Sherwood's population has been growing relatively fast in recent years, the population has been aging while the community continues to attract younger people and more households with children. In addition, Sherwood's population is becoming more diverse. If all these trends continue, there will likely be changes in the types of housing demanded in Sherwood in the future.

The aging of the population is likely to result in increased demand for smaller single-family housing, multifamily housing, and senior living. The growth of younger and diversified households is likely to result in increased demand for a wider variety of housing that are affordable and appropriate for families with children, such as small single-family housing, townhouses, duplexes, and multifamily housing. Changes in commuting patterns could affect future growth in Sherwood.

Currently, Sherwood's housing stock is predominantly single-family detached. Housing prices are higher in Sherwood than the regional averages, though the City's increasing homeownership costs are consistent with the upward national trend. Almost three quarters of Sherwood's residents own their homes. Sherwood households have relatively high income, which affects the type of housing that is affordable, particularly for young people and new families. Future housing affordability will depend on the relationship between income and housing price, and whether housing prices will continue to outpace income growth.

The Attractive and Attainable theme explores the topic of housing and complies with:

Goal 10: Housing

The City's most recent Housing Needs Analysis (HNA) for the 2019-2039 period provides Sherwood with a factual basis to support future planning efforts related to housing, and is used to help develop Comprehensive Plan goals and policies that are consistent with the HNA while reflecting City priorities and strategies.

As required by state law, the HNA examines household growth based on Metro's coordinated forecast. The forecast includes growth in both areas within the city limits, as well as areas currently outside the city limits that the City expects to annex for residential uses. The HNA identifies an additional 1,728 new households between 2019 and 2039. Sherwood must provide enough land to accommodate forecasted housing needs for the next 20 years which can be met through continued annexation of the Brookman area and planning for Sherwood West.

Goal 1

Preserve and enhance the character of existing neighborhoods.

POLICY 1.1 Plan for a 20-year supply of suitable land for Sherwood to meet housing needs.

POLICY 1.2 Identify opportunities to address land deficits shown in the Housing Needs Analysis within the existing city limits.

POLICY 1.3 Accommodate future growth through annexation of areas within the Metro Urban Growth Boundary (UGB) and work with Metro to bring urban reserve areas into the Metro UGB as needed.

POLICY 1.4 Ensure that the City has enough land to accommodate Sherwood's projected share of regional household growth, through regular monitoring and adjustments of available land through the Housing Needs Analysis.

POLICY 1.5 Maintain a minimum overall density of six (6) dwelling units a net acre, per the Metropolitan Housing Rule.

POLICY 1.6 Plan for infrastructure development to support residential development.

POLICY 1.7 Continue to coordinate capital improvement planning to ensure infrastructure availability on residential land and continue to pursue funding for needed infrastructure to support housing growth.

POLICY 1.8 Coordinate with regional partners to develop infrastructure to support housing growth across the City, ensuring availability of water and wastewater service and improving transportation access to the broader Portland Region.

POLICY 1.9 Coordinate population, residential growth and infrastructure planning with the Sherwood School District to ensure that land is available for new schools as needed and that utilities can efficiently be provided to new school sites.

POLICY 1.10 Maintain the quality of existing neighborhoods and ensure that new neighborhoods fit with Sherwood's character, landform, and urban framework.

POLICY 1.11 Ensure existing neighborhoods benefit from access and connections to trails, parks, open space and neighborhood amenities as new neighborhoods are developed.

POLICY 1.12 Encourage infill residential development in areas near shopping, parks, transit and other major public facilities and services, with a focus on opportunities in the Old Town.

POLICY 1.13 Encourage housing that is of a design and quality compatible with the neighborhood in which it is located.

POLICY 1.14 Reduce the negative impacts of traffic, noise, parking, lack of privacy, and negative visual aesthetics, through compatible site and building design and buffering techniques.

Goal 2

Plan new residential developments to integrate with existing Sherwood as complete neighborhoods where community members can live, learn, shop and recreate.

POLICY 2.1 Foster complete neighborhoods that provide housing choice, serve daily needs, and are walkable, connected, safe and integrated with the natural landscape.

POLICY 2.2 Provide for a variety of techniques to foster flexibility, creativity, and innovation in the division of land, siting of buildings, and provisions of community amenities such trails and open space through the use of concept planning, master planning, and planned unit developments.

POLICY 2.3 Encourage neighborhoods that are designed in a manner that incorporates the following principles:

- *Cultivate a mix of housing types that are designed in a way to enhance neighborhood character.*
- *Create walkable neighborhoods that respond to their surrounding landscape.*
- *Provide safe and effortless connectivity to schools, parks, and commercial centers for pedestrians, cyclists, and cars.*
- *Enhance existing natural assets and integrate greenspaces and parks into new development.*
- *Enhance Sherwood's small-town character and historic core through architectural balance and design that is accessible and inviting to all.*

POLICY 2.4 Make use of density transfer as a means of preserving open space and developing recreational areas within new developments.

POLICY 2.5 Promote housing and site design that supports the conservation, enhancement, and continued vitality of areas with special historic, architectural, or cultural value.

Goal 3

Provide the opportunity for a variety of housing types in locations and at price points that meet the needs of current and future residents.

