



*Home of the Tualatin River National Wildlife Refuge*

# **CITY COUNCIL MEETING PACKET**

**FOR**

**Tuesday, September 7, 2021**

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

**5:45 pm City Council Work Session**

**7:00 pm City Council Regular Meeting**

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



Home of the Tualatin River National Wildlife Refuge

### **5:45 PM WORK SESSION**

1. **Solid Waste Rate Review** (Craig Sheldon, Public Works Director)
2. **Review of Draft Comprehensive Plan**  
(Erika Palmer, Planning Manager)

### **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 August 17, 2021 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
  - B. **Approval of August 26, 2021 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
  - C. **Resolution 2021-081 Appointing Arisa de Olde to the Sherwood Cultural Arts Commission**  
(Chanda Hall, Center for the Arts Manager)
  - D. **Resolution 2021-082 Authorizing City Manager or City Manager Pro Tem to enter into a contract with Carrier Corporation to Replace Air Conditioning Chiller at the Civic Building**  
(Craig Sheldon, Public Works Director)
  - E. **Resolution 2021-083 Approving the Oregon Water/Wastewater Agency Response Network Agreement Addendum No. 1 for the Sharing of Personnel During an Emergency When Workers are Unable to Get to Their Normal Reporting Location During a Severe Emergency (Shared Workers)** (Andrew Chapman, Emergency Management Coordinator)
  - F. **Resolution 2021-084 Appointing Becky Hicks to the Sherwood Senior Advisory Board**  
(Maiya Martin Burbank, Senior Center Manager)
  - G. **Resolution 2021-085 Appointing Jen Myers to the Sherwood Senior Advisory Board**  
(Maiya Martin Burbank, Senior Center Manager)

### **6. CITIZEN COMMENTS**

*Pursuant to House Bill 4212 (2020), citizen comments and testimony for public hearings must be submitted in writing to [CityRecorder@Sherwoodoregon.gov](mailto:CityRecorder@Sherwoodoregon.gov). To be included in the record for this meeting, the email must clearly state either (1) that it is intended as a citizen comment for this meeting or (2) if it is intended as testimony for a public hearing, the specific public hearing topic for which it is intended, and in either case must be received at least 24 hours in advance of the scheduled meeting time. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.*

### **AGENDA**

#### **SHERWOOD CITY COUNCIL September 7, 2021**

**5:45 pm City Council Work Session**

**7:00 pm City Council Regular Meeting**

Pursuant to House Bill 4212 (2020), this meeting  
will be conducted electronically and will be  
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## 7. PUBLIC HEARINGS

- A. **Ordinance 2020-005 Amending sections of the Sherwood Zoning and Community Development Code as it relates to the regulation of Signs** (*Second Reading*)  
(Erika Palmer, Planning Manager)
- B. **Ordinance 2021-008 Amending sections of the Sherwood Zoning and Community Development Code to modify standards for residential uses in Commercial Land Use Districts** (*First Reading*) (Erika Palmer, Planning Manager)

## 8. CITY MANAGER REPORT

## 9. COUNCIL ANNOUNCEMENTS

## 10. ADJOURN

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

**To Schedule a Presentation to the Council:** If you would like to schedule a presentation to the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or [MurphyS@sherwoodoregon.gov](mailto:MurphyS@sherwoodoregon.gov). If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or [MurphyS@sherwoodoregon.gov](mailto:MurphyS@sherwoodoregon.gov) at least 48 hours in advance of the scheduled meeting time.



## SHERWOOD CITY COUNCIL MEETING MINUTES

22560 SW Pine St., Sherwood, Or

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

August 17, 2021

### WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the work session to order at 6:02 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Kim Young, Sean Garland, Renee Brouse, and Russell Griffin.
3. **STAFF PRESENT:** City Manager Pro Tem Kristen Switzer, City Attorney Josh Soper, IT Director Brad Crawford, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon, Finance Director David Bodway, Police Chief Jeff Groth, HR Manager Christina Jones, Planning Manager Erika Palmer, Economic Development Manager Bruce Coleman, Police Captain Ty Hanlon, Senior Planner Joy Chang, and City Recorder Sylvia Murphy.

### 4. TOPICS

#### A. Sherwood West Update & UGB Expansion Discussion

Community Development Director Julia Hajduk presented the “Sherwood West Update” PowerPoint presentation (see record, Exhibit A) and recapped that the purpose of the work session was to provide an update on the Sherwood West Re-Look, discuss the timing and criteria for a mid-cycle UGB request, and for staff to get feedback from Council on proceeding with the mid-cycle UGB request. Planning Manager Erika Palmer provided background and overview on the current Sherwood West Preliminary Concept Plan on page 3 of the presentation. She explained that the current preliminary Concept Plan was accepted by the Council via resolution 2016-009 and was prepared prior to any Comprehensive Plan Update work that had been completed thus far. She explained that the plan did not address the new economic development goals. Ms. Palmer reported that the Preliminary Concept Plan was nearly fully compliant with Metro’s Title 11 Concept Plan requirements and commented that the re-look would make the plan fully compliant. She reported that the re-look will review the Sherwood West area to address new opportunities for employment and economic growth, new land use and growth patterns, new and updated transportation plans, and new State rules related to housing. Ms. Palmer provided an overview of the project timeline and explained that a TAC and CAC had been formed and both committees had met a total of three times since late April. She reported that a fourth meeting was scheduled for early September, an open house was scheduled for early October, and she anticipated the project would be complete by late spring/early summer 2022. Ms. Palmer provided an overview of the Sherwood West area and reported that the total area was 1,291 acres, contained 126 properties, 110 property owners, and an average property size of 9.8 acres. She recapped

Meeting #1 on page 5 of the presentation and explained that they reviewed the economic goals for the City as well as the findings of the Sherwood Economic Opportunities Analysis. She reported that based on the Sherwood Economic Opportunities Analysis, Sherwood should focus on cleantech, professional and technical services, and research and development employment opportunities. She stated that based on the rate of annexations and land use applications in the Tonquin Employment Area, the City was seeing a faster rate of development and anticipated that there will be a future need for additional employment lands in the future. Ms. Palmer reported that they also reviewed the Housing Needs Analysis, new housing policies, updates to HB 2001, and transportation opportunities and barriers. She recapped Meeting #2 and explained that they reviewed the Public Engagement Plan for Sherwood West and the CAC/TAC provided feedback on specific outreach methods. She reported they had completed a visioning exercise to focus on what Sherwood West should look and feel like in twenty years. Ms. Palmer reported that between Meeting #1 and Meeting #2, Planning staff reached out to key economic development stakeholders in the region including industrial developers, healthcare industry professionals, hospitality professionals, regional wine makers, and local businesses. Community Development Director Julia Hajduk added that Economic Development Manager Bruce Coleman attended all of the meetings with the key stakeholders. Ms. Palmer explained that based on the feedback received from the stakeholder interviews, the opportunities in Sherwood West will be comprised of a mixed employment approach that focused on: industrial, industrial flex, and professional offices. She provided an overview of Meeting #3 where they discussed the updated Vision Statement. She reported Meeting #3 also discussed three of the six planning concepts including mixed employment areas, greenspaces, and active transportation. She stated that at their September 8<sup>th</sup> meeting they would review the concept plans of: neighborhood form, street connectivity, and the Elwert Road Design Concept. She provided an overview of the potential mixed employment areas on page 12 of the presentation. Councilor Scott stated that page 12 of the presentation was what was presented to the committee but did not reflect the feedback the committee had provided at that meeting. He explained that the committee had provided the feedback stating that they did not want commercial directly adjacent to the high school, and they did not want flex spaces and warehouses in the southern area and instead wanted something unique related to travel and tourism. Council President Rosener commented he agreed with the comments regarding the feedback the committee had provided regarding the mixed employment area map. Mayor Mays urged the committee to have a robust conversation regarding what to do with the NW Natural gas pipeline and the potential impacts of the different options. He commented he did not want to see housing put on or near the gas line site. He commented that he would be interested in going further west on the southern end for retail commercial/office commercial opportunities. Councilor Brouse asked where exactly the pipeline was located? Mayor Mays commented he did not know the exact location, just the general area it was in. Ms. Hajduk commented that NW Natural was pretty careful about not wanting the exact location or dimensions of the pipeline known, so it was important that staff coordinate and plan with NW Natural. Mayor Mays stated that staff needed to ensure that homes were kept away from the pipeline and also had to determine what development was right for that area. Council President Rosener commented that the pipeline and developable land discussion had also occurred at the CAC meeting and they had asked the consultants to incorporate it into the study. Ms. Palmer replied that was correct. Ms. Hajduk commented that she also recalled there being discussion by the CAC regarding a tourism/wine industry focused development, particularly in the southern area. Ms. Palmer replied that was correct and added that originally, the southern area was seen as a gateway to the community, and they wanted to utilize employment opportunities that would capitalize on Sherwood's proximity to wine country. She confirmed that the CAC had confirmed that that was something that they would like to keep in the plan. Mayor Mays commented he felt the southern piece was too small and needed to be vetted further. Councilor Scott added that the gray areas of the map on page 12 were highlighted by the consultants and were not meant to be the finalized areas, they only served as a starting point for the conversation. He recapped the consultant's thoughts

regarding the area north of the high school and stated that the small commercial area could be moved anywhere, it did not have to be located next to the high school. She provided an overview of the potential greenspaces and explained that the greenway would provide opportunities for trails, recreation, additional storm water management functions, and would have linkage to the Tualatin River National Wildlife Refuge and the Cedar Creek Trail. She explained the greenspace would provide a good buffer between residential and industrial uses, especially along the northern area. Mayor Mays commented that the term “industrial” should not be used, and instead “employment” and “light industrial” should be used. Ms. Palmer recapped that Meeting #3 discussed “active transportation” facilities to provide connection between local parks, green spaces, schools, neighborhoods and employment areas to help encourage people to get around by walking, rolling, and biking. Council President Rosener commented that the CAC had discussed what they wanted for the City in terms of trail systems and how they would connect from neighborhood to neighborhood, connections to different amenities in Sherwood, and the desire for a greenway on both sides. Ms. Palmer provided an overview of past and upcoming TAC/CAC meetings and stated that the City had sent a mailer out to property owners in Sherwood West regarding the project in late April early June, there was an “interested parties” list that people can sign up for, and a project webpage had been created and was continuously updated with new information as it became available. She referred to emails she had forwarded to Council she had received from community members regarding this work session (see record, Exhibits B and C). She provided an overview of the feedback on Sherwood West from the CAC and TAC. Councilor Griffin commented that he had felt strongly about the Sherwood West area for a long time and encouraged the committees to “dream big” when it came to their visioning and referred to development in Bend, Sunriver, and Redmond area as good examples. He commented he hoped that the committees focus on retaining the great natural features of the area and expressed that he wanted a big list of possibilities to draw from. He commented he wanted “intelligent, useful, contemporary, employable” employment opportunities. Council President Rosener commented he wholly agreed with Councilor Griffin’s comments. Mayor Mays commented that he wanted to ensure that Sherwood West would be built out to accommodate future growth beyond the current boundaries. Councilor Brouse commented she also liked Councilor Griffin’s comments and asked that the committees be mindful of the different types of housing opportunities that were available to ensure a diversified housing stock was available to those who wanted to live in Sherwood. Councilor Garland commented he agreed with Councilor Brouse’ comments regarding diversified housing and wanted to ensure housing was available for those who wanted to live in Sherwood. Councilor Young commented she agreed with Councilor Griffin’s comments and added that it was important to review the original Sherwood West Concept Plan since many things had changed in the years since it was completed and to continue to have conversations about what Sherwood West should look like. She commented that she agreed with Councilor Brouse and Councilor Garland’s comments for diversified housing stock and added that the housing needed to be well planned to ensure that no one housing type was clustered in a specific area and were instead mixed into the neighborhoods. She stated she was opposed to anything in the style of what was currently being built at the end of Roy Rogers. Council President Rosener commented he agreed with the comments regarding affordable housing and diversified housing types and commented that it would be a delicate process to be successful in doing so. He explained that through zoning, the City could say it wanted certain types of housing, but that came with affordability questions and it was important to try and make the different types of housing affordable for people. He commented the City should partner with the school board for future planning purposes. Councilor Scott commented he agreed with the need for a diversified housing stock and commented that they needed to be realistic about the affordability question because affordability was largely a market driven factor and that Sherwood should aim to make housing stock that was affordable for those who wanted to live here, but they also had to be realistic about the market. Planning Manager Erika Palmer reported that at the September 8<sup>th</sup> meeting the committees would

be discussing housing and neighborhood forum and how it integrated together in Sherwood West as well as what key transportation corridors should look like.

Ms. Hajduk addressed the Metro mid-cycle Urban Growth Boundary expansion and recapped that the residential need was based on the 2020 Housing Needs Analysis. She explained that there currently were 7,220 units within city limits and the Brookman area, and by 2039 a total of 8,949 units would be needed. The estimated capacity within the existing city limits and Brookman area was 1,121 units, which created a deficit of 608 units needed for the 20-year planning period. She explained that the 20-year planning horizon was important because when cities completed a UGB mid-cycle ask, the information had to be based on what the city could demonstrate as the need. She reported that based on the deficit number of 608 units, she believed that the City could justify a need for 63-76 acres for residential purposes and explained that +/- 150 acres total could be asked for which included needed housing units, employment balance, roads, and open space. Council President Rosener asked how many houses were being built in Sherwood each year on average over the last four years? Ms. Hajduk replied that the five-year average was roughly 33 units per year. She recapped the criteria of a UGB mid-cycle expansion ask and explained that it was limited to specific quantifiable community need, it must meet specific criteria and have an adopted Title 11 compliant Concept Plan, and the mid-cycle proposals were due to Metro Council by December 13, 2021. She added that Metro has asked that all plans and proposals be submitted a month prior to the deadline. Councilor Scott asked if it was true that there were specific criteria related to a mid-cycle proposal that was not a part of a normal cycle ask? Ms. Hajduk replied that was true and explained that generally, a mid-cycle ask was unique to your jurisdiction and your specific needs and the legislative ask was region-wide and looked at the entire Metro area and what those needs were and whether or not those needs could be met within the entire metropolitan area. By completing a legislative-cycle ask, the City was not bound to what the Housing Needs Analysis (HNA) stated, but during a mid-cycle ask they were constrained by the HNA and what the city's housing needs were over the next 20-year period. Councilor Scott asked if the mid-cycle proposal criteria listed under Item B on page 21 of the presentation would also be required during a legislative ask? Ms. Hajduk replied that those criteria were specific to a mid-cycle ask. She recapped the criteria for a mid-cycle proposal and reported that the criteria included the following:

- A. Metro Council shall determine whether each proposal demonstrates a NEED to revise the most recent analysis of the regional Buildable Lands Inventory (BLI)
- B. If determined there is a need a city proposal shall demonstrate the following
  - (b1) Acknowledged local BLI
  - (b2) Housing planned in the proposal is likely to be built in fewer than 10 years
  - (b3) The city has taken action and investments in Centers, Corridors, Station Communities and Main Streets
  - (b4) The city has implemented best practices for preserving and increasing the supply and diversity of affordable housing in existing boundary
  - (b5) The city has taken actions in the existing boundary and proposed expansion area that will advance Metro's six desired outcomes
- C. Land proposed must be in a designated urban reserve area
- D. Mid-cycle UGB amendments are exempt from boundary location requirements in Statewide Planning Goal 14

She reported that Sherwood had completed items b1, b2, and C. She recapped the necessary next steps on page 22 and stated they needed to:

