



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, September 17, 2024

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

5:30 pm City Council Work Session

7:00 pm City Council Regular Meeting

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

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



Home of the Tualatin River National Wildlife Refuge

5:30 PM CITY COUNCIL WORK SESSION

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

7:00 PM REGULAR SESSION

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

AGENDA

**SHERWOOD CITY COUNCIL
September 17, 2024**

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

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

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22560 SW Pine Street
Sherwood, OR 97140**

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AMENDED, NEW BUSINESS ADDED

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

10. CITY MANAGER REPORT

11. COUNCIL ANNOUNCEMENTS

12. ADJOURN to CITY COUNCIL EXECUTIVE SESSION

A. ORS 192.660(2)(d), Labor Negotiator Consultations (Sebastian Tapia, Interim City Attorney)

13. ADJOURN

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

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

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

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



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
September 3, 2024

WORK SESSION

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

A. Sherwood West Update

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

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

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

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

5. ADJOURN

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

REGULAR SESSION

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

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

3. STAFF PRESENT: City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia, Community Development Director Eric Rutledge, Interim Public Works Director Rich Sattler, HR Director Lydia McEvoy, IT Director Brad Crawford, Finance Director David Bodway, and City Recorder Sylvia Murphy.

4. APPROVAL OF AGENDA:

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

Mayor Rosener addressed the next agenda item.

5. CONSENT AGENDA:

A. Approval of August 20, 2024, City Council Meeting Minutes

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

Mayor Rosener addressed the next agenda item.

6. CITIZEN COMMENT:

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

7. PUBLIC HEARING:

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

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

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

Mayor Rosener addressed the next agenda item.

8. CITY MANAGER REPORT:

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

Mayor Rosener addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS:

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

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

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

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

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

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

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

10. ADJOURN:

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

WORK SESSION - CONTINUED

1. **CALL TO ORDER:** Mayor Tim Rosener called the meeting to order at 7:27 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Taylor Giles, Renee Brouse, Dan Standke, and Doug Scott. Councilor Keith Mays was absent.
3. **STAFF PRESENT:** City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia, Community Development Director Eric Rutledge, IT Director Brad Crawford, and City Recorder Sylvia Murphy.
4. **TOPIC:**

B. LOC 2025-26 Legislative Priorities Ballot Discussion

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

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

5. ADJOURN

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

EXECUTIVE SESSION

- 1. CALL TO ORDER:** Mayor Rosener called the meeting to order at 7:47 pm.
- 2. COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Taylor Giles, Renee Brouse, Dan Standke, and Doug Scott. Councilor Keith Mays was absent.
- 3. STAFF PRESENT:** Interim City Attorney Sebastian Tapia, City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, and Community Development Director Eric Rutledge.

3. TOPICS:

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

4. ADJOURN:

Mayor Rosener adjourned the executive session at 8:11 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Tim Rosener, Mayor

TO: Sherwood City Council

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

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

Issue:

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

2024 Urban Growth Management Decision:

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

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

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

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

Sherwood West Concept Plan:

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

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

Conditions of Approval:

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

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

Withdrawing the Sherwood West Expansion Proposal:

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

Timeline:

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

Financial Impacts:

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

Recommendation:

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



RESOLUTION 2024-064

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Tim Rosener, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Sebastian Tapia, Interim City Attorney

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

Issue:

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

Background:

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

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

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

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

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

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

Financial Impacts:

There are no expected financial impacts.

Recommendation:

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

Sherwood Municipal Code 1.10.030(D)(4)

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

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



ORDINANCE 2024-003

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

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

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

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

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

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

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

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

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

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Section 2. This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council September 17, 2024.

Tim Rosener, Mayor Date _____

Attest:

Sylvia Murphy, MMC, City Recorder

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

1.04.010 - Definitions

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

1.04.090 City manager absence.

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

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

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

1.10.030. - Authority.

1.10.030(D)(4),

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

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

Agenda Item: Public Hearing (*First Reading*)

TO: Sherwood City Council

FROM: Joy L. Chang, Senior Planner

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

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

Issue:

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

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

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

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

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

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

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

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

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

Financial Impacts:

There is no immediate financial impact to the City.

Recommendation:

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

Attachment

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

CITY OF SHERWOOD

Date: September 6, 2024

Planning Commission Recommendation to the City Council Food Cart Pods

File No: LU 2024-014- PA

Recommendation of the Planning Commission

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



Joy L. Chang
Senior Planner

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

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

A. Applicant: This is a city-initiated text amendment.

B. Location: City Wide

C. Review Type: The proposed text amendment requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission is scheduled to consider the matter on August 13, 2024. At the close of this hearing, the Planning Commission will forward a recommendation to the City Council, who will consider the proposal and make the final recommendation whether to approve, modify, or deny the proposed language. The City Council public hearings are tentatively scheduled for September 17, 2024

and October 15, 2024. Any appeal of the City Council's final decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).

- D. Public Notice and Hearing:** Notice of the August 13, 2024, Planning Commission hearing and tentative September 17, 2024, City Council hearing on the proposed amendment were published in *The Times* on July 25 and August 8, 2024. Notice was also posted in five public locations around town and on the website on July 17, 2024. Notice to the Oregon Department of Land Conservation and Development (DLCD) was submitted on July 9, 2024, and notice to agencies was sent via email on July 15, 2024.
- E. Review Criteria:** The required findings for Plan Amendments are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC).
- F. Background:** In the Fall of 2022, the City Council had a work session on Mobile Food Vendors, "Trucks, Carts, and Pods." The presentation presented an overview of Sherwood's current development code, how food vendors including food carts can be permitted, and discussed the common types of food cart operations; 1) *Truly Mobile Food Vendors*; 2) *Accessory to a Primary Use*; and 3) *Mobile Food Unit Sites (aka "Cart Pods")*. A quick look at how surrounding jurisdictions permit food carts was also addressed.

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

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

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

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

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

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

II. PUBLIC COMMENTS

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

III. AGENCY COMMENTS

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

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

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

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

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

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

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

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

IV. REQUIRED FINDINGS FOR PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are SZCDC §16.80.030.A and §16.80.030.C

SZCDC 16.80.030 - Review Criteria

A. Text Amendment: An amendment to the text of the Comprehensive Plan or the Zoning and Community Development Code must be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment must be consistent with the intent of the adopted Sherwood Comprehensive Plan, and with all other provisions of the Plan, the Transportation System Plan, and this Code, and with any applicable State or City statutes and regulations, including this Section.

Community Need

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

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

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

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

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

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

Consistency with the Comprehensive Plan

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

Thriving and Diversified Economy

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

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

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

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

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

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

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

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

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

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

Consistency with the City's Transportation System Plan

The proposed CFEC text amendments are consistent with the City's Transportation System Plan. The proposal would not present any impacts to the existing City transportation system, the Transportation System Plan, or how the City analyzes future transportation impacts. At the time of land use application submittal and review, transportation impacts are analyzed and addressed.

FINDING: The proposed text amendments are consistent with the City's Transportation System Plan.

Consistency with other City Planning Documents

The proposed text amendments impact only Title 16 of the Municipal Code and do not impact any other City Planning documents. Therefore, the proposed text amendments are consistent with other City Planning documents.

FINDING: As noted above, the proposed text amendments is consistent with other City Planning documents since amendments are only to Title 16.

Consistency with Oregon Statewide Planning Goals

Goal 1: Citizen Involvement

It is the purpose of this Goal to develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Response: Since the fall of 2022, Sherwood City Council has held four work sessions on the proposed Food Cart Pods amendments with opportunity for public involvement. Furthermore, Sherwood Planning Commission held one work session briefing on Food Cart Pods amendments also with the opportunity for public involvement.

The City of Sherwood's legislative amendment and hearing process provides numerous opportunities for citizens to be involved in all phases of the planning process. The amendments have been developed with the opportunity for public involvement and have been noticed in accordance with Sherwood Zoning and Community Development Code Chapter 16.72, Procedures for Processing Development Permits.

FINDING: The City Council's and Planning Commission work sessions on the proposed amendments and the City's development code legislative process ensures compliance with Goal 1.

Goal 2: Land Use Planning

It is the purpose of this Goal to establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

Response: The development of the proposed amendments has followed the City's established land use planning process and included public meetings, public outreach through information on

the city's website, and opportunities for public comment. As stated above, the proposed Food Cart Pods amendments help meet state Goal 2 through the creation of land use regulations and processes.

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

Goal 3: Agricultural Lands

The purpose of this Goal is to identify farmland, designate it as such on the comprehensive plan map, and zone it exclusive farm use (EFU).

FINDING: This statewide land use goal is not applicable to the City of Sherwood.

Goal 4: Forest Lands

This Goal requires counties to identify forest land, designate it as such on the comprehensive plan map, and zone it consistently with state rules.

FINDING: This statewide land use goal is not applicable to the City of Sherwood.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

It is the purpose of this Goal to protect natural resources and conserve scenic and historic areas and open spaces.

FINDING: The proposed text amendments are not applicable to goals and policies in the City's Comprehensive Plan pertaining to the protection of natural resources and conservation of scenic and historic areas and open spaces.

Goal 6: Air, Water and Land Resources Quality

This Goal instructs local governments to consider the protection of air, water, and land resources from pollution and pollutants when developing comprehensive plans.

FINDING: The proposed text amendments are not directly applicable to goals and policies in the City's Comprehensive Plan pertaining to the protection of air, water, and land resources from pollution and pollutants. However, the proposed permanent utility connections for each food cart allows the decrease of water pollutants.

Goal 7: Natural Hazards:

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

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

Goal 8: Recreational Needs

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

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

Goal 9: Economic Development

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

FINDING: The proposed text amendments would allow development of Food Cart Pods that creates entrepreneurial opportunities for small businesses while providing a diverse mix of economic activity. They are an asset in fostering economic growth. Therefore, the proposed amendments meet the intent of Goal 9, Economic Development.

Goal 10: Housing

The purpose of this Goal is to make sure that a community has adequate housing supply for the twenty-year planning period through a range of densities to choose from and serves people at a variety of income levels.

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

Goal 11: Public Facilities and Services

It is the purpose of this Goal to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

FINDING: The proposed amendments are consistent with the City's Comprehensive Plan and, therefore, this goal.

Goal 12: Transportation

This Goal requires cities, counties, and the state to create a transportation system plan that considers all relevant modes of transportation: mass transit, air, water, rail, highway, bicycle and pedestrian.

FINDING: The proposed text amendments are consistent with the City's Transportation System Plan and therefore, this goal.

Goal 13: Energy

This Goal requires local governments to consider the effects of its comprehensive planning decision on energy consumption.

FINDING: The proposed amendments are consistent with the City's Comprehensive Plan and, therefore, this goal.

Goal 14: Urbanization

The purpose of this goal is to ensure land inside a UGB, is considered urbanizable. A city must plan to include a twenty-year supply of land for housing, employment, industry, open space and recreational needs. A UGB should also provide plans for transition from urban to rural land uses to avoid conflicts and encourage efficient use of the land to provide more livable, walkable, and densely built communities.

FINDING: The proposed amendments are consistent with the City's Comprehensive Plan and, therefore, this goal.

The following State Land Use Goals are not applicable to this proposal:

Goal 15: Willamette River Greenway,

Goal 16: Estuarine Resources,

Goal 17: Coastal Shorelands,

Goal 18: Beaches and Dunes; and

Goal 19: Ocean Resources

Metro's Regional Framework Plan

The Functional Framework Plan Six Outcomes are statements adopted by the Metro Council that synthesize the 2040 Growth Concept and regional policies.

1. People live, work, and play in vibrant communities where their everyday needs are easily accessible.
2. Current and future residents benefit from the region's sustained economic competitiveness and prosperity.
3. People have safe and reliable transportation choices that enhance their quality of life.
4. The region is a leader in minimizing contributions to global warming.
5. Current and future generations enjoy clean air, clean water, and healthy ecosystems.
6. The benefits and burdens of growth and change are distributed equitably.

Response: The proposed amendments are consistent with the City's Comprehensive Plan; therefore, the amendment is consistent with the 2040 Growth Concept and regional policies.

SZCDC Review Criteria 16.80.030.C – Transportation Planning Rule Consistency (TPR)

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

Oregon Health Authority

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

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

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

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

V. RECOMMENDATION

As proposed, the draft amendments to Title 16 (Zoning and Community Development Code,) supports and meets the intent of City's Comprehensive Plan, and all applicable state and regional criteria.

PLANNING COMMISSION ALTERNATIVES

1. Approve the findings in this staff report and recommend approval to City Council.
2. Modify the findings and approve the staff report as modified in compliance with all applicable criteria and recommend approval to City Council.
3. Modify the findings and deny the proposed amendments based on the Commission's findings, and recommend denial of the proposal to City Council; or
4. Continue the Public Hearing to a date certain if more information is needed.

STAFF RECOMMENDATION

Based on the above findings and applicable code criteria, staff recommends that the Planning Commission forward a recommendation of approval of the proposed Food Cart Pods text amendments to Title 16 of the Municipal Code, Case File LU 2024-014 PA, to the Sherwood City Council.

VI. EXHIBITS

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

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

Chapter 16.39 Food Cart Pods

16.39.010 Purpose and Definitions

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

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

- B. Exemptions.

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

- C. Definitions.

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

16.39.020 Food Cart Pod Permit Procedures

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

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

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

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

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

16.39.030 Food Cart Pod Development Standards.

The following standards apply to food cart pod sites.

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

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

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

The following design standards apply to dining building or pavilion:

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

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

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

16.39.040 Food Cart Pod Utility Standards

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

16.39.050 Food Cart Design Standards

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

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

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

16.39.060 Food Cart Pod Conditions of Approval

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

16.39.070 Food Cart Pod Approval Period and Time Extension

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

16.39.080 Food Cart Pod Code Compliance

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

16.22.020 Uses

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

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

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

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

¹See special Criteria for the NC zone, 16.22.050.

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

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

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

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

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

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

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

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

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

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

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

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 1. A sloped roof with a pitch no flatter than 6/12; or
 2. A roof with a pitch of less than 6/12 and a cornice or parapet that meets the following:
 - a) There must be two parts to the cornice or parapet. The top part must project at least six (6) inches from the face of the building and be at least two (2) inches further from the face of the building than the bottom part of the cornice or parapet.
 - b) The height of the cornice or parapet is based on the height of the building as follows:
 1. Buildings sixteen (16) to twenty (20) feet in height must have a cornice or parapet at least twelve (12) inches high.
 2. Buildings greater than twenty (20) feet and less than thirty (30) feet in height must have a cornice or parapet at least eighteen (18) inches high.

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

clear vision areas.

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

16.39.040 Food Cart Pod Utility Standards

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

16.39.050 Food Cart Design Standards

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

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

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

16.39.060 Food Cart Pod Conditions of Approval

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

16.39.070 Food Cart Pod Approval Period and Time Extension

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

16.39.080 Food Cart Pod Code Compliance

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

16.22.020 Uses

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

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

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

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

¹See special Criteria for the NC zone, 16.22.050.

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

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

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

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

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

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

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

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

Joy Chang

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

Joy,

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

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

Thank you.

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

From: Joy Chang <ChangJ@SherwoodOregon.gov>
Sent: Monday, July 15, 2024 1:13 PM
To: Ryan.Winfrey@nwnatural.com; henry.english@pgn.com; Travis.Smallwood@pgn.com; Jose.Marquez@pgn.com; humphreysj@CleanWaterServices.org; spieringm@CleanWaterServices.org; LUComments@cleanwaterservices.org; kmenroachmentspacific@kindermorgan.com; kTabscott@pridedisposal.com; raindrops2refuge@gmail.com; eva_kristofik@fws.gov; mwerner@gwrr.com; dxsmith@bpa.gov; jeroase@sherwood.k12.or.us; gbennett@sherwood.k12.or.us; tumpj@trimet.org; baldwinb@trimet.org; DevelopmentReview@trimet.org; landusenotifications@oregonmetro.gov; ruth.e.price@odot.oregon.gov; Jill.M.HENDRICKSON@odot.state.or.us; ODOT_R1_DevRev@odot.state.or.us; anthony_mills@washingtoncountyor.gov; Naomi_Vogel@co.washington.or.us; stephen_roberts@co.washington.or.us; Theresa_Cherniak@co.washington.or.us; Bryan_Robb@co.washington.or.us; Arn, Jason S. <Jason.Arn@tvfr.com>; Brad Crawford <CrawfordB@SherwoodOregon.gov>; Richard Sattler <SattlerR@SherwoodOregon.gov>; Jason Waters <WatersJ@SherwoodOregon.gov>; Craig Christensen <ChristensenC@SherwoodOregon.gov>; Craig Sheldon <SheldonC@SherwoodOregon.gov>; Jo Guediri <GuediriJ@sherwoodoregon.gov>; Andrew Stirling <StirlingA@SherwoodOregon.gov>; Colleen Resch <ReschC@SherwoodOregon.gov>; Scott McKie <McKieS@SherwoodOregon.gov>; Ty Hanlon <HanlonT@SherwoodOregon.gov>; Jon Carlson <CarlsonJ@SherwoodOregon.gov>; hoon.choe@USPS.gov; mlrr.info@oregon.gov; Sean Conrad <conrads@sherwoodoregon.gov>; Eric Rutledge <RutledgeE@SherwoodOregon.gov>; Hugo Hamblin-Agosto <hamblinagostoh@sherwoodoregon.gov>
Subject: Request for Comments - Food Cart Pods regulations for the City of Sherwood, LU 2024-014 PA

Hello agency partners,

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

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

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

From: Joy Chang <ChangJ@SherwoodOregon.gov>
Sent: Monday, July 15, 2024 1:13 PM
To: Ryan.Winfree@nwnatural.com; henry.english@pgn.com; Travis.Smallwood@pgn.com; Jose.Marquez@pgn.com; humphreysj@CleanWaterServices.org; spieringm@CleanWaterServices.org; LUComments@cleanwaterservices.org; kmenroachmentspacific@kindermorgan.com; kTabscott@pridedisposal.com; raindrops2refuge@gmail.com; eva_kristofik@fws.gov; mwerner@gwrr.com; dxsmith@bpa.gov; jerosesherwood.k12.or.us; gbennett@sherwood.k12.or.us; tumpj@trimet.org; baldwinb@trimet.org; DevelopmentReview@trimet.org; landusenotifications@oregonmetro.gov; ruth.e.price@odot.oregon.gov; Jill.M.HENDRICKSON@odot.state.or.us; ODOT_R1_DevRev@odot.state.or.us; anthony_mills@washingtoncountyor.gov; Naomi_Vogel@co.washington.or.us; stephen_roberts@co.washington.or.us; Theresa_Cherniak@co.washington.or.us; Bryan_Robb@co.washington.or.us; Arn, Jason S. <Jason.Arn@tvfr.com>; Brad Crawford <CrawfordB@SherwoodOregon.gov>; Richard Sattler <SattlerR@SherwoodOregon.gov>; Jason Waters <WatersJ@SherwoodOregon.gov>; Craig Christensen <ChristensenC@SherwoodOregon.gov>; Craig Sheldon <SheldonC@SherwoodOregon.gov>; Jo Guediri <GuediriJ@sherwoodoregon.gov>; Andrew Stirling <StirlingA@SherwoodOregon.gov>; Colleen Resch <ReschC@SherwoodOregon.gov>; Scott McKie <McKieS@SherwoodOregon.gov>; Ty Hanlon <HanlonT@SherwoodOregon.gov>; Jon Carlson <CarlsonJ@SherwoodOregon.gov>; hoon.choe@USPS.gov; mlrr.info@oregon.gov; Sean Conrad <conrads@sherwoodoregon.gov>; Eric Rutledge <RutledgeE@SherwoodOregon.gov>; Hugo Hamblin-Agosto <hamblinagostoh@sherwoodoregon.gov>
Subject: Request for Comments - Food Cart Pods regulations for the City of Sherwood, LU 2024-014 PA