POLICY 3.1 Provide opportunities for the development of a range of housing types that are attainable to current and future households at all income levels, as described in the Sherwood Housing Needs Analysis, to maintain Sherwood's high quality of life.

POLICY 3.2 Identify opportunities to support the city's housing mix, to ensure the housing supply includes a variety of housing types and unit sizes that support a range of housing prices.

POLICY 3.3 Support a variety of housing types such as, but not limited to, townhomes, cottages, courtyard housing, accessory dwelling units, single story units, and extended family and multi-generational housing.

POLICY 3.4 Support housing affordable to Sherwood's residents and workers at businesses in Sherwood, including housing options for first-time homebuyers, new families, the elderly, and persons with disabilities.

POLICY 3.5 Support homeownership opportunities for all housing types by encouraging condominiums, cooperative housing, and other types of ownership methods.

POLICY 3.6 Collaborate with organizations to provide opportunities for development of lower cost housing and housing development incentives in areas with access to jobs, transportation, open spaces, schools, and supportive services and amenities.

Coordinated and Connected Infrastructure

In 2040, the city's transportation system is efficient, safe, and provides transportation options. The town has an active and connected transportation network where residents enjoy walking and bicycle paths between neighborhoods, parks, schools, the Tualatin National Wildlife refuge and Old Town. Quality public facilitates, services, and utilities contribute to a high quality of life. Sherwood has an excellent school system, an asset that draws families to the community. Sherwood residents of all ages enjoy the city's robust park system, community centers and state-of-the-art athletic and recreation facilities.

Transportation

Transportation infrastructure within City limits is provided and maintained by several jurisdictions. The Oregon Department of Transportation owns and maintains certain highways and major arterials (e.g. Highway 99W), while Washington County is responsible for other major arterials such as SW Tualatin-Sherwood Road and SW Roy Rogers Road. City of Sherwood is responsible for most remaining roads, with the exception of private streets and drives. TriMet is responsible for Sherwood's transit service and provides connections within the Portland Metro region such as to Tigard, Beaverton and Portland. As Sherwood grows, the City will need to balance the needs of walking, bicycling, driving, transit and freight into an equitable and efficient transportation system.

The Coordinated and Connected Infrastructure theme explores the topics of transportation and public facilities and services such as water, sewer, stormwater and utilities. This theme complies with:

Goal 11: Public Facilities and Services (Part 3)

Goal 12: Transportation

Goal 13: Energy Conservation (Part 1)

Sherwood's Transportation Systems Plan (TSP) assesses local, regional and state needs and provides a foundation from which to evaluate and determine what improvements could or should be required as part of private development projects. Plan elements can be implemented by the City, private developers, and state or federal agencies. Typically, the goals and policies outlined in a City's TSP are mirrored in the Comprehensive Plan to ensure alignment between the two policy documents. Sherwood's TSP was last updated in 2014 and evaluates the current transportation system and outlines strategies and projects that are important to protecting and enhancing the quality of life in Sherwood through 2035.

Infrastructure and Energy

Public facilities planning allows jurisdictions to create coordinated strategies for infrastructure and service provision over a longer-term horizon than is normally used in programs such as Capital Improvement Programs (CIPs), which plan for the short-term (typically 1-5 years). Without adequate planning for public facilities, utilities and services, coordination between multiple city departments, service providers, and districts can prove challenging and may result in gaps in service, inefficiencies and/or unnecessary expenses. Sherwood addresses water, sewer, stormwater services through infrastructure and/or service master plans. The goals and policies of the Comprehensive Plan support the criteria required for evaluating these systems, as well as the process for identifying system deficiencies and recommended improvements, as outlined in each of these system master plans.

In addition to public infrastructure and services like water, sewer and stormwater, the expansion of high-speed broadband capabilities across Sherwood is a FY2020-21 City Council priority. Growth in broadband as a public utility can aid in energy conservation, the deployment of smart city applications, and growth in other technologies.

Goal 1

Plan and implement a transportation system that is forward-looking, responsive and innovative to maximize capacity and ensure safety, efficiency and retention of Sherwood's livability and small-town character.

POLICY 1.1 Develop, implement and regularly update the City's Transportation System Plan (TSP).

POLICY 1.2 Provide a supportive transportation network to the land use plan that provides opportunities for transportation choices and the use of alternative modes serving all neighborhoods and businesses.

POLICY 1.3 Promote access and utilization of a multi-modal transportation system.

POLICY 1.4 Encourage complementary infrastructure for bicycles and pedestrian facilities providing a diverse range of transportation choices for city residents.

POLICY 1.5 Manage the transportation network in a manner that ensures the plan is implemented in a timely fashion and is kept up to date with respect to local and regional priorities.

POLICY 1.6 Prioritize incorporation of street design features and techniques that promote safe and comfortable travel by pedestrians, cyclists, emergency responders, transit users and motorists based on street context and function.

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

Goal 2

Create and enhance safe and viable transportation options for travel between destinations locally and regionally with particular attention to connecting the areas of Sherwood east and west of Highway 99W, Old Town, and the Tualatin National Wildlife Refuge.