- Determine that there was an area within the existing Sherwood West preliminary concept plan that was unlikely to change through the re-look process because it had already undergone an extensive public process and been adopted; relying on assumptions from the Sherwood West Re-look would be disingenuous to public process
- Agree on area and acreage
- Develop “mini concept plan” that was Title 11 compliant and address mid-cycle criteria for area and must be adopted by Council by November 16<sup>th</sup>
- Coordinate with agency partners/service districts to obtain service provider letters
- Discuss with Council to create a plan for implementing “best practices for preserving and increasing the supply and diversity of affordable housing in existing boundary”
- Submit the request to Metro by December 13, 2021

Ms. Hajduk explained that completing all the necessary tasks was possible, but other Community Development projects would need to be paused in order to have the mid-cycle proposal completed in time. Planning Manager Erika Palmer recapped the current projects that Community Development was working on. She reported that they were working on: Sherwood West re-look, Residential Design Standards, implementation of HB 2001 criteria, Comprehensive Plan adoption, discussion and adoption of the EOA, and Economic Development support. She commented that ideally, the new Residential Design Standards would be adopted by the end of the year to allow for a pilot program to test the new standards before the new housing choices were implemented by June 2022. Councilor Scott commented he felt that there would be issues around the mid-cycle proposal criteria items b3, b4, and b5 and that he recalled one of the developers within the proposed area had said that they did not believe the development would be built in less than ten years. He continued that all of the projects that needed to be paused in order to work on a mid-cycle proposal were critical and informative pieces of how Sherwood West should be developed, and he was therefore not in favor of completing a mid-cycle ask. Councilor Young commented she agreed on the importance of completing the projects listed in order to help inform Council’s decisions and commented she wanted more information from the CAC regarding determining that there was an area within the existing Sherwood West preliminary Concept Plan that was unlikely to change through the Re-look process. She commented she did not think there was enough time for staff to complete all of the require steps to complete a mid-cycle ask. Councilor Griffin commented that he had previously spoken to Community Development Director Hajduk regarding getting more land when the location for the new high school was announced and was still in favor of procuring more land when the time was right. He continued that he felt that the construction of the new high school necessitated that the City reexamine the entire area and he was therefore not in favor of completing a mid-cycle ask. Councilor Brouse commented she was in favor of ensuring that everything was in line before proceeding and asked when would the next opportunity happen if they did not complete a mid-cycle ask? Mayor Mays replied the next opportunity would be a legislative ask in 2024. Council President Rosener added that 2024 was the next opportunity for a residential ask but the City could complete a jobs ask once per year. Mayor Mays added that cities were able to do any non-residential ask yearly, not just job asks. Councilor Brouse commented that she was in favor of completing the mid-cycle ask. Councilor Garland commented that he was not in favor of completing a mid-cycle ask. Council President Rosener commented he was not in favor of completing an ask at this time and asked Ms. Hajduk her opinion on how Metro would view an application from a city that had not completed their Comprehensive Plan and Concept Plan Updates? Ms. Hajduk replied that she could not speak for Metro, but commented that generally, Metro was not in favor of expanding the UGB and felt that they tended to try and find reasons to say no. She added that as it was, there were probably already many reasons to say no to the application. Council President Rosener commented that it was important to get the project done correctly since it would guide the work for many years to come. He spoke on the regulatory environment of the past 5-10 years and referred to the Brookman



expansion and stated that Sherwood lost the ability to let residents vote on annexations and that was why the UGB expansion asks were important because they were a key point where “we can throttle growth at the city.” He continued that with the passage of HB 2001 and other pressures from lobbyists and home builders, he felt that a city’s control over its planning would continue to erode, so Sherwood needed to be very careful and have a good plan in place. He commented that in Sherwood’s charter, it stated that the voters could vote on annexations before the state took that ability away, and he wanted to ensure that they were “doing right” by the voters and put forward the idea that when the City was ready to complete an ask, it should be put forward to the voters even though the vote would not be binding. He stated it was important to make sure that the community understood what the City was doing, why they were doing the ask, and if they agreed with it. Mayor Mays asked if Council President Rosener meant to put it to the voters for a residential ask or whole ask? Council President Rosener replied he meant for a residential ask. Mayor Mays commented that he felt that staff had received good feedback from Council, that staff needed to finish what they were working on and plan for an ask in 2024 and what the ask should look like with smart planning, smart phasing, good community engagement, and good economic balance for sustainability. Councilor Scott thanked staff for their time and effort putting the presentation together.

**5. ADJOURN:**

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

**REGULAR SESSION**

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:12 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Kim Young, Sean Garland, Renee Brouse, Doug Scott, and Russell Griffin.
3. **STAFF PRESENT:** City Manager Pro Tem Kristen Switzer, City Attorney Josh Soper, IT Director Brad Crawford, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon, Finance Director David Bodway, Police Chief Jeff Groth, HR Manager Christina Jones, Police Captain Ty Hanlon, and City Recorder Sylvia Murphy.

**4. APPROVAL OF AGENDA:**

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

Mayor Mays addressed the next agenda item.

**5. CONSENT AGENDA:**

- A. **Approval of August 3, 2021 City Council Meeting Minutes**
- B. **Approval of August 7, 2021 City Council Meeting Minutes**
- C. **Approval of August 9, 2021 City Council Meeting Minutes**
- D. **Resolution 2021-072 Authorizing City Manager to enter into a contract with Highland Commercial Roofing PNW, LLC to Replace the Roof at the Civic Building**
- E. **Resolution 2021-073 Reappointing Matthew Kaufman to the Sherwood Budget Committee**

- F. Resolution 2021-074 Reappointing Paul Mayer to the Sherwood Budget Committee**
- G. Resolution 2021-075 Authorizing the City Manager or City Manager Pro-Tem to sign an intergovernmental agreement with Washington County for participation in the South County Mental Health Response Team**
- H. Resolution 2021-076 Appointing Mike Schultz to the Sherwood Police Advisory Board**
- I. Resolution 2021-077 Appointing Marie Schapp to the Sherwood Police Advisory Board**
- J. Resolution 2021-078 Appointing Mike Meyer to the Sherwood Police Advisory Board**
- K. Resolution 2021-079 Authorizing City Manager or City Manager Pro Tem to Purchase Sherwood Broadband Network Equipment**

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

Mayor Mays addressed the next agenda item.

**6. CITIZEN COMMENTS:**

The City Recorder read aloud the comments submitted by Cindy Souza regarding the Sherwood West Update and UGB expansion discussion. Ms. Souza stated that as the family of Ida Wilks, they supported Council's decision to apply to Metro to include Sherwood West in the 2021 UGB application period. She stated that it was her mother's dream of adding her property to Sherwood West and reported that the property was located in the Chicken Creek Wetlands and the Riparian Buffer Zone. She commented that her mother would like to see a portion of the area turned into a Sherwood park with trails for residents to use. Ms. Souza stated that area was also comprised of roughly five acres of buildable land, and that Ms. Wilks would like to see the buildable land turned into family housing with a central community area for residents.

**7. PRESENTATIONS:**

**A. Recognition of Sherwood High School Students**

Mayor Mays stated that each year Council recognized Sherwood High School students for their achievement of maintaining a 4.0 GPA during the school year as well as students who received OSAA superior ratings and medaled in band and OSAA First Team All-State Athletics students. Mayor Mays stated that the certificates recognizing the students would be sent out by the City shortly.

Mayor Mays addressed the next agenda item.

**8. CITY MANAGER REPORT:**

City Manager Pro Tem Kristen Switzer reported that there were no reports or updates to share.

Councilor Griffin asked Public Works Director Craig Sheldon what the next big road project would be? Mr. Sheldon reported that there were ongoing paving projects, including slurry sealing the bottom side of Division Street, Murdock Road slurry seal repairs, and Gerta Lane.

Councilor Young commented that if the proposed legislation was passed by the Washington County Board of Commissioners, Sherwood may need to pivot to outdoor dining again and the City needed to be prepared for what that might mean. Mayor Mays explained that there was an unexpected proposal during the Washington County Board of Commissioners work session that was held today. Council President Rosener interjected that he had attended the meeting on behalf of Mayor Mays and explained that the proposal was sold as a policy update on the state of COVID. He explained that their presentation and staff report did not include recommendations for shutting down Washington County restaurants who offered indoor dining. He reported that he and the other mayors were allowed to provide comments on the proposal, then mayoral comments were closed and the Washington County Board of Commissioners went into a discussion where Chair Harrington stated that indoor dining needed to be shutdown. Council President Rosener commented that he and the other mayors were not allowed to comment on that, nor had there been any outreach to cities and schools on what the proposal would look like. He commented that some of those in attendance implored the County to continue to push the State to manage the situation and continue to look for statewide solutions. Councilor Young commented that she was disappointed in the outcome of that meeting and remarked that it seemed that the County did not want outside input from cities on the proposal. She commented that Sherwood needed to be prepared on how to handle the impacts on local businesses from the County's proposal. Mayor Mays commented that he foresaw tremendous engagement with the Washington County Board of Commissioners from County businesses who would be affected by the proposal. Mayor Mays stated that the City will confirm the process for the proposal, and explained it was likely that nothing could be enacted for at least 14 days due to the stipulations around an emergency declaration including the requirement of a unanimous vote of the Commissioners to waive the 14-day waiting period. Mayor Mays commented that he believed that the Washington County Board of Commissioners would move away from the proposal after the business community engaged with the board.

Mayor Mays reported that he attended the League of Oregon Cities statewide call with the Governor's office, Oregon Health Authority, and the Department of Emergency Management where they discussed drought, wildfires, and the Delta variant. He reported that they discussed the challenges that the COVID-19 pandemic was creating for communities with lower vaccination rates located outside the Metro area.

Mayor Mays addressed the next agenda item.

## **9. COUNCIL ANNOUNCEMENTS:**

Councilor Garland asked residents to get their COVID-19 vaccines and recapped current Oregon COVID-19 statistics and asked people to wear their masks to help stop the spread of COVID-19. He reported that the recently approved Symposium mural was currently being worked on.

Councilor Scott referred to the COVID statistics Councilor Garland shared and commented that the overwhelming majority of those who were hospitalized were people who were unvaccinated. He encouraged residents to get their COVID-19 vaccines. He reported he attended the Planning Commission work session on August 10<sup>th</sup> where they discussed Residential Design Standards. He reported that the next Planning Commission meeting would be held on August 24<sup>th</sup> where they would hear an update on the Comprehensive Plan and further discussion on Residential Design Standards.

Councilor Griffin reported that the Robin Hood Festival was scheduled for September 24<sup>th</sup>-25<sup>th</sup> and reported that Jennifer Batten and her band Full Steam would perform at the Robin Hood Festival on September 24<sup>th</sup> and Hit Machine would perform on September 25<sup>th</sup>. He stated that the Robin Hood Festival was seeking

volunteers and those interested in volunteering could find more information on the Robin Hood Festival's website.

Councilor Young thanked Council President Rosener for filling in for her at the CDBG meeting where they discussed the applications for the home applicants for the current year's cycle. She reported that Cruisin' Sherwood would be held on August 28<sup>th</sup> and were seeking volunteers for the event. Those interested in volunteering could find more information on their website.

Councilor Brouse reported Cruisin' Sherwood still needed volunteers for the beer garden and other locations.

Council President Rosener commented he would be volunteering at the Cruisin' Sherwood event. He encouraged residents to get their COVID-19 vaccinations and to support local businesses by getting vaccinated.

Mayor Mays reported that he met with multiple landowners and developers regarding Sherwood West. He met Washington County Commissioner Nafisa Fai, the newest Washington County Commissioner. He encouraged residents to get their COVID-19 vaccinations.

**10. ADJOURN:**

Mayor Mays adjourned the regular session at 7:41 pm and convened an executive session.

**EXECUTIVE SESSION**

1. **CALL TO ORDER:** Mayor Mays called the executive session to order at 7:51 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Kim Young, Sean Garland, Renee Brouse, and Russell Griffin (left at 9:04 pm).
3. **STAFF PRESENT:** City Manager Pro Tem Kristen Switzer, City Attorney Josh Soper, Finance Director David Bodway (left at 9:04 pm), Public Works Director Craig Sheldon (left at 9:04 pm), and IT Director Brad Crawford (left at 9:10 pm).

**OTHERS PRESENT:** Abby Lambert (left at 9:04 pm) and Jenny Green (left at 9:04 pm).

**4. TOPICS**

- A. ORS 192.660(2)(f) and (h), Exempt Public Records and Pending Litigation.

**5. ADJOURN:**

Mayor Mays adjourned the executive session at 10:14 pm.

Attest:

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Sylvia Murphy, MMC, City Recorder

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Keith Mays, Mayor



**SHERWOOD CITY COUNCIL MEETING MINUTES**

**22560 SW Pine St., Sherwood, Or**

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

**August 26, 2021**

**SPECIAL MEETING**

- 1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:00 pm.
- 2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Sean Garland, Renee Brouse, Kim Young and Russell Griffin.
- 3. **STAFF PRESENT:** City Manager Pro Tem Kristen Switzer, City Attorney Josh Soper, IT Director Brad Crawford, and City Recorder Sylvia Murphy.

**4. APPROVAL OF AGENDA**

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

Mayor Mays addressed the next agenda item.

**5. CONSENT AGENDA**

**A. Resolution 2021-080 Approving an Employment Agreement with Keith Campbell to Serve as City Manager**

**MOTION: FROM COUNCILOR YOUNG TO ADOPT RESOLUTION 2021-080 APPROVING AN EMPLOYMENT AGREEMENT WITH KEITH CAMPBELL TO SERVE AS CITY MANAGER. SECONDED BY COUNCIL PRESIDENT ROSENER. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.**

**6. ADJOURN**

Mayor Mays adjourned the meeting at 7:03 pm.

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

\_\_\_\_\_  
Keith Mays, Mayor

**TO:** Sherwood City Council

**FROM:** Chanda Hall, Center for the Arts Manager  
**Through:** Kristen Switzer, City Manager Pro Tem

**SUBJECT:** **Resolution 2021-081, Appointing Arisa de Olde to the Sherwood Cultural Arts Commission**

---

**Issue:**

Should the Council appoint Arisa de Olde to the Sherwood Cultural Arts Commission?

**Background:**

A vacancy exists in Position 7 on the Cultural Arts Commission due to term expiration. The term of office for this vacancy expires in June 2024. The City advertised the vacancy and received one application. Arisa de Olde submitted an application for consideration of appointment and was interviewed by the interview panel. The interview panel consisting of Councilor Sean Garland, Chair Winnie Parmar, and Center for the Arts Manager Chanda Hall unanimously recommended appointment of Arisa de Olde to fill the vacancy. The Mayor has recommended this appointment to Council. In accordance with City Council Rules of Procedure, all such appointments are subject to the approval of City Council by resolution.

**Financial Impacts:**

There are no financial impacts from this proposed action.

**Recommendation:**

Staff respectfully recommends City Council's adoption of Resolution 2021-081, Appointing Arisa de Olde to the Sherwood Cultural Arts Commission.



**RESOLUTION 2021-081**

**APPOINTING ARISA DE OLDE TO THE SHERWOOD CULTURAL ARTS COMMISSION**

**WHEREAS**, a vacancy exists in Position 7 on the Cultural Arts Commission due to term expiration; and

**WHEREAS**, the term of office for this vacancy expires in June 2024; and

**WHEREAS**, the City advertised the vacancy on the City website, Center for the Arts website and social media; and

**WHEREAS**, Arisa de Olde applied to be appointed and was interviewed by the interview panel; and

**WHEREAS**, the interview panel considered all of the applicants and recommended to the Mayor that Arisa de Olde be appointed to fill the vacancy; and

**WHEREAS**, the Mayor has recommended to Council that Arisa de Olde be appointed; and

**WHEREAS**, in accordance with Council Rules of Procedure, all such appointments are subject to the approval of the City Council by resolution.

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

**Section 1** The Sherwood City Council hereby appoints Arisa de Olde to Position 7 of the Sherwood Cultural Arts Commission for a term expiring at the end of June 2024.