Hello agency partners,

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

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

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

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

Kristen Tabscott
EXECUTIVE ASSISTANT

Pride Disposal & Recycling Company

503-625-6177

pridedisposal.com

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From: Joy Chang <ChangJ@SherwoodOregon.gov>

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

To: Ryan.Winfree@nwnatural.com; henry.english@pgn.com; Travis.Smallwood@pgn.com; Jose.Marquez@pgn.com; humphreysj@CleanWaterServices.org; spieringm@CleanWaterServices.org; LUComments@cleanwaterservices.org; kmenroachmentspacific@kindermorgan.com; Kristen Tabscott <kTabscott@pridedisposal.com>; raindrops2refuge@gmail.com; eva_kristofik@fws.gov; mwerner@gwrr.com; dxsmith@bpa.gov; jerosesherwood.k12.or.us; gbennett@sherwood.k12.or.us; tumpj@trimet.org; baldwinb@trimet.org; DevelopmentReview@trimet.org; landusenotifications@oregonmetro.gov; ruth.e.price@odot.oregon.gov; Jill.M.HENDRICKSON@odot.state.or.us; ODOT_R1_DevRev@odot.state.or.us; anthony_mills@washingtoncountyor.gov; Naomi_Vogel@co.washington.or.us; stephen_roberts@co.washington.or.us; Theresa_Cherniak@co.washington.or.us; Bryan_Robb@co.washington.or.us; Arn, Jason S. <Jason.Arn@tvfr.com>; Brad Crawford <CrawfordB@SherwoodOregon.gov>; Richard Sattler <SattlerR@SherwoodOregon.gov>; Jason Waters <WatersJ@SherwoodOregon.gov>; Craig Christensen <ChristensenC@SherwoodOregon.gov>; Craig Sheldon <SheldonC@SherwoodOregon.gov>; Jo Guediri <GuediriJ@sherwoodoregon.gov>; Andrew Stirling <StirlingA@SherwoodOregon.gov>; Colleen Resch <ReschC@SherwoodOregon.gov>; Scott McKie <McKieS@SherwoodOregon.gov>; Ty Hanlon <HanlonT@SherwoodOregon.gov>; Jon Carlson <CarlsonJ@SherwoodOregon.gov>; hoon.choe@USPS.gov; mlrr.info@oregon.gov; Sean Conrad <conrads@sherwoodoregon.gov>; Eric Rutledge <RutledgeE@SherwoodOregon.gov>; Hugo Hamblin-Agosto <hamblinagostoh@sherwoodoregon.gov>

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

Hello agency partners,



Oregon
Tina Kotek, Governor

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

DATE: 8/2/2024

ODOT #

ODOT Response

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

LAND USE PROPOSAL

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

STATE HIGHWAY FACILITY

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

COMMENTS

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

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

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

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Hi Joy,

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

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

Best, Jill

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

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

Cell: 503.559.5295 | Fax: 503.986.3625

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

From: Joy Chang <ChangJ@SherwoodOregon.gov>

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

To: Ryan.Winfree@nwnatural.com; henry.english@pgn.com; Travis.Smallwood@pgn.com; Jose.Marquez@pgn.com; humphreysj@CleanWaterServices.org; spieringm@CleanWaterServices.org; LUComments@cleanwaterservices.org; kmenroachmentspacific@kindermorgan.com; kTabscott@pridedisposal.com; raindrops2refuge@gmail.com; eva_kristofik@fws.gov; mwerner@gwrr.com; dxsmith@bpa.gov; jerosesherwood.k12.or.us; gbennett@sherwood.k12.or.us; tumpj@trimet.org; baldwinb@trimet.org; DevelopmentReview@trimet.org; landusenotifications@oregonmetro.gov; PRICE Ruth E <Ruth.E.PRICE@odot.oregon.gov>; HENDRICKSON Jill M <Jill.M.HENDRICKSON@odot.oregon.gov>; ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>; anthony_mills@washingtoncountyor.gov; Naomi_Vogel@co.washington.or.us; stephen_roberts@co.washington.or.us; Theresa_Cherniak@co.washington.or.us; Bryan_Robb@co.washington.or.us; Arn, Jason S. <Jason.Arn@tvfr.com>; Brad Crawford <CrawfordB@SherwoodOregon.gov>; Richard Sattler <SattlerR@SherwoodOregon.gov>; Jason Waters <WatersJ@SherwoodOregon.gov>; Craig Christensen <ChristensenC@SherwoodOregon.gov>; Craig Sheldon <SheldonC@SherwoodOregon.gov>; Jo Guediri <GuediriJ@sherwoodoregon.gov>; Andrew Stirling <StirlingA@SherwoodOregon.gov>; Colleen Resch <ReschC@SherwoodOregon.gov>; Scott McKie <McKieS@SherwoodOregon.gov>; Ty Hanlon <HanlonT@SherwoodOregon.gov>; Jon Carlson



ORDINANCE 2024-004

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

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

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

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

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

WHEREAS, at its meeting on August 13, 2024, the Planning Commission conducted a public hearing, considered proposed Food Cart Pods standards, and recommended that the City Council adopt the proposed amendments; and

WHEREAS, the City Council held the first public hearing on the proposed amendments on September 17, 2024 and a second hearing on the proposed amendments is scheduled for October 15, 2024; and

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

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

Section 1. After full and due consideration of the application, the Planning Commission recommendation, the record, and evidence presented at the public hearing, the City Council accepts the findings of fact contained in the Planning Commission recommendation, which is included as Attachment 1 to the staff report for this Ordinance, finding that the text of the indicated sections of the Sherwood Zoning and Community Development Code, Chapter 16.39 shall be amended to read as documented in Exhibit 1, attached to this Ordinance.

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

Section 3. This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council on October 15, 2024.

Tim Rosener, Mayor

Date

Attest:

Sylvia Murphy, MMC, City Recorder

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

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

Chapter 16.39 Food Cart Pods

16.39.010 Purpose and Definitions

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

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

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

16.39.020 Food Cart Pod Permit Procedures

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

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

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

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

16.39.030 Food Cart Pod Development Standards.

The following standards apply to food cart pod sites.

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

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

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

clear vision areas.

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

16.39.040 Food Cart Pod Utility Standards

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

16.39.050 Food Cart Design Standards

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

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

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

16.39.060 Food Cart Pod Conditions of Approval

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

16.39.070 Food Cart Pod Approval Period and Time Extension

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

16.39.080 Food Cart Pod Code Compliance

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

16.22.020 Uses

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

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

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

Exhibit 1

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

¹See special Criteria for the NC zone, 16.22.050.

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

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

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

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

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

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

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

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

Sherwood City Council Meeting

Date: September 17, 2024

- List of Meeting Attendees: ✓
- Request to Speak Forms: ✓
- Documents submitted at meeting: ✓

Work Session

- “City of Sherwood Solid Waste & Recycling Collection Rate Presentation” PowerPoint presentation from Bell & Associates consultant Chris Bell, Exhibit A
 - “Economic Development Incentives” PowerPoint presentation from Community Development Director Eric Rutledge & Economic Development Manager Bruce Coleman, Exhibit B
 - “Advancing the City Council’s Economic Development Goals: Identifying Target Traded Sector Industries and Potential Economic Development Incentive Program” memo with attachments from Economic Development Manager Bruce Coleman, Exhibit C
 - “Sherwood West Urban growth Boundary Expansion Discussion” PowerPoint presentation from Community Development Director Eric Rutledge, Exhibit D
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Regular Session

- PowerPoint presentation recognizing Sherwood High School students’ academic achievements from City Recorder Sylvia Murphy, Exhibit E
 - “Sherwood City Council Resolution 2024-064” PowerPoint presentation from Community Development Director, Eric Rutledge, Exhibit F
 - “LU 2024-014 PA Food Cart Pods” PowerPoint presentation from Senior Planner Joy Chang, Exhibit G
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-
-
-
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ATTENDANCE SHEET

NAME

ADDRESS

PHONE

JAMES ANAYA	1477 SE 8TH AVE CANBY OR 97013	(503) 403-8177
LORETTA ANAYA	453 NW 5TH AVE CANBY OR 97013	(626) 862-5756
Zana May	Sherwood	
Lawson Bishop	18454 SW Hawthorn Ln	
Hussein Alhawani	20725 SW Trails End Dr	971 470 1989
Jocelyn Harris		
Mari Agueron		
Ashley Thomas	15031 SW Ginkgo Ct	503 956 1167
Yongqin Zeng	17223 SW Noble Fir Ct	503-330-5772
Darlene & Zack Gilligan	22755 SW Cochran	503 290 4493
DEIN STAMP	17052 SW Jeanne Louise Rd	503-539-7877
Sandesh Pawade	24247 SW White oak	925-336-2862
Emma Chen	17243 SW Terrapin Dr	858-314-0172
Geetanjali P.	24247 SW white oak ter	313-896-6242
maricharbaria	17676 SW wapato st	503-568-4826

ATTENDANCE SHEET

NAME

ADDRESS

PHONE

Reed Francis	22895 SW Norton Av	971-281-4036
Emilio Pinto	18665 SW Sweepstom Dr	503-414-855
Nam Joof / Cr	21607 SW Cedarbrookway #114 Sherwood	646-712-3248
Edith Pannell	19315 SW Edy Rd.	503-863-4121
Robin Steindorf	21623 SW xfrd Tr	503-976-7710



City of Sherwood Solid Waste & Recycling Collection Rate Presentation

September 2024

9/17/2024
Date

City Council
Gov. Body

WS
Agenda Item

A
Exhibit #

Sherwood Ch. 8 Solid Waste Management

- **8.20.080 Rates**
- D. Rates to be charged by the franchisee under this chapter shall be set by the city council by resolution at such times as deemed necessary by the council, provided, however, that rates may not be amended more than once every twelve (12) months, except for instances where landfill disposal rates have been increased by the metro regional government.
- F.4.a. If the rate of return for the franchisee is less than eight percent or more than twelve (12) percent, then the city will undertake a rate study to recommend new rates. The study will be designed to recommend new rates that will be effective on the immediately following January 1 and intended to produce a rate of return of **ten percent for the calendar year beginning on that date.**

Adjusted 2023 Results

Service	Cart (Residential)	Container (Commercial)	Drop Box (Industrial)	Composite
Revenues	\$ 2,687,869	\$ 1,249,129	\$ 1,010,168	\$ 4,947,166
Direct Costs of Operations	\$ 2,293,830	\$ 999,844	\$ 845,178	\$ 4,138,852
Indirect Costs of Operations	\$ 320,302	\$ 194,867	\$ 86,982	\$ 602,151
Allowable Costs	\$ 2,614,132	\$ 1,194,711	\$ 932,160	\$ 4,741,003
Franchise Income	\$ 73,737	\$ 54,418	\$ 78,008	\$ 206,163
Return on revenues	2.74%	4.36%	7.72%	4.17%

Collection and Disposal Rates

- Current rates became effective September 2023
- Residential rates increased 5.7% for 35 gallon customers
 - The current rate is \$32.99 – Weekly Garbage/Organics and EOW Recycling
- Commercial rates increased 4.7% for 4 yd. weekly customers
 - The current rate is \$356.83 – Includes Garbage & Recycling
- Drop Box rates increased by 3.3% per haul
 - The current rate is \$155 per haul – Haul Fee plus actual disposal cost

Increased Costs for Collection Services

Cost from 2023 were projected for 2025 rates

- Driver's wages increased by 5.9% from 2023 to \$33.32 per hr.
- Truck repair and maintenance increased by 2.5%
- Organic waste increased by 8.5%
- Administrative Costs increased by 6%
- Truck depreciation increased by 13%
 - Six automated cart trucks were delivered in 2023 (av. cost \$437,418)
 - Five drop box trucks were delivered in 2023-24 (av. cost \$270,392)
 - Three front load trucks were delivered in 2023-24 (av. cost \$406,434)

Cost Allocations

Truck Type	Date	Cost	Per Month
Roll Off	9/5/2023	\$ 297,990	\$ 3,548
Roll Off	9/15/2023	\$ 297,990	\$ 3,548
Roll Off	10/2/2023	\$ 297,990	\$ 3,548
side load	5/2/2023	\$ 377,432	\$ 4,493
side load	5/16/2023	\$ 375,955	\$ 4,476
side load	7/11/2023	\$ 467,660	\$ 5,567
side load	7/26/2023	\$ 466,985	\$ 5,559
side load	8/17/2023	\$ 467,905	\$ 5,570
side load	8/18/2023	\$ 468,570	\$ 5,578
front load	5/1/2023	\$ 400,821	\$ 4,772
front load	6/14/2023	\$ 408,480	\$ 4,863
Roll Off	5/1/2024	\$ 297,990	\$ 3,548
Roll off	6/1/2024	\$ 160,000	\$ 1,905
front load	5/1/2024	\$ 410,000	\$ 4,881
LOB	Date	2023 depreciation	
side load	12/21/2016	\$ (43,731)	\$ (521)
glass	12/16/2016	\$ (19,407)	\$ (231)
front load	12/27/2016	\$ (43,134)	\$ (514)
			\$ 60,590

LineNo.	DIRECT COSTS OF OPERATIONS	Total Company Operations	City of SHERWOOD Operations	Sherwood 2025 Operations
35.	Depreciation - Vehicles	1,785,061	265,265	277,234
36.	Depreciation - Containers & Carts	522,343	70,213	70,213
37.	Depreciation - Other Equipment	49,990	6,976	6,976
38.	Depreciation - Yard / Buildings	175,670	24,532	24,532

The cost of the new collection trucks was allocated across the jurisdictions serviced by Pride.

Pride expended 15% of the total company truck hours in Sherwood; therefore, the truck expense allocated to Sherwood is 15%

Solid Waste Disposal Costs

Metro	2017	2018	2019	2020	2021	2022	2023	2024
Transfer & Disposal	\$ 63.20	\$ 64.41	\$ 64.41	\$ 64.41	\$ 72.81	\$ 78.23	\$ 89.72	\$ 104.37
Metro Fees/Taxes	\$ 31.75	\$ 33.04	\$ 33.04	\$ 33.94	\$ 42.34	\$ 45.06	\$ 47.58	\$ 49.30
Total Tip Fee	\$ 94.95	\$ 97.45	\$ 97.45	\$ 98.35	\$ 115.15	\$ 123.29	\$ 137.30	\$ 153.67
Transaction Fee	\$ 2.00	\$ 2.00	\$ 2.00	\$ 2.00	\$ 2.00	\$ 4.25	\$ 6.75	\$ 7.25
Pride Recycling	2017	2018	2019	2020	2021	2022	2023	2024
Transfer & Disposal	\$ 67.75	\$ 68.96	\$ 70.96	\$ 71.61	\$ 73.54	\$ 78.75	\$ 90.28	\$ 104.37
Metro Fees/Taxes	\$ 31.75	\$ 33.04	\$ 33.04	\$ 33.94	\$ 42.34	\$ 45.06	\$ 47.58	\$ 49.30
Total Tip Fee	\$ 99.50	\$ 102.00	\$ 104.00	\$ 105.55	\$ 115.88	\$ 123.81	\$ 137.86	\$ 153.67

Disposal Fee has increased by 47.1% since 2017
CPI over the same period is 31%

Disposal Costs for Customers

Year	Disposal Rate	35 gal. cost	4 yd. cost
2020	\$ 105.55	\$ 6.45	\$ 29.57
2021	\$ 115.88	\$ 7.08	\$ 32.47
2022	\$ 123.81	\$ 7.57	\$ 34.69
2023	\$ 137.86	\$ 8.43	\$ 38.63
2024	\$ 153.67	\$ 9.39	\$ 43.05
2025	\$ 158.26	\$ 9.67	\$ 44.34
2026	\$ 165.38	\$ 10.11	\$ 46.34

- 35 gallon assumes 24 pounds per set out
- 4 yard assumes 110 pounds per collected yard

Proposed Collection Rates for 2025

Service	Current	Collection	Disposal	Proposed	% ▲
20 gal cart	\$ 29.92	\$ 2.22	\$ 0.71	\$ 32.85	9.8%
35 gal cart	\$ 32.99	\$ 2.22	\$ 1.19	\$ 36.40	10.3%
65 gal cart	\$ 43.29	\$ 2.22	\$ 2.17	\$ 47.68	10.1%
95 gal cart	\$ 53.73	\$ 2.22	\$ 3.15	\$ 59.10	10.0%
2 yd. weekly	\$ 211.52	\$ 7.79	\$ 11.95	\$ 231.26	9.3%
3 yd. weekly	\$ 284.15	\$ 11.69	\$ 17.93	\$ 313.77	10.4%
4 yd. weekly	\$ 356.83	\$ 15.59	\$ 23.90	\$ 396.32	11.1%
6 yd. weekly	\$ 501.84	\$ 23.38	\$ 35.85	\$ 561.07	11.8%

Detail of Cart Collection Cost Increases

Collection Cost - \$2.22

Expense	\$ ▲	% ▲
Labor	\$ 30,387	19%
Truck/Equipment	\$ 22,037	14%
Organics	\$ 15,018	10%
Admin Cost	\$ 17,465	11%
Franchise Fee	\$ 16,124	10%
Operating Margin	\$ 55,635	36%
Totals	\$ 156,666	100%

Disposal Cost

Tip Fee Component	Amount	35 gal cart	65 gal cart
Recology TS Ops	\$ 35.97	\$ 1.71	\$ 3.11
Metro TS Ops	\$ 15.85	\$ 0.75	\$ 1.37
Walsh Trucking	\$ 24.06	\$ 1.15	\$ 2.09
Transport Fuel	\$ 7.29	\$ 0.34	\$ 0.63
WM Disposal	\$ 21.20	\$ 1.01	\$ 1.84
Regional System Fee	\$ 31.72	\$ 1.51	\$ 2.74
Metro Excise Tax	\$ 14.69	\$ 0.70	\$ 1.28
Enhancement	\$ 1.00	\$ 0.05	\$ 0.09
DEQ Fees	\$ 1.89	\$ 0.09	\$ 0.16
Total	\$ 153.67	\$ 7.31	\$ 13.31

Medical Collection Rates

Service Component	Current	\$ ▲	2025 Rate
On-site Pick-up Charge	\$ 38.20	\$ 10.80	\$ 49.00
Container Disposal Rate			
Disposal Cost per 17 or < Gal. Unit	\$ 25.35	\$ (7.33)	\$ 18.02
Disposal Cost per 23 Gal. Unit	\$ 29.55	\$ (5.16)	\$ 24.39
Disposal Cost per 31 Gal. Unit	\$ 30.90	\$ 1.97	\$ 32.87
Disposal Cost per 31 Gal. (10 or more per stop)			\$ 21.89
Disposal Cost per 43 Gal. Unit	\$ 35.85	\$ 9.74	\$ 45.59
Disposal Cost per 43 Gal. (10 or more per stop)			\$ 30.36
Pharmaceutical Waste per 5 gal pail	\$ 49.71	\$ (1.52)	\$ 48.19
Chemo/Pathology Box Unit	\$ 47.06	\$ 27.94	\$ 75.00
Cardboard Bio Boxes (Per 23/30 gallon per box)			\$ 8.50

Council Member Questions

- What Pride is doing to try and keep cost down outside the tipping fees?
- Does management just see it going up every year and that isn't just from tipping fees.
- Is there is an adequate capital reserve fund to rebuild the [transfer] facility or to at least renovate it when the time comes?
- How are the pounds per container constants created? When was the last time those values were reset?
 - Carts – Portland Vessel Weight Study / Container – Cost Report



Economic Development Incentives City Council Work Session

September 17, 2024

Eric Rutledge, Community Development Director
Bruce Coleman, Economic Development Manager
Sean Conrad, Planning Manager

9/17/2024
Date

City Council
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B
Exhibit #

An aerial photograph of a suburban neighborhood. A wide road with multiple lanes runs vertically through the center-left of the image. To the right of the road, there are several large, modern houses with dark roofs and light-colored siding. The houses are surrounded by lush green trees and lawns. In the background, more houses and trees are visible, leading up to a range of hills under a clear blue sky. The word "Background" is overlaid in large, white, sans-serif font across the middle of the image.