POLICY 2.1 Develop a transportation system that is consistent with the City's adopted comprehensive land use plan and with the adopted plans of state, local, and regional jurisdictions.

POLICY 2.2 Provide reliable convenient transit service to Sherwood residents and businesses as well as special transit options for the elderly and people with disabilities.

POLICY 2.3 Provide a convenient and safe transportation network within and between Old Town and commercial centers, enabling mixed use development and providing multi-modal access to businesses and residents.

POLICY 2.4 Ensure safe and convenient transportation access across Highway 99W for all modes of travel.

POLICY 2.5 Ensure that efficient and effective freight transportation infrastructure is developed and maintained to support local and regional economic expansion and diversification consistent with City economic plans and policies.

Goal 3

Identify funding sources and collaborative partnerships to leverage resources for transportation system maintenance and improvements.

POLICY 3.1 The Sherwood transportation network will be managed in a manner that ensures the plan is implemented in a timely fashion and is kept up to date with respect to local and regional priorities.

POLICY 3.2 Partner with the Sherwood School District to develop a city-wide Safe Routes to School program that improves safety, encourages walking, rolling and biking to school, identifies critical infrastructure needs, and positions the City for regional, state and other funding opportunities.

Infrastructure and Energy

Goal 4

Ensure reliable, safe, affordable and adequate public facilities to meet Sherwood's existing and future needs.

POLICY 4.1 Develop, implement and regularly update water, sewer, stormwater and other public utility master plans.

POLICY 4.2 Develop and implement the City of Sherwood's Water Conservation and Management Plan.

POLICY 4.3 Develop and implement a five-year capital improvements and service plan for City services which prioritizes and schedules major new improvements and services and identifies funding sources.

POLICY 4.4 Explore a variety of funding mechanisms to complete priority projects for public facilities.

POLICY 4.5 Develop a growth plan for Sherwood Broadband to expand fiber services for all users and support smart city applications.

Goal 5

Work with partner agencies to coordinate service delivery including but no limited to stormwater, water, electric, natural gas, broadband, and waste management.

POLICY 5.1 Coordinate public facility planning and service provisioning with established urbanization policies as a means to achieve orderly growth and an appropriate mix of land uses.

POLICY 5.2 Coordinate with Metro and local waste management partners to implement the Regional Waste Plan.

POLICY 5.3 Coordinate with Clean Water Services to promote green infrastructure practices and identify opportunities for innovative stormwater management techniques in new growth areas.

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

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

Healthy and Valued Ecosystems

In 2040, Sherwood is a leader as a steward of its natural environment. Vegetated corridors are protected and weave through the city providing habitat, safe passage for wildlife, clean water and air, and a place for people to connect with nature. The city actively preserves mature trees and natural areas.

Sherwood's natural areas, parks and open spaces are a key element of the community's identity. The City's park system includes 67 acres of developed parks and an expansive network of trails and greenways, though many of these corridors have not yet been developed with public access. Sherwood's population growth, as well as the annexation and development of the Brookman Area and Sherwood West, will continue to drive the need for expanded parks and recreation services and facilities.

The City's 2021 Parks and Recreation Master Plan provides a framework to guide the City in setting priorities and making decisions about the provision of parks, trails, open space, natural areas, recreation facilities, and programs as well as providing design guidelines for parks and facilities. The PRMP was developed under the framework of the 2018 Visioning Process for the Comprehensive Plan and identifies eight overarching strategies to provide direction for Sherwood's parks and recreation system. Each of these strategies has accompanying actions, setting policy-level guidance for the recommended improvements which are incorporated into the Comprehensive Plan.

The Healthy and Valued Ecosystems theme explores the topic of parks, recreation, natural resources and environmental quality. This theme complies with:

Goal 5: Natural Resources (Part 2)

Goal 6: Air, Water and Land Resource Quality

Goal 8: Recreational Needs

Goal 13: Energy Conservation (Part 2)

Goal 13: Energy Conservation (Part 1)

In addition to parks and recreational areas, Sherwood is home to many natural resource areas such as Chicken, Rock and Cedar Creeks and their associated tributaries, flood plains, wetlands and ponds, the Tonquin Scabland Geologic Area (TSGA) as well as stands of mature trees and forest canopy. Sherwood last updated its Open Spaces and Natural Resources Inventory and Natural Resources and Recreation Plan Map in 1990. Based on Metro's more recent Regionally Significant Fish and Wildlife Habitat Inventory Map, Sherwood has a mix of riparian and wetland areas that support fish and wildlife habitat across the City.

Sherwood's growth will continue increasing demands on its environmental resources, creating conflicts between the competing values of conservation and development. Environmental resource planning in Sherwood must include recognizing the limits to the natural resource base, the carrying capacity of the environment and the availability of non-renewable energy resources

Goal 1

Develop a funding strategy and pursue funding sources for land acquisition, parks and recreation facility development, operations and maintenance.

POLICY 1.1 Develop, implement and regularly update the City's Park and Recreation Master Plan.

POLICY 1.2 Manage efficient and fiscally sustainable parks and recreation services.

POLICY 1.3 Build upon partnerships for protecting and enhancing natural areas.