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

**Duly passed by the City Council this 7th day of September 2021.**

\_\_\_\_\_  
Keith Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**TO:** Sherwood City Council

**FROM:** Craig Sheldon, Public Works Director  
Through: Kristen Switzer, City Manager Pro Tem and Josh Soper, City Attorney

**SUBJECT:** **Resolution 2021-082, Authorizing City Manager or City Manager Pro Tem to enter into a contract with Carrier Corporation to Replace Air Conditioning Chiller at the Civic Building**

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**Issue:**

Should the City Council authorize the City Manager or City Manager Pro Tem to enter into a contract with Carrier Corporation to replace the Air Conditioning (AC) chiller at the Civic Building?

**Background:**

The City of Sherwood's Civic Building facility was constructed in 2005. The Facility Asset Management Plan outlines the life cycle for the AC chiller to be 15 years. It is currently 16 years old, has run its life cycle and is not performing at full capacity (during warmer weather months) to meet the needs of the facility.

We had planned to replace the AC chiller in 2022/23 budget year. However, this past summer we needed to make several repairs and each repair opened another leak within the AC chiller. During the time the AC was not performing at full capacity we rented portable air conditioning units to help staff with the excessive heat. These temporary fixes do not allow the AC chiller to run at full capacity which affects all staff and customers within City Hall during warmer temperatures.

If we do not replace this AC chiller, we will continue to have issues and ultimately the AC chiller may completely fail. Due to long lead times for purchasing equipment (up to 18 weeks to receive), if we purchase the replacement AC chiller now, we will be able to install in February/March 2022 depending on manufacturer's availability.

The City requested pricing from three vendors and Carrier Corporation was the only contractor to submit a quote to the City.

**Financial Impacts:**

The cost to replace the AC chiller is \$122,879.00. This includes the AC chiller and installation. We recommend adding 15% contingency to cover any unforeseen costs in the amount of \$18,431.85. The total contract amount, not to exceed, is \$141,310.85. This is not budgeted in the 2021/22 fiscal year.

The Finance Director will be adding this to the 2021/22 supplemental budget to cover costs.

**Recommendation:**

Staff respectfully recommends City Council approval of Resolution 2021-082, Authorizing the City Manager or City Manager Pro Tem to enter into a contract with Carrier Corporation to replace the AC chiller at the Civic Building.





**RESOLUTION 2021-082**

**AUTHORIZING THE CITY MANAGER OR CITY MANAGER PRO TEM TO ENTER INTO A CONTRACT WITH CARRIER CORPORATION TO REPLACE THE AIR CONDITIONING CHILLER AT THE CIVIC BUILDING**

**WHEREAS**, the City of Sherwood has an Asset Management Plan for each building; and

**WHEREAS**, the Civic Building facility was constructed in 2005 and the Air Conditioning (AC) chiller has a life cycle of 15 years; and

**WHEREAS**, wear and tear necessitates replacement of the AC chiller; and

**WHEREAS**, Carrier Corporation was the only contractor to supply a bid for this repair.

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

**Section 1.** The City Manager or City Manager Pro Tem is authorized to enter into a contract with Carrier Corporation to replace the AC chiller at the Civic Building in the amount of \$122,897.00 with a contingency in the amount of 15% (\$18,431.85) to cover any unforeseen costs not included in the contract for a total amount not to exceed \$141,310.85.

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

**Duly passed by the City Council this 7<sup>th</sup> day of September, 2021.**

\_\_\_\_\_  
Keith Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**TO:** Sherwood City Council

**FROM:** Andrew Chapman, Emergency Management Coordinator  
**Through:** Craig Sheldon, Public Works Director, Kristen Switzer, City Manager Pro Tem, and Josh Soper, City Attorney

**SUBJECT:** **Resolution 2021-083, Approving the Oregon Water/Wastewater Agency Response Network Agreement Addendum No. 1 for the Sharing of Personnel During an Emergency When Workers are Unable to Get to Their Normal Reporting Location During a Severe Emergency (Shared Workers)**

---

**Issue:**

Should City Council approve adoption of Addendum No. 1 to the Mutual Aid Assistance Intergovernmental Agreement that the City entered into with the Oregon Water/Wastewater Agency Response Network (“ORWARN”) in November 2007?

**Background:**

In 2007, the City entered into an IGA for mutual aid assistance with ORWARN to enable agencies to request assistance and respond to a request for assistance during an emergency. This is a voluntary agreement and does not obligate any participating agency to respond to a request during an emergency.

ORWARN has updated the agreement with Addendum No. 1 which provides more structure to how agencies can share personnel during an emergency when workers are unable to get to their normal reporting location during a severe emergency (shared workers).

ORWARN members have shared workers that are trained in field and emergency operations and when stranded by hazard impacts, they may be available to assist with field and emergency management activities of another agency. This addendum outlines participation and the roles and responsibilities of each party.

**Financial Impacts:**

There are no financial impacts at this time. In the event of a severe emergency, if the City participates in the sharing of workers with other agencies, the City will be responsible for cost reimbursement as outlined in Article VI of the original agreement.

**Recommendation:**

Staff respectfully recommends City Council approval of Resolution 2021-083, Approving the Oregon Water/Wastewater Agency Response Network Agreement Addendum No. 1 for the Sharing of Personnel During an Emergency When Workers are Unable to Get to Their Normal Reporting Location During a Severe Emergency (Shared Workers).



**RESOLUTION 2021-083**

**APPROVING THE OREGON WATER/ WASTEWATER AGENCY RESPONSE NETWORK AGREEMENT ADDENDUM NO. 1 FOR THE SHARING OF PERSONNEL DURING AN EMERGENCY WHEN WORKERS ARE UNABLE TO GET TO THEIR NORMAL REPORTING LOCATION DURING A SEVERE EMERGENCY (SHARED WORKERS)**

**WHEREAS**, local, regional or statewide emergencies may overwhelm the services, personnel, equipment and facilities of Oregon’s municipal corporations, quasi municipal corporations, services districts, political subdivisions and private utility companies; and

**WHEREAS**, Resolution 2007-046 enabled the City to enter into an Intergovernmental Agreement with the Oregon Water/Wastewater Agency Response Network (“ORWARN”) to provide mutual aid in the event of an emergency; and

**WHEREAS**, Addendum No. 1 to this agreement outlines how agencies will share personnel during an emergency when workers are unable to get to their normal reporting location.

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

**Section 1.** The City Manager or City Manager Pro Tem is hereby authorized to sign the Oregon Water/Wastewater Agency Response Network Agreement Addendum No. 1 for the Sharing of Personnel During an Emergency When Workers are Unable to Get to Their Normal Reporting Location During a Severe Emergency (Shared Workers), in a form substantially similar to the attached Exhibit A.

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

**Duly passed by the City Council this 7<sup>th</sup> day of September 2021.**

\_\_\_\_\_  
Keith Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**ADDENDUM NO. 1**  
**TO THE OREGON WATER/WASTEWATER AGENCY RESPONSE NETWORK**  
**(ORWARN) AGREEMENT FOR THE SHARING OF PERSONNEL DURING AN**  
**EMERGENCY WHEN WORKERS ARE UNABLE TO GET TO THEIR NORMAL**  
**REPORTING LOCATION DURING A SEVERE EMERGENCY (SHARED WORKERS)**

This Addendum No. 1 (“ADDENDUM”) to the ORWARN Mutual Aid and Assistance Agreement (“AGREEMENT”) is entered into, pursuant to Oregon Revised Statutes (ORS) 190.010 to 190.030, by Members and Associate Members of the Oregon Water/Wastewater Agency Response Network (herein collectively known as “Members”).

**RECITALS**

WHEREAS, the Pacific Northwest is prone to natural hazards such as earthquakes, floods, wind, snow, and ice storms; and

WHEREAS, those hazards, when they occur, may significantly damage or impact transportation routes, cause a loss of power and communications, and leave Member Personnel stranded and unable to report to their normal work locations; and

WHEREAS, the Oregon Water/Wastewater Response Network (ORWARN) was formed to recognize that emergencies may require assistance in the form of personnel, equipment, and supplies outside the area of impact; and

WHEREAS, ORWARN created an Intergovernmental Agreement (AGREEMENT) for Mutual Aid and Assistance for the provision of emergency services for water and wastewater utilities which established procedures and standards for water and wastewater utility mutual aid; and

WHEREAS, the agencies that are members of ORWARN have personnel that are trained in field and emergency operations and when stranded by hazard impacts, may be available to assist with field and emergency management activities of another member; and

WHEREAS, ORS 190.010 to 190.030 authorize units of local government in the state of Oregon to enter into written agreements with any other unit or units of local government for the performance of any of all functions and activities that any of them has the authority to provide.

NOW, THEREFORE, the Members agree as follows:

**TERMS AND CONDITIONS**

**I. PURPOSE OF THIS ADDENDUM**

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1 of 6	Addendum No. 1 for the Sharing of Personnel Due to an Emergency When Personnel Are Unable to Get to Their Normal Reporting Location (Shared Workers)
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The purpose of this ADDENDUM is to complement the existing ORWARN AGREEMENT and establish conditions and provisions for the sharing of qualified Shared Workers among the Members during catastrophic emergencies where transportation routes are severely disrupted, or other hazards exist and Shared Workers are unable to report to their normal work locations or duty stations.

## II. DEFINITIONS -

- A. Emergency Assistance in this ADDENDUM means a Shared Worker that is self-deployed and offers mutual aid during a catastrophic emergency to a Receiving Member in order to assist in the response, relief and/or recovery efforts following an emergency and whose duties would be comparable to efforts performed by the Shared Worker for their Responding Member employer in a similar emergency response.
- B. Responding Member means a Member whose employee provides emergency assistance in the form of a Shared Worker as defined by this addendum to a Receiving Member, pursuant to the terms of the AGREEMENT and this ADDENDUM.
- C. Receiving Member means a Member who accepts emergency assistance in the form of personnel from another Responding Member, pursuant to the terms of the AGREEMENT and this ADDENDUM.
- D. Shared Worker(s) are Responding Member employees responsible for various field and public works activities occurring within the agency who may respond to a Receiving Member during a catastrophic emergency when they are unable to get to their normal work location as outlined in the standard operating procedures.
- E. Emergency includes, but is not limited to, a human-caused or natural event or other circumstance such as a major earthquake, 100-year flood, or severe wind, snow or ice storm, that causes widespread damage to water systems, which prevents workers from reporting to their normal work location due to severely disrupted transportation routes, or other hazards.

## III. PARTICIPATION IN THIS AGREEMENT

- A. Participation in this ADDENDUM is voluntary. No Member shall be liable to another Member or considered to be in breach or default under the original AGREEMENT, on account of any delay in or failure to perform any obligation, except to make payment as specified in the AGREEMENT.

B. All counties, cities, inter-local agencies, regional governments, and special districts in Oregon are eligible to be a party to this ADDENDUM providing they are Members or Associate Members of the AGREEMENT.

C. Unless otherwise mutually agreed by Receiving and Responding Member, Article VI Cost Reimbursement of the AGREEMENT shall be followed and actions taken under this addendum shall comply with applicable Collective Bargaining Agreements, Local, State and Federal laws.

#### IV. ROLES OF AUTHORIZED OFFICIAL

A. Each Member agrees that its Authorized Official or designee will serve as its representative in the administration and implementation of this ADDENDUM.

#### V. DUTIES OF THE RECEIVING MEMBER

A. Unless otherwise mutually agreed by Receiving and Responding Member, Article IV. Requests for Assistance and Article V. Responding Member Personnel of the AGREEMENT shall be followed.

B. The Receiving Member shall communicate with the Responding Member as soon as possible when a Shared Worker reports for duty at the Receiving Member location during an emergency and shall:

i. Request approval of the mutual aid and comply with the terms and conditions of the Agreement and this Addendum.

ii. Confirm with the Shared Worker and the Responding Member that the Shared Worker's services are required.

iii. Develop and implement a tracking system to record time and duration of Shared Worker to be provided to the Responding Member when emergency has been reduced or eliminated.

iv. Notify the Responding Member when the Shared Worker is released from service.

#### VI. DUTIES OF THE SHARED WORKER

A. The Shared Worker will make every effort to report to their normal duty station before self-deploying to another agency.

B. Will only self-deploy to another agency if safe to do so.

C. Notify their employer of their status and location.

- D. End their self-deployment and report to work at their normal place of employment as soon as possible, unless authorized to continue work under the terms of the Agreement.

#### VII. DUTIES OF THE RESPONDING MEMBER

- A. Unless otherwise mutually agreed by Responding and Receiving Member, Article IV. Requests for Assistance and Article V. Responding Member Personnel of the AGREEMENT shall be followed.

#### VIII. EMPLOYEES AS INDEPENDENT CONTRACTORS

- A. Each Responding Member shall be and operate as an independent contractor of the Receiving Member in the provision of any Emergency Assistance. Employees of the Responding Member shall, at all times while performing Emergency Assistance, continue to be employees of the Responding Member and shall not be deemed employees of the Receiving Member for any purpose. All wages, payroll taxes, insurance, benefits, and all other applicable terms and conditions of Shared Workers shall remain the responsibility of the Responding Member. The costs associated with borrowed employees are subject to the reimbursement process outlined in the AGREEMENT, Article VI, Cost Reimbursement.
- B. In no event shall a Responding Member or its officers, employees, agents, or representatives be authorized (or represent that they are authorized) to make any representation, enter into any agreement, waive any right, or incur any obligation in the name of, on behalf of or as agent for a Receiving Member under or by virtue of the AGREEMENT.
- C. Shared Workers shall remain under the administrative control of the Responding Member but will be under the operational control of the emergency management authorities of the Receiving Member. The Responding Member shall not be liable for cessation or slowdown of work if the Responding Member's Shared Workers decline or are reluctant to perform any assigned task if said employees judge such task to be unsafe. A request for loaned employees to direct activities of others during a particular operation does not relieve the Receiving Member of any responsibility or create any liability on the part of the Responding Member for decisions and/or consequences of the operation.

#### IX. PAYMENT FOR EMERGENCY ASSISTANCE

Unless otherwise mutually agreed by Receiving and Responding Party, Article VI Cost Reimbursement of the AGREEMENT shall be followed.

X. ENTIRE ADDENDUM

This existing AGREEMENT of the Members takes precedence over all concepts outlined in this ADDENDUM.

XI. EXECUTION

This ADDENDUM is voluntary to Members and Associate Members of the AGREEMENT.



**ADDENDUM NO. 1  
TO THE OREGON WATER/WASTEWATER AGENCY RESPONSE NETWORK  
(ORWARN) AGREEMENT FOR THE SHARING OF PERSONNEL DURING AN  
EMERGENCY WHEN WORKERS ARE UNABLE TO GET TO THEIR NORMAL  
REPORTING LOCATION (SHARED WORKERS)**

**SIGNATURE PAGE**

In Witness Whereof, the Public Entity \_\_\_\_\_ (Member) has caused this ADDENDUM to be executed by its duly authorized representatives as of the date of their signatures below:

_____ Signature of Officer	_____ Date	_____ Officer's Title
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_____ Signature of Counsel	_____ Date	_____ Counsel's Title
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Name and title of primary Contact Representative:	_____
Address:	_____ _____
Phone:	_____
Email:	_____

Name and title of alternate Contact Representative:	_____
Phone:	_____
Email:	_____

**TO:** Sherwood City Council

**FROM:** Maiya Martin Burbank, Marjorie Stewart Senior Community Center Manager  
**Through:** Kristen Switzer, City Manager Pro Tem

**SUBJECT: Resolution 2021-084, Appointing Becky Hicks to the Sherwood Senior Advisory Board**

---

**Issue:**

Should the City Council appoint Becky Hicks to the Sherwood Senior Advisory Board?