Background

May 7, 2024 Council Work Session discussion on Development Code Audit to Promote Stronger Economic Development

Council interest in identifying: (1) Target Industries paying higher-than-average wages; and (2) Types of incentive programs to attract such Target Industries.

Examples mentioned: SDC “waivers” thru URA backfilling to City; Wilsonville Invests Now (“WIN”) industrial incentive program; “Fast Tracking” Target Industries; and Development Code updates, etc.



Related EcDev City Council Goals FY24-25

Improve
Development Code
to Promote
Stronger Economic
Development

Identify Target
Industries that can
realistically offer a
diversified
economy

Undertake analysis
identifying
industries in
Portland area with
higher than median
household income

Bring jobs to
Sherwood that
provide wages that
allow people to live
and work in
Sherwood

Defining Sherwood's Target Industries That Provide Higher Paying Jobs

GPI/Metro CEDS identified regional Target Traded Sectors/Competitive Advantage

Next Step: Worked with GPI to ID higher paying industries based on average wage for Sherwood - \$84,101: Used NAICS & Locational Quotient (LQ): Reasonably can be attracted to Sherwood



Semiconductor/Electronics Mfg



Metals & Machinery



Aerospace/Space/Defense



Robotics/Automation



Biosciences/Medical Devices



Food Products Machinery



CleanTech



Other Advanced Mfg

Current Challenge/Opportunities to Attract Target Advanced Manufacturing Companies

- New high interest rate environment
- Per industrial CRE professionals: Cost challenges for advanced manufacturing companies to relocate/expand from older outmoded facilities to new efficient space in Sherwood
- “Oregon Option” - Manufacturing companies stay put
- Companies need “gap” incentive financing to make the move to new facilities



Potential EcDev Incentives for Advanced Manufacturing Recruitment to Sherwood

Research conducted on two types of EcDev incentive in local area

1. Local incentives

- a. Financial Incentives

- b. Non-Financial Incentives

2. State/Business Oregon Incentives





Local EcDev Financial Incentives: Local Property Tax Abatements

State Enterprise Zones

100% Local Property Tax Abatements - Up to 5 Years

Local Enterprise Zones

- Gresham EZ
- Hillsboro EZ
- Other EZ's
- Gresham Strategic Investment Zone - Up to 15 year period
- Wilsonville Invest Now (WIN) Program - Local Property Tax Reimbursements through single parcel URA's

Question

Fiscal impact on City of Sherwood/URA?

Local EcDev Financial Incentives: SDC's

“Waiver” by City - Funded by URA to City

Examples:

- Fairview URA SDC Incentive Program
- Gresham SDC - City Deferrals
 - Never activated - Reason: lien issue

Issue: Fiscal Impact on City of Sherwood/URA?

SDC's are already tied to specific identified projects





Local EcDev Non-Financial Incentives:

Most Important Local Incentives: Expedited permitting for Target Industries ("Fast Track" Permitting)

City of Sherwood "Red Carpet" Team

Examples of Other Fast Track Programs:

- Gresham 66-Day Industrial Land Use Application Review
- Gresham Rapid Response Team

Applicability to Sherwood as Smaller City

Need for City financial resources - for Fast Tracking
Developer funded? - Amend City fee schedule?

Business Oregon Financial Incentives for Advanced Manufacturing Companies

Governor's Strategic Reserve Fund (SRF)

Oregon Business Development Fund (OBDP) - Traded Sector

Land, Buildings, Machinery, Equipment & Working Capital

Lower Interest Rate

Credit Enhancement Fund (CEF)

Business Oregon is lending agency in conjunction with banks to support Traded Sector business growth

Benefit to Sherwood



Staff Recommendation & Council Decision

- Provide direction to staff regarding proposed Target Industry list & Economic Development Incentives
- Due to current impact on URA budget, consider creating Local Non-Financial Incentive Programs to expedite Target Traded Sector Industries as first step
- Continue to proactively pursue Business Oregon for Financial Incentives for Target Traded Sector Industries

Thank you!

Katie Corgan

From: Sylvia Murphy
Sent: Tuesday, September 10, 2024 9:29 AM
To: Katie Corgan
Subject: FW: City Council Work Session on Economic Development Traded Sector Target Industries and Incentives - September 17, 2024

Attachments: Advanced Manufacturing Incentives Discussion - 9.17.24 Council Work Session- EN Edits.pptx; Memorandum to City Council - Economic Development Work Session 9.17.24 (006) (006).pdf; Attachment 1 - Refining Sherwood's Target Industries Recruitment List (004) (005).pdf; Attachment 2 - Understanding the New Challenges and Opportunities (004) (005).pdf; Attachment 3 - Overview of Local Target Industry Financial and Non-Financial Incentive Programs (005) (005).pdf; Attachment 4 - Business Oregon Traded Sector Financial Incentive Programs (004) (005).pdf

Follow Up Flag: Follow up
Due By: Wednesday, September 18, 2024 12:00 PM
Flag Status: Flagged

Categories: Council

Katie, see attached for the 9/17/2024 Council meeting record. Please also include Bruce's email. Thanks.

Sylvia Murphy, MMC, City Recorder
Murphys@Sherwoodoregon.gov
Ph: 503-625-4246

From: Bruce Coleman <ColemanB@SherwoodOregon.gov>
Sent: Tuesday, September 10, 2024 6:23 AM
To: City Council <CityCouncil@SherwoodOregon.gov>; City Council <CityCouncilDistribution@sherwoodoregon.gov>
Cc: Craig Sheldon <SheldonC@SherwoodOregon.gov>; Kristen Switzer <SwitzerK@SherwoodOregon.gov>; Sebastian Tapia <TapiaS@sherwoodoregon.gov>; Sylvia Murphy <MurphyS@SherwoodOregon.gov>; David Bodway <BodwayD@SherwoodOregon.gov>; Eric Rutledge <RutledgeE@SherwoodOregon.gov>; Sean Conrad <conrads@sherwoodoregon.gov>; Bruce Coleman <ColemanB@SherwoodOregon.gov>
Subject: City Council Work Session on Economic Development Traded Sector Target Industries and Incentives - September 17, 2024

Good Morning Mayor Rosener and City Councilors,

At your May 7 City Council Work Session on the Development Code Audit, you talked about code changes and development process improvements and indicated your interest in the fast-tracking of suitable target businesses/developments – all in support of economic development. You also expressed an interest in pursuing opportunities to create incentive programs which would help the City to attract the types of Target Industries that can have the potential to create higher paying jobs for Sherwood residents and a more diverse economic base for Sherwood's future prosperity.

As a result, staff has prepared the attached documents which I hope will help with your discussion on this matter at the September 17th Council Work Session on Economic Development Traded Sector Target Industries and Incentives.

Please let Craig or me know if you have any initial questions or comments. Thank you.

Bruce

9/17/2024
Date
WS
Agenda Item

City Council
Gov. Body
C
Exhibit #

Bruce Coleman

Economic Development Manager

City of Sherwood

22560 SW Pine Street

Sherwood, OR 97140

Office: 503-625-4206 | Mobile: 503.217.9012

colemanb@sherwoodoregon.govwww.sherwoodoregon.gov/economicdevelopment[Visit my LinkedIn Page](#)

ABOUT SHERWOOD ECONOMIC DEVELOPMENT: Sherwood offers many strategic advantages for business investment and economic development. Conveniently located in the southwest/I-5 Corridor of Greater Portland's Silicon Forest. Rated the 2nd safest city in Oregon, Sherwood also boasts a highly skilled workforce, outstanding schools, and strong community spirit. Sherwood enjoys easy access to I-5, I-205, Highway 99W and the Portland International Airport. Sherwood has a pro-business city government and encourages a wide range of businesses to locate and grow here, from startup entrepreneurs to Main Street businesses, to high technology advanced manufacturing. Sherwood boasts an engaged and collaborative city staff. We are in the process of developing over 2 million SF of new industrial park space to support the growth of traded sector/advanced manufacturing businesses. Space is available now for your growing business. We invite you to explore business growth opportunities in Sherwood.



MEMORANDUM

City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.sherwoodoregon.gov

Mayor
Tim Rosener

Council President
Kim Young

Councilors
Renee Brouse
Taylor Giles
Keith Mays
Doug Scott
Dan Standke

City Manager
Craig Sheldon

Assistant City Manager
Kristen Switzer

To: Mayor Rosener and Sherwood City Council

From: Eric Rutledge, Community Development Director
& Bruce Coleman, Economic Development Manager

Subject: Advancing the City Council's Economic Development Goals:
Identifying Target Traded Sector Industries
and Potential Economic Development Incentive Programs

Date: September 10, 2024

Background:

The City Council established various inter-related economic development goals/deliverables for FY 2024-25 which effectively apply to both Economic Development and Community Development. These were:

- Improve Development Code to promote stronger economic development.
 - *Smart Goal: Code audit and stakeholder meetings to determine opportunity for improvement; Process amendments.*
- Identify Target Industries that will realistically offer a diverse economy in Sherwood.
 - *Smart Goal: The target industries list includes semiconductors/electronics, cleantech, robotics/automation, metals & machinery equipment manufacturing, aerospace, space, food & beverage manufacturing and other advanced manufacturing (Note – this list was based on the City staff's previous preliminary analysis).*
- Undertake analysis identifying industries in Portland area with higher than median household income.
 - *Smart Goal: Evaluate highest paying industries in region that match Sherwood's land supply. Attract companies within higher paying industries.*
- Bring jobs to Sherwood that provide wages that allow people to live and work in Sherwood.

At the May 7 City Council Work Session on the Development Code Audit, City Councilors talked about code changes and development process improvements and also indicated their interest in seeing the fast-tracking of suitable target businesses/projects – all in support of economic development. Councilors also expressed their interest in pursuing opportunities to create incentive programs which would help the City to attract the types of Target Industries that can provide higher paying jobs to Sherwood and a more diverse economic base for Sherwood's future prosperity. As an illustration, staff was asked to come back and discuss various types of potential City/URA incentive programs such as SDC waivers/financing options and the Wilsonville industrial incentive program known as the "Wilsonville Invest Now", which provides for property tax abatement incentives that could be utilized to attract

companies that pay higher wages. While this work is not solely part of a Development Code Audit itself, it appears to be part of the interest by the Council in creating a larger, more comprehensive approach to economic development which would support the growth of traded sector economic development and, in particular, help attract additional advanced manufacturing technology-driven companies to the city - with the objective of creating higher paying jobs and new tax revenues for City services.

Work Session Objectives:

In order to pursue the Council's above-stated goals, the focus of this Work Session on September 17, 2024, should be on discussing and providing input to staff on our preliminary research on these subjects since the May 7th meeting. More specifically, the focus of the discussion should be on: (1) Identifying Target Industries which have the potential for creating higher paying jobs in Sherwood; and (2) Identifying potential Local and State incentive programs which could help the City to achieve its goal of attracting suitable traded sector Target Industries to our new industrial parks. With regard to opportunities to create Local Incentives, staff has worked to research programs in use in other suburban communities in the Metro area which includes both Financial and Non-Financial incentives. If Council is interested in exploring any of the Local Incentive concepts further, it will be important for the City Council and City management to identify the City and Urban Renewal Agency (URA) financial resources for implementing Local Incentives. Staff can then work to prepare specific program guidelines for such locally funded incentives in support of the Council's economic development goals. With regard to the State incentives, Business Oregon already provides financing programs which can support the growth of Target Industries in Sherwood as described in Attachment 4 to this memorandum. The City currently works to encourage traded sector companies and industrial park developers to avail themselves of the State programs.

This report and the following attachments will describe the results of staff's research related to the above referenced Council goals. It is requested that during the September 17th Work Session, the Council discuss and provide direction to staff on the following:

- The attached refined list of proposed traded sector Target Industries.
- The various types of Local Incentive Programs, including both financial and non-financial incentives in use in other area jurisdictions. Which types of Local Incentive programs are of interest to the Council? Does this include Local Financial Incentive programs such as local property tax abatements and/or SDC incentives funded through the URA? Is the Council interested in pursuing Local Non-Financial Incentives such as fast-tracking of Target Industry developments? If so, which Target Industries?
- Is the Council interested in creating future budget allocations through the City and its Urban Renewal Agency (URA) to fund the types of Local Incentives described in this report?
- As an alternative, should the Council direct staff to continue to work with Business Oregon to seek State incentive funding for Target Industries to encourage such advanced manufacturing businesses to locate in Sherwood?
- Are there other incentive programs that the Council would be interested in exploring?

As a next step, it should be indicated that compared to some of the cities referenced in Attachment 3, Sherwood has a relatively small staff and that in order to develop and implement some of the local financial and non-financial incentives in a timely manner, strong consideration should be given for the City to work with outside economic development and legal consultants who could assist with the creation and implementation of such Local Incentive programs.

Attachments:

1. Refining Sherwood's Target Industry Recruitment List: Attracting Higher Paying Jobs.
2. Understanding the New Challenges and Opportunities to Attract Target Advanced Manufacturing Companies to Sherwood.
3. Overview of Local Area Target Industry Financial and Non-Financial Incentive Programs.
4. Business Oregon Traded Sector Financial Incentive Programs



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Refining Sherwood Target Industries Recruitment List: Attracting Higher Paying Jobs

In accordance with the City Council goals for FY 2024-2025, this report is intended to refine the traded sector Target Industries recruitment list with the objective of defining those types of advanced manufacturing and other traded sector businesses that can **realistically** be attracted to Sherwood and which would also have the potential for providing higher wage jobs for our residents. While Sherwood is interested in attracting a large variety of businesses including traded sector and local sector firms, traded sector businesses need to be the foundation for any economic development program. Traded sector companies are defined as firms that sell their goods and services in competition with businesses in other states and countries. Local sector companies sell their goods and services primarily in the local market. Both are important. Traded sector companies bring in new money into the community, whereas, local sector companies keep local money at home. In general, adding one additional skilled job in the traded sector generates 2.5 jobs in local goods and services. This is known as the multiplier effect which is particularly strong with advanced manufacturing which is the future of manufacturing. According to E&Y, such tech-focused industry has the highest multiplier effect of any economic sector: for every \$1 spent in manufacturing, another \$2.74 is added to the economy.

Over the past several years, the Economic Development office began the process of identifying the Target Industry list for Sherwood by identifying the **regional** economic development Target Industries. The regional Target Industry list was prepared by Greater Portland Inc (GPI) and Metro as part of their collaborative process of working with economists and economic development consultants to prepare the Portland regional Comprehensive Economic Development Strategy known as the CEDS in 2022. The CEDS defines eight major industry sectors which are based on such key factors as access to a labor force with specialized skills, a desirable location and a supportive business structure. These key regional Target Industry sectors are Computers & Electronics, Metals & Machinery, Design & Media, Software, Apparel & Outdoor, Climate Tech, Biosciences, and Food & Beverage. These are generally thought of as the industries for which the region has a competitive advantage and, therefore, could **realistically** be attracted to the metropolitan Portland area which includes Sherwood.

In preparation for this City Council Work Session, the Economic Development office reviewed the regional Target Industry list and conducted further research with GPI to seek to identify the types of Target Industries that have a reasonable chance of BOTH locating in Sherwood and paying higher than average wages. To do that, Economic Development obtained data in May 2024 from GPI on the types of industries that could meet these dual objectives. GPI provided the City with the latest data (2023) which shows the average annual wages by the three-digit NAICS Codes and the Locational Quotient (LQ) for those industries. The NAICS Code stands for the North American Industrial Classification System which is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting and analyzing data related to the US

economy. The Locational Quotient is an analytic statistic that measures a region's industrial specialization relative to a larger geographic unit (usually a nation). For example, an LQ of over 1.0 in Printing means that the region and the nation are equally specialized in Printing. An LQ of 4.64 in Computers and Electronics means that the region has a higher concentration in Computers & Electronics than the nation as a whole and, therefore, a competitive advantage. Both factors must be considered when identifying Sherwood's Target Industries recruitment list in order to assure that the proposed industry can realistically be attracted and that it has the potential to create higher paying jobs.

As a first step in this analysis, the GPI data indicated that the average annual wage for all industries in Sherwood is \$84,101. The following table is a list of key industry types by both the NAICS Code and the LQ as provided by GPI. This list only includes industries that pay higher than average annual wages for Sherwood in accordance with the Council goal and (with a few exceptions) an LQ of 1.0 or greater:

Table 1

INDUSTRIES WITH HIGHER AVERAGE ANNUAL WAGES: PORTLAND/VANCOUVER/HILLSBORO OR-WA MSA: Selected Illustrated Industries

NAICS CODE	INDUSTRIES	AVERAGE ANNUAL WAGES	LQ
551	Management of Companies	\$161,649	2.07
518	Computing Infrastructure	\$148,864	1.41
513	Publishing Industries (including software)	\$146,629	1.61
334	Computers and Electronics Products Manufacturing	\$138,998	4.64
221	Utilities	\$129,720	0.96
425	Wholesale Trade	\$115,253	1.37
423	Merchant Wholesaler (including durable goods, computer equip)	\$104,085	1.13
541	Professional, Scientific and Technical Services*	\$102,328	1.03
333	Machinery Manufacturing**	\$98,631	1.10
113	Forestry and Logging	\$88,045	3.08
331	Primary Metals (including iron and steel mills)	\$87,466	1.57
517	Telecommunications Equipment (including satellites)***	\$87,175	0.52
621	Ambulatory Health Care	\$85,585	0.91
335	Electrical Equipment Mfg. (including fiber optics, batteries)****	\$85,492	0.69

*Professional, Scientific, and Technical Services includes engineering, computer design, and scientific research.

**Machinery Manufacturing includes semiconductor machinery, food products machinery, metals machinery)

***Assumption is made that this includes the Space Economy. If not, it would likely be included in NAICS Code 541.

**** Assumption is made that this could include Cleantech which also may be covered under NAICS Code 541.

Preliminary Analysis of Industry Data: Proposed Sherwood Target Industry Recruitment List

While utilizing the regional Target Industry list, the LQ, and the NAICS Codes as the primary basis for identifying Sherwood's proposed Target Industries, it should be emphasized that there is not a perfect match between the NAICS Code descriptions and the actual more common names used to identify a type of industry. That being said, the NAICS Code is a useful basic analytic tool as the City staff works to refine its list of recommended Target Industries. Think of this process as a mix of art and science.

Based on an evaluation of the information contained in the Table 1, staff is recommending that the City Council approve the following list of primary and secondary Target Industries:

- **Primary Traded Sector Target Industries**

Consistent with Sherwood's 2023 Economic Opportunities Analysis (EOA), it is recommended that the following industries should be the types of companies that the City should seek to recruit to Sherwood and for which the City Council might be willing to provide Local Incentives funded through the City/URA. These could be either Local Financial Incentives and/or Local Non-Financial Incentives - as subsequently determined to be financially and legally feasible for the City and its URA. As a possible alternative approach or in conjunction with Local Incentives, the City could focus on working with Business Oregon to seek to provide State Financial Incentives for these Target Industries, as appropriate. This Target Industry list should be considered a work-in-progress over time so as to allow the City to consider other industries that have the ability to provide higher paying jobs and significant new capital investments (capex) in Sherwood.

- Semiconductors and Electronics Manufacturing
- CleanTech Manufacturing
- Aerospace/Space/Defense Manufacturing
- Metals & Machinery Manufacturing
- Robotics and Automation Industries
- Software Design
- Food Products Machinery Manufacturing
- Other Technology, Innovation and Advanced Manufacturing

- **Secondary Target Industries**

The EOA also identifies other Target Industries which this report classifies as Secondary. Although Secondary Target Industries may offer significant benefits for Sherwood, the City Council may not wish to provide Local Financial Incentives for such businesses unless they can meet the twin goal of providing higher-paying salaries and strong capex.