POLICY 1.4 Pursue funding for the acquisition, protection, or enhancement of natural areas through private environmental groups, private donations, federal or state agencies, or local groups.

POLICY 1.5 Sustain Sherwood's parks, open spaces and recreation facilities through proactive maintenance and stewardship.

Goal 2

Pursue the expansion and enhancement of the City's parks, trail system and greenways that connect people to nature and their destinations.

POLICY 2.1 Provide a park within a 10-minute walk of every resident.

POLICY 2.2 Develop a comprehensive network of connected trails and pathways.

POLICY 2.3 Acquire greenway areas along creeks through, private donations, dedication at the time of development or by purchase, to preserve drainageways, open space, wetlands, wildlife habitat and corridors, and to connect planned trail systems.

POLICY 2.4 Expand the trail system regionally by connecting to trails from neighboring communities creating regional connectivity and collaboration from local partners like the cities of Newberg, Tualatin, Tigard, King City, Wilsonville and Washington County.

Goal 3

Plan, develop and enhance recreation opportunities, common open space areas, and recreation facilities for Sherwood residents of all ages and abilities.

POLICY 3.1 Provide state-of-the-art indoor and outdoor recreation facilities that reflect Sherwood's identity and increase recreation variety.

POLICY 3.2 Provide outdoor park enhancements that consider and enhance the City's quality of life, community identity and encourage functional, safe, and aesthetically pleasing development while maintaining compatibility with the surrounding environment.

POLICY 3.3 Strengthen Sherwood's community, culture and heritage through programming.

POLICY 3.4 Consider parks and trails systems as potential economic drivers to the community.

POLICY 3.5 Expand the park system as the city grows.

POLICY 3.6 Secure planned parks and natural areas in Concept Plan areas, such as Brookman and Sherwood West.

POLICY 3.7 Utilize sites required for public buildings for park and open space purposes where feasible. For instance, water tanks or reservoirs on elevated locations may also provide a suitable location for a neighborhood park or a place for viewing surrounding terrain.

Goal 4

Promote natural resources as a shared and critical community asset by being good stewards of Sherwood's natural resources, ecosystems, and urban forest and protecting and enhancing their function, quality, and diversity.

POLICY 4.1 Recognize and encourage the ecological functions of riparian and upland habitat areas. These include:

- *Wildlife and fish habitat*
- *Recreation*
- *The prevention of soil erosion.*
- *The reduction of pollutants*
- *Urban buffers, windbreaks, scenic corridors, and site landscaping*
- *Educational opportunities*

POLICY 4.2 Maintain an up-to-date Local Wetlands Inventory (LWI) to identify the location, quantity and quality of wetland resources.

POLICY 4.3 Prohibit the development of floodplains in order to reduce the risk of flooding, prevent or reduce risk of human life and property, and maintain the function and value of floodplains.

POLICY 4.4 Protect and enhance natural areas including wildlife corridors through a combination of programs that involve development regulations, mitigation of impacts on resource sites, conservation easements, and educational efforts.

POLICY 4.5 Integrate nature and natural systems.

POLICY 4.6 Support site development and design practices that encourage "design with nature" by incorporating and promoting natural ecosystem elements, including the planting of native trees and vegetation, minimizing effects on natural resources, and avoiding the degradation or loss of wetland, watershed, habitat and ecosystem services.

POLICY 4.7 Provide consideration for meeting multiple objectives with open space conservation, such as recognizing the natural functions of the resources, wildlife, upland habitat connectivity, and passive recreation activities.

POLICY 4.8 Protect Sherwood's urban forest by preserving tree canopy, inventorying significant tree stands and working with partners to plant more native trees.

POLICY 4.9 Reduce the negative impacts of light pollution on human health and safety, wildlife and ecosystem health, energy conservation, and night sky viewing by regulating the fixture, direction, and color temperature of outdoor lighting.

POLICY 4.10 Establish, restore, and maintain a network of connected wildlife habitat corridors that facilitate access and movement for species between habitat areas.

POLICY 4.11 Provide incentives and flexibility to the development community for the preservation of resources that are above and beyond code requirements.

POLICY 4.12 Coordinate the cleanup of brownfield sites and support technologies for resolving contamination for reuse and redevelopment of property.

REFERENCE DOCUMENTS

Transportation System Plan Ordinance 2014-012	Adopted 06.17.2014
Parks Master Plan Ordinance 2021-004	Adopted 05.18.2021
Housing Needs Analysis Ordinance 2020-010	Adopted 12.01.2020

AMENDMENT HISTORY

SUPPORTING DOCUMENTS

The following list of supporting documents provide additional depth and background to the City's 2040 Comprehensive Plan Update process. Each theme area included a background report, a community profile presenting current data about the Sherwood community, and a community survey. These are listed to document the process but are not adopted as part of the Comprehensive Plan update. All documents are available through the City of Sherwood's Planning Department upon request.