**Background:**

A vacancy exists in position 2 of the Senior Advisory Board due to term expiration. The term of office for this vacancy expires in June of 2024. The City advertised the vacancy and received three (3) applications. Becky Hicks submitted an application for consideration of appointment and was interviewed by the interview panel. The interview panel consisting of City Council Liaison Renee Brouse, Board Representative Caz Thomson, and City Liaison & Marjorie Stewart Senior Community Center Manager Maiya Martin Burbank unanimously recommended appointment of Becky Hicks to fill the vacancy. The Mayor has recommended this appointment to Council. In accordance with City Council Rules of Procedure, all such appointments are subject to the approval of City Council by resolution.

**Financial Impacts:**

There are no additional budgetary funds required for this resolution.

**Recommendation:**

Staff respectfully requests City Council approve Resolution 2021-084, Appointing Becky Hicks to the Sherwood Senior Advisory Board.



**RESOLUTION 2021-084**

**APPOINTING BECKY HICKS TO THE SHERWOOD SENIOR ADVISORY BOARD**

**WHEREAS**, a vacancy exists on the Senior Advisory Board, position 2, due to an expired term; and

**WHEREAS**, the term of office for this vacancy expired in June 2021; and

**WHEREAS**, the City advertised the vacancy on the City website, locals newspapers, and social media; and

**WHEREAS**, Becky Hicks applied to be appointed and was interviewed by the interview panel; and

**WHEREAS**, the interview panel considered all of the applicants and recommended to the Mayor that Becky Hicks be appointed to fill the vacancy; and

**WHEREAS**, the Mayor has recommended to Council that Becky Hicks be appointed; and

**WHEREAS**, in accordance with Council Rules of Procedure, all such appointments are subject to the approval of the City Council by resolution.

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

**Section 1.** The Sherwood City Council hereby appoints Becky Hicks to position 2 of the Sherwood Senior Advisory Board for a term expiring at the end of June 2024.

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

**Duly passed by the City Council this 7th day of September 2021.**

\_\_\_\_\_  
Keith Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**TO:** Sherwood City Council

**FROM:** Maiya Martin Burbank, Marjorie Stewart Senior Community Center Manager  
**Through:** Kristen Switzer, City Manager Pro Tem

**SUBJECT: Resolution 2021-085, Appointing Jen Myers to the Sherwood Senior Advisory Board**

---

**Issue:**

Should the City Council appoint Jen Myers to the Sherwood Senior Advisory Board?

**Background:**

A vacancy exists in position 7 of the Senior Advisory Board due to resignation. The term of office for this vacancy expires in June of 2023. The City advertised the vacancy and received three (3) applications. Jen Myers submitted an application for consideration of appointment and was interviewed by the interview panel. The interview panel consisting of City Council Liaison Renee Brouse, Board Representative Caz Thomson, and City Liaison & Marjorie Stewart Senior Community Center Manager Maiya Martin Burbank unanimously recommended appointment of Jen Myers to fill the vacancy. The Mayor has recommended this appointment to Council. In accordance with City Council Rules of Procedure, all such appointments are subject to the approval of City Council by resolution.

**Financial Impacts:**

There are no additional budgetary funds required for this resolution.

**Recommendation:**

Staff respectfully requests City Council approve Resolution 2021-085, Appointing Jen Myers to the Sherwood Senior Advisory Board.



**RESOLUTION 2021-085**

**APPOINTING JEN MYERS TO THE SHERWOOD SENIOR ADVISORY BOARD**

**WHEREAS**, a vacancy exists in position 7 of the Senior Advisory Board due to an expired term; and

**WHEREAS**, the term of office for this vacancy expired in June 2021; and

**WHEREAS**, the City advertised the vacancy on the City website, locals newspapers, and social media; and

**WHEREAS**, Jen Myers applied to be appointed and was interviewed by the interview panel; and

**WHEREAS**, the interview panel considered all of the applicants and recommended to the Mayor that Jen Myers be appointed to fill the vacancy; and

**WHEREAS**, the Mayor has recommended to Council that Jen Myers be appointed; and

**WHEREAS**, in accordance with Council Rules of Procedure, all such appointments are subject to the approval of the City Council by resolution.

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

**Section 1.** The Sherwood City Council hereby appoints Jen Myers to position 7 of the Sherwood Senior Advisory Board for a term expiring at the end of June 2023.

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

**Duly passed by the City Council this 7th day of September 2021.**

\_\_\_\_\_  
Keith Mays, Mayor

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**TO:** Sherwood City Council

**FROM:** Erika Palmer, Planning Manager  
**Through:** Julia Hajduk, Community Development Director, Kristen Switzer, City Manager Pro Tem and Josh Soper, City Attorney

**SUBJECT:** **Ordinance 2020-005, Amending sections of the Sherwood Zoning and Community Development Code as it relates to the regulation of Signs** (*Second Reading*)

---

**Issue:**

Shall the City Council adopt an ordinance amending Chapters 16.100, 16.101, 16.102, and 16.162 of the Sherwood Zoning and Community Development Code (SZCDC)?

**Background:**

The City's sign code was last updated in 2012. In October 2019, Council held a work session to discuss various issues with the sign code and directed staff to bring these issues to Planning Commission for their review and recommendation.

The Planning Commission held work sessions in late 2019 and early 2020 to discuss the sign code. A Planning Commission public hearing on proposed amendments to the sign code was held on March 10, 2020. The Planning Commission recommended the following amendments to the sign code:

- Definitions for feather signs and flags
- New "feather signs" regulatory standards:
  - To allow feather signs on a temporary basis
  - To only allow them in commercial and industrial zoned areas
  - Number, height, and location restrictions
- Murals – define and clarify they do not require a sign permit
- Wall sign standards in the Institutional Public (IP) zoning designation. The IP zone allows for uses such as schools, churches, and government facilities. Specific sign standards for this zone are not identified in the current code.
- Requirement for property owner approval prior to placing portable signs in right of way
- Clarification/modification of the violations process for temporary and portable signs, especially as it relates to signs in the right of way

Sherwood City Council held the first reading of this ordinance on June 2, 2020. The City received written testimony from Daryl T. Winand, Portland Metropolitan Association of Realtors (PMAR), on June 10, 2020. PMAR opposes the proposed language disallowing the use of portable signs within the public right-of way without specific authorization of the homeowner within the residential zone. PMAR proposes the City retain the current language to allow the use of temporary portable signs within the public right-of-way.

The 2<sup>nd</sup> reading and public hearing on this matter was continued a number of times due to the global Covid-19 pandemic including on July 7, 2020, November 17, 2020, and March 3, 2021. On March 3, 2021, Council continued this hearing item to September 7, 2021.

On July 20, 2021, a Council work session was held to review the proposed amendments and for Council to provide additional direction to staff on sign code related issues. At this work session, staff heard the following direction:

1. Prohibit the use of feather signs in all zones. Council provided direction to staff on delaying enforcement and on the development of a program for those businesses with existing feather signs to apply for a one-time cash grant that could be used for alternative advertising efforts. Enforcement would not occur until public outreach about the change and the feather sign grant program are both completed, which is tentatively expected to occur at the beginning of 2022.
2. To create standards for 'flags' in all zones.
3. Retain Planning Commission recommendation for portable signs in residential zones.
4. To remove the exemption in the current code for small masonry surface and bronze signs.

Staff has prepared proposed code language based on the above direction.

**Financial Impacts:**

There is no direct financial impact to the City with making changes to the sign code other than the staff time required in connection with enforcement; however, that cost may be offset, potentially, with revenue for violations. There will be costs associated with implementation of the grant program to help businesses mitigate the loss of feather sign advertisement; however, those costs and specific details have yet to be established.

**Recommendation:**

Staff respectfully recommends that the City Council conduct the second reading of Ordinance 2020-005 amending sections of the Sherwood Zoning and Community Development Code related to the regulation of signs.

**Attachments:**

1. Planning Commission Recommendation to the City Council with redlined code language
2. Public Comment, letter dated June 10, 2020, from Daryl T. Winand, Portland Metropolitan Association of Realtors
3. Proposed Sign Code Amendments in Track Changes based on Council work session feedback on July 20, 2021

## CITY OF SHERWOOD

Date: June 2, 2020

### Planning Commission Recommendation to the City Council

Sign Code Amendments  
File No: LU 2020-002 - PA

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#### Recommendation of the Planning Commission:

The Planning Commission held a public hearing on March 10, 2020 to take testimony and consider the application (LU-2020-002-PA). After taking public testimony, the Commission voted to close the public hearing. After considering the application materials and the findings in the staff report and considering public testimony the Planning Commission voted to recommend approval of the text amendments with the following revisions:

- Feather signs are only permitted within the Commercial and Industrial zoned areas
- Section 16.101.030.A.1 – delete, “or institutional public from 16.101.030A.1 and delete the first two sentences in 16.101.030A.1.a. “The maximum wall sign area shall not exceed one-hundred (100) square feet with a maximum of two (2) wall signs permitted on two building elevations. Except buildings located more than one hundred feet from a collector or arterial roadway, the maximum wall sign area shall not exceed 150 square feet permitted on one building elevation.”
- Section 16.102.060 – add Residential zones in which feather signs are prohibited for clarity
- In Chapter 16.162, Old Town Overlay, section 16.162.070.E, add reference to Chapters 16.100 and 16.102 for sign provisions

The Planning Commission recommendation is based on the facts and findings in this staff report.



Erika Palmer, Planning Manager

- A. Applicant:** This is a city initiated text amendment.
- B. Location:** The proposed amendments are to the text of the SZCDC and applies citywide
- 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 March 10, 2020. 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 hearing is tentatively scheduled for April 7, 2020. 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 March 10, 2020, Planning Commission hearing and tentative April 7, 2020, City Council hearing on the proposed amendment were published



in *The Times* on February 20, 27, and March 5, 2020. Notice was also posted in five public locations around town and on the website on February 19, 2020. Notice to the Oregon Department of Land Conservation and Development (DLCD) was submitted on January 2, 2020.

In addition, to the required public noticing requirements of the SZCDC, information about the proposed amendments was distributed to the Sherwood Chamber of Commerce. A project webpage on the city's website was created on February 7, 2020.

- E. **Review Criteria:** The required findings for Plan Amendments are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code.
- F. **Background:** Temporary, portable, and banner signs regulated by this code are intended to allow the City of Sherwood citizens to exercise their right to free speech while ensuring that the City's streets remain clear of visual clutter and safe for travel. The sign code was last updated in 2012, and the current code does not account for the full array of signs types and updates to sign definitions are needed for clarity and consistency of sign permitting and enforcement. The update is to establish new regulations reflecting the needs of businesses, schools, and industry while promoting the type of signs and urban character consistent with Sherwood's community goals.

## II. PUBLIC COMMENTS

As of this writing, no public comments have been received.

## III. AGENCY COMMENTS

Staff sent e-notice to agency partners on February 19, 2020. Staff sent a notice to DLCD and Metro on January 27, 2020.

As of this writing, no comments have been received.

## IV. REQUIRED FINDINGS FOR PLAN TEXT AMENDMENT

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

### 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.

**STAFF ANALYSIS:** The proposal seeks to amend chapters of the Sherwood Zoning and Community Development Code (SZCDC) Volume III, of the Comprehensive Plan. The specific text amendments do not include changes to the goals and policies of the Comprehensive Plan, it would only amend the language of the Sherwood Development Code.

The goal of the sign code update is to establish new regulations consistent with Sherwood’s community goals while ensuring citizens have the right to exercise free speech and City’s streets remain clear of visual clutter and safe for travel.

Specifically, the code amendments provide for the following:

- Addresses the definition of “Flag” for clarity and consistency
- Provides for definition of “Feather Sign” for clarity and consistency
- Provides standards for “Feather Signs” within SZCDC 16.102 that include: number permitted; height; location; and review process
- Prohibits “Feather Signs” in Old Town Overlay Zone
- Provides sign regulations for the Institutional and Public zoning designation

The proposed amendments are consistent with and support Goal 2 (Land Use Planning) by providing clear standards and objective standards. The code language is also in conformance with state and federal plans and regulations.

**FINDING:** As discussed above in the analysis, there is a need for the proposed amendments and the amendments are consistent with the Comprehensive Plan and all applicable regional, state, and federal regulations and policies.

#### **16.80.030.3 – Transportation Planning Rule Consistency**

This amendment does not impact the state Transportation Planning Rule.

**FINDING:** 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. Therefore, this policy is not applicable to the proposed amendment.

### **V. RECOMMENDATION**

Based on the above findings and applicable code criteria, staff recommends the Planning Commission forward a recommendation of approval of LU 2020-002-PA to Sherwood City Council.

### **VI. EXHIBITS**

- A. Proposed Code Amendments to chapters §16.100 and §16.102 of the Sherwood Zoning and Community Development Code (Track Changes)

**Chapter 16.100 -- GENERAL SIGN PROVISIONS:**

**16.100.015 Sign -- Related definitions 010 Definitions.**

**[Editor's Note: All definitions have been moved to a new section, however they are not shown as moved to better see what changes are proposed to specific definitions]**

For purposes of Chapters 16.100, 16.101, and 16.102, the following terms shall have the following meanings, except when the context requires otherwise:

- A. Animated Signs: Signs that are animated by a person or animal using, carrying, or wearing a sign.
- B. Area, Sign Face: The area of the sign shall be measured as follows if the sign is composed of one (1) or more individual cabinets or sides:
  - a. The area around and enclosing the perimeter of each cabinet, sign face or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall include all written advertising copy, symbols or logos.
  - b. If the sign is composed of more than two (2) sign cabinets, sign faces, or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign.
- C. Awning or Canopy Sign: A sign attached below a building awning, porch, canopy, or other roof-like structure and limited to six (6) square feet.
- D. Banner Sign: Signs made of lightweight fabric or other non-rigid material ~~characteristically~~ supported by two (2) or more points, and hung ~~only on a permanent structure such as a building, fence, or wall, or similar permanent structure.~~
- E. Commercial Center: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having at least two (2) but no more than three (3) legally permitted businesses on the site.
- F. Commercial Plaza: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having four (4) or more legally permitted businesses on the site.
- G. Electronic Message Signs: Consistent with 16.100.020.E. and F., electronic message signs may not change more than once every thirty (30) seconds. In addition, the change may not involve movement or flashing. Electronic message signs are limited to no more than thirty-five (35) percent of the total sign area per sign face.
- H. ~~Flag sign:~~ A sign ~~constructed~~which consists of a single piece of lightweight material ~~designed to which is designed to, or which actually does,~~ wave or move in the wind ~~to attract attention to a particular location. For, which meets all of the purposes of this code an example would be following criteria:~~
  - a. Is two-sided and rectangular in shape.
  - b. Is a maximum of six (6) feet wide and four (4) feet tall in all residential zones, and eight (8) feet wide and five (5) feet tall in all other zones.
  - c. Is attached by one side to a single vertical metal pole, permanently installed in the ground.
- I. Feather sign: A sign constructed in whole or in part of lightweight material which is designed to, or which actually does, wave or move in the wind, and which does not meet the definition of a flag or banner. ~~Flag sign. Feather~~ signs are sometimes commonly referred to as teardrop ~~or signs,~~ feather banners, or flag signs.
- J. Free-Standing Signs:

## Proposed Sign Code amendments as recommended by Sherwood Planning Commission

- a. Monument Sign: A sign constructed so that it is erected on grade or set into a hillside. If the monument sign is supported by poles, the sign shall extend to cover the support poles to within four (4) inches of the grade. Each free-standing monument sign shall have no more than two (2) faces.
  - b. Column Sign: A sign supported by two (2) square columns covered by wood, brick, metal or stone with a minimum width of twenty-four (24) inches or a single square column with a minimum width of thirty-six (36) inches.
  - c. Pole Sign: A free-standing sign mounted on one (1) vertical support less than thirty-six (36) inches wide.
- ~~JK~~. Mural: ~~An image located on the side of a wall that is commissioned and/or approved by the City Council via resolution. A mural is a painting, mosaic, or bas-relief that is authorized or commissioned by the City via a public body and that is applied directly to a wall that this visible from the public right-of-way.~~
- ~~KL~~. Over-Right-of-Way Banner Sign: A banner sign, ~~usually associated with a community-wide event,~~ placed over a public right of way for a limited period of time, by or with the permission of the agency with jurisdiction over said right-of-way.
- ~~LM~~. Permanent Residential Development Sign: Any sign erected in association with a single-family attached, single-family detached, duplex or townhome subdivision or Planned Unit Development (PUD).
- ~~MN~~. Portable A-Frame Sign: A double-faced portable sign with an A-shaped frame, no greater than four (4) feet in height and seven (7) square feet per sign face, composed of two (2) sign boards attached at the top and separated at the bottom, and not supported by a structure in the ground.
- ~~NO~~. Portable Sign: Small movable signs no greater than twenty-four (24) inches in height and a sign face no larger than eighteen (18) inches by twenty-four (24) inches in size used for a temporary period of time. Portable signs include stand-alone signs, not attached to a building or any other permanent structure. Examples include political signs, real estate open house signs, and other similar signage.
- ~~OP~~. Projecting Sign: A projecting sign is a sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane that is generally perpendicular to the wall.
- ~~PQ~~. Roof Signs: Signs erected in or directly above a roof or parapet of a building or structure.
- ~~QR~~. Rotating or Revolving Signs: Signs that rotate or turn in motion by electrical or mechanical means in a circular pattern
- ~~RS~~. Single Business Site: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or any other recorded document, having a single legally permitted business on the site.
- ~~SI~~. Snipe Sign: Any sign of any size, made of any material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects.
- ~~TU~~. Temporary Sign: Signs that are firmly affixed to a temporary structure that is placed into the ground and designed to be temporary. Characteristics of a temporary sign include signs constructed of a rigid material attached to wood or metal posts which do not require permanent footings. Examples of temporary signs include, but are not limited to residential and commercial real estate signs.
- ~~UV~~. Vehicle Sign: A sign that is attached to a vehicle, on or above the vehicle that is parked in a location for the primary purpose of advertising.
- ~~VW~~. Wall Sign: A sign attached to, erected against or painted on a wall of a building.