- Food & Beverage Products Manufacturing
- Athletics and Outdoors
- Health Care

- Financial Services
- Restaurants/Hospitality/Hotel Developments*
- Retail*
- Personal Services

*Note: As the City proceeds with the planning and implementation of the Sherwood West Concept Plan area, the Council may wish to consider opportunities for incentivizing the development of the large Sherwood West Hospitality District since it is possible that this may include traded sector elements – which could attract new money into the community from outside the region in the form of visitors to the adjacent Oregon Wine Country. However, these jobs may not be considered higher paying jobs. In addition, depending on the recommendations contained in the Sherwood Old Town Strategic Plan which is being prepared in 2024-2025, consideration might be given by the Council to create incentive programs applicable to that district or other commercial districts in the future, as appropriate. *This matter is not the subject of this report which is solely focused on the growth of traded sector advanced manufacturing businesses.*

Regarding Wholesaling, Warehousing and Distribution, the data does show relative high wages as follows: NAICS Code 423 – Merchant Wholesaler (\$104,085) and NAICS Code 425 – Wholesale Trade (\$115,253). However, the industry is known for having lower wages and, possibly, a number of part time jobs. This may be reflected as indicated in NAICS Code 493 – Wholesale Trade (\$56,523) which is not shown in Table 1. For that reason, based on the lower wage structure, this report is not recommending that the Council provide Local Incentives for Warehousing. While most industrial brokers/developers report that the I-5/South Metro submarket (which includes Sherwood) is more particularly attractive for advanced manufacturing companies, it should be noted that wholesaling, distribution and warehousing are integral to the manufacturing economy and should be allowed in some form in our industrial parks. It should also be noted that it is important for the City to continue to have flexible development codes/zoning which has helped Sherwood in recent years to attract the types of developers and their institutional capital partners which the City needs in order to develop additional large industrial sites in the future, which can then become space for manufacturers. Some cities have prohibited these uses in the past and have found that their vacant industrial properties sat idle and did not effectively generate development interest, sometimes for long periods of time.



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Understanding the New Challenges and Opportunities to Attract Target Manufacturing Companies to Sherwood

In accordance with the Council goal to attract a stronger and more diversified economic base for Sherwood to support job creation and the new municipal revenue generation needed to fund City services, the City has been working proactively in close partnership with Greater Portland Inc (GPI), Business Oregon, corporate site selectors, and industrial real estate professionals over the past several years to encourage traded-sector advanced manufacturers to locate in the City's new industrial parks - in and around the Tonquin Employment Area (TEA). Due to a variety of issues, all of the manufacturers who have chosen to locate in Sherwood at this stage are as a result of existing Portland area companies deciding to remain in the metro Portland area and to relocate, consolidate and expand their businesses into Sherwood's new industrial parks. To clarify, although City staff regularly reviews and responds to inquiries from Business Oregon and GPI relating to business recruitments from outside Oregon, all new business attraction to Sherwood, to date, has been the result of business expansions from within the Greater Portland region.

This is reflected by the fact that between late 2021 and early 2024, NSI/Nuance Systems, DWFritz Automation, Lam Research and Olympus Control have all recently relocated to and expanded their advanced manufacturing operations from within the Portland region to Sherwood. This early success is a form of regional business retention and expansion or "BRE", as it is referred to by economic development practitioners, where the City and its partners have worked to encourage such advanced manufacturing and technology-driven companies to find a new home in Sherwood. This has, in large part, been due to the City's flexible zoning regulations, its pro-business approach, its continual economic development outreach, its location, and the fact that large industrial park developers and institutional capital investors have chosen Sherwood for major new industrial park construction.

However, according to industrial brokers and developers who are very familiar with the Greater Portland and South Metro industrial market, times may have changed. Due to the increasing construction costs and the higher interest rate environment, we are now experiencing, many other existing Portland area manufacturing firms are now facing significant challenges as they seek new locations where they can consolidate and expand their operations in this region. This appears to be currently impacting Sherwood's economic development initiatives which – until recently – have realistically focused on encouraging existing area advanced manufacturers to expand and locate in Sherwood's new industrial parks since this city is one of handful of Metro area communities that have been experiencing the significant growth of manufacturing space. It is understood that Portland area manufacturing firms exist in a highly competitive market and are regularly being contacted by other state and local economic development agencies to encourage them to relocate to larger, planned sites outside of Oregon – with potential incentives being dangled by those other states to attract these companies. States such as South Carolina, North Carolina, Georgia, Texas, Nevada, Arizona and even high-tax New York State can offer

substantial economic incentives based on the number of jobs created and the capital expenditures being invested in those states.

To further understand this issue, Economic Development and Community Development have reached out to industry representatives who have indicated examples of how it is very challenging to recruit manufacturing companies at this time to relocate from their older outmoded space elsewhere in the Portland region into new manufacturing space in Sherwood due to the “sticker shock” that companies now face in moving their heavy machinery and equipment to a new space in Sherwood, particularly in light of the high cost of money. There have been various instances where staff has learned late in the process that existing manufacturing clients were in deep negotiations with the owners of new industrial parks in Sherwood for large manufacturing space but, subsequently, terminated their lease negotiations. Some of these companies are reportedly located in older multiple buildings elsewhere in the region but were unable to come to terms with the owners of the Sherwood industrial properties to consolidate their space in single larger buildings in Sherwood. This is reportedly largely due to heavy machinery relocation costs and the need for specialized tenant improvements which were beyond what either the company or the developers were willing to spend. Staff learned that it was simply less costly for the developers to recruit distribution, warehousing, and wholesaling companies – rather than advanced manufacturing firms - to their industrial parks. The recent trend for existing manufacturing companies to remain in their often-outmoded substandard spaces rather than consolidating operations into newer spaces in Sherwood has been referred to as the “Oregon Option”. Based on subsequent discussions with developers and brokers, there is a need for local or state public incentives to help provide the “gap” financing for Target Industry manufacturing companies to make the jump to the new Sherwood properties.

This represents both a challenge and opportunity for Sherwood that can potentially be overcome if the City and its URA have the financial capacity to be able to work with the private sector to help provide competitive local incentives or if state financial support can be made available to attract the primary Target Industries to Sherwood. This, of course, assumes that the URA has the funding available to provide such Local Incentives. A possible alternative option would be to expand the City’s work with our developers and their industrial prospects to encourage them to seek Business Oregon financial incentives to help fill the “gap”.



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Overview of Local Target Industry Financial and Non-Financial Incentive Programs

At the City Council Work Session on May 7, 2024, the City Council directed staff to investigate options for creating Local Target Industry incentive programs. As a result, the Economic Development office contacted state, regional and local economic development organizations, industrial park developers/brokers and others to seek to identify the range of incentive programs which have been established by other area cities to attract their target industries. Contacts were initiated with Washington County economic development managers, the Oregon Economic Development Association (OEDA), Greater Portland Inc, Business Oregon, the Port of Portland (the largest public sector industrial park developer in Oregon), the cities of Gresham and Fairview in Multnomah County, experienced area industrial real estate professionals, and other local economic development experts. Through this process, staff confirmed that -overall - there are very few incentive programs available in Oregon and in local cities in this area – as compared to other states which have a more “aspirational” approach toward economic development and a wider range of local and state funding sources since Oregon cities are largely funded through property taxes.

That being said, the City’s research on local economic development incentive programs helped staff to identify two types of Local Incentive programs that the Sherwood City Council might want to consider: **(1) Local Financial Incentives and (2) Local Non-Financial Incentives**. Implementation of any of these programs would be dependent on the City of Sherwood/Sherwood URA budgetary resources available to be devoted to the provision of such Local Incentives. Such a fiscal analysis is beyond the scope of this report and would require further investigation by the City Council and City management. Since Local Financial Incentives in this region are not as common as in comparable peer metropolitan areas in the US, this may be viewed as somewhat of “uncharted waters”.

Due to the size and workload of existing City staff, it is recommended that if the City Council chooses to select any of the following types of incentive programs for consideration for funding that budgetary resources be allocated for staff, specialized legal services, and/or economic development/URA/planning consultants to assist with the preparation of detailed program proposals and guidelines and the implementation of the selected Local Incentive programs so that they conform to legal requirements in Oregon.

The information on various Local Incentive programs below is intended only as an illustration of programs which have been put in place in other area jurisdictions and is by no means an exhaustive list. It should be considered as a starting point for the next step in this journey. Although Oregon has a different tax structure than other competing states, it is recommended that research should also be focused on other local incentive programs in use in such states as Arizona, Nevada, Texas, South Carolina etc. to determine the opportunities to apply those programs in Sherwood if legally permissible. That is also beyond the subject of this specific report.

Examples of Local Financial Incentive Programs

Based on City staff research to date, Local Financial Incentive programs in the Metro area can generally be classified as: **(1) Local Property Tax Abatement programs;** and **(2) System Development Charge (SDC) incentives.** Local property tax abatement programs appear to be more common.

Local Property Tax Abatement Programs

Locally-Designated Enterprise Zones

Under Oregon law, cities are permitted to sponsor the creation of Enterprise Zones (EZ's) for the purpose of fostering employment opportunities, development and local competitiveness in economically-lagging areas through the provision of local property tax relief. The local EZ's are established by Business Oregon and offer tax relief for new private capital. Eligible businesses that invest, qualify and operate in an Oregon local EZ receive several kinds of benefits including a basic or standard 100% (total) exemption from the property taxes normally assessed on significant new plant and equipment. This standard exemption lasts for three years. The standard exemption can be extended to 4 or 5 years through an agreement with the local government EZ sponsor. Though subject to local control, EZ designations must still satisfy certain State criteria including a measure of local economic hardship, consultations with local taxing districts, and physical parameters and boundary delineations. These State requirements would apply for Sherwood (or areas in Sherwood) to be designated as a local Enterprise Zone:

- 50% of more of households have incomes below 80% of median income.
- The unemployment rate must be at least 2% points greater than the comparable unemployment rates for the state.
- Based on evidence provided by the city seeking to designate an EZ, Business Oregon must determine that there is a level of economic hardship at least as severe as the above two requirements, including a decline in population, high percentage below the poverty line or unemployment rates in the EZ.

Eligible businesses must provide goods, products or services to other business operations. This includes not only conventional manufacturing and industrial activities but also processing plants, distribution centers, warehouses and clerical/back-office operations. Opportunities exist to include headquarters operations, hotels/resorts, E-Commerce, and call centers. Since Oregon's EZs are intended to create new jobs, there are State requirements regarding job quality and minimum investments.

The sponsoring city is responsible for appointing a Local Zone Manager, assisting the County Assessor on tax collection, creating EZ policies and marketing plans, establishing local standards on employment-related conditions to be imposed on the businesses, and entering into written agreements with businesses to extend the standard exemption to 4 or 5 years. Many local government sponsors offer additional benefits to businesses locating in a local EZ such as waivers, credits or reductions in fees, and regulatory flexibility/priority or enhanced public services. There is a definite, detailed process that must be followed to have locally sponsored Enterprise Zones designated by the State which requires mandatory consultation meetings with all of the taxing districts (school district, fire district, city, county etc.).

Examples of local EZ in the Metro area include the cities of Gresham, Hillsboro, Beaverton, and Fairview. Each of these programs must meet the State's basic eligibility requirements but may also add their own local requirements. For example, the City of Gresham focuses on establishing a public/private partnership to support the growth of targeted end-user companies. This program does not apply to industrial park developers. The Gresham EZ provides for a 3-to-5-year abatement on property taxes for new investment in the City – in exchange for job creation and other requirements. *Gresham reported that this is primary economic development incentive program which is used to encourage the creation of higher wage jobs and higher capital investment within the Zone boundary.* There is no overlap between the boundaries of the Gresham EZ and that city's urban renewal areas. More information is available from staff regarding the specifics of the Gresham program and the programs in place in Hillsboro, Beaverton and Fairview.

In the course of conducting research for this report, the City staff reached out to Business Oregon to discuss if - based on the state's EZ eligibility criteria - there are any industrial areas within Sherwood that might be eligible for an EZ designation. Based on the discussions with the Business Oregon EZ manager, it was clear that Sherwood as a whole would not qualify for the creation of an EZ. However, based on a very preliminary analysis conducted by Business Oregon in late July, an opportunity may exist for a smaller subarea or block group of industrially zoned land in Sherwood to meet the State's EZ eligibility criteria, as related to distressed incomes/unemployment which might include land both within the current URA and areas outside of the current URA. However, before undertaking any further financial and fiscal research on this option, it would be necessary for the City Council to provide direction to staff that there is interest in investigating the creation of an EZ - particularly since the local property tax is the primary source of funding for key City services. In addition, it would be our recommendation that - if the Council is interested in exploring this opportunity further - a qualified municipal finance consultant should conduct a fiscal analysis to determine whether there could be a positive trade-off from foregoing property tax revenue for up to 5 years in order to generate considerably more revenue for the City through the inclusion of property in an EZ. In addition, there would need to be considerable additional staff work necessary to further define the viability of creating an EZ.

Going beyond the locally sponsored state Enterprise Zone program, there are some other incentive models in place which also involve local property tax abatements. These are the City of Gresham Strategic Investment Zone and the City of Wilsonville "Invest Now Program".

City of Gresham Strategic Investment Zone (SIZ)

The Gresham Strategic Investment Zone (SIZ) covers 500 acres of industrial land. Qualifying traded sector business investment within this geographic area that meets the SIZ criteria are eligible for partial property tax abatement for 15 years. The company must be a traded sector firm and invest at least \$100 million to be eligible. When an eligible traded sector company locates within the Gresham SIZ, it pays property taxes on the first \$100 million of value of the improvements. The value above \$100 million is abated for the 15-year period. In addition to paying taxes on the first \$100 million, the company pays an amount equal to 25% of the taxes which would otherwise have been due, up to \$2 million per year. This payment is called a Community Service Fee. When a company's total assessed value exceeds \$750 million, additional payments are required based on a sliding scale. The SIZ program was authorized when the state legislature in 1993 established the State of Oregon Strategic Investment Program which allows businesses and local governments to negotiated alternative property tax agreements if these businesses are willing to invest at least \$100 million at an urban site. The purpose of this program is to attract and keep companies that provide good jobs in Oregon, particularly capital intensive, high-technology employers in exchange for the

15-year property tax exemption on a portion of their large capital investments. In practical purposes, for a company to benefit from this program, the overall private sector investment will need to be considerably larger. Gresham entered into an overarching agreement with Multnomah County for this property tax abatement incentive program. The Gresham local program was approved by Business Oregon as is required. As an aside, in Washington County, staff understands that Intel and Genentech have entered into Business Oregon-approved property tax agreements of this type with this county and the local jurisdiction.

Since most of the prime sites in Sherwood's Tonquin Employment Area are already in the process of being developed, this program might prove particularly useful as Sherwood works to attract large technology companies to locate in the Sherwood West North District Employment Area once approved by Metro.

Wilsonville Invest Now. (WIN) Program

At the May 7th meeting, Councilors made reference to the Wilsonville Invest Now or WIN program. Staff contacted the City of Wilsonville and learned that since Wilsonville has not been determined to be eligible for the creation of a locally sponsored Enterprise Zone under the state program, that City established its own program which has some similar characteristics to an Enterprise Zone. It is known as the Wilsonville Invest Now or WIN program. The WIN program allows for the creation of single property tax urban renewal areas (URA's) which are intended to incentive businesses to operate in Wilsonville by providing partial, temporary property tax reimbursements for qualifying development projects. All of these projects must be located outside of the City's existing urban renewal area and only apply for qualifying businesses. The WIN program is the first of its kind local incentive initiative in Oregon and aims to attract high-value investment from a range of traded-sector businesses by retaining and expanding high wage jobs and otherwise contributing to the long-term growth in the property tax base through private sector capital investments. Businesses qualifying for full benefits are eligible for partial reimbursement of property tax payments for a period of 7 years. Eligible capital and other private sector investment include newly constructed buildings, new additions or modifications of existing buildings, heavy or affixed machinery and equipment and qualified jobs.

To be a successful applicant under the WIN program, an applicant must achieve points through a scoring criterion which includes factors such as new capital investment, new employment based on average annual wages, the length of time the business has been in Wilsonville and diversity/equity/inclusion goals. These conditions must be spelled out in the development agreement approved by the City Council. After that, the WIN Zone URA Plan then needs to be adopted by the Wilsonville URA, Planning Commission and the City Council through public hearing and consultations concluded with all affected taxing districts – all in accordance with ORS Chapter 457 which deals with the activation of new Urban Renewal Agencies.

This process is the same as the one originally utilized by the City of Sherwood to create the 2021 URA Plan. If the Sherwood City Council is interested in pursuing this concept further, staff should be directed to contact a qualified urban renewal consultant who has experience with this unique program to assist Sherwood to determine the financial and legal feasibility of establishing such a new single-property urban renewal area program outside of the boundary of the existing Sherwood URA. Some consideration might be given to establishing such a URA area to cover, for example, the Sherwood West North Employment District, if this project proceeds. Such an analysis might need to consider if such a program would require the removal of some land from the existing 2021 URA in order to meet the state law requirements relating to the amount of land in a city that can be included in a URA.

System Development Charge Incentives

The City of Sherwood System Development Charges (SDCs) are one-time fees charged to new development to help pay a portion of the water, sewer, storm, parks and street costs associated with building infrastructure to meet needs created by growth. In Sherwood the SDC's are charged at building permit but are regularly deferred to the certificate of occupancy stage. During the Council Work Session on May 7th, members of the City Council expressed an interest in considering the creation of an incentive program whereby the City would potentially "waive" SDC's for Target Industry projects. The comment was further clarified by a statement that the City would not actually waive the SDC payments but would focus on the City's URA making a transfer or backfill payment commitment in the amount equal to the SDC's due to the City. In order to clarify that this is the correct approach, legal research would be needed as to whether a city in Oregon can actually "waive" the obligation for the developer or business to pay the SDC. In any case, this would need to be subject to legal review.

If the Council is interested in pursuing the creation of an SDC incentive program, it would appear that some consideration could be given to creating a mechanism whereby the City enters into an agreement with the Target Industry end-user company to defer the payment of the SDC for a set period of time beyond the certificate of occupancy. The agreement would specify the terms of the deferral and the conditions which the business must achieve to receive the deferral. It is anticipated that the conditions could include creating and retaining a set minimum number of jobs at an above average pay scale for a set period of time and an agreed upon amount of capital investment in the Sherwood facility. If the business defaults on any of the terms of the agreement, then the URA would be responsible for making the City whole if the business does not pay the deferred fee in full to the City at the time due. The details of this type of mechanism would need to be worked out further since it would effectively serve as a form of loan financing mechanism. As a result, it would be important to resolve questions related to security on a loan to the business. Research would be needed as to whether there is a mechanism and opportunity to defer the County's TDT (which is usually a much higher cost than the SDC) for a period beyond the certificate of occupancy) for traded sector Target Industries. This would require research with the County. During staff's research for this report, we were unable to identify many examples of cities in the Metro area that are implementing SDC incentive programs. Based on preliminary inquiries by Economic Development, these seem to be limited to the following that we were able to identify during our current research:

City of Fairview

Fairview established its Utility System Development Charges Assistance Program in 2019. The program is intended to encourage development in their urban renewal area through the full or partial payment of the Fairview Utility SDC utilizing URA revenues to fund that cost for various types of commercial and industrial target businesses or developments, including live-work, mixed use, owner-occupied housing and senior housing – consistent with Fairview's economic development goals. The Fairview URA funds the provision of the incentive by agreeing to pay the water, sanitary sewer and storm water SDC's in exchange for those developments meeting specific criteria.