- Thriving and Diversified Economy Background Report, May 2019
- Thriving and Diversified Economy Community Profile
- Thriving and Diversified Economy Community Survey
- Community Culture and Heritage Background Report, August 2019
- Community Culture and Heritage Community Profile
- Community Culture and Heritage Community Survey
- Strategic and Collaborative Governance Background Report, February 2020
- Strategic and Collaborative Governance Community Profile
- Strategic and Collaborative Governance Community Survey
- Attractive and Attainable Housing Background Report, July 2020
- Attractive and Attainable Housing Community Profile
- Attractive and Attainable Housing Community Survey
- Coordinated and Connected Infrastructure Background Report, October 2020
- Coordinated and Connected Infrastructure Community Profile
- Coordinated and Connected Infrastructure Community Survey
- Healthy and Valued Ecosystems Background Report, February 2021
- Healthy and Valued Ecosystems Community Profile
- Healthy and Valued Ecosystems Community Survey

City Council Meeting Date: November 16, 2021

Agenda Item: Public Hearing

TO: Sherwood City Council

FROM: Craig Sheldon, Public Works Director
Through: Keith D. Campbell, City Manager, and Josh Soper, City Attorney

SUBJECT: Resolution 2021-097, Adjusting Solid Waste and Recycling Collection Rates

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Issue:
Shall City Council adjust the solid waste and recycling rates?

Background:
Solid waste and recycling collection services in Sherwood are provided by Pride Disposal, a private company pursuant to a franchise issued under Sherwood Municipal Code (SMC) Chapter 8.20. As set forth in SMC 8.20.80, the City Council sets the rates the franchise holder charges for those services. The current solid waste and recycling collection rates have been in effect since January 1, 2021. SMC 8.20.080 outlines the related factors and processes to be followed by City Council to adjust solid waste and recycling collection rates.

Most cities in Washington County aim to set a reasonable composite rate of return of 8 to 12 percent annually for their solid waste franchisees and SMC 8.20.080 defines a similar target for Sherwood franchisees. With updated 2020 financial information from Pride Disposal, the City had Bell & Associates conduct a Rate Review and issue a report, which was completed in September 2021. The City has determined through the analysis of financial information from Pride Disposal that their adjusted rate of return for 2020 ranged from 9.04% to 15.74% depending upon the type of collection services, with a composite rate of return of 11.22%.

In addition, the financial analysis determined that their projected rate of return for 2021 ranges from 8.46% to 16.35% depending upon the type of collection service, with an estimated composite rate of return of 10.94%. At work sessions with City Council on September 7, 2021 and October 5, 2021, Bell & Associates presented a recommendation, (see attached) to raise solid waste and recycling rates by 75% of CPI as outlined in SMC 8.20.080(F)(4)(b) as well as to pass through increased Metro disposal costs at outlined in SMC 8.20.080(D).

The Metro disposal cost pass through is due to the increased taxes assessed by Metro on all solid waste disposed within the Metro service boundary. This fee assessed, beginning on July 1, 2021, increased fees and taxes on all waste disposal by $8.40 per ton. It is also important to note that Metro is expecting to increase this fee again in July 2022.

Financial Impacts:
With the proposed rate increase, there will be a minimal financial impact on the City budget as a result of the approval of this resolution.

Recommendation:
Staff respectfully recommends City Council approval of Resolution 2021-097, Adjusting the solid waste and recycling collection rates.

City of Sherwood Solid Waste & Recycling Collection

Rate alternatives for Council direction

Collection & Disposal Costs

- Current rates were implemented in January 2021
  - Cart rates remained unchanged
  - Container rates increased by 0.60%
  - Drop Box by $5 per haul

Adjusted 2020 Results

Service	Cart	Container	Drop Box	Composite
Revenues	$ 2,351,755	$ 941,861	$ 988,791	$ 4,282,407
Direct Costs of Operations	$ 1,815,022	$ 686,098	$ 814,061	$ 3,315,181
Indirect Costs of Operations	$ 324,094	$ 107,554	$ 55,222	$ 486,870
Allowable Costs	$ 2,139,116	$ 793,652	$ 869,283	$ 3,802,051
Franchise Income	$ 212,639	$148,209	$ 119,508	$ 480,356
Return on revenues	9.04%	15.74%	12.09%	11.22%

Estimated 2021 Costs

- Recycling Processing
  - Average Cost in 2020 was $89.28 per ton for residential commingled and $73.77 per ton for commercial commingled
  - Processing costs have decreased by 50% in 2021 due to the increased material values
- Yard Debris Processing – Increased by $3.35 per ton
- Labor – Collective Agreement with Teamsters
- Disposal Costs increased from $103.60 per ton to $107.48 on January 1.
- Metro's increased fees and taxes on all waste disposal by $8.40 per ton on July 1.
  - The July 1 disposal fee is $115.88 per ton

Recyclable Material Value

- The value of the recyclable material reduces the processing cost. The cost per ton at the MRF to sort and market the commingled mix is approximately $110 per ton.
  - There are five MRFs in the Portland region
- The cost paid by Pride to process the commingled mix has decreased from $170,889 in 2020 to $83,910 in 2021 - a 51% decrease in costs.
- The reduced costs increase the overall Return on Revenue from the initial 8.94% to 10.94%

Projected 2021 Results

Service	Cart	Container	Drop Box	Composite
Revenues	$ 2,351,755	$ 947,439	$ 1,045,057	$ 4,344,251
Direct Costs of Operations	$ 1,818,986	$ 681,706	$ 866,766	$ 3,367,458
Indirect Costs of Operations	$ 333,911	$ 110,804	$ 56,883	$ 501,598
Allowable Costs	$ 2,152,897	$ 792,510	$ 923,649	$ 3,869,056
Franchise Income	$ 198,858	$ 154,929	$ 121,408	$ 475,195
Return on revenues	8.46%	16.35%	11.62%	10.94%

Alternative 1
Adjust Rates to 75% of CPI on January 1, 2022

Sherwood Municipal Code 8.20.080 4.b. – Rates

If the rate of return is greater than eleven percent (11.22%) but less than twelve percent, then the proposed rate adjustment will be three-fourths (0.75) times the index.