**16.100.020 - Prohibited Signs [Editor's Note: The "Prohibited Signs" section has been moved to a new section, however they are not shown as moved for improved readability]**

A. Unsafe or Unmaintained Signs

All signs and sign structures must be constructed, erected and maintained to withstand the wind, seismic and other loads as specified in the Uniform Building Code. No sign shall be constructed, erected or maintained in violation of the maintenance provisions of this Chapter.

B. Signs on Streets

No sign shall substantially obstruct free and clear vision along streets or by reason of the position, shape or color, may interfere with, obstruct the view of, or be confused with any authorized traffic signal or device. No sign shall use the words "stop", "look", "danger", or any other similar word, phrase, symbol or character that interferes with or misleads motorists, pedestrians or bicyclists.

C. Obstructing Signs

No sign or sign structure shall be located or constructed so that it obstructs access to any fire escape, exit doorway or other means of egress from a building. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that will substantially limit access to the building in case of fire.

D. Rotating or Revolving Signs

Rotating or revolving signs are prohibited.

E. Illuminated Signs

Flashing signs, exposed reflective type bulbs, strobe lights, rotary beacons, par spots, zip lights and similar devices are prohibited. No exposed incandescent lamp which exceeds twenty-five (25) watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to a public street. All permitted signs shall bear an approved Underwriters Laboratory label or equivalent third party product safety testing and certification organization.

F. Changing Image Signs

Any sign that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or change of sign image or message is prohibited. Changing image signs do not include otherwise static signs where illumination is turned off and back on at a maximum of once every thirty (30) seconds and such change does not involve movement or flashing.

G. Pole Signs, over six (6) feet in height

H. Signs on Vacant Land

Any sign on unimproved property, unless allowed as a portable or temporary sign under Chapter 16.102 is prohibited.

I. Permanent Residential Development Signs

J. Roof Signs

**16.100.030 Violations**

Violation of Chapter 16.100 is a Class B violation. Each day on which a violation continues shall be considered a separate violation.

**Chapter 16.101 - PERMANENT SIGNS**

**Sections:**

**16.100101.010 - Common Regulations**

**A. Sign Permits**

1. Except as otherwise provided in this Section and in Chapter 16.102, a person may not construct, install, structurally alter or relocate any sign without first obtaining an administrative sign permit from the City as required by Chapter 16.72, including payment of the fee required by Section 16.74.010. In addition, all permitted illuminated signs are subject to the provisions of the State Electrical Code and any applicable permit fees.

**B. Sign Application.**

1. Application for a sign permit shall be made upon forms provided by the City and shall include the following information:
  - a. Name, address and telephone number of the applicant. Name, address, telephone number and signature of the property owner.
  - b. Location of the building structure, lot or parcel to which or upon which the sign is to be attached or erected.
  - c. A scaled drawing showing sign design including colors, dimensions, sign size, height above ground, method of attachment, construction and materials, type, source and intensity of illumination and the relationship to any building to which the sign will be attached.
  - d. A plot plan drawn to scale indicating the location of all buildings, property lines, existing signs, street lights, easements, and overhead power lines on the same premises.
  - e. Name, address and telephone number of the person or firm who will erect, construct and maintain the sign.

**C. Exceptions**

1. The following signs do not require a permanent sign permit but shall conform to all other applicable provisions of this Chapter:
  - a. Traffic signs installed per the Manual of Uniform Traffic Control Devices and other federal, state and local traffic sign regulations.
  - b. Changes to the copy of a legally erected, painted or printed advertising sign, theater marquee or similar sign specifically designed for the use of replaceable copy that does not alter the dimensions of the sign.
  - c. On-site painting, repainting, cleaning and normal maintenance and repair of a sign.
  - d. A sign not exceeding four (4) square feet in size when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
  - e. A sign that is accessory to a construction site and construction activities that does not exceed thirty-two (32) square feet in area, provided that such sign is removed within thirty (30) days from date of issuance of the final occupancy permit or within two (2) years, whichever is less.

- f. Portable/temporary signs allowed per Chapter 16.102.
- g. Public utility signs and other signs required by law.
- h. Signs on private property three (3) square feet or less per sign face and under three (3) feet tall when freestanding and installed to be readable on private property.

i. Flags

j. Murals

D. Violations

1. The City may order the removal of any sign erected or maintained in violation of the provisions of this Chapter. If the City orders the removal of a sign under this Section, the City shall give ninety (90) days written notice to the owner of the sign or, if the owner of the sign cannot be notified, to the owner of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance. After ninety (90) days the City may remove the sign at cost to the owner of the building, structure or premises. All costs incurred by the City will be a lien against the land or premises on which the sign is located and may be collected or foreclosed in the same manner as an assessment lien.

E. Nonconforming Signs

1. Signs that do not conform to the provisions of this Chapter are regarded as non-conforming signs and shall be brought into compliance with this Code's standards.
2. Except as exempted in subsection four (4) below, a nonconforming sign in existence on the effective date of Ordinance 2005-002, shall be brought into compliance within five (5) years of the effective date of Ordinance 2005-002. A nonconforming sign erected after the effective date of Ordinance 2005-002 or made non-conforming by subsequent sign ordinance amendments, shall be brought into compliance within five (5) years of the issuance of a building permit to construct the sign or adoption of the ordinance creating the non-conformity. A nonconforming sign that is not brought into compliance within five (5) years shall be removed at the expense of the sign owner or, at the City's discretion, the owner of the property upon which it is located.
3. Except as exempted in subsection 4 below, a nonconforming sign that is structurally altered, relocated or replaced shall immediately be brought into compliance.
4. A sign that is forty five (45) feet tall or less and that is three hundred (300) square feet or less in size is exempt from the requirement to come into compliance within five (5) years and may remain until: a.) structurally altered, relocated or replaced, or b.) until such time as the property on which it is located is developed or re-developed pursuant to a Type IV land use application.

F. Abandoned Signs

A person who owns or leases a sign shall remove the sign when the business advertised is discontinued or moves. The City shall give the owner of the building, structure or premises upon which an abandoned sign is located ninety (90) days written notice to remove the sign. After ninety (90) days the City may remove the sign at cost to the owner of the building, structure or premises. All costs incurred by the City may be a lien against the land or premises on which such sign is located and may be collected or foreclosed in the same manner as similar liens.

G. Reserved

H. Construction and Maintenance

Except as otherwise provided in this Code, the construction of all signs or sign structures shall conform to applicable provisions of the Uniform Building Code. All signs, supports, braces, guys and anchors and sign sites shall be kept in good repair and maintained in a clean, safe condition.

**16.100101.030 - Sign Regulations by Zone**

A. Residential Zones

No permanent sign requiring a permit shall be allowed in residential zones, ~~except as otherwise specifically permitted by this code~~ except for the following:

1. Public/Semi-Public Uses

For churches, schools and other public uses located within a residential ~~or institutional public~~ zone:

~~a. The maximum wall sign area shall not exceed one hundred (100) square feet with a maximum of two (2) wall signs permitted on two building elevations. Except buildings located more than one hundred feet from a collector or arterial roadway, the maximum wall sign area shall not exceed 150 square feet permitted on one building elevation.~~ One (1) wall sign not exceeding thirty-six (36) square feet shall be permitted on a maximum of two (2) building elevations. Wall signs must be attached flat against the building face.

b. One (1) free-standing sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted. A minimum setback of fifteen (15) feet from property lines adjacent to public streets is required. The maximum height of any portion of a free-standing sign shall be limited to six (6) feet from ground level at its base.

12. Multi-Family Development Signs

a. One (1) non-illuminated free-standing sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted, the maximum height of any portion of a free-standing sign shall be limited to six (6) feet from ground level at its base.

3. Non-Residential Signs

a. One (1) monument sign not more than sixteen (16) square feet in area identifying a permitted use in a residential zone shall be allowed.

B. Commercial Zones

A permanent sign that requires a sign permit is not allowed in a commercial zone except for the following:

1. Free-Standing Signs

a. Number Permitted: Except as otherwise provided in (1-3) below, one (1) multifaced, free-standing sign.

(1) Where the total street frontage exceeds three-hundred (300) feet in length, one (1) additional free-standing sign is permitted. Except as otherwise permitted in (2) or (3) below, no more than one (1) free-standing sign per street frontage shall be permitted. Where two (2) or more signs are allowed due to multiple frontages, each sign shall be oriented to face a different direction or street frontage.

(2) One (1) additional free-standing monument sign may be provided for fueling stations.

(3) A Commercial Center or Commercial Plaza with at least two (2) stand-alone businesses may have one (1) additional free-standing sign provided the site has more than three hundred (300) feet of frontage

b. Height Limit: The maximum sign height shall not exceed six (6) feet in all commercial zones except that in the locations identified in (1-5) below, the height, for no more than one (1) sign



per single business site, commercial center or plaza, may be increased to no more than twenty (20) feet to allow for the construction of a column sign only. The exception locations are identified as:

- (1) On or within one hundred (100) feet of Pacific Highway,
- (2) Tualatin-Sherwood Road between 99W and SW Olds Place,
- (3) Roy Rogers Road between 99W and Borchers
- (4) Sherwood Boulevard between 99W and Century Boulevard, and
- (5) Edy Road between 99W and Borchers.

The height of the sign shall be measured from the average grade of the building footprint located on site to the highest point of the sign. For sites with more than one (1) building, the average grade of the building closest to the location of the sign shall be used.

- c. Clearance: Signs are prohibited over a driveway or parking area.
- d. Area: The maximum sign area for all commercial zones shall not exceed thirty-six (36) square feet per sign face with a maximum of two (2) sign faces permitted except that in those areas identified in 16.100.030.B.1.b.1-5, the sign area for one (1) sign may be increased up to one hundred (100) square feet for a commercial center or up to one hundred fifty (150) square feet for a commercial plaza.
- e. Location: No free-standing sign or any portion of any free-standing sign shall be located within a public right-of-way. Free-standing signs must comply with the Clear Vision Area requirements of Section 16.58.010.

## 2. Wall Signs

- a. Wall signs in combination with projecting signs shall not exceed twenty (20) percent of the gross area face of the building to which the sign is attached. Signs placed on or within one (1) foot of display windows and designed to be viewed from the exterior of the building shall be included in determining the amount of signage. A minimum of thirty (30) square feet is guaranteed and the maximum shall be two-hundred fifty (250) square feet. Wall signs may not project more than one and one-half (1½) feet from the wall to which they are attached. Wall signs shall be constructed of rigid materials. No banner sign shall be framed or encased in a manner to be constructed as a wall sign.

## 3. Projecting Signs

- a. Projecting signs supported by a wall of a building or structure shall be permitted under the following conditions:
  - (1) Only one (1) projecting sign will be permitted per store front. Projecting signs are attached so that they hang perpendicular to the façade of the building, and are limited in size by the provisions of 16.~~400~~101.030-~~B.2.a~~ above.
    - (a) In addition, businesses within commercial districts with a porch or awning, will be permitted to have one (1) additional awning sign that is perpendicular to the building and oriented to pedestrians provided that they are:
      - (i) Hung from the roof of the porch or awning;
      - (ii) No more than six (6) square feet in area; and
      - (iii) The bottom of the sign is at least eight (8) feet above the grade of the sidewalk.
  - (2) No projecting sign shall be permitted on the same premises where there is a free-standing sign.

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- (3) No projecting sign shall extend more than three (3) feet above the roof line at the wall or the top of a parapet wall, whichever is higher.
- (4) When a projecting sign is used no angle irons guy wires or braces shall be visible except those that are an integral part of the overall design such as decorative metals or woods or unless they are required for safety.
- (5) No sign shall project to within two (2) feet of the curb of a public street or beyond five (5) feet from the building face, whichever is less.

### 4. Directional Signs

- a. The requirements of chapter 16.102 shall apply.

## C. Industrial Zones

No permanent sign requiring a permit shall be allowed in industrial zones except for the following:

### 1. Free Standing Signs

- a. Industrial zoned properties that have an approved PUD and approval for permitted commercial uses, shall apply requirements in Section 16.~~402~~101.030.B.1-~~54~~.
- b. Other than allowed under (a) above, a property in an industrial zone may have one (1) multi-faced free-standing sign per street frontage provided the height does not exceed six (6) feet and the sign face does not exceed thirty-six (36) square feet per sign face for a maximum of seventy-two (72) square feet.

### 2. Directional Signs

- a. The requirements of Chapter 16.102 shall apply.

### 3. Wall Signs

- a. The requirements of Section 16.~~400~~101.030.B.2, Commercial Signs shall apply.

## D. Institutional and Public zones

No permanent sign requiring a permit shall be allowed in an institutional public zone except for the following:

### 1. Wall Signs shall be permitted as follows:

- a. The maximum total wall sign area shall not exceed one-hundred (100) square feet with across a maximum of two (2) wall signs, which may be located across a maximum of ~~permitted on two building elevations~~. No wall sign may be larger than twenty percent (20%) of the size of the wall on which it is located.
- b. For buildings located on property adjacent to one or more collector or arterial roadways, when the nearest point of the building to the right-of-way for any such roadway is located at a distance of at least one-hundred (100) feet from said right-of-way, the maximum total wall sign area described in subsection (a) above shall be increased to one-hundred fifty (150) square feet. All other requirements of subsection (a) shall still apply. ~~Except buildings located more than one hundred feet from a collector or arterial roadway, the maximum wall sign area shall not exceed 150 square feet permitted on one building elevation.~~

### 2. Free Standing Signs shall be permitted as follows:

- a. One (1) free-standing sign per street frontage, with a size not exceeding thirty-six (36) square feet per sign face, shall be permitted. A minimum setback of fifteen (15) feet from property lines adjacent to public streets is required. The maximum height of any portion of a free-standing sign shall be limited to six (6) feet from ground level at its base.