City of Gresham

Gresham defers the payment for SDC's until occupancy. In addition, Gresham established a plan to defer the payment of SDC's beyond the certificate of occupancy for a period of 10 years. The program was intended to create a financial incentive directly to the end-user company to encourage target industries to locate in that community. This is a City program and is not funded by their URA. In exchange for deferring the payment of the SDC's, the City included a requirement that it obtain a superior lien on the property so as to minimize the risk to the city which is effectively financing the

payment of the SDC's. According to Gresham staff, this created an issue since many banks would not allow the City to take a superior lien position. While there were many inquiries from businesses about the program, no companies were able to utilize the program due to the requirement for the City to be in a superior lien position. As a result, there are no program guidelines or more specifics on this mechanism.

If the Sherwood City Council is interested in exploring the deferral of SDC's for Target Industries whereby the URA guarantees that the City will be made whole if the business were to default, it would be necessary for the City to work with the City Attorney and an economic development financing consulting firm to determine the appropriate mechanism for such a program. The objective would, of course, be to seek to minimize the City's risk for non-payment of the SDC's. Also, additional work would be needed to seek to determine if the County TDT's could be financed.

Examples of Local Non-Financial Incentive Programs – Expedited Review Programs

One of the most important economic development incentive tools available to cities in Oregon is to provide expedited review services for Target Industries since literally “time is money” to businesses. Timing is critical since market conditions change rapidly and the city must be able to work with their Target Industries in an expedited manner to get ahead of the rapidly changing business cycles. This reflects the fact that economic development is very competitive, and companies can be “foot loose”. Developers and businesses tell us that the best cities to work in are those that can move projects forward the fastest. This is often more important than to provide financial incentives. In our research for this report, it is clear that the city of Gresham is known to industrial park developers, brokers and companies as a ‘go to’ city since it has created unique programs to help expedite industrial projects. There are two programs created by Gresham that demonstrate to industrial prospects that they are of high value to Gresham and that the city government is willing to work in partnership with the companies by shortening the land use review timelines and provide the ever-important personal assistance to companies to choose to locate in Gresham. These are:

City of Gresham 66-Day Industrial Land Use Application Review

Under this program Gresham has instituted shorter land use review timelines to help make that city the top choice for industrial development projects. The program provides that traded sector Target Industry companies such as manufacturing, clean technology and professional services companies can expect to move through the city's land use process in 66 days or less. The process works as follows: (1) the applicant submits a request for a pre-application meeting and within 10 days of that request, a pre-application meeting is scheduled and conducted at which time the company application is then simultaneously submitted at that time; (2) Within 14 days, city staff determines completeness of the application; (3) Within 30 days thereafter City staff issues a land use decision; and (4) Within 12 days the appeal period ends and the land use decision becomes final. The program can also be utilized to support speculative industrial projects.

The Gresham approach has significantly shortened the state-mandated land use approval process by nearly half. It also assumes that there is no action needed by the Planning Commission or City Council on the application unless there is an appeal of the staff decision. Since the program is spelled out in the City Code, developers and companies have more “certainty” in the process since industrial developers and companies can benefit from the streamlined approach.

Based on discussions that Sherwood has had with the development community, this program has been very well received as a way to expedite targeted new development and has been reported to be very successful in creating new economic development in Gresham. The program was reportedly

initiated by the Mayor and Council. It has also been reported that the program has strong policy support which is key since the process of prioritizing types of development projects can be controversial and those developers who have not qualified under this program may well object to seeing other projects move faster through the land use review process. If the Sherwood Council is interested in this type of program, it would be recommended that staff develop program guidelines and that the Council adopt a resolution approving the program and the specific types of projects which should be prioritized under such a program. Since the Gresham program only applies to land use approvals, the Council might want to discuss with staff opportunities to also work on procedures to expedite the building and engineering plan check review/approval processes in support of the Council's economic development goals. Community Development is already working on such efforts to encourage new development in Sherwood, but some consideration should be given to determining how to make Target Industry projects a priority as also related to engineering and building plan checks and permitting by including this aspect in the resolution.

City of Gresham Rapid Response Team

The City of Gresham has formed a Rapid Response Team under the direction of their Economic Development Department to assist businesses with their expansion or relocation. The Team works closely with the company from the very start of the project to ensure a smooth process and build a supportive partnership. The City's Economic Development staff serve as the advocate when the company embarks upon an expansion or relocation, documenting the project needs and immediately assembling a team of experts from all relevant City department (including Planning, Building, Fire and Engineering) from pre-development application through the certificate of occupancy. The program streamlines and simplifies the land use review and permitting process, thereby saving valuable time. These trouble shooting services include assistance with development/permit approval, environmental regulations, land use guidelines, stormwater management, SDC's, transportation and access issues, water/power quality and availability and provide a "personal touch" from an appointed staff coordinator.

It should be noted that Gresham is a much larger city than Sherwood with staff resources that may not presently be available in Sherwood. In Sherwood, the City has already created Red Carpet Teams to assist with large, key commercial and industrial development projects. If the City Council is interested in exploring the expansion of this type of non-financing incentive, there may be a need to identify additional resources to assist the staff with creating a rapid response team approach for Target Industries and developments.



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Business Oregon Traded Sector Financial Incentive Programs

The Oregon Business Development Department, which is known as Business Oregon, provides support for economic development through a variety of financial incentives and financing support programs as well as technical assistance to businesses and local governments. Over the years, Business Oregon has been a very strong partner for Sherwood's economic development initiatives. The City of Sherwood Economic Development office regularly reaches out to prospective Target Industries and industrial park developers to connect them with Business Oregon so as to encourage discussions with traded sector/advanced manufacturing companies and industrial park developers about opportunities to apply for Business Oregon low interest rate business financing. While Business Oregon provides numerous programs, the following are the key programs which can be utilized to provide financial incentives to encourage our Target Industries to locate in Sherwood. Development contacts have indicated that this is a potential viable funding source for manufacturing companies seeking gap financing for relocation/expansion from older, outmoded space to new space, such as is being developed in Sherwood.

Governor's Strategic Reserve Fund (SRF)

The Governor's Strategic Reserve Fund is a discretionary tool used for a variety of projects impacting economic development. Projects considering funding are put through an extensive internal vetting process and are ultimately submitted to the Governor for final approval. The SRF funds can be utilized for business retention and expansion with a performance agreement defining direct job creation and retention requirements. This includes a close financial review, including an evaluation of the return on investment. The projects must have a public benefit component as part of the contract and are tied to loan forgiveness when applicable. This includes career ladder programs with documented internal hiring targets, targeted job recruitment to underserved populations, adopted DEI plans, first source hiring agreements and contributions to local nonprofit organizations.

Oregon Business Development Fund (OBDF)

The Oregon Business Development Fund is a state funded revolving loan fund that provides a fixed-rate term gap financing for land, buildings, equipment, machinery and permanent working capital. The fund is designed to provide gap financing in conjunction with a traditional lender. Applicants must create or retain jobs and must typically be traded sector businesses in manufacturing, processing or distribution. Financing is in the form of a loan in a maximum amount of \$2,000,000 with a fixed interest rate of US Treasury Bills plus 1%. The maximum term is 20 years, and the business must demonstrate that has a commitment to lend from a qualified private financial partners or economic development organization.

Oregon Credit Enhancement Fund (CEF)

The Oregon Credit Enhancement Fund is a loan insurance program available to lenders to assist businesses in obtaining access to capital. The fund insures the repayment of loans made by lenders that provide working capital or fixed-asset financing to businesses. In agreeing to insure a business loan, Business Oregon assumes responsibility for up to 80

percent of a loan made by a lender should the business default or otherwise be unable to make scheduled payments. Financing is available to most business activities such as acquisition of real or personal property, export financing, working capital (including receivables and inventory financing) and construction financing for commercial real estate. Typically, it covers up to 80% of the loan amount for term loans for a maximum insurance exposure of up to \$6,000,000.

While Sherwood may wish to consider creating local financial incentive programs so as encourage the growth of Target Industries in the community through its Urban Renewal Agency - as fiscally feasible, Business Oregon offers excellent opportunities to explore gap financing to assist end-user manufacturing and other traded sector companies to locate in Sherwood. The City regularly makes developers and interested businesses aware of the opportunity to explore this option and Economic Development is prepared to continue to arrange exploratory meetings with Business Oregon, industrial park developers and traded sector companies to pursue these opportunities. These efforts should be stepped up to explore all suitable opportunities to bring state financial assistance into the picture to help grow the Sherwood economy.

SHERWOOD WEST URBAN GROWTH BOUNDARY EXPANSION DISCUSSION COUNCIL WORK SESSION

September 17, 2024

Eric Rutledge, Community Development Director

Sean Conrad, Planning Manager



9/17/2024
Date

WS
Agenda Item

City Council
Gov. Body

D
Exhibit #

Sherwood West Overview

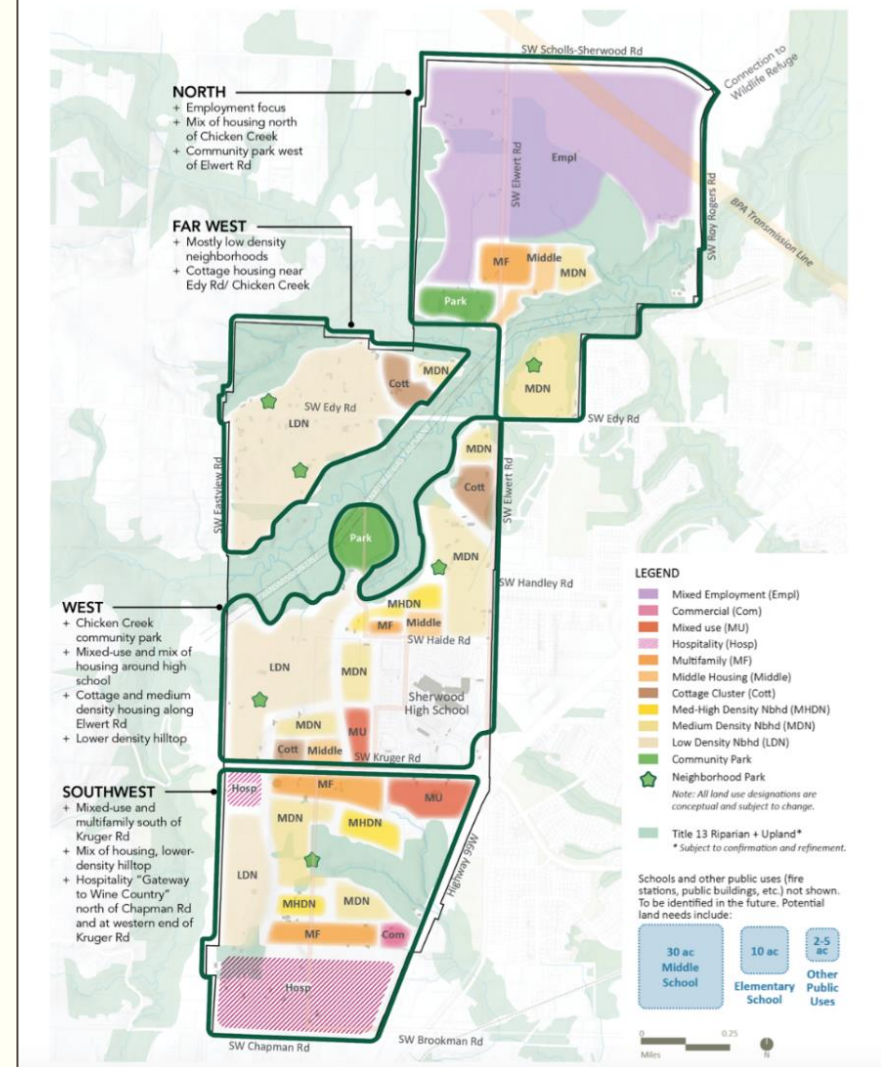
Complete community

- Employment land
- Housing land
- Public / institutional land
- Parks and open Space

Needed Housing

- Responds to needs of Sherwood community and the region.
- Only UGB expansion proposal
- Sherwood is proactively planning for needed housing

Figure 13. Land Use Plan Map



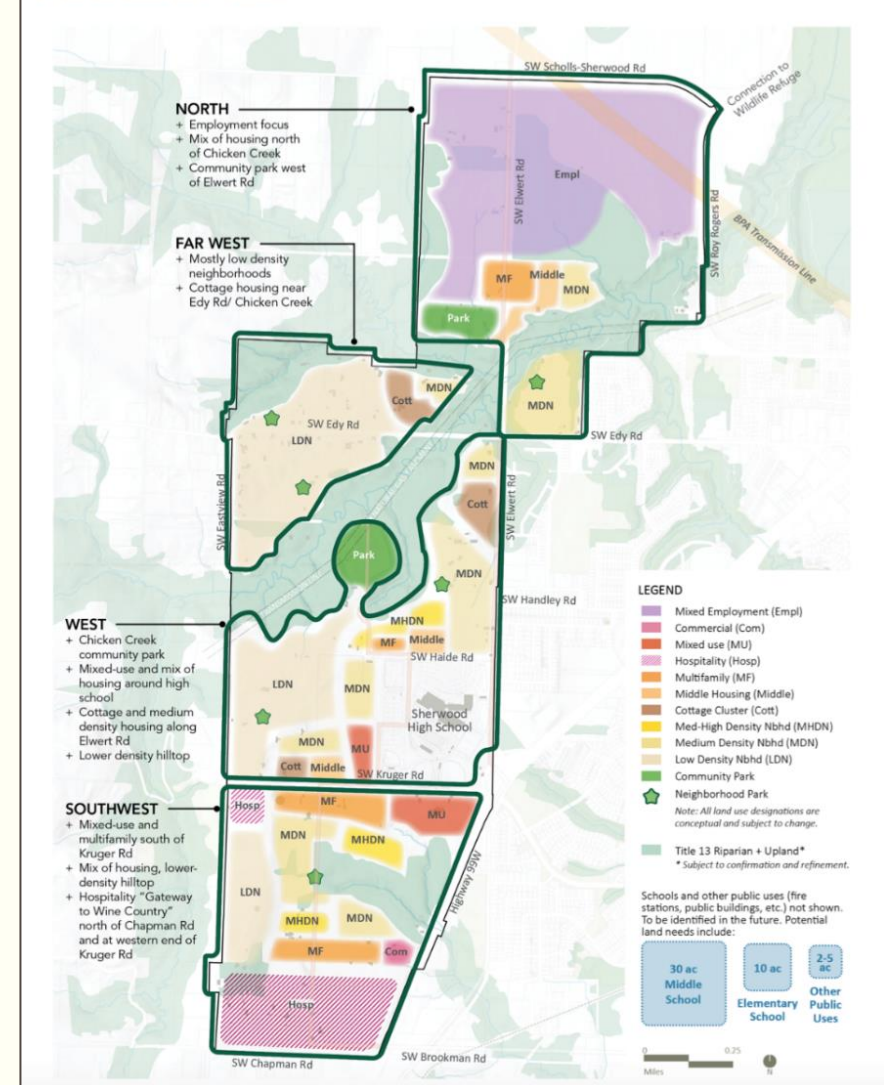
Sherwood West Housing Estimates

- Zoned Density Range 6.3 to 9.2 units per net acre
- Overall Residential Density of 9.2 units per net acre
 - This is the estimated density at full build out of Sherwood West
- Total Housing Estimate of 3,117 new units
- Minimum of 43% middle and multi-family units
- Additional density permitted pursuant to HB 2001 (2019)
- Additional density permitted pursuant to SB 1537 (2024)

Direction at September 3, 2024 Work Session

1. Continue to negotiate conditions aligned with our community and adopted Concept Plan
2. Revise the Sherwood West Concept Plan
3. Withdraw the Sherwood West Concept Plan

Figure 13. Land Use Plan Map



Resolution 2024-064

Withdraw Sherwood West Expansion Proposal

- Sherwood West CAC, Planning Commission, and City Council provided direct input on the housing plan for Sherwood West
- Housing plan calls for an overall residential density or total average density of 9.2 units per net acre or 3,117 new homes
- Metro COO recommends the Metro Council adopt the baseline forecast for growth, resulting in a deficit of capacity within the UGB for between 1,000 to 5,300 homes

Resolution 2024-064

Withdraw Sherwood West Expansion Proposal

- A condition of approval that requires a higher average density than 9.2 units per acre has not been developed in consultation with the Sherwood community and is therefore not supported by the Sherwood City Council
- A condition of approval related to housing affordability may be overly restrictive and have unintended consequences such as the delay of housing production
- Other conditions of approval that materially change the outcomes of the plan have not been developed in consultation with the Sherwood community and are therefore not supported by the Sherwood City Council
- It may be in the best interest of the City of Sherwood and the Sherwood community to withdraw the UGB expansion application if the accepted Concept Plan's vision cannot be achieved

Resolution 2024-064

Withdraw Sherwood West Expansion Proposal

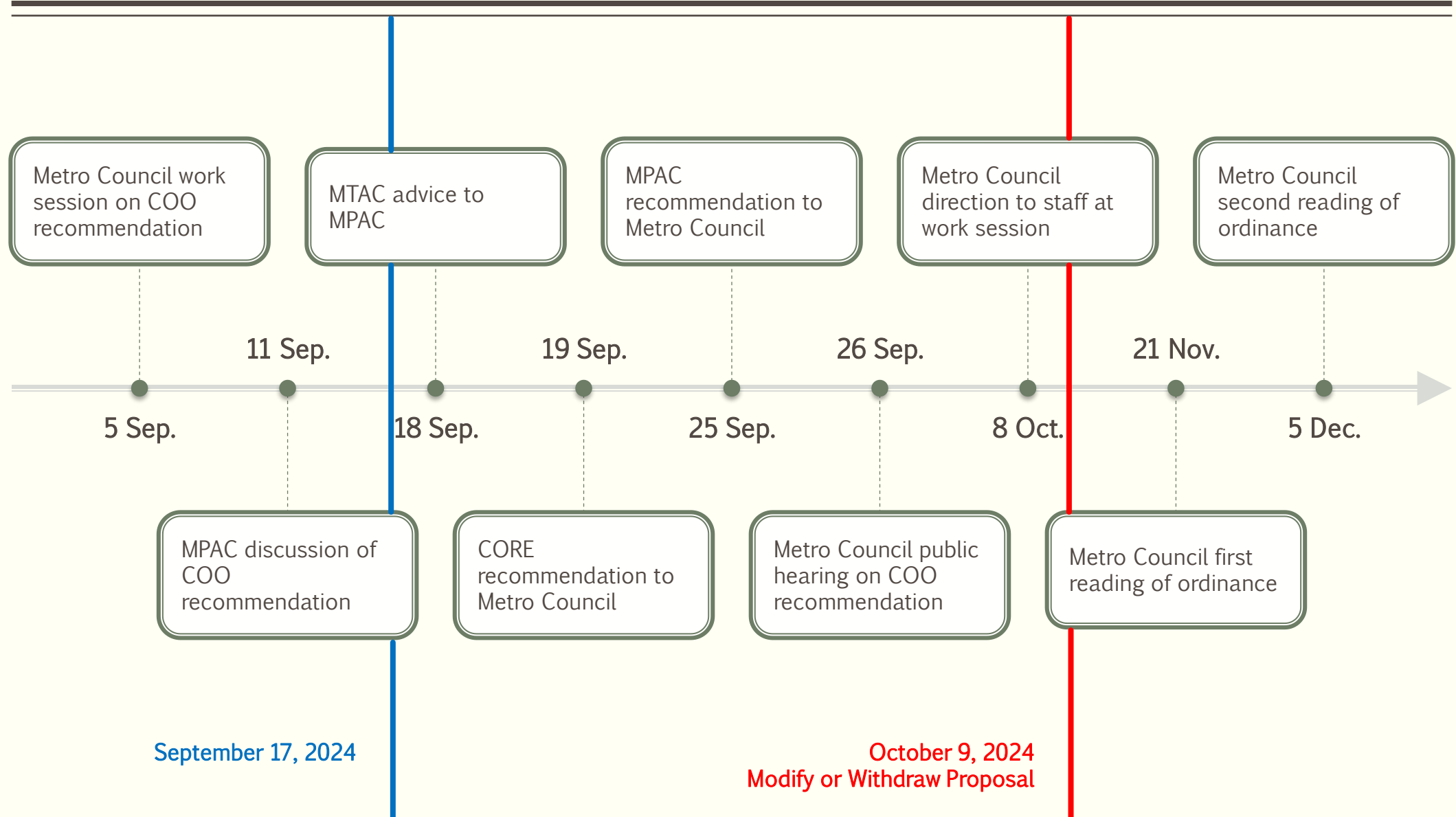
- The City may need to respond immediately to changing conditions and decisions during the 2024 Urban Growth Management decision
- The City Council authorizes the Mayor to withdraw the Sherwood West UGB Expansion application on behalf of the City Council if the outcome of the 2024 Urban Growth Decision is likely to result in a condition of approval for a higher density than proposed in the Concept Plan or that materially changes the outcomes of the plan