Roll Cart Service	Current Rate	CPI %	$ Increase	New Rate
One 35 gallon cart	$29.03	2.25%	$0.65	$29.68
One 60 gallon cart	$37.87	2.25%	$0.85	$38.72
One 90 gallon cart	$46.75	2.25%	$1.05	$47.80
Commercial Container				
2 yard weekly	$190.62	2.25%	$4.29	$194.91
4 yard weekly	$317.92	2.25%	$7.15	$325.07
6 yard weekly	$444.96	2.25%	$10.01	$454.97
8 yard weekly	$573.37	2.25%	$12.90	$586.27

Alternative 2
Disposal Increase Pass Through and Rate Adjustment to 75% of CPI on January 1, 2022

Roll Cart Service	Current	Disposal Increase	CPI Increase	Proposed	% ▲
One 35 gallon cart	$29.03	$0.75	$0.65	$30.43	4.8%
One 60 gallon cart	$37.87	$1.19	$0.85	$39.91	5.4%
One 90 gallon cart	$46.75	$1.75	$1.05	$49.55	6.0%
Commercial Container					
2 yard weekly	$190.62	$6.84	$4.29	$201.75	5.8%
4 yard weekly	$317.92	$13.68	$7.15	$338.75	6.6%
6 yard weekly	$444.96	$20.52	$10.01	$475.49	6.9%
8 yard weekly	$573.37	$27.37	$12.90	$613.64	7.0%

Next Steps

- Public Works Director / Chris Bell will follow up with Council members that have additional questions
- Submit rate package to Council
- Initial Council vote

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2021-097

ADJUSTING SOLID WASTE AND RECYCLING COLLECTION RATES

WHEREAS, the current solid waste and recycling rates have been in effect since January 1, 2021; and

WHEREAS, the Sherwood City Council sets rates for all solid waste collection services as set forth in Sherwood Municipal Code (SMC) 8.20.080; and

WHEREAS, SMC 8.20.60 provides for compensation to be paid by solid waste franchisees for the use of City streets in the form of solid waste franchise fees; and

WHEREAS, Pride Disposal, a franchisee for solid waste services in Sherwood, has submitted their 2020 annual report per SMC 8.20.080(F) (1); and

WHEREAS, the City has determined through an analysis of financial information from Pride Disposal that their adjusted rate of return for 2020 ranged from 9.04% to 15.74% depending upon type of collection service, with a composite rate of return of 11.22%; and

WHEREAS, the City has determined through analysis of financial information from Pride Disposal that their projected rate of return for 2021 ranged from 8.46% to 16.35% depending upon type of collection services, with a composite rate of return of 10.94%; and

WHEREAS, the Public Works Director has reviewed the Rate Review Report compiled by Bell & Associates and concurs with the recommendation to adjust solid waste and recycling collection rates by 75% of CPI as outlined in SMC 8.20.080(F)(4)(b), and also to pass through increased Metro disposal costs as outlined in SMC 8.20.080(D); and

WHEREAS, the City has determined that the new solid waste and recycling collection rates should take effect on January 1, 2022 as outlined in SMC8.20.080(F)(4).

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

Section 1. The City Sherwood City Council hereby approves the proposed schedule of solid waste and recycling collection rates as contained in the attached Exhibit A.

Section 2. The adjusted solid waste and recycling collection rates will take effect on January 1, 2022.

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

Duly passed by the City Council this 16th of November, 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

City of Sherwood

Rate Schedule Effective January 1, 2022

Roll Cart Collection Rates	2022 Rate	Service Fees	2022 Rate
One 20 gallon cart	27.50251	Walk-in Fee	4.943962
One 35 gallon cart	30.14565	SNP	25
One 60 gallon cart	39.47506	NSF	25
One 90 gallon cart	48.95231	Go Back Fee	16.27217
On-Cal Service	17.34305	Special Services (per hr.)	94.94654
Extra Can / 32 gal bag	6.896273	Recycling Contamination Fee	15
Extra Bag (small)	3.535604		
Yard Debris Only	7.707471		
Second Yard Debris Cart	7.707471		
Yard Debris Extra	2.482244		
Recycling Only	7.363294		

Drop Box Rates

Service / Box Volume	2022 Rate	
10 Cubic Yards per Haul	143	Haul charge listed + actual disposal fee
20 Cubic Yards per Haul	143	Haul charge listed + actual disposal fee
30 Cubic Yards per Haul	143	Haul charge listed + actual disposal fee
40 Cubic Yards per Haul	143	Haul charge listed + actual disposal fee
Compactor per Haul	174	Haul charge listed + actual disposal fee
Delivery	73	Per movement
Relocation (per box)	25	Per movement