**16.101.040 Violations**

Violation of Chapter 16.101 is a Class B violation. Each day on which a violation continues shall be considered a separate violation.

**Chapter 16.102 - TEMPORARY, PORTABLE, ~~AND BANNER~~ AND FEATHER SIGNS<sup>[43]</sup>**

**Sections**

**16.102.010 - Temporary and Portable Signs—Purpose**

Temporary, portable, and banner signs regulated by this code are intended to allow the City of Sherwood citizens to exercise their right to free speech while ensuring that the City's streets remain clear of visual clutter and safe for travel. Signs that are not clearly regulated by the provisions of this chapter are subject to the standards for permanent signs in Chapter 16. ~~100.101~~. Definitions for permanent, temporary, and portable signs can be found in Section 16.100.010. ~~+~~ All temporary, portable, and banner signs are subject to the time, place, and manner regulations of this chapter

**16.102.020 ~~--~~ Temporary ~~and~~, Portable, ~~and Banner~~, and Feather Signs—General Regulations**

- A. Temporary and portable signs are prohibited in the following locations:
1. Within any ODOT right-of-way, including but not limited to Highway 99.
  2. Within any Washington County right-of-way, including but not limited to Roy Rogers Road, Edy Road, and Tualatin-Sherwood Road. However, if the city or county right of way extends more than 50 feet beyond the outermost point of road paving, curb or sidewalk, a banner or other temporary sign may be displayed at 50 feet or more from the curb or edge of pavement, subject to authorization from the entity with jurisdiction over the right of way.
  3. Within any clear vision area as defined in Section 16.58.010
- B. The following temporary, portable, ~~and~~ banner, and feather signs are exempt from the provisions of this chapter.
1. Public notice signs as required by Section 16.72.020, or by any federal, state or local law.
  - ~~2. Federal, state, and other flags not exceeding twenty-four (24) square feet in all residential zones, and forty (40) square feet in all other zones.~~
  - ~~3.~~
  2. Signs that have been approved in association with a City of Sherwood Special Event Permit.
  - 4~~3.~~ A public-necessity sign such as safety and instructional signs, for public facilities and public parks, or City sponsored community events, installed by or with permission of the City of Sherwood.
  4. Over-Right-of-Way Banner Signs.
- C. Temporary and portable signs on private property do not require a permit, but are subject to all of the applicable standards within this section.
- D. Signs shall not be placed on private property without the express permission of the property owner.

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- E. Signs shall not be illuminated and may not include pennant strings, balloons, streamers, spinners, propellers, search lights, or other items that involve motion to attract attention.
- F. Signs shall not obstruct vehicular or pedestrian traffic.
- G. It is the responsibility of the person posting a temporary or portable sign to remove it.
- H. In the event that a sign is requested by a business whose regular access is blocked due to road construction and/or road closures, signs may be permitted to remain in the public right-of-way, at an approved location, until construction is completed. Such signs do not require a permit. Such signs may be located in ODOT, City of Sherwood or Washington County right-of-ways if approved by the agency.

### **16.102.030 - Temporary Sign Regulations**

- A. The following regulations apply to all temporary signs as defined in Section 16.100.~~4-24010~~.
  - 1. Temporary signs on properties zoned VLDR, LDR, and MDRL, may be double sided, but are limited to a maximum height of six (6) feet, and a maximum sign width of three (3) feet. The actual sign face of each side of the sign shall not exceed six (6) square feet. The sign must be constructed of wood or vinyl in the colonial post style and is allowed one (1) rider not to exceed six (6) inches in height.
  - 2. Temporary signs in all other zones may be double sided, and are limited to a maximum height of eight and one-half (8½) feet, and a maximum width of four (4) feet. The actual sign face of each side of the sign shall not exceed thirty-two (32) square feet.
  - 3. No more than one (1) temporary sign is permitted on any one (1) lot unless the property fronts more than one (1) street or has more than three hundred (300) feet of frontage along a street. In these limited cases up to two (2) temporary signs may be allowed.
  - 4. Where multiple temporary signs are placed on the same property, as authorized above, the signs shall be spaced at least fifty (50) feet apart.
  - 5. Temporary signs are not permitted in the public right-of-way.

### **16.102.040 - Portable Sign Regulations**

- A. The following regulations apply to all portable signs as defined in Section 16.100.~~1-13 and 14010~~ in all zones.
  - 1. No more than four (4) portable signs are allowed on any residentially zoned lot, except that properties over an acre in size that are developed with an approved nonresidential use may place one (1) portable sign every fifty (50) feet for the length of the sites frontage along a public street.
  - 2. No more than (1) portable sign per business is allowed in all other zones, except the Institutional and Public (I-P) zone
  - 3. Properties zoned Institutional and Public (I-P) may place one (1) portable sign, every fifty (50) feet for the length of the sites frontage along a public street.
  - 4. No portable sign shall be placed in any publicly owned right-of-way except on Friday after 6 am through Sunday at 6 pm unless exempt per B, below or 16.102.020.B above or unless the following Monday is a Federal holiday in which the sign can be within the right-of-way through 6 pm-
  - 5. Portable signs shall also meet the following standards:

## Proposed Sign Code amendments as recommended by Sherwood Planning Commission

- a. Because maintenance of the right-of-way in front of a single-family home is the responsibility of the homeowner, ~~a person wishing to place a sign in the right-of-way, in front of someone's home must make a good faith effort to contact the homeowner, and if not home, must leave something in writing that includes the persons contact information and a description of the effort made to contact the homeowner~~ signs are not permitted in the right of way adjacent to residential zones without the authorization of the adjoining property owner.
  - b. Portable signs may not be located within the right of way adjacent to City owned property or on City owned property without express permission of the City Manager or designee.
  - c. Signs shall not be located within, or within 50 feet of the entry and exit lanes of, a roundabout and shall not otherwise create a traffic safety or maintenance problem, and the City may remove and dispose of any signs that constitute a problem.
  - ed. Signs shall be freestanding and shall not be attached to any structure or vegetation such as utility poles, traffic signs, street signs, trees, or similar items.
  - de. Portable Signs shall be either an A-frame design or shall be attached to a wood or wire h-frame stake driven into the ground well clear of tree roots, irrigation lines, and any other underground utility that could be damaged by such stakes.
  - ef. Portable signs shall be spaced at least 25 feet apart when placed on the same property. The City may remove all signs in any right-of-way area where signs are placed less than twenty five (25) feet apart.
- B. The following regulations apply to all portable signs located within the Old Town Overlay District
1. A business who has a valid City of Sherwood business license and is physically located within the Old Town Overlay District may display two (2) portable signs, without a permit, on private property or within the public right-of-way in the Old Town Overlay District.
  2. Each portable sign can be a maximum of seven (7) square feet per sign face. A business that wishes to place a portable sign on the sidewalk in front of someone else's property must receive written permission from the property owner of the property where the sign is placed. Signs must be sited per Section 16.102.040.

### **16.102.050 - Banner Sign Regulations**

- A. The following banner signs are exempt from these regulations:
1. Banner signs not intended to be viewed from a public street.
  2. Signs that meet any of the provisions of section 16.102.020(B)
- B. The following regulations apply to all banner signs as defined in Section 16.100.1.4 ~~and over the right-of-way banner signs in 16.100.1.42010.~~ in all zones.
1. Except for banner signs approved as over the right-of-way banner signs or 5 below, banner signs shall be firmly attached to the side of a building. ~~No banner sign shall be attached to a fence, wall, building roofs, vehicles, trailers, or anything else.~~
  2. Banner signs shall not cover building windows.
  3. Banner signs shall be maintained in good condition. They shall not droop, have frayed ends, and shall be graphically clear and readable. Sun-faded, weather-damaged banner signs are prohibited.
  4. Banner signs shall be made of all-weather material.

## Proposed Sign Code amendments as recommended by Sherwood Planning Commission

5. If the city or county right of way extends more than 50 feet beyond the outermost point of road paving, curb or sidewalk, a banner or other temporary sign may be displayed on a fence or wall at fifty (50) feet or more from the curb or edge of pavement., subject to authorization from the entity with jurisdiction over the right of way.

### C. Permitted Locations

1. Commercial, Industrial, and Institutional Public Zoning Districts.
  - a. Each business having a valid City of Sherwood business license and who's business is physically located in the Neighborhood Commercial (NC), Office Commercial (OC), Retail Commercial (RC), General Commercial (GC), General Industrial (GI), Light Industrial (LI) or Institutional Public (IP) zoning district may display one (1) banner sign on private property.
  - b. Banner signs shall be no larger than thirty-two (32) square feet in size.
2. Residential Zoning Districts.
  - a. One (1) banner sign not exceeding thirty-two (32) square feet per tax lot.
3. Signs proposed to be located over a public right-of-way are subject to the following provisions:
  - a. An applicant may be approved for one (1) temporary over-the-right-of-way banner sign to be attached to power poles. Over-the-right-of-way banner signs shall be installed only after receiving a permit from the utility provider or its successor. Once a permit is obtained, the applicant is required to receive a right- of-way permit from the City Engineer.
  - b. Over-the-right-of-way banner signs are allowed at the following locations:
    - (1) Over North Sherwood Boulevard, north of the south property line of Sherwood Middle School and south of the north property line of Hopkins Elementary School.

### D. Review Process

1. No banner sign, except signs exempt by the provisions of sections 16.102.020.B, and 16.102.050.A shall be placed anywhere within the City without a permit.
2. Requests for permits shall be processed through a Type I administrative review and are subject to the standards listed above.
3. Permits for banner signs within the City shall be valid for no more than ninety (90) consecutive calendar days per year.
- ~~3. Permits for banner signs within the City shall be valid for a period of thirty (30) days.~~
- ~~4. Permits may be reissued on the same property a maximum of three (3) times in any calendar year.~~

## 16.102.060 – Feather Sign Regulations

A. The following regulations apply to all feather signs as defined in Section 16.100.010 in all Commercial and Industrial zones, except within the Old Town Overlay and Residential zones (VLDR, LDR, MRRL, MDRH, HDR) in which feather signs are prohibited.

1. ~~Size requirement~~restrictions:
  - a. Maximum Hheight of eleven (11) feet.
  - b. Maximum width of thirty (30) inches.

## Proposed Sign Code amendments as recommended by Sherwood Planning Commission

### 2. Number Ppermitted:

- a. Except as otherwise provided in ~~(subsections 1 and 2)~~ below, one (1) feather sign per property.

(1) Where the total street frontage of a property exceeds three-hundred (300) feet in length, one (1) additional feather sign is permitted. Except as otherwise permitted in subsection ~~-(2)~~ below, no more than one (1) feather sign per street frontage shall be permitted.

(2) A Commercial Center or Commercial Plaza with two (2) or more stand-alone storefront businesses may have one (1) feather sign per business provided the site has more than three hundred (300) feet of frontage. No more than 3 feather signs per street frontage shall be permitted.

~~a. Along business or shopping center frontage: One feather sign per business per 300 ft. of linear store frontage. If frontage is less than 300 ft. no more than one feather sign. If the property has multiple frontages, one feather sign per 300 feet of lineal store frontage.~~

~~b. If placed within 5 feet of a building, one feather sign per business (not subject to 300 ft. frontage restriction) and it shall not obstruct pedestrian or vehicle access.~~

### 3. Location of Feather Signs:

~~a. A minimum setback~~Signs must be placed a minimum of ~~10 (ten (10) feet back from the property line and within the landscaped buffer.~~

~~b. If the landscape buffer is less than 10 (ten (10) feet, feather signs may be placed within the existing landscape buffer but must be placed as far from the property line as is practicable.~~

~~c. Feather signs may only be located in commercial and industrial zones.~~

### 4. Prohibited:

Feather signs are prohibited:

a. In clear vision areas as defined by Section 16.58.

b. In parking spaces, drive aisles, and sidewalks. ~~within the street right-of-way~~

c. Old Town Overlay (Smockville and Cannery areas)

### 5. Other requirements:

a. Feather signs must be free-standing and attached only to the ground.

### 6. Review Process

a. No feather signs shall be placed anywhere within the City that is visible from any public right of way without a permit.

Proposed Sign Code amendments as recommended by Sherwood Planning Commission

- b. Request for a permit shall be processed through a Type I administrative review and are subject to the standards in this section listed above.
- c. Permits for feather signs within the City shall be valid for no more than ninety (90) consecutive calendar days per year.

**16.102.0760 - Violations ~~to Temporary, Portable and Banner Sign Standards~~**

- ~~1. Fines shall be set by City Council resolution.~~
- A. ~~First Violation — Written warning stating corrective action required to bring the of Chapter 16.102 is an infraction. Each day on which a violation continues shall be considered a separate violation.~~
  - B. ~~Notwithstanding Sherwood Municipal Code Chapter 2.28, illegally placed portable sign into conformance is provided to the property owner.~~
  - B. ~~Second Violation — Fine.~~
  - C. ~~Third Violation — Sign removed signs found within the right of way will be confiscated and held for thirty (30) calendar days. During this period the sign will be returned to the owner subject to payment equal to twice the original fine.~~
  - D. ~~Fourth Violation — The no more than ten (10) business loses temporary and portable sign privileges for days. The City shall will provide one (1) year. City can remove signs and fine for each offense or more opportunities to retrieve confiscated signs during this one (1) year probation period.~~
- E. ~~The City the ten (10) business days. If a sign is not responsible for any signs not collected by the owner after the thirty (30) day hold period expressed in C above. Such signs shall retrieved within ten (10) business days it will be properly disposed of by the City in the event that the signs are not collected by the owner within five (5) days after the hold period expires.~~

.....  
Chapter 16.162 Old Town (OT) Overlay District

16.162.070 Community Design

E.- Signs - In addition to signs otherwise permitted for home occupations, as per Section 16.142.101 one (1) non-illuminated, attached, exterior sign, up to a maximum of nine (9) square feet in surface area, may be permitted for each approved home occupation. See also Chapters 16.100, Permanent Signs and 16.102 Temporary, Portable, Banner, and Feather Signs.





June 10, 2020

Keith Mays, Mayor  
Council Members  
City of Sherwood  
22560 SW Pine Street  
Sherwood, Oregon 97140

Re: Proposed Sign Regulation Revisions – Chapter 16.100

Dear Mayor and Councilors,

On behalf of the more than 8,000 members of the Portland Metropolitan Association of Realtors® (PMAR), I applaud the Sherwood Planning Department and Planning Commission in their efforts to establish a workable and mutually beneficial sign code for its citizenry, local businesses and those who conduct business within your city.

Every day, individuals and families are buying and selling homes in Sherwood. In 2018, Realtors® helped sell more than **\$260 million** worth of property in the City. In 2019, Realtors® were part of transactions totaling more than **\$231 million**. And, year-to-date 2020, Realtors® have been part of transactions totaling more than **\$79 million** in your city. [Source RMLS™].

One of the key tools Realtors® use in their business is a sign. Realtors® place signs on the property to communicate with potential buyers. They use signs to assist people in finding homes within your community that are for sale. And, their clients (Sherwood's citizens and your constituents) ask them to use, and want them to use, signage to market their home effectively.

One style of sign used is the **a-frame**, a-board, or sandwich board style of sign. In the industry, **these signs are typically known as "Open Signs"** and are simply a four-sided sign with a message on two sides. These portable signs advise the public that in addition to being available For Sale, the property is also currently open for immediate public viewing.

Our specific comments with respect to the proposed sign regulation revisions are as follows:

**16.102.040 -Portable Sign Regulations 5 (a).**

**PMAR opposes** the proposed Language disallowing the use of portable signs within the public right-of-way without specific authorization of the homeowner.