Future Resolution 2024-0XX

Industrial and Hospitality Only Expansion

- Will be brought forward at October 1, 2024 City Council meeting
- Update to infrastructure financing plan
- Update to Title 11 Findings

Timeline



SHERWOOD WEST URBAN GROWTH BOUNDARY EXPANSION DISCUSSION COUNCIL WORK SESSION

September 17, 2024

Eric Rutledge, Community Development Director

Sean Conrad, Planning Manager



RECOGNITION OF ACHIEVEMENT

of the following Sherwood High School Freshman Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:

Hussein Alhawani
Jack Anaya
Parker Ayers
Maisam Bani Mohammad
Adelynn Barton
Joshua Barton
Tyler Bowdoin
Delaney Buelt
Lincoln Bui
Allison Burnett

RECOGNITION OF ACHIEVEMENT

of the following Sherwood High School Freshman Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:

Caden Burnett
Henry Burt
Adele Clenaghan
Ryan Cowley
Aynslee Curtis
Kaleb Douglass
Judah Dresser
Cosette Duckett
Ziva Eason
Brady Edinger

9/17/2024
Date

City Council
Gov. Body

Presentations
Agenda Item

E
Exhibit #



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Freshman Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**

Grayson Fabrycki

Wesley Farrand

Kaylin Garcia Aguilar

Samantha Gaunt

Micah Gilbertson

Ansley Gilmor

Ella Golda

Gianna Grosso

Lorelei Hein

Blake Horner



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Freshman Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**



**Parker Horton
Merrill Humphrey
Samuel Kershner
JooEun Kim
Myeongchan Kim
Brooklyn Klug
Siyi Liang
Sophie Lippert
Darren Liu
Lluvia Luna Gonzalez**



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Freshman Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**



**Andrea Manish
McKenna Martson
Delaney Meiser
Ashlyn Moore
Lauren Moore
Sarah Morgan
Mackenzie Myrick
Madison Needham
Claire Newton
Kayleigh Olson**



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Freshman Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**



**Carly Onstot
Bennett Packer
Edith Pannell
Emilio Pinto
Melissa Prill
Jazlyn Rose
Emily Schaeffer
Hayden Shimp
Luke Steffen
Kaya Stevenson**



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Freshman Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**



**Sofia Tavera
Tyler Thomas
Lucinda Torres
Owen Toye
Nicholas Videtich
Emma Vodrup
Julia Williams
Sarah Witman
Nicole Woods
Yanxi Zheng**



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Sophomore Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**

Nyx Adair

Carter Allen

Tyler Almgren

Seth Anderson

Mason Angus

Andrew Bailey

Adriana Bencomo

Brody Black

Austin Boos

Tenley Bozeman



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Sophomore Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**



**Emma Chan
Braxton Chung
Makaila Crawford
Addison Cutsforth
Maya Darby
Taylor Dearing
Jones Dickover
Kinzey Doern
Joseph Domingo
Keira Doppee**



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Sophomore Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**

Blake Dunn

Ronan Eggleston

Sofia Ellis

Ian Evans

Jack Fairman

Aubrey Farrand

William Fehrenbacher

Perry Francis

Ivet Freixa Rodriguez

Logan Fu



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Sophomore Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**

Alexander Gallinger Long

Linnea Geiszler

Titus Godard

Samuel Goulding

Jocelyn Ham

Jordyn Henderson

Tieg Henning

Ella Herold

Lilly Hildreth

Grace Hoffman



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Sophomore Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**



**Avi Hoidal
Cora Holman
Jaysie Karl
Jersi LaVeine
Killian MacLeod
Gabriella Magnuson
Ziza Matthews
Hollie Maughan
John McDonald
Finn McEvoy**



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Sophomore Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**



**Samuel Miller
Finley Moller
Reina Najjar
Camille Nguyen
Haley Paul
Kaelyn Perlmutter
Hailianna Phelps
Jackson Porter
Spencer Rasmussen
Crow Rogala Villalobos**



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Sophomore Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**



**Gabriela Rojas
Micah Sanders
Clara Sandhu
Mckinlee Sattler
Nathan Sax
Sienna Sellitto
Naveen Soto
Paige Squires
Kobin Steindorf
Andrew Sten**



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Sophomore Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**

Thaddeus Suckow

Sofie Timmer

Wyatt Trost

Trevor Tsui

Jose Valdes Hernandez

Julia Voss

Anureet Waraich

Dominick Weckerly

Cameron Williams

Ariel Winner

Madison Wright



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Junior Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**



**Grant Aanderud
Rebekah Anderson
Claire Baldrige
Lawson Bishop
Brayden Buel
Calah Burris
Yi Lan Chiu
Mae Christensen
Grace Coston
Ethan Douglass**



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Junior Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**

Logan Furino

Ava Gaggini

Nolan Gardner

Camila Gaspar Lopez

William Gregory

Kate Hales

Trenton Hamilton

Dalia Haner

Audrey Harold

Ryan Hastin



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Junior Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**

Amber Hutchison

Kolbe Johnson

Kylie Johnson

Miriam Kang

Connor Kapuniai Ryan

Claire Kershner

Camryn Knight

Taylor Layne

Savannah Leahy

Anja Lindgren



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Junior Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**

Cassia Maciejewski

Elliana Martin

Jackson Martson

Adonia Mattson

Paition Miller

Sophie NewMyer

Declan Owens

McKenna Parmelee

Shruti Pawaskar

Zamara Peterson



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Junior Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**



**Sean Poore
Elijah Quirie
Moirra Rusaw
Kyle Sangplung
Rylee Schell
Makena Spanks
Jasmine Spurling
Mila Switzer
McKenna Thomsen
Ella Traina**



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Junior Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**



**Lola Van Austen
Connor Vandever
Linh Vo
Lia Wagner
Isabella Waugh
Emily Wen
Dylan Weniger
Cameron Williams**



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Senior Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**



**Anthony Aguilar
Corbin Anderson
James Applegate
Jaclyn Barritt
Siena Barsuglia
Aria Birdsong
Paige Bittner
Mikayla Boos
Finley Boyer
Cohen Brandl**



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Senior Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**



**Jessica Brannan
Rachel Burgi
Maija Casey
Easton Christensen
Stella Colson
Avery Davis
Quinn D'Elia
Benjamin Dombek
Nathan Domingo
Steven Duricka**



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Senior Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**

Nathan Eckstein

Riley Eggleston

Paige Evans

Taylor Fisher

Keaten Fried

Alivia Froeber

Isabella Gaba

River Gallup

Zachary Gilmor

Gavin Gladstone



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Senior Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**



**Amelia Godard
Delaney Hagfeldt
Kathryn Harman
Imogen Hebert
Ava Heiden
Adalia Henderson
Jessica Homer
Carolyn Horner
Madison Hutchens
Maya Ince**



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Senior Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**

Andrew Jordan

Gabriella Kelsey

Jarem Kerr

Tristan Kieser

Hangil Kim

Bryn Lahart

Brynna Lee

Kayla Lee

Johnathan Leroux

Siyena Long



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Senior Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**

Sawyer Mallick

Kaisley Martin

Hailey Maughan

Evan Morris

Jet Nguyen

Campbell O'Connell

Rylee Odom

Evan Oliver

Saif Osman

Ava Paul



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Senior Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**

Claire Peerenboom

Ethan Quirie

Bella Rude

Talan Ruef

Noah Sandhu

Heidi Schaefer

Ciara Schweigert

Jackson Schweitzer

Addison Smith

Drew Smith



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Senior Students for
maintaining a 4.0 GPA for the 2023-2024 School Year:**

Megan Soto

Maddison Thompson

Emma Tomb

Kaylin Van Fleet

Mason Wahlberg

Matthew Wiren

Theo Wolf

Ryker Wolvers

Macy Wright

Rosalind Young

Amy Zink



RECOGNITION OF ACHIEVEMENT

**of the following Sherwood High School Students for their
outstanding achievements in music and athletics:**

**Madeline Langford - OSAA State Solo Champion in
Timpani Masked Recap**

**Drew Smith - OSAA 6A State Champion in the
Javelin Throw**

**Andrew Waletich - OSAA 6A State Champion in the
400-Meter Dash**



RECOGNITION OF ACHIEVEMENT

**of the Sherwood Arrow Dance Team on their outstanding achievement of
OSAA 6A State Champions Traditional & Hip Hop Dance:**



**Brodie Balzer
Riley Eggleston
Linnea Geiszler
Madeline Holt
Reagan Kelly
Arianna Kennett
Emery Knight
McKenna Martson
Hailey Maughan
Madison Mucha**



RECOGNITION OF ACHIEVEMENT

**of the Sherwood Arrow Dance Team on their outstanding achievement of
OSAA 6A State Champions Traditional & Hip Hop Dance:**

Brooklyn Parry

Hailianna Phelps

Lexi Prouser

Paige Squires

Macey Timmons

Chloe van Andel

Morgan Wallis

Bella Waugh

Eliza Westover

Briella Williams

SHERWOOD CITY COUNCIL RESOLUTION 2024-064 NEW BUSINESS

September 17, 2024

Eric Rutledge, Community Development Director



9/17/2024
Date

City Council
Gov. Body

New Business
Agenda Item

F
Exhibit #

Sherwood West Overview

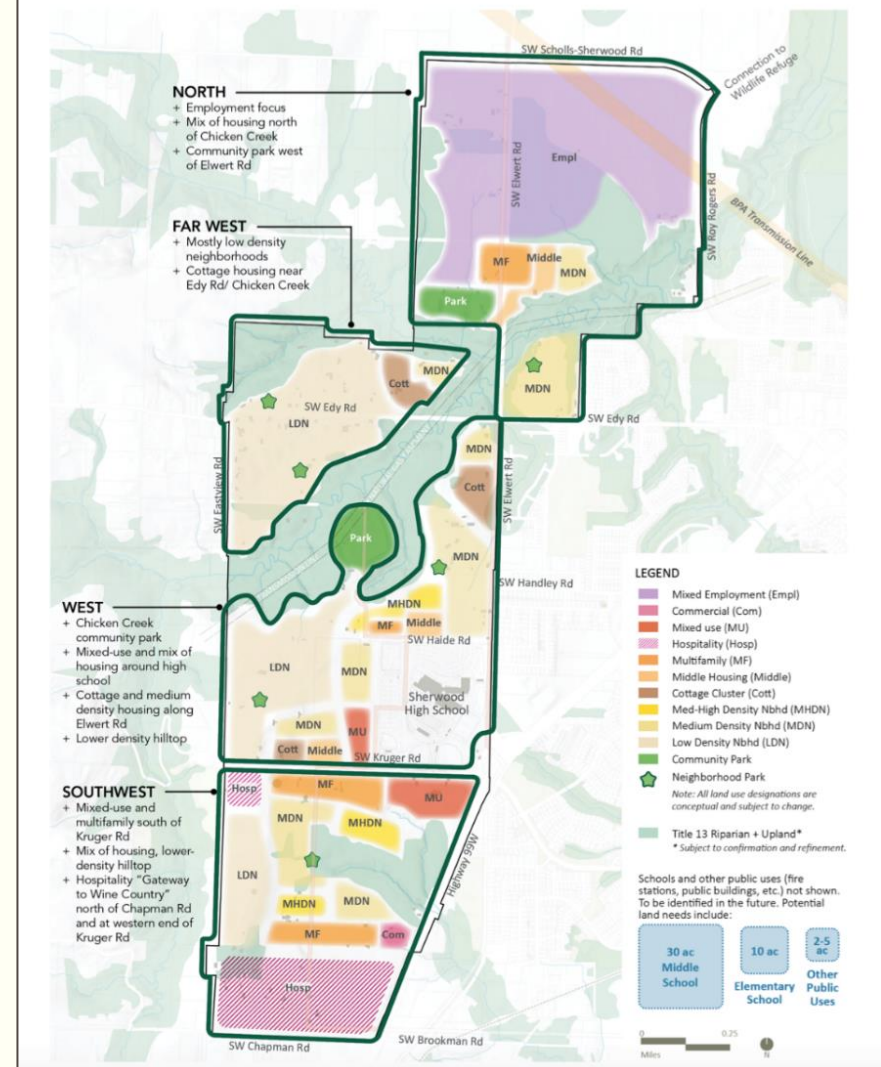
Complete community

- Employment land
- Housing land
- Public / institutional land
- Parks and open Space

Needed Housing

- Responds to needs of Sherwood community and the region.
- Only UGB expansion proposal
- Sherwood is proactively planning for needed housing

Figure 13. Land Use Plan Map



Resolution 2024-064

Withdraw Sherwood West Expansion Proposal

- Sherwood West CAC, Planning Commission, and City Council provided direct input on the housing plan for Sherwood West
- Housing plan calls for an overall residential density or total average density of 9.2 units per net acre or 3,117 new homes
- Metro COO recommends the Metro Council adopt the baseline forecast for growth, resulting in a deficit of capacity within the UGB for between 1,000 to 5,300 homes

Resolution 2024-064

Withdraw Sherwood West Expansion Proposal

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- Other conditions of approval that materially change the outcomes of the plan have not been developed in consultation with the Sherwood community and are therefore not supported by the Sherwood City Council
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Resolution 2024-064

Withdraw Sherwood West Expansion Proposal

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SHERWOOD CITY COUNCIL RESOLUTION 2024-064 NEW BUSINESS

September 17, 2024

Eric Rutledge, Community Development Director



LU 2024-014 PA FOOD CART PODS

Sherwood City Council
Hearing for Ordinance 2024-004
Joy Chang, Senior Planner

September 17, 2024



<u>9/17/2024</u> Date	<u>City Council</u> Gov. Body
<u>Pub Hearing</u> Agenda Item	<u>G</u> Exhibit #
Ord. 2024-004	

Food Cart Pods - Proposal

Amend the Sherwood Zoning and Community Development Code by allowing Food Cart Pods in certain zones.

Allowing mobile food units can provide opportunities for small scale entrepreneurship and provide unique eating establishments and community gathering spaces for the public.

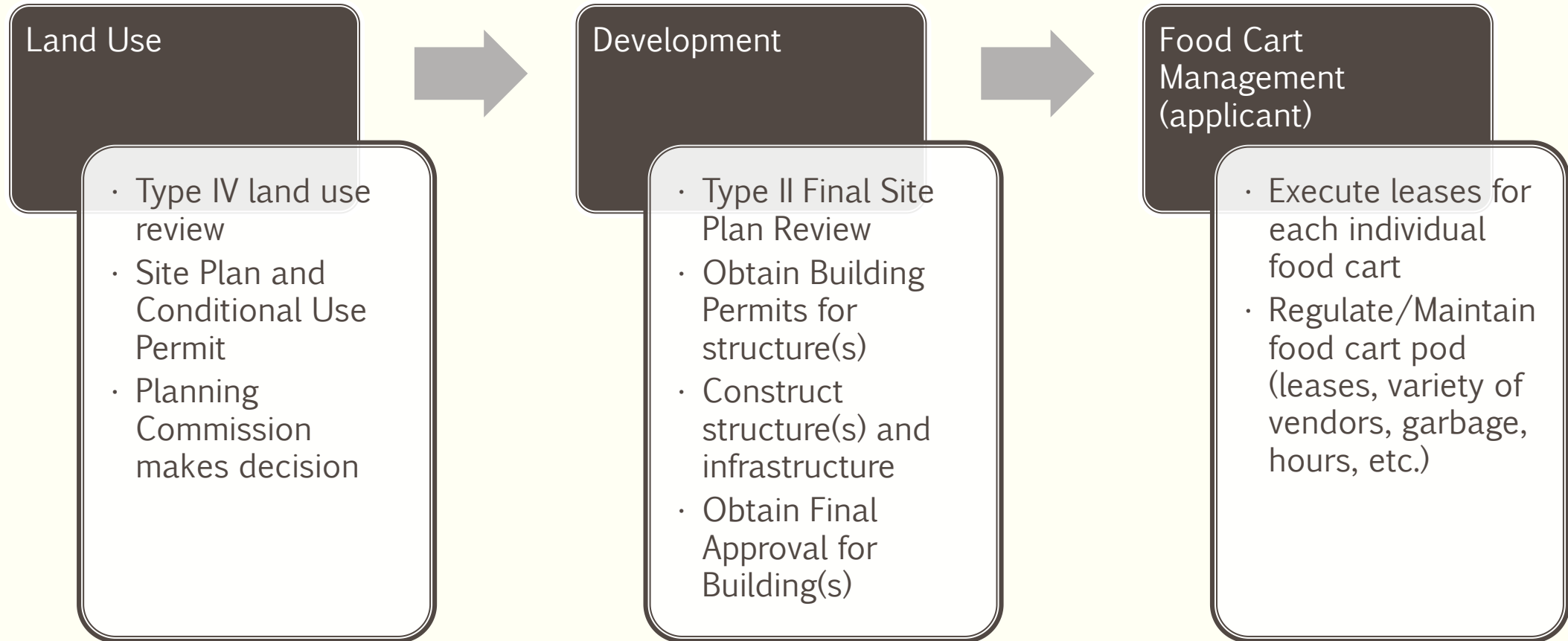


Food Cart Pods - Proposal

The proposed amendments would allow the development of food cart pods subject to the following:

- Allow in the General Commercial (GC) and Retail Commercial (RC) zones
- Process as a Type IV Site Plan Review with a concurrent Type III Conditional Use Permit
- Development and Design Standards