Open Top Box Rental	2022 Rate
10 and 20 Cubic Yards	9.2
30 Cubic Yards	11.2
40 Cubic Yards	11.2
Box with a lid	
10 and 20 Cubic Yards	14.3
30 Cubic Yards	16.3
Mileage Charge [1]	2.79

1. Mileage Charges are assessed on the disposal leg of the haul mileage if greater than 5 miles from pick-up to the disposal site

Medical Waste Collection Rates

Service Component	2022 Rate
On-site Pick-up Charge	37.07971
Disposal	
Disposal Cost per 17 or < Gal. Unit	24.67895
Disposal Cost per 23 Gal. Unit	27.08964
Disposal Cost per 31 Gal. Unit	29.82721
Disposal Cost per 43 Gal. Unit	35.00611
Pharmaceutical Waste per 5 gal	49.7052
Chemotherapy Waste Disposal	actual

City Council Meeting Date: November 16, 2021

Agenda Item: Public Hearing

TO: Sherwood City Council

FROM: David Bodway, Finance Director
Through: Keith D. Campbell, City Manager

SUBJECT: Resolution 2021-098, Amending the City's FY2021-22 Fee Schedule

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Issue:
Shall the City Council amend the Fee Schedule?

Background:
In October, Finance staff was made aware commercial water rates were not raised July 1, 2021. In years past these rates have been raised July 1st. We would like to correct this error and increase commercial water rates by 3%.

In review of the Master Fee schedule, Sherwood Broadband would like to increase the In-Lieu of Fee for Fiber Optic Conduit Installation from $30 per linear feet to $45 per linear feet. Additionally, Sherwood Broadband would like to add an In-Lieu of Fee for Vault Placement of $700 per vault.

Additionally, in review of the Master Fee schedule, staff noticed an error in one of the fees listed. Under Plumbing Permits for Commercial, Industrial, and Multi-Family the wrong fee of $61.02 was carried down for water lines. In order to be consistent with sanitary and storm lines, this fee has been corrected to read $33.57.

In order to avoid including unnecessary pages in this agenda packet, only the pages or subsections (as indicated in the resolution) of the fee schedule which would be changed by this resolution are included in the exhibit to the resolution. If this resolution is approved, these pages / subsections of the current fee schedule would be changed to read as reflected in the exhibit. The remainder of the fee schedule would remain as-is.

Financial Impacts:
This updated fee schedule has very minimal financial impact on the City's finances.

Recommendation:
Staff respectfully recommends City Council approval of Resolution 2021-098, Amending the City's FY2021-22 Fee Schedule.

B. Commercial Rates

Customer Class / Meter Size		Base Charge ($/Month)	Consumption Rate ($100/gallons) First 21,000		Over 21,000
5/8 - 3/4"	~~$22.25~~	$22.92	$0.67	~~$0.65~~	$0.67
¾"	~~$25.10~~	$25.85	$0.67	~~$0.65~~	$0.67
1"	~~$27.51~~	$28.34	$0.67	~~$0.65~~	$0.67
1-1/2"	~~$48.89~~	$50.36	$0.67	~~$0.65~~	$0.67
2"	~~$71.08~~	$73.21	$0.67	~~$0.65~~	$0.67
3"	~~$143.02~~	$147.31	$0.67	~~$0.65~~	$0.67
4"	~~$244.37~~	$251.70	$0.67	~~$0.65~~	$0.67
6"	~~$507.26~~	$522.48	$0.67	~~$0.65~~	$0.67
8"	~~$938.93~~	$967.10	$0.67	~~$0.65~~	$0.67
10"	~~$1,355.88~~	$1,396.56	$0.67	~~$0.65~~	$0.67
Irrigation		Base charge from above	$0.96	~~$0.93~~	$0.96

C. Fire Protection Service

The following fees shall be charged for all applicable connections for automatic fire sprinklers, and fire hydrants service for private fire protection:

Customer Class / Meter Size	Base Charge
4" and under	$32.52
6"	$54.35
8"	$77.17
10"	$106.16
Water service connection in ROW	Actual time and materials

* Indicates fees that are subject to Resolution 2017-008 - Providing Automatic Annual Inflation-Based Adjustments.

C. Miscellaneous Fees (continued)

Pre-submittal Consultation (consultation of projects prior to the submittal of a land use application, requiring more than 2 hours of staff time or on-call consultant services) *(Applicant pays 100% of actual expenses including staff time, if an application is submitted these fees will be credited against the plan review fees)*		$500	Deposit
In-Lieu of Fee – Fiber Optic Conduit Installation	~~30~~	**$45**	per linear ft
In-Lieu of Fee – Vault Placement		**$700**	**per vault**
Right of Way Permit Fees			
ROW Small Wireless Facility Permit		$850	per facility
ROW Construction Permit (for other than small wireless facilities)		$153	per permit
Inspection fee		$153 or 4% of project estimate	whichever is greater
ROW Use Permit		$25	
Design and construction standards		$50	on paper
Design and construction standards		$25	per CD
As-Built Requests		$25	per subdivision
As-Built Requests electronic media		$25	per cd

D. Erosion Control Fees

Activities which require a grading and/or erosion control permit and are not included in a building permit. Permit is based upon the total acreage of the site.