**PMAR proposes** the city retain the current language to allow the use of temporary portable signs within the public right-of-way as follows:

*Portable Signs shall also meet the following standards:*

*(a) An individual or entity wishing to place a portable sign off site-- in front of another property-- must make a good faith effort to contact the property owner and, if not available, leave a message in writing that includes the individual's contact information and a description of the effort made to contact the owner.*

**Comment:** Open houses are sometimes a last-minute event given the homeowner's desire and a Broker's ability to do so. Even with well-planned open-house events, the Broker may not be able to reach the owner of the home in front of which they would like to place the signage for a number of reasons, such as vacations, no longer residing in the house, or a non-resident investment owner.

No one – the seller, the neighbors, or the police—wants a home on the market or sitting vacant for an unnecessarily long period of time. The placement of signs properly directs prospective homebuyers to the homes for sale and underscores a vibrant marketplace.

Helping to maintain the vitality of a city—a community—is what Realtors® do. Realtors® are business people who serve the community; assist the residents and taxpayers of the city. Realtors® help people realize the American Dream of homeownership. PMAR's resources are available to Sherwood to assist in its efforts to establish a workable and mutually beneficial sign code for the citizenry, local businesses and those who conduct business within the city of Sherwood.

If you have any immediate questions or wish to discuss this matter further, please do not hesitate to contact me at 503-459-2162.

Sincerely yours,

*/s/ Daryl T Winand*

Daryl T. Winand  
Deputy Director of Realtor® Advocacy  
Portland Metropolitan Association of Realtors®

Cc: Mel George, 2020 Chairperson PMAR Realtor® Advocacy Committee  
Laurie Thiel, 2020 PMAR President  
Whitney Minnich, 2020 Vice President Governmental Affairs  
Michele Gila, PMAR Director of Realtor® Advocacy  
Kathy Querin, PMAR Chief Executive Officer  
Joseph Gall, Sherwood City Manager  
Erika Palmer, Sherwood Planning Manager  
Julia Hajduk, Sherwood Community Development Director

**Chapter 16.100 -- GENERAL SIGN PROVISIONS:**

**16.100.015 ~~Sign – Related definitions~~010 Definitions.**

**[Editor’s Note: All definitions have been moved to a new section, however they are not shown as moved to better see what changes are proposed to specific definitions]**

For purposes of Chapters 16.100, 16.101, and 16.102, the following terms shall have the following meanings, except when the context requires otherwise:

- A. Animated Signs: Signs that are animated by a person or animal using, carrying, or wearing a sign.
- B. Area, Sign Face: The area of the sign shall be measured as follows if the sign is composed of one (1) or more individual cabinets or sides:
  - a. The area around and enclosing the perimeter of each cabinet, sign face or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall include all written advertising copy, symbols or logos.
  - b. If the sign is composed of more than two (2) sign cabinets, sign faces, or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign.
- C. Awning or Canopy Sign: A sign attached below a building awning, porch, canopy, or other roof-like structure and limited to six (6) square feet.
- D. Banner Sign: Signs made of lightweight fabric or other non-rigid material ~~characteristically supported by two (2) or more points, and hung only on a permanent structure such as a building, which does not meet the definition of a flag, fence, or wall, or similar permanent structure.~~
- E. Commercial Center: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having at least two (2) but no more than three (3) legally permitted businesses on the site.
- F. Commercial Plaza: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having four (4) or more legally permitted businesses on the site.
- G. Electronic Message Signs: Consistent with 16.100.020.E. and F., electronic message signs may not change more than once every thirty (30) seconds. In addition, the change may not involve movement or flashing. Electronic message signs are limited to no more than thirty-five (35) percent of the total sign area per sign face.
- H. Flag ~~sign~~: A sign ~~constructed~~which consists of a single piece of lightweight material ~~designed to which is designed to, or which actually does, wave or move in the wind to attract attention to a particular location. For, which meets all of the purposes of this code an example would be following criteria:~~
  - a. Is two-sided and rectangular in shape.
  - b. Is a maximum of six (6) feet wide and a maximum of four (4) feet tall in all residential zones, and a maximum of eight (8) feet wide and a maximum of five (5) feet tall in all other zones.

## Proposed Sign Code Amendments – Track Changes

c. Is attached by one side, which must be one of the two shorter sides, to a single vertical metal pole, which is either (1) vertical and permanently installed in the ground or (2) vertical or a maximum of 45 degrees from vertical and attached to a building by a wall mount.

I. Feather sign: A sign constructed in whole or in part of lightweight material which is designed to, or which actually does, wave or move in the wind, and which does not meet the definition of a flag or banner. ~~Flag sign.~~ Feather signs are sometimes commonly referred to as teardrop ~~or signs,~~ feather banners, or flag signs.

J. Free-Standing Signs:

- a. Monument Sign: A sign constructed so that it is erected on grade or set into a hillside. If the monument sign is supported by poles, the sign shall extend to cover the support poles to within four (4) inches of the grade. Each free-standing monument sign shall have no more than two (2) faces.
- b. Column Sign: A sign supported by two (2) square columns covered by wood, brick, metal or stone with a minimum width of twenty-four (24) inches or a single square column with a minimum width of thirty-six (36) inches.
- c. Pole Sign: A free-standing sign mounted on one (1) vertical support less than thirty-six (36) inches wide.

~~JK. Mural: An image located on the side of a wall that is commissioned and/or approved by the City Council via resolution. A mural is a painting, mosaic, or bas-relief that is authorized or commissioned by the City via a public body and that is applied directly to a wall that this visible from the public right-of-way.~~

~~K. Over-Right-of-Way Banner Sign: A banner sign, usually associated with a community-wide event, placed over a public right of way for a limited period of time, by or with the permission of the agency with jurisdiction over said right-of-way.~~

~~L. Permanent Residential Development Sign: Any permanent sign erected within 100 feet of any entrance to association with a single-family attached, single-family detached, duplex or townhome subdivision or Planned Unit Development (PUD).~~

M. Portable A-Frame Sign: A double-faced portable sign with an A-shaped frame, no greater than four (4) feet in height and seven (7) square feet per sign face, composed of two (2) sign boards attached at the top and separated at the bottom, and not supported by a structure in the ground.

N. Portable Sign: Small movable signs no greater than twenty-four (24) inches in height and a sign face no larger than eighteen (18) inches by twenty-four (24) inches in size used for a temporary period of time. Portable signs include stand-alone signs, not attached to a building or any other permanent structure. Examples include political signs, real estate open house signs, and other similar signage.

O. Projecting Sign: A projecting sign is a sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane that is generally perpendicular to the wall.

P. Roof Signs: Signs erected in or directly above a roof or parapet of a building or structure.

Q. Rotating or Revolving Signs: Signs that rotate or turn in motion by electrical or mechanical means in a circular pattern

- R. Single Business Site: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or any other recorded document, having a single legally permitted business on the site.
- S. Snipe Sign: Any sign of any size, made of any material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects.
- T. Temporary Sign: Signs that are firmly affixed to a temporary structure that is placed into the ground and designed to be temporary. Characteristics of a temporary sign include signs constructed of a rigid material attached to wood or metal posts which do not require permanent footings. Examples of temporary signs include, but are not limited to residential and commercial real estate signs.
- U. Vehicle Sign: A sign that is attached to a vehicle, on or above the vehicle that is parked in a location for the primary purpose of advertising.
- V. Wall Sign: A sign attached to, erected against or painted on a wall of a building.

**16.100.020 - Prohibited Signs [Editor's Note: The "Prohibited Signs" section has been moved to a new section, however they are not shown as moved for improved readability]**

**A. Unsafe or Unmaintained Signs**

All signs and sign structures must be constructed, erected and maintained to withstand the wind, seismic and other loads as specified in the Uniform Building Code. No sign shall be constructed, erected or maintained in violation of the maintenance provisions of this Chapter.

**B. Signs on Streets**

No sign shall substantially obstruct free and clear vision along streets or by reason of the position, shape or color, may interfere with, obstruct the view of, or be confused with any authorized traffic signal or device. No sign shall use the words "stop", "look", "danger", or any other similar word, phrase, symbol or character that interferes with or misleads motorists, pedestrians or bicyclists.

**C. Obstructing Signs**

No sign or sign structure shall be located or constructed so that it obstructs access to any fire escape, exit doorway or other means of egress from a building. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that will substantially limit access to the building in case of fire.

**D. Rotating or Revolving Signs**

Rotating or revolving signs are prohibited.

**E. Illuminated Signs**

Flashing signs, exposed reflective type bulbs, strobe lights, rotary beacons, par spots, zip lights and similar devices are prohibited. No exposed incandescent lamp which exceeds twenty-five (25) watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to a public street. All permitted signs shall bear an approved Underwriters Laboratory label or equivalent third party product safety testing and certification organization.

F. Changing Image Signs

Any sign that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or change of sign image or message is prohibited. Changing image signs do not include otherwise static signs where illumination is turned off and back on at a maximum of once every thirty (30) seconds and such change does not involve movement or flashing.

G. Pole Signs, over six (6) feet in height

H. Signs on Vacant Land

Any sign on unimproved property, unless allowed as a portable or temporary sign under Chapter 16.102 is prohibited.

I. Permanent Residential Development Signs

J. Roof Signs

K. Feather Signs

L. Flags, except as provided in 16.101.010(C).

**16.100.030 Violations**

Violation of Chapter 16.100 is a Class B violation. Each day on which a violation continues shall be considered a separate violation.

**Chapter 16.101 - PERMANENT SIGNS**

**Sections:**

**16.100~~101~~.010 - Common Regulations**

A. Sign Permits

1. Except as otherwise provided in this Section and in Chapter 16.102, a person may not construct, install, structurally alter or relocate any sign without first obtaining an administrative sign permit from the City as required by Chapter 16.72, including payment of the fee required by Section 16.74.010. In addition, all permitted illuminated signs are subject to the provisions of the State Electrical Code and any applicable permit fees.

B. Sign Application.

1. Application for a sign permit shall be made upon forms provided by the City and shall include the following information:
  - a. Name, address and telephone number of the applicant. Name, address, telephone number and signature of the property owner.
  - b. Location of the building structure, lot or parcel to which or upon which the sign is to be attached or erected.
  - c. A scaled drawing showing sign design including colors, dimensions, sign size, height above ground, method of attachment, construction and materials, type, source and

## Proposed Sign Code Amendments – Track Changes

intensity of illumination and the relationship to any building to which the sign will be attached.

- d. A plot plan drawn to scale indicating the location of all buildings, property lines, existing signs, street lights, easements, and overhead power lines on the same premises.
- e. Name, address and telephone number of the person or firm who will erect, construct and maintain the sign.

### C. Exceptions

1. The following signs do not require a permanent sign permit but shall conform to all other applicable provisions of this Chapter:
  - a. Traffic signs installed per the Manual of Uniform Traffic Control Devices and other federal, state and local traffic sign regulations.
  - b. Changes to the copy of a legally erected, painted or printed advertising sign, theater marquee or similar sign specifically designed for the use of replaceable copy that does not alter the dimensions of the sign.
  - c. On-site painting, repainting, cleaning and normal maintenance and repair of a sign.
  - ~~d. A sign not exceeding four (4) square feet in size when cut into any masonry surface or when constructed of bronze or other noncombustible materials located within the Old Town Overlay Zone.~~
  - de. A sign that is accessory to a construction site and construction activities that does not exceed thirty-two (32) square feet in area, provided that such sign is removed within thirty (30) days from date of issuance of the final occupancy permit or within two (2) years, whichever is less.
  - ef. Portable/temporary signs allowed per Chapter 16.102.
  - fg. Public utility signs and other signs required by law.
  - gh. Signs on private property three (3) square feet or less per sign face and under three (3) feet tall when freestanding and installed to be readable only on private property.
  - hi. Flags on private property per which meet the following standards:  
A property in a rResidential zones may have up to two flags or twenty-four (24) square feet of flags, whichever is less. Flag poles shall not exceed twenty (20) feet in height and must be located within the front yard setback. in residential zones and forty (40) square feet in all other zones.  
A property in a nNonresidential zones may have up to four (4) flags or one-hundred and twenty (120) square feet of flags, whichever is less. Flag poles nshall not exeed-greater than forty (40) feet in height, and must be located within the front yard setback.
  - i. Murals

### D. Violations

1. The City may order the removal of any sign erected or maintained in violation of the provisions of this Chapter. If the City orders the removal of a sign under this Section, the City shall give ninety (90) days written notice to the owner of the sign or, if the owner of

the sign cannot be notified, to the owner of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance. After ninety (90) days the City may remove the sign at cost to the owner of the building, structure or premises. All costs incurred by the City will be a lien against the land or premises on which the sign is located and may be collected or foreclosed in the same manner as an assessment lien.

E. Nonconforming Signs

1. Signs that do not conform to the provisions of this Chapter are regarded as non-conforming signs and shall be brought into compliance with this Code's standards.
2. Except as exempted in subsection four (4) below, a nonconforming sign in existence on the effective date of Ordinance 2005-002, shall be brought into compliance within five (5) years of the effective date of Ordinance 2005-002. A nonconforming sign erected after the effective date of Ordinance 2005-002 or made non-conforming by subsequent sign ordinance amendments, shall be brought into compliance within five (5) years of the issuance of a building permit to construct the sign or adoption of the ordinance creating the non-conformity. A nonconforming sign that is not brought into compliance within five (5) years shall be removed at the expense of the sign owner or, at the City's discretion, the owner of the property upon which it is located.
3. Except as exempted in subsection 4 below, a nonconforming sign that is structurally altered, relocated or replaced shall immediately be brought into compliance.
4. A sign that is forty five (45) feet tall or less and that is three hundred (300) square feet or less in size is exempt from the requirement to come into compliance within five (5) years and may remain until: a.) structurally altered, relocated or replaced, or b.) until such time as the property on which it is located is developed or re-developed pursuant to a Type IV land use application.

F. Abandoned Signs

A person who owns or leases a sign shall remove the sign when the business advertised is discontinued or moves. The City shall give the owner of the building, structure or premises upon which an abandoned sign is located ninety (90) days written notice to remove the sign. After ninety (90) days the City may remove the sign at cost to the owner of the building, structure or premises. All costs incurred by the City may be a lien against the land or premises on which such sign is located and may be collected or foreclosed in the same manner as similar liens.

G. ~~Reserved City-Owned Signs~~

Permanent signs owned by the City of Sherwood shall be exempt from the provisions of this Code.

H. Construction and Maintenance

Except as otherwise provided in this Code, the construction of all signs or sign structures shall conform to applicable provisions of the Uniform Building Code. All signs, supports, braces, guys and anchors and sign sites shall be kept in good repair and maintained in a clean, safe condition.



## Proposed Sign Code Amendments – Track Changes

### A. Residential Zones

No permanent sign requiring a permit shall be allowed in residential zones except for the following:

#### 1. Public/Semi-Public Uses

For churches, schools and other public uses located within a residential ~~or institutional public~~ zone:

a. One (1) wall sign not exceeding thirty-six (36) square feet shall be permitted on a maximum of two (2) building elevations. Wall signs must be attached flat against the building face.

b. One (1) free-standing sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted. A minimum setback of fifteen (15) feet from property lines adjacent to public streets is required. The maximum height of any portion of a free-standing sign shall be limited to six (6) feet from ground level at its base.

#### 2. Multi-Family Development Signs

a. One (1) non-illuminated free-standing sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted on a property with a permitted multi-family development, and the maximum height of any portion ~~of a free-standing~~ sign shall be limited to six (6) feet from ground level at its base.

#### 3. Non-Residential Signs

a. One (1) monument sign not more than sixteen (16) square feet in area ~~identifying on a~~ property with a permitted non-residential use in a residential zone shall be allowed.