Food Cart Pods - Process

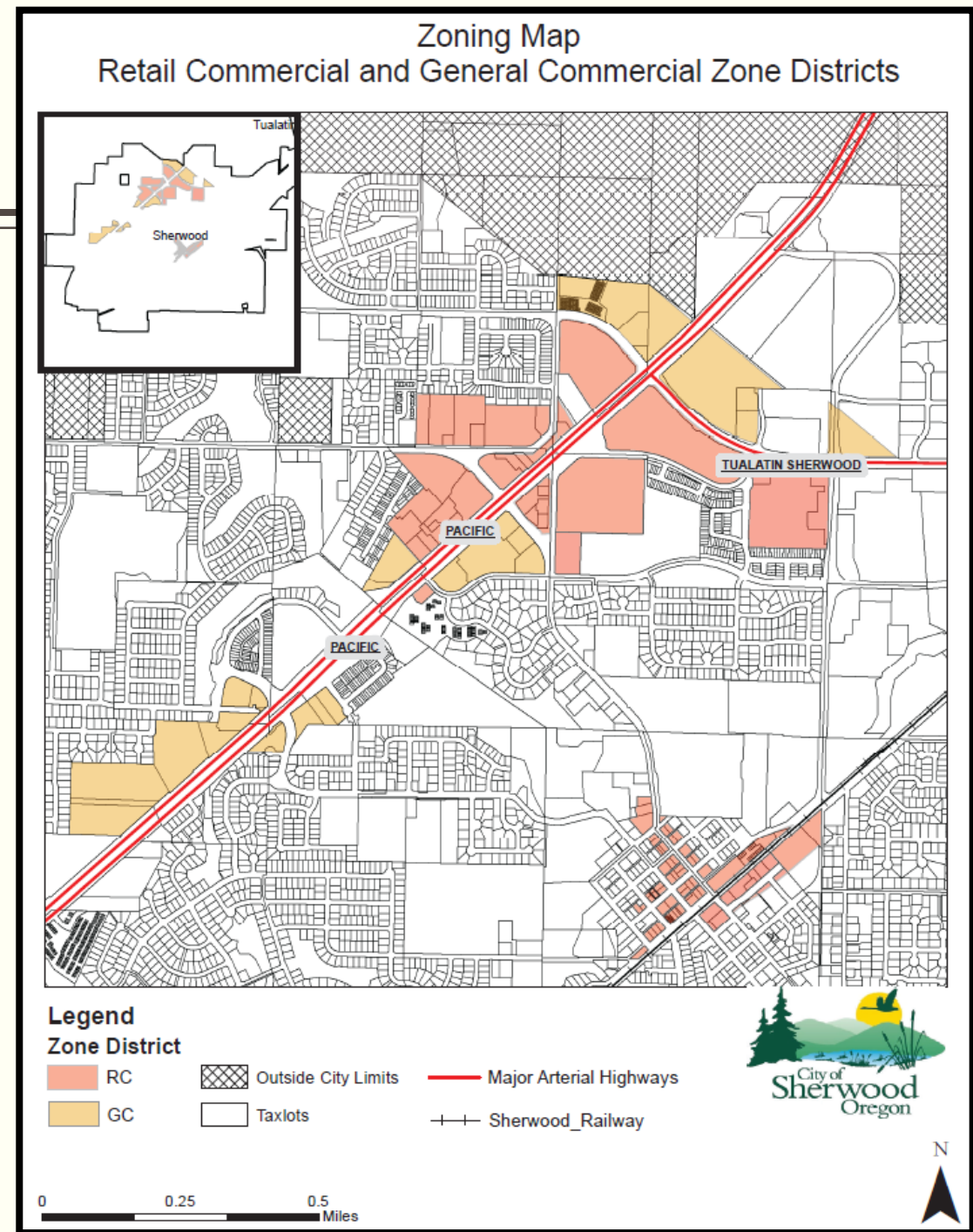


ZONES & Process

Requires a Conditional Use Permit and Site Plan Review under these zones

- General Commercial (GC)
- Retail Commercial (RC)

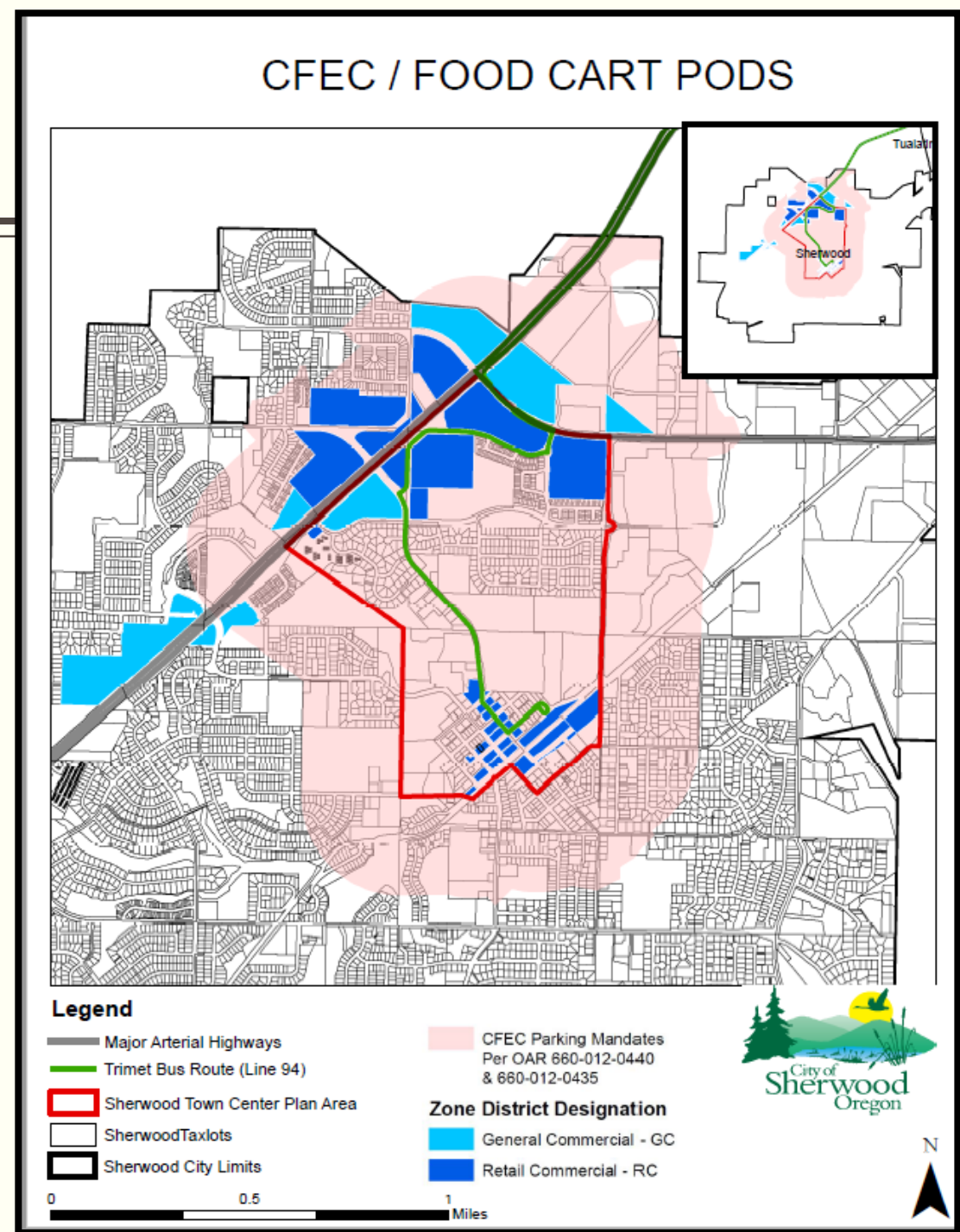
Planning Commission will make the decision with an appeal opportunity to City Council



ZONES & CFEC AREA

- General Commercial (GC)
- Retail Commercial (RC)

No parking mandates within Frequent Transit Corridor and Sherwood Town Center per CFEC rules (delineated in pink)



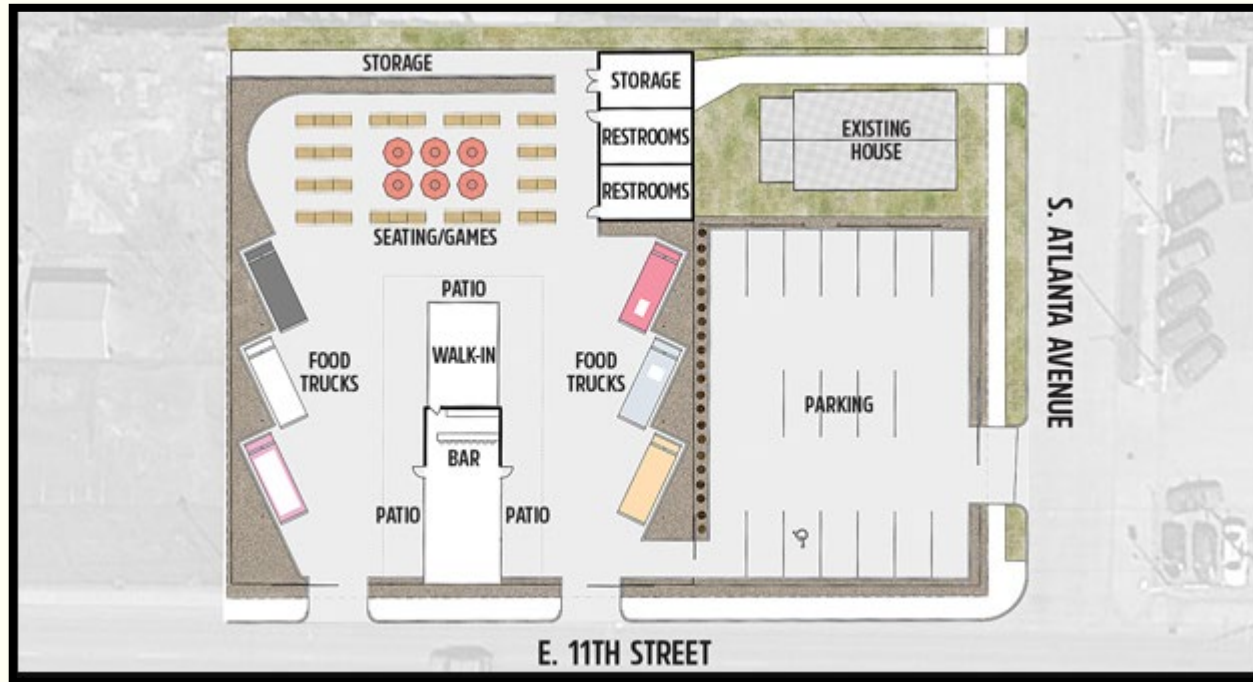
Food Cart Pods – Development Standards

- Minimum of five (5) food carts required
- Permanent restroom sized for the site
- Minimum 1,000 square foot enclosed building or pavilion
- Permanent utility connections (water, sewer, electricity)
- Design Standards for the proposed building or pavilion
- Minimum setback standards for permanent structures and food carts
- Screening from residential properties
- Vehicular and bicycle parking



Food Cart Pods – Development Standards

- Minimum 1,000 square foot enclosed building or pavilion
- Vehicular (2 per food cart)
- Bicycle parking (1 per food cart)



APPLICABLE CRITERIA for PLAN AMENDMENTS

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**
- **Consistency with the Comprehensive Plan**
- Consistency with the City's Transportation System Plan
- Consistency with other City Planning Documents
- Consistency with Oregon Statewide Planning Goals (Goal 1 Citizen Involvement, Goal 2 Land Use Planning, and Goal 9 Economic Development)
- Metro's Regional Framework Plan and Transportation Planning Rule

SZCDC 16.80.030 - Review Criteria

Community Needs

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.

Food Cart Pods offer flexibility and adaptability to meet various community needs

- Opportunity to increase jobs and businesses
- Reduced investment risk and allow small businesses to serve larger markets
- Complement existing businesses and activities
- Create positive impacts on street vitality and neighborhood life
- Provide food choices to the Sherwood community
- Increase activity in underperforming commercial areas
- Supporting entrepreneurship



Consistency with the 2040 Comprehensive Plan

Thriving and Diversified Economy

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

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

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

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

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

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

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

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

PUBLIC NOTICES / PUBLIC TESTIMONY / AGENCY COMMENTS



Agency / department comments

Notified DLCD on July 9, 2024, and routed to affected agencies on July 15, 2024



Public notice

Posted in five locations throughout the City
Published in the Times (a newspaper of general circulation)



Public comments

No public comment received

STAFF RECOMMENDATION

- Planning Commission held its public hearing on August 13, 2024.
- After considering the application materials, the proposed amendments, and the amended findings in the staff report, the Planning Commission voted unanimously in favor of recommending the proposed text amendments to the City Council.

Based on the findings and applicable code criteria, staff recommends that the City Council approve the proposed text amendments and hold the second public hearing for Ordinance 2024-004 on October 15, 2024.

LU 2024-014 PA FOOD CART PODS

Sherwood City Council
Hearing for Ordinance 2024-004
Joy Chang, Senior Planner

September 17, 2024



Approved Minutes



SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
September 17, 2024

WORK SESSION

1. **CALL TO ORDER:** Mayor Tim Rosener called the meeting to order at 5:35 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Taylor Giles, Renee Brouse, Dan Standke, Keith Mays, and Doug Scott.
3. **STAFF PRESENT:** City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia, Community Development Director Eric Rutledge, Interim Public Works Director Rich Sattler, HR Director Lydia McEvoy, IT Manager Richard McCord, Economic Development Manager Bruce Coleman, Planning Manager Sean Conrad, Senior Planner Joy Chang, Finance Director David Bodway, Lead Utility Billing Tech Sarah Lopez, and City Recorder Sylvia Murphy.

OTHERS PRESENT: Consultant Chris Bell with Bell & Associates, Pride Disposal representatives Kristin Lechner and Eric Anderson.

3. TOPIC:

A. Solid Waste Annual Report

City Manager Craig Sheldon introduced Chris Bell with Bell & Associates and Mr. Bell presented the "City of Sherwood Solid Waste & Recycling Collection" PowerPoint presentation (see record, Exhibit A). Mr. Bell recapped that a rate review was necessary because if the rate of return for the franchisee was less than 8% or more than 12%, then the city needed to undertake a rate study to recommend new rates. He reported that Pride was presenting an estimated rate of return at 10% for costs that would be incurred in 2025. He provided an overview of the adjusted 2023 results on page 3 of the presentation and reported that the return on revenues for residential carts was 2.74%, 4.36% for commercial container, 7.72% for drop boxes, and 4.17% for composite. Mr. Bell explained that at previous Council meetings, Council decided that due to the significant rate increase, instead of waiting for January 1st, Council enacted a rate increase effective in September 2023. He outlined the collection and disposal rates effective in September 2023 on page 4 of the presentation as: 5.7% for residential, 4.7% for commercial, and 3.3% for drop boxes. He outlined the factors which drove the cost increases and stated that driver wages increased by 5.9%, truck repair and maintenance increased by 2.5%, organic waste increased by 8.5%, administrative costs increased by 6%, and truck depreciation increased by 13%. He referred to the new collection trucks and explained that there was an 18–24 month delay for procuring those trucks and commented that new trucks would continue to be difficult to procure for the next several years. Mayor Rosener asked what the depreciation schedule was for new trucks

and Mr. Bell replied that it was seven years. Pride Disposal representative Eric Anderson explained that Pride aimed to get two new automated trucks per year, but due to the current delays in procuring new trucks, Pride received six new trucks in 2023. Mr. Bell explained that the cost of the new collection trucks were allocated across the jurisdictions serviced by Pride, and Pride expended 15% of the total company truck hours in Sherwood, making the truck expense allocated to Sherwood 15%. He provided an overview of the solid waste disposal costs table on page 7 of the presentation. He explained that there were two primary components that drove costs: cost of transfer disposal and the Metro fees and taxes. He noted that the Metro fees and taxes for 2024 was \$49.30 per ton. Mayor Rosener asked if Sherwood's waste was sent to a Metro facility and Mr. Bell replied that it was a Pride facility. Mayor Rosener referred to the parity between Metro's transfer and disposal fees and Pride's transfer and disposal fees and asked for clarification. Pride Disposal representative Kristin Leichner explained that Metro allocated the wet waste tons in the region and required that a minimum of 40% of the region's tons go to Metro facilities. Metro then took the remaining 60% and divided it amongst the six private facilities, with each facility receiving a base tonnage. She explained that for roughly the past five years, Metro had implemented goal-based tonnage allocations for the remainder which meant that in order for Pride to reach their 10% maximum of the region's tonnage, each of Metro's goals had to be met. She reported that one of the goals Pride had to meet was to not exceed Metro's tipping fee for wet waste. She explained that for the past several years Metro had been subsidizing their cost with their reserves, which Pride did not have access to. She stated that there has been frustration between private facilities and Metro because the private facilities did not have the economies of scale to do so. She commented that that was why the industry has been pushing Metro to get to the true cost of service because private facilities felt that their rates were being held artificially low in order to meet the tonnage allocation targets. Discussion regarding the history of tonnage fees in the region occurred. Mr. Bell provided an overview of the breakdown of the cart collection cost increases on page 10 of the presentation. Mayor Rosener commented that the rates in surrounding areas were significantly lower, and asked if anyone was examining why it was so different in the Metro region. Mr. Bell explained that Metro regulated what the collection services were, they also controlled the disposal, and there were labor costs which were always increasing. He provided an overview of the 2025 proposed collection rates on page 9 of the presentation. He noted there was a change in medical collection rates for all jurisdictions in Washington County and Council asked who was pushing for the change. Mr. Bell replied that there was a single company for medical collection and waste facilities in Hillsboro, Beaverton, Tigard, and Sherwood were pushing for the change. He provided an overview of the medical collection rates on page 11 of the presentation and explained that they hoped to standardize rates throughout the Washington County area. Mayor Rosener asked if that was because volume created lower costs and Mr. Bell replied that was correct and Mr. Anderson provided background information. He explained that the goal was to get the disposal and on-site pickup to line up with the actual disposal and on-site pick up pieces and discussion occurred. Council President Young confirmed that these were for medical facilities, not residential services and Mr. Bell confirmed that was correct. Mayor Rosener stated that an additional work session was needed for this topic and requested that Metro representatives be present at the meeting to answer questions from Council. He stated that he felt that Metro kept adding costs which impacted Sherwood's rates. Mayor Rosener explained that previously he had served on a rate-setting policy committee to advise Metro. Part of the recommendation that came out of the committee was to create a committee comprised of representatives from each jurisdiction that would review expenses, costs, make recommendations on the rates and move to a cost-of-service model. He reported that Metro had cherry-picked the cost-of-service out of the recommendation and chose to raise their tipping fees to match the recommendation and discussion occurred. Councilor Giles asked that information be added which showed which services were optional. City Manager Sheldon referred to the question of "Is there an adequate capital reserve fund to rebuild the [transfer] facility or to at least renovate it when the time comes?" on page 12 of the presentation and asked that it be addressed. Ms. Leichner explained that they financed and completed

those things on an as-needed basis. She commented that if there was an unforeseen accident that destroyed their facility, they had insurance, but the cost of their insurance had increased significantly in the last few years.

B. Economic Development Incentives

Economic Development Manager Bruce Coleman presented the "Economic Development Incentives" PowerPoint presentation (see record, Exhibit B) and recapped that Council had expressed an interest in identifying Target Industries paying higher-than-average wages and types of incentive programs to attract such Target Industries. He recapped that he had worked with GPI to identify eight Target Industries that "made sense" for Sherwood. He stated that GPI had reported an average income of \$84,101 for the Sherwood area and he had utilized NAICS and Locational Quotient to identify industries that would reasonably be attracted to Sherwood that would pay similarly. He identified: semiconductor/electronics manufacturing, aerospace/space/defense, biosciences/medical devices, cleantech, metals & machinery, robotics/automation, food products machinery, and other advanced manufacturing. He stated that there were challenges in attracting some of the Target Industries and explained they included the high-interest rate environment, cost challenges for advanced manufacturing companies to relocate/expand from older outmoded facilities to new efficient space in Sherwood, the impacts of the "Oregon Option" with manufacturing companies choosing to stay put, and the need for gap incentive financing to make the move to new facilities and referred to his previously sent email memo to Council (see record, Exhibit C). Mr. Coleman recapped that he had researched two types of economic development incentives for the local area and determined that there were not many incentives locally or at the state level. He reported that there were some financial, non-financial, state, and Business Oregon incentives for businesses. He provided an overview of the local economic development financial incentives on page 7 of the presentation. He explained that they were primarily local property tax abatements, including State Enterprise Zones and Local Enterprise Zones. Mayor Rosener asked if the property tax abatements were only for the city's portion or the totality and Mr. Coleman replied he was not sure. Council President Young referred to previous Council discussions regarding Enterprise Zones and commented that she did not think Sherwood qualified. Economic Development Manager Coleman replied that Enterprise Zones were not something Sherwood would qualify for easily, but there were potentially a few small block areas that could qualify. He recapped Gresham's Strategic Investment Zone and Wilsonville's Invest Now Program and recommended that an outside agency be hired if Council wished to pursue a similar program to Wilsonville's. Mr. Coleman reported that local economic development financial incentives included a "waiver" that was funded by the URA to the city and provided an overview of Fairview's URA SDC Incentive Program and Gresham's SDC City Deferral program. He noted that Gresham's SDC City Deferral program was never activated due to a lien issue. Mayor Rosener referred to Sherwood West's 200 acres of Industrial land and asked Community Development Director Eric Rutledge if staff had determined how much more could be added to the URA or set up a single URA and "still fall under the limits." Mr. Coleman replied that the city was already close to the 25% limit and discussion occurred. He recapped that the local economic development non-financial incentives included: "Fast Track" Permitting and provided an overview of other city's fast track programs on page 9 of the presentation. He explained that in order for Sherwood to utilize Fast Tracking Permitting, more financial resources were needed. Mayor Rosener referred to the city's current Red Carpet Team and asked how much Fast Track Permitting would help matters. Mr. Coleman replied that developers were attracted to Fast Track Programs because "every day is interest lost" so the quicker the process, the better it was for developers and discussion occurred. He provided an overview of Business Oregon financial incentives for Advanced Manufacturing companies on page 10 of the presentation and stated options included: the Governor's Strategic Reserve Fund (SRF), Oregon Business Development Fund (OBDP), and Credit Enhancement Fund (CEF). Economic Development Manager Coleman outlined staff's recommendations to Council and stated that due to the current impact on URA budget, Council should consider creating Local Non-Financial Incentive Programs to expedite Target Traded Sector Industries as a first step and continue to proactively pursue Business Oregon

for financial incentives for Target Traded Sector Industries. Council President Young asked if developers were rejecting Sherwood because the city did not offer incentives. Mr. Coleman replied that all of the companies that had already come to Sherwood had not asked for incentives other than wanting assistance in the permitting process, which the city was already providing. He continued that incentives were a good tool to have in the city's toolkit, but Sherwood had not received many requests for incentives. Councilor Giles commented that he was more in favor of the non-financial incentives and discussion occurred. Councilor Scott commented that he supported all of Mr. Coleman's recommendations and stated that he did not think the city needed to get into incentives until the city started losing business to other cities because of their incentive programs and the city should continue to focus on customer service. Councilor Brouse stated she agreed. Councilor Standke asked if there was a greater need to move the machinery or to rebuild the facilities. Mr. Coleman replied that it was likely both. Councilor Standke asked if currently more distribution companies had moved in than what the city was hoping for and Mr. Coleman replied that he always hoped for 100% advanced manufacturing, but that was not realistic, and discussion occurred. Mayor Rosener asked if Councilor Standke was okay with staff's suggestions and Councilor Standke replied that he was. Mayor Rosener added that he was as well.