Erosion Control Plan Review Fee	65% of the erosion control inspection fee
Erosion Control Inspection Fee	Based on Total Area
0 to 1 Acre	$230
1 Acre and up	$230 *(plus $50 per acre or fraction thereof over 1 acre)*

Erosion control with building permit

	Plan Check	Inspection
Single Family Residential		
>1000 feet disturbance, existing development	$70	$105
New development	$70	$295
Non-single family residential	Covered in engineering compliance agreement	

E. Vacations (Public right-of-way and easements)

Deposit plus staff time (See Section 1)	
(Applicant pays 100% of actual expenses including staff time)	$4,000

* Indicates fees that are subject to Resolution 2017-008 - Providing Automatic Annual Inflation-Based Adjustments.

G. Plumbing Permits – New One and Two Family Dwellings

Includes one kitchen, 100 feet of sanitary sewer, storm and water lines, standard plumbing fixtures and appurtenances, and are based on the number of bathrooms, from one to three on a graduated scale.

One Bathroom	$311.20
Two Bathrooms	$384.43
Three Bathrooms	$457.65
Additional Kitchen or Bathroom	$189.17
Additional Fixture or Item	$18.31 each
Additional 100 feet of each utility line	$33.57 each

H. Plumbing Permits – One and Two Family and Manufactured Dwelling for Additions, Alterations and Repairs

Minimum Fee	$74.29
New and/or Additional fixture, item or appurtenance	$18.31 each
Alteration of fixture, item or appurtenance	$18.31 each
Manufactured Dwelling Utility Connection	$36.61 each

Charged only when connections are not concurrent with new set-up and installation

	Water lines	Sanitary Sewer Lines	Storm Sewer/ Footing Lines
For the first 100 feet or fraction thereof	$61.02	$61.02	$61.02
For each additional 100 feet or fraction thereof	$33.57 each	$33.57 each	$33.57 each

I. Plumbing Permits – Commercial, Industrial, and Multi-Family

Based on the number of fixtures, appurtenances and piping with a set minimum fee.

Plan Review Fee – Commercial	30% of plumbing permit fee (when required)
Minimum Fee	$74.29
New and/or Additional fixture, item or appurtenance	$18.31 each
Alteration of fixture, item or appurtenance	$18.31 each

See appendix A for surcharge collected on behalf of the State.

		Water lines	Sanitary Sewer Lines	Storm Sewer/ Footing Lines
For the first 100 feet or fraction thereof		$61.02	$61.02	$61.02
For each additional 100 feet or fraction thereof	~~61.02~~	**$33.57** each	$33.57 each	$33.57 each

RESOLUTION 2021-098

AMENDING THE CITY'S FY2021-22 FEE SCHEDULE

WHEREAS, the Sherwood Municipal Code authorizes certain administrative fees and charges to be established by Resolution of the City Council; and

WHEREAS, the current Fee Schedule was adopted on June 21, 2021 through Resolution 2021-041, with an effective date of July 1, 2021; and

WHEREAS*,* the City wishes to increase commercial water rates. These rates were not raised July 1, 2021; and

WHEREAS, the City wishes to update and add a new fee to Sherwood Broadband*;* and

WHEREAS, a fee listed under Plumbing Permits – Commercial, Industrial, and Multi-Family in the Master Fee Schedule is incorrect; and

WHEREAS, staff would like to correct this mistake to reflect the Plumbing Permit Fee.

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

Section 1. The City of Sherwood FY2021-22 Fee Schedule is hereby amended as follows:

1. Section 6, Utility Charges for Service, Commercial Rates of the Fee Schedule is amended to read as set forth in the 1st page of Exhibit A, attached hereto.
2. Section 8, Engineering Charges for Service, Miscellaneous Fees of the Fee Schedule is amended to read as set forth in the second page of Exhibit A, attached hereto.
3. Section 10, Building, Plumbing Permits – Commercial, Industrial, and Multi-Family of the Fee Schedule is amended to read as set forth in the third page of Exhibit A, attached hereto.
4. In all other respects, the Fee Schedule currently in effect shall remain in full force and effect.

Section 2. This Resolution shall become effective November 16, 2021.

Duly passed by the City Council this 16th day of November, 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

B. Commercial Rates

Customer Class / Meter Size	Base Charge ($/Month)	Consumption Rate ($100/gallons) First 21,000	Consumption Rate ($100/gallons) Over 21,000
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C. Miscellaneous Fees (continued)

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ROW Small Wireless Facility Permit	$850	per facility
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0 to 1 Acre	$230
1 Acre and up	$230 *(plus $50 per acre or fraction thereof over 1 acre)*

Erosion control with building permit

Single Family Residential	**Plan Check**	**Inspection**
>1000 feet disturbance, existing development	$70	$105
New development	$70	$295
Non-single family residential	Covered in engineering compliance agreement	

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(Applicant pays 100% of actual expenses including staff time)	$4,000

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