C. Sherwood West Update

Community Development Director Eric Rutledge presented the "Sherwood West Urban growth Boundary Expansion Discussion" PowerPoint presentation (see record, Exhibit D) and explained that the purpose of this work session was to discuss the proposed resolution that was on the agenda for the regular session. He recapped that Sherwood West was a complete community with employment land, housing land, public/institutional land, parks and open space, and would have roughly 340 net acres of land for needed housing. He stated that the Sherwood West Concept Plan responded to the Sherwood community's needs and also accounted for regional needs. He reported that Sherwood was the only UGB expansion application for Metro's consideration and noted that the next cycle would not be until 2030. He explained that staff had endeavored to clarify Sherwood West's housing estimates both in the Sherwood West Concept Plan and to Metro and stated that the zoned density range was 6.3-9.2 units per net acre, and the overall residential density was 9.2 units per acre, which assumed developers would build to full capacity. Mayor Rosener noted that additional density would be permitted pursuant to HB 2001 and SB 1537. Mr. Rutledge commented that he felt that the Sherwood West Concept Plan arranged for housing that met the needs of the community in a reasonable time frame, while also understanding that the density would likely be pushed higher as development occurred and new state laws were introduced. He expressed that the Concept Plan included feedback from the community and would be compatible with Sherwood city limits as time went on. He reported that the overall residential density of 9.2 units per acre would result in a total housing estimate of 3,117 new units, with 43% being middle and multi-family units. Community Development Director Rutledge recapped that Council discussed the following options at their September 3rd work session: continue to negotiate conditions aligned with our community and adopted Concept Plan, revise the Sherwood West Concept Plan, or withdraw the Sherwood West Concept Plan. He stated that Council decided to try to continue to negotiate with Metro. He explained that staff were also concurrently working on a draft resolution allowing Council to revise the Sherwood West Concept Plan and would come before Council on October 1st. He explained that the proposed resolution on tonight's agenda was giving the Mayor the authority to withdraw the UGB expansion application, which had been quicker to draft. Council President Young confirmed that Council would still be able to pull the application once the Metro Council had approved the application. Mr. Rutledge replied that was correct and provided an overview of the timeline on page 9 of the presentation. He outlined that there would be a Metro Council public hearing on the COO recommendation on September 26th and commented that he expected a lot of public testimony both in support and in opposition. Metro Council would provide direction to Metro staff on October 8th and Community Development Director Rutledge

recommended that Council decide on October 9th on whether to proceed or withdraw their application. Mayor Rosener stated that he was in frequent communication with Metro Council President Lynn Peterson, and he had met with the city's land use attorney Carrie Richter to discuss options. He explained that the city needed to be able to act quickly should there be something in the approval that Council did not like and the resolution on tonight's agenda reaffirmed and clarified the density in the Sherwood West Concept Plan. He explained that it was important to clarify the density because if the UGB expansion was approved, it strengthened the city's case if there was an appeal. He commented that it was likely that there would be an appeal. Councilor Giles asked for clarification on the circumstances in which the proposed resolution would be utilized, and discussion occurred. Mayor Rosener stated that he would work with City Manager Craig Sheldon and ideally, a special meeting would be scheduled. Mayor Rosener explained that Metro Council President Peterson had directed Metro staff to come back with conditions that would hold Sherwood to what the Sherwood West Concept Plan said. Council President Young asked what would happen if on October 9th Council decided to proceed with the UGB expansion ask, but only for the industrial land. Director Rutledge replied that Metro Council would be under a tight timeline to move through their process. Councilor Giles commented that updating the application to only apply to industrial land was a less-than-ideal scenario. Mayor Rosener commented that he felt Metro Council would be hard-pressed to vote against the city's UGB expansion request. Councilor Mays commented that to him, there was no upper end to the density because as development occurred and future laws were passed, density would only go up. Mr. Rutledge clarified that the zoning table in the Sherwood West Concept Plan was included to show a range based on current zoning, and just because the table was adopted in the Concept Plan did not mean that it had to be carried forward into the comprehensive planning process. Discussion occurred and Mayor Rosener stated that as the date approached, a work session would be scheduled for Council to discuss their options.

4. ADJOURN

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

REGULAR SESSION

- 1. CALL TO ORDER:** Mayor Tim Rosener called the meeting to order at 7:05 pm.
- 2. COUNCIL PRESENT:** Mayor Tim Rosener, Council President Kim Young, Councilors Taylor Giles, Renee Brouse, Dan Standke, Keith Mays, and Doug Scott.
- 3. STAFF PRESENT:** City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, Interim City Attorney Sebastian Tapia, Community Development Director Eric Rutledge, Interim Public Works Director Rich Sattler, HR Director Lydia McEvoy, IT Manager Richard McCord, Finance Director David Bodway, Senior Planner Joy Chang, Planning Manager Sean Conrad, Police Captain Jon Carlson, Lead Utility Billing Tech Sarah Lopez, and City Recorder Sylvia Murphy.

4. APPROVAL OF AGENDA:

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

Mayor Rosener addressed the next agenda item.

5. CONSENT AGENDA:

A. Approval of September 3, 2024, City Council Meeting Minutes

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

Mayor Rosener addressed the next agenda item.

6. CITIZEN COMMENT:

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

7. PRESENTATIONS:

A. Proclamation, Proclaiming September as National Preparedness Month

Mayor Rosener stated that each September was recognized as National Preparedness Month and Oregonians had witnessed and experienced natural disasters in their own communities. He stated that every community member could take active steps to protect their families and neighbors from natural and manmade disasters and every family and business in Sherwood was encouraged to take active steps to be financially secure after a disaster. He stated that every business and community member was encouraged to ensure they were properly insured against fire, flood, earthquake and storms. He reported that the national theme for 2024 was "Start a Conversation" which encouraged conversations with family and neighbors regarding current events, human threats, natural disasters and building prepared by adopting escape plans, preparing "Go Now" kits, maintaining supplies of shelf stable food and water and pooling resources within our communities. Mayor Rosener proclaimed September as National Preparedness Month and encouraged the Sherwood community to be prepared.

Mayor Rosener addressed the next agenda item.

B. Recognition of Sherwood High School Students – Academic, Athletic & Musical Achievements

The students who had RSVP'd for tonight's recognition were called forward. A PowerPoint presentation was displayed (see record, Exhibit E) listing the names of all of the students who received a 4.0 cumulative GPA in the 2023-2024 school year, as well as students that placed first in State in an athletic event as a team or as an individual, and students that placed first in State in a musical competition. Council congratulated the students and Mayor Rosener indicated certificates would be mailed to those who were unable to attend.

Mayor Rosener addressed the next agenda item.

8. NEW BUSINESS:

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

Community Development Director Eric Rutledge presented the "Sherwood City Council Resolution 2024-064" PowerPoint presentation (see record, Exhibit F) and explained that the proposed resolution would

authorize the Mayor to withdraw the city's Sherwood West UGB application. He clarified that passing this resolution would not withdraw the application upon the resolution's approval, but authorized the Mayor to withdraw the application should certain outcomes be likely. He provided a recap as to how the resolution came to be and reported that the Sherwood West CAC, Planning Commission, and City Council had provided direct input on the housing plan for Sherwood West and was unanimously supported by all three boards. He explained that the housing plan called for an overall residential density or total average density of 9.2 units per net acre, or 3,117 new homes. He stated that the Metro COO recommended that the Metro Council adopt the baseline forecast for growth, which would result in a deficit of capacity within the UGB of between 1,000-5,300 homes. Mr. Rutledge clarified that there was also a potential condition of approval regarding affordable housing and stated that the housing plan addressed affordable housing, but the Metro recommendation was overly restrictive which could have unintended consequences from a planning perspective. He outlined that the proposed resolution would also authorize the Mayor to pull the city's application if there were other conditions that materially changed the plan which had not been developed in consultation with the Sherwood community and were therefore not supported by the City Council. Director Rutledge explained that it was determined that this resolution was necessary because the city may need to respond quickly to changing conditions. Mayor Rosener clarified that a work session would be called if there was time to discuss the application, but there may not be sufficient time, making the proposed resolution necessary. Council President Young proposed amending the resolution to state that the Mayor had the authority to withdraw the application only if a City Council meeting could not be called first. Councilor Scott commented that he did not support amending the proposed resolution. Councilor Mays stated that he believed that if there was sufficient time to call a meeting, Mayor Rosener would do so and therefore an amendment was not necessary. Councilor Giles commented that he believed the issue to be a misunderstanding and that he wished to continue to work with Metro going forward. He spoke on the need for housing variety in Sherwood and the Oregon housing shortage and he hoped that this had been communicated to Metro. Mayor Rosener spoke on the planning process the Sherwood West area had already undergone and the work of Metro staff. He expressed that the city was ready to get to work on Sherwood West but not at the cost of what the community wanted for the area. He explained that the resolution also clarified the city's proposed density for Sherwood West. Councilor Mays stated that he hoped the process could move forward as it had been a long process involving Sherwood and neighboring communities, but ultimately if the application needed to be pulled due to considerable changes, then the city would do so. Councilor Standke stated that he supported the proposed resolution, but he hoped that the city's application could move forward without substantive changes. Councilor Scott commented that he had been working on the Sherwood West plan for the past eight years and he was very supportive of the plan and wanted to see the plan proceed, but not if the Metro Council made changes to that plan. With no other comments, the following motion was stated.

MOTION: FROM COUNCILOR MAYS TO APPROVE RESOLUTION 2024-064, AFFIRMING ASPECTS OF THE SHERWOOD WEST CONCEPT PLAN AND AUTHORIZING THE MAYOR TO WITHDRAW THE UGB EXPANSION APPLICATION. SECONDED BY COUNCIL PRESIDENT YOUNG. MOTION PASSED 7:0; ALL MEMBERS VOTED IN FAVOR.

Mayor Rosener addressed the next agenda item.

9. PUBLIC HEARING:

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

Interim City Attorney Sebastian Tapia presented the staff report and summarized that this ordinance would change Sherwood's Municipal Code Chapter 1.10.030 regarding procurement code, which added the Assistant City Manager to the list of authorized individuals to act on behalf of the City Manager when the City Manager was unavailable. He reported the ordinance would add new code to Chapter 1.04 and defined the term "vacant" and provided instruction on what happens when the City Manager had a planned absence, unplanned absence, and when the role was vacant. Councilor Giles asked if the ordinance would also address when the Assistant City Manager role was vacant. Mr. Tapia replied that it did address that and explained that the process for filling those roles was outlined in the procurement chapter. Councilor Giles asked what would happen if the city removed the Assistant City Manager position. Mayor Rosener replied that that was under the purview of the City Manager, as it was a staffing decision. He explained that prior to the Assistant City Manager role being created, there were things in the city's code that only the City Manager could do and if the City Manager role was vacated suddenly as what had recently occurred, then those duties could not be executed. Mayor Rosener opened the public hearing and asked for public comment on the proposed ordinance. Hearing none, Mayor Rosener closed the public hearing and asked for questions or a motion from Council.

MOTION: FROM COUNCIL PRESIDENT YOUNG TO READ CAPTION AND ADOPT ORDINANCE 2024-003, ADDING NEW SECTIONS TO THE SHERWOOD MUNICIPAL CODE DESIGNATING CITY MANAGER PRO TEM IN THE ABSENCE OF THE CITY MANAGER AND AMENDING CHAPTER 1.10. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 7:0; ALL MEMBERS VOTED IN FAVOR.

Mayor Rosener addressed the next agenda item.

B. Ordinance 2024-004, Amending sections of the Sherwood Zoning and Community Development Code for Food Cart Pods

Senior Planner Joy Chang presented the "LU 2024-014 PA Food Cart Pods" PowerPoint presentation (see record, Exhibit G) and stated that Planning staff had been fielding an increasing number of inquiries regarding the operation of food carts within Sherwood. She outlined that the proposed amendments would allow food cart pods in certain zones and stated that food units could provide opportunities for small scale entrepreneurship, provide unique eating establishments, and provide community gathering spaces. She recapped that the proposed amendments would allow for the development of food cart pods in the General Commercial (GC) and Retail Commercial (RC) zones, the process was a Type IV Site Plan Review with a concurrent Type III Conditional Use Permit, and there were development and design standards. Ms. Chang provided an overview of the food cart pod process on page 4 of the presentation and reported food cart pods would require a Conditional Use Permit, the Planning Commission was the final decision maker, and the City Council would provide the appeal opportunity. She stated that no parking mandates could be required within the Frequent Transit Corridor and Sherwood Town Center, per CFEC rules, and explained that the area delineated in pink on the map on page 6 of the presentation represented the Frequent Transit Corridor area. Senior Planner Chang commented that the city would provide suggested parking minimums and stated that developers could also propose additional parking. She provided an overview of the food cart pod development standards as: a minimum of five food carts; a permanent restroom sized for the site; an enclosed building or pavilion that was a minimum of 1,000 square feet; permanent utility connections (water, sewer, electricity); design standards for the proposed building or pavilion; minimum setback standards for permanent structures and food carts; screening from residential properties; and vehicular and bicycle parking. She recapped Council's desire for the location to be a "destination" and referred to the permanent enclosed building/pavilion. She outlined that two vehicular parking spots and one bicycle parking spot per food cart were included in the design standards. Ms. Chang provided an overview of the applicable criteria

for a plan amendment on page 9 of the presentation. She addressed the review criteria of Community Needs and stated that food cart pods offered flexibility and adaptability to meet various community needs. She stated that food cart pods would provide opportunity to increase jobs and businesses, reduce investment risk and allow small businesses to serve larger markets, compliment existing businesses and activities, create positive impacts on street vitality and neighborhood life, provide food choices to the Sherwood community, increase activity in underperforming commercial areas, and would support entrepreneurship. Senior Planner Chang stated that food cart pod amendments were consistent with the 2040 Comprehensive Plan, specifically the goals and policies by allowing entrepreneurial opportunities for small startup businesses while providing a diverse mix of economic activity. She stated that the amendments would also allow and encourage the development of commercial areas and explained that the minimum number of food carts and the inclusion of permanent amenities, such as a pavilion/building and restrooms, would create a “destination” for Sherwood residents and visitors. Ms. Chang provided an overview of the public noticing requirements on page 12 of the presentation and reported that no public comments had been received. She recapped that the Planning Commission held its public hearing on August 13, 2024 where they voted unanimously in favor of recommending the proposed text amendments to the City Council. She recapped that based on the findings and applicable code criteria, staff recommended Council approve the proposed text amendments and hold the second public hearing for Ordinance 2024-004 on October 15, 2024. Councilor Giles asked regarding the permanent building/pavilion and Senior Planner Chang explained that either a building or a pavilion would need to be provided. Councilor Mays thanked city staff and the Planning Commission for their work. Mayor Rosener opened the public hearing and asked for public comment on the proposed ordinance. Hearing none, Mayor Rosener closed the public hearing and asked for questions or discussion from Council. Councilor Scott commented that he had been in favor of a food cart pod for a long time, and he was excited to see it come to fruition. Councilor Giles commented that he had received community feedback supporting the idea of a food cart pod in Sherwood and thanked staff for their work.

Mayor Rosener addressed the next agenda item.

10. CITY MANAGER REPORT:

City Manager Craig Sheldon reported that a retirement party for Economic Development Manager Bruce Coleman would be held on October 3rd at the Arts Center. He thanked Lead Utility Billing Tech Sarah Lopez for assisting with the recognition of Sherwood High School Students. He reported the Old Town Strategic Plan would come before Council at the October 1st meeting. Councilor Mays commented regarding traffic on Roy Rogers and Highway 99W with Elwert being closed. He asked if the county was doing any analysis on that because it indicated that there was more traffic that utilized Elwert than previously thought. City Manager Sheldon commented he agreed and expressed he hoped that the county would finish their work on schedule. Councilor Mays asked regarding cut-through traffic and Mr. Sheldon replied that the Sherwood Police Department were doing extra patrols in the area.

Mayor Rosener addressed the next agenda item.

11. COUNCIL ANNOUNCEMENTS:

Councilor Giles reported he attended the most recent Sherwood School District meeting. He reported he would attend the Library Advisory Board meeting on September 18th.

Councilor Brouse reported that she was unable to attend the most recent Senior Advisory Board meeting. She reported on her attendance at the SAFE Cascadia event in Echo, Oregon.

Councilor Mays reported that the Cultural Arts Commission did not meet but would meet soon to discuss pedestrian bridge art. He reported he would attend the upcoming WCCCA meeting. He spoke on the Senior Center and their recent recognition and their work providing free mental health support to Sherwood seniors.

Councilor Scott spoke on the recent Oregon-Oregon State football rivalry game.

Councilor Standke reported he attended the most recent Planning Commission meeting where they discussed quasi-judicial training and the continuation of a land use hearing. He referred to school being back in session and asked that drivers be mindful and cautious of crosswalks and pedestrians crossing streets.

Mayor Rosener stated that Council President Young had to leave the meeting. He reported he had had several meetings with Metro Council and Metro staff. He reported he attended several regional meetings. He reported he would travel to Washington D.C. next week to lobby on behalf of Sherwood's aging sewer infrastructure.

12. ADJOURN:

Mayor Rosener adjourned the regular session at 8:20 pm and convened an executive session.

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 8:21 pm.
2. **COUNCIL PRESENT:** Mayor Tim Rosener, Councilors Taylor Giles, Renee Brouse, Dan Standke, Doug Scott, and Keith Mays. Council President Kim Young was absent.
3. **STAFF PRESENT:** Interim City Attorney Sebastian Tapia, City Manager Craig Sheldon, Assistant City Manager Kristen Switzer, HR Director Lydia McEvoy and Finance Director David Bodway. Police Chief Ty Hanlon attended remotely.

3. TOPICS:

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

4. ADJOURN:

Mayor Rosener adjourned the executive session at 8:55 pm.

Attest:


Sylvia Murphy, MMC, City Recorder


Tim Rosener, Mayor