### B. Commercial Zones

A permanent sign that requires a sign permit is not allowed in a commercial zone except for the following:

#### 1. Free-Standing Signs

a. Number Permitted: Except as otherwise provided in (1-3) below, one (1) multifaced, free-standing sign.

(1) Where the total street frontage exceeds three-hundred (300) feet in length, one (1) additional free-standing sign is permitted. Except as otherwise permitted in (2) or (3) below, no more than one (1) free-standing sign per street frontage shall be permitted. Where two (2) or more signs are allowed due to multiple frontages, each sign shall be oriented to face a different direction or street frontage.

(2) One (1) additional free-standing monument sign may be provided for fueling stations.

(3) A Commercial Center or Commercial Plaza with at least two (2) stand-alone businesses may have one (1) additional free-standing sign provided the site has more than three hundred (300) feet of frontage

b. Height Limit: The maximum sign height shall not exceed six (6) feet in all commercial zones except that in the locations identified in (1-5) below, the height, for no more

than one (1) sign per single business site, commercial center or plaza, may be increased to no more than twenty (20) feet to allow for the construction of a column sign only. The exception locations are identified as:

- (1) On or within one hundred (100) feet of Pacific Highway,
- (2) Tualatin-Sherwood Road between 99W and SW Olds Place,
- (3) Roy Rogers Road between 99W and Borchers
- (4) Sherwood Boulevard between 99W and Century Boulevard, and
- (5) Edy Road between 99W and Borchers.

The height of the sign shall be measured from the average grade of the building footprint located on site to the highest point of the sign. For sites with more than one (1) building, the average grade of the building closest to the location of the sign shall be used.

- c. Clearance: Signs are prohibited over a driveway or parking area.
- d. Area: The maximum sign area for all commercial zones shall not exceed thirty-six (36) square feet per sign face with a maximum of two (2) sign faces permitted except that in those areas identified in 16.100.030.B.1.b.1-5, the sign area for one (1) sign may be increased up to one hundred (100) square feet for a commercial center or up to one hundred fifty (150) square feet for a commercial plaza.
- e. Location: No free-standing sign or any portion of any free-standing sign shall be located within a public right-of-way. Free-standing signs must comply with the Clear Vision Area requirements of Section 16.58.010.

## 2. Wall Signs

- a. Wall signs in combination with projecting signs shall not exceed twenty (20) percent of the gross area face of the building to which the sign is attached. Signs placed on or within one (1) foot of display windows and designed to be viewed from the exterior of the building shall be included in determining the amount of signage. A minimum of thirty (30) square feet is guaranteed and the maximum shall be two-hundred fifty (250) square feet. Wall signs may not project more than one and one-half (1½) feet from the wall to which they are attached. Wall signs shall be constructed of rigid materials. No banner sign shall be framed or encased in a manner to be constructed as a wall sign.

## 3. Projecting Signs

- a. Projecting signs supported by a wall of a building or structure shall be permitted under the following conditions:
  - (1) Only one (1) projecting sign will be permitted per store front. Projecting signs are attached so that they hang perpendicular to the façade of the building, and are limited in size by the provisions of 16.~~400~~101.030-~~B.2-a~~ above.
    - (a) In addition, businesses within commercial districts with a porch or awning, will be permitted to have one (1) additional awning sign that is perpendicular to the building and oriented to pedestrians provided that they are:
      - (i) Hung from the roof of the porch or awning;

## Proposed Sign Code Amendments – Track Changes

- (ii) No more than six (6) square feet in area; and
    - (iii) The bottom of the sign is at least eight (8) feet above the grade of the sidewalk.
  - (2) No projecting sign shall be permitted on the same premises where there is a free-standing sign.
  - (3) No projecting sign shall extend more than three (3) feet above the roof line at the wall or the top of a parapet wall, whichever is higher.
  - (4) When a projecting sign is used no angle irons guy wires or braces shall be visible except those that are an integral part of the overall design such as decorative metals or woods or unless they are required for safety.
  - (5) No sign shall project to within two (2) feet of the curb of a public street or beyond five (5) feet from the building face, whichever is less.
4. Directional Signs
- a. The requirements of chapter 16.102 shall apply.

### C. Industrial Zones

No permanent sign requiring a permit shall be allowed in industrial zones except for the following:

- 1. Free Standing Signs
  - a. Industrial zoned properties that have an approved PUD and approval for permitted commercial uses, shall apply requirements in Section 16.~~402~~101.030.B.1-~~54~~.
  - b. Other than allowed under (a) above, a property in an industrial zone may have one (1) multi-faced free-standing sign per street frontage provided the height does not exceed six (6) feet and the sign face does not exceed thirty-six (36) square feet per sign face for a maximum of seventy-two (72) square feet.
- 2. Directional Signs
  - a. The requirements of Chapter 16.102 shall apply.
- 3. Wall Signs
  - a. The requirements of Section 16.~~400~~101.030.B.2, Commercial Signs shall apply.

### D. Institutional and Public zones

No permanent sign requiring a permit shall be allowed in an institutional public zone except for the following:

- 1. Wall Signs shall be permitted as follows:
  - a. The maximum total wall sign area shall not exceed one-hundred (100) square feet across a maximum of two (2) wall signs, which may be located across a maximum of two building elevations. No wall sign may be larger than twenty percent (20%) of the size of the wall on which it is located.
  - b. For buildings located on property adjacent to one or more collector or arterial roadways, when the nearest point of the building to the right-of-way for any such roadway is located at a distance of at least one-hundred (100) feet from said right-of-

way, the maximum total wall sign area described in subsection (a) above shall be increased to one-hundred fifty (150) square feet. All other requirements of subsection (a) shall still apply.

2. Free Standing Signs shall be permitted as follows:

a. One (1) free-standing sign per street frontage, with a size not exceeding thirty-six (36) square feet per sign face, shall be permitted. A minimum setback of fifteen (15) feet from property lines adjacent to public streets is required. The maximum height of any portion of a free-standing sign shall be limited to six (6) feet from ground level at its base.

**16.101.040 Violations**

Violation of Chapter 16.101 is a Class B violation. Each day on which a violation continues shall be considered a separate violation.

**Chapter 16.102 - TEMPORARY, PORTABLE, AND BANNER SIGNS<sup>[43]</sup>**

**Sections**

**16.102.010 - Temporary and Portable Signs—Purpose**

Temporary, portable, and banner signs regulated by this code are intended to allow the City of Sherwood citizens to exercise their right to free speech while ensuring that the City's streets remain clear of visual clutter and safe for travel. Signs that are not clearly regulated by the provisions of this chapter are subject to the standards for permanent signs in Chapter 16.~~100~~101. Definitions for permanent, temporary, and portable signs can be found in Section 16.100.010.~~+~~ All temporary, portable, and banner signs are subject to the time, place, and manner regulations of this chapter

**16.102.020 ~~—~~ Temporary ~~and,~~ Portable, ~~and Banner~~ Signs—General Regulations**

A. Temporary and portable signs are prohibited in the following locations:

1. Within any ODOT right-of-way, including but not limited to Highway 99.
2. Within any Washington County right-of-way, including but not limited to Roy Rogers Road, Edy Road, and Tualatin-Sherwood Road. However, if the city or county right of way extends more than 50 feet beyond the outermost point of road paving, curb or sidewalk, a banner or other temporary sign may be displayed at 50 feet or more from the curb or edge of pavement, subject to authorization from the entity with jurisdiction over the right of way.
3. Within any clear vision area as defined in Section 16.58.010

## Proposed Sign Code Amendments – Track Changes

- B. The following temporary, portable, and banner signs are exempt from the provisions of this chapter.
1. Public notice signs as required by Section 16.72.020, or by any federal, state or local law.
  - ~~2. Federal, state, and other flags not exceeding twenty-four (24) square feet in all residential zones, and forty (40) square feet in all other zones.~~
  - ~~3~~
  2. Signs that have been approved in association with a City of Sherwood Special Event Permit.
  - ~~4~~3. A public-necessity sign such as safety and instructional signs, for public facilities and public parks, or City sponsored community events, installed by or with permission of the City of Sherwood.
  4. Over-Right-of-Way Banner Signs.
- C. Temporary and portable signs on private property do not require a permit, but are subject to all of the applicable standards within this section.
- D. Signs shall not be placed on private property without the express permission of the property owner.
- E. Signs shall not be illuminated and may not include pennant strings, balloons, streamers, spinners, propellers, search lights, or other items that involve motion to attract attention.
- F. Signs shall not obstruct vehicular or pedestrian traffic.
- G. It is the responsibility of the person posting a temporary or portable sign to remove it.
- H. In the event that a sign is requested by a business whose regular access is blocked due to road construction and/or road closures, signs may be permitted to remain in the public right-of-way, at an approved location, until construction is completed. Such signs do not require a permit. Such signs may be located in ODOT, City of Sherwood or Washington County right-of-ways if approved by the agency.

### **16.102.030 - Temporary Sign Regulations**

- A. The following regulations apply to all temporary signs as defined in Section 16.100.~~4-24~~010.
1. Temporary signs on properties zoned VLDR, LDR, and MDRL, may be double sided, but are limited to a maximum height of six (6) feet, and a maximum sign width of three (3) feet. The actual sign face of each side of the sign shall not exceed six (6) square feet. The sign must be constructed of wood or vinyl in the colonial post style and is allowed one (1) rider not to exceed six (6) inches in height.
  2. Temporary signs in all other zones may be double sided, and are limited to a maximum height of eight and one-half (8½) feet, and a maximum width of four (4) feet. The actual sign face of each side of the sign shall not exceed thirty-two (32) square feet.
  3. No more than one (1) temporary sign is permitted on any one (1) lot unless the property fronts more than one (1) street or has more than three hundred (300) feet of frontage along a street. In these limited cases up to two (2) temporary signs may be allowed.

## Proposed Sign Code Amendments – Track Changes

4. Where multiple temporary signs are placed on the same property, as authorized above, the signs shall be spaced at least fifty (50) feet apart.
5. Temporary signs are not permitted in the public right-of-way.

### **16.102.040 - Portable Sign Regulations**

- A. The following regulations apply to all portable signs as defined in Section 16.100.~~1.13 and 4010~~; in all zones.
1. No more than four (4) portable signs are allowed on any residentially zoned lot, except that properties over an acre in size that are developed with an approved nonresidential use may place one (1) portable sign every fifty (50) feet for the length of the sites frontage along a public street.
  2. No more than (1) portable sign per business is allowed in all other zones, except the Institutional and Public (I-P) zone
  3. Properties zoned Institutional and Public (I-P) may place one (1) portable sign, every fifty (50) feet for the length of the sites frontage along a public street.
  4. No portable sign shall be placed in any publicly owned right-of-way except on Friday after 6 am through Sunday at 6 pm unless exempt per B, below or 16.102.020.B above or unless the following Monday is a Federal holiday in which case the sign can be within the right-of-way through 6 pm Monday.
  5. Portable signs shall also meet the following standards:
    - a. Because maintenance of the right-of-way in front of a single-family home is the responsibility of the homeowner, ~~a person wishing to place a sign in the right-of-way, in front of someone's home must make a good faith effort to contact the homeowner, and if not home, must leave something in writing that includes the persons contact information and a description of the effort made to contact the homeowner~~ signs are not permitted in the right of way adjacent to residential zones without the authorization of the adjoining property owner.
    - b. Portable signs may not be located within the right of way adjacent to City owned property or on City owned property without express permission of the City Manager or designee.
    - c. Signs shall not be located within, or within 50 feet of the entry and exit lanes of, a round-about and shall not otherwise create a traffic safety or maintenance problem; and the City may remove and dispose of any signs that constitute a problem.
    - ed. Signs shall be freestanding and shall not be attached to any structure or vegetation such as utility poles, traffic signs, street signs, trees, or similar items.
    - de. Portable Signs shall be either an A-frame design or shall be attached to a wood or wire h-frame stake driven into the ground well clear of tree roots, irrigation lines, and any other underground utility that could be damaged by such stakes.

## Proposed Sign Code Amendments – Track Changes

~~ef.~~ Portable signs shall be spaced at least 25 feet apart when placed on the same property. The City may remove all signs in any right-of-way area where signs are placed less than twenty five (25) feet apart.

- B. The following regulations apply to all portable signs located within the Old Town Overlay District
1. A business who has a valid City of Sherwood business license and is physically located within the Old Town Overlay District may display two (2) portable signs, without a permit, on private property or within the public right-of-way in the Old Town Overlay District.
  2. Each portable sign can be a maximum of seven (7) square feet per sign face. A business that wishes to place a portable sign on the sidewalk in front of someone else's property must receive written permission from the property owner of the property where the sign is placed. Signs must be sited per Section 16.102.040.

### **16.102.050 - Banner Sign Regulations**

- A. The following banner signs are exempt from these regulations:
1. Banner signs not ~~intended to be viewed~~ visible from a public street.
  2. Signs that meet any of the provisions of section 16.102.020(B).
- B. The following regulations apply to all banner signs as defined in Section 16.100. ~~1.4 and over the right-of-way banner signs in 16.100.1.12010.~~ in all zones.
1. Except for banner signs approved as over the right-of-way banner signs or 5 below, banner signs shall be firmly attached to the side of a building. ~~;~~ No banner sign shall be attached to a fence, wall, building roofs, vehicles, trailers, or anything else.
  2. Banner signs shall not cover building windows.
  3. Banner signs shall be maintained in good condition. They shall not droop, have frayed ends, and shall be graphically clear and readable. Sun-faded, weather-damaged banner signs are prohibited.
  4. Banner signs shall be made of all-weather material.
  5. If the city or county right of way extends more than 50 feet beyond the outermost point of road paving, curb or sidewalk, a banner or other temporary sign may be displayed on a fence or wall at fifty (50) feet or more from the curb or edge of pavement, ~~;~~ subject to authorization from the entity with jurisdiction over the right of way.
- C. Permitted Locations
1. Commercial, Industrial, and Institutional Public Zoning Districts.
    - a. Each business having a valid City of Sherwood business license and ~~who's~~ which business is physically located in the Neighborhood Commercial (NC), Office Commercial (OC), Retail Commercial (RC), General Commercial (GC), ~~;~~ General Industrial (GI), Light Industrial (LI) or Institutional Public (IP) zoning district may display one (1) banner sign on private property.
    - b. Banner signs shall be no larger than thirty-two (32) square feet in size.

## Proposed Sign Code Amendments – Track Changes

### 2. Residential Zoning Districts.

- a. One (1) banner sign not exceeding thirty-two (32) square feet per tax lot.

### ~~3. Signs proposed to be located over a public right-of-way are subject to the following provisions:~~

- ~~a. An applicant may be approved for one (1) temporary over the right-of-way banner sign to be attached to power poles. Over the right-of-way banner signs shall be installed only after receiving a permit from the utility provider or its successor. Once a permit is obtained, the applicant is required to receive a right-of-way permit from the City Engineer.~~

### ~~b. Over the right-of-way banner signs are allowed at the following locations:~~

- ~~(1) Over North Sherwood Boulevard, north of the south property line of Sherwood Middle School and south of the north property line of Hopkins Elementary School.~~

### D. Review Process

1. No banner sign, except signs exempt by the provisions of sections 16.102.020.B, and 16.102.050.A shall be placed anywhere within the City without a permit.
2. Requests for permits shall be processed through a Type I administrative review and are subject to the standards listed above.
3. Permits for banner signs within the City shall be valid for a period of thirty (30) days.
4. Permits may be reissued on the same property a maximum of three (3) times in any calendar year.

### **16.102.0760 - Violations ~~to Temporary, Portable and Banner Sign Standards~~**

#### ~~1. Fines shall be set by City Council resolution.~~

#### ~~A. First Violation — Written warning stating corrective action required to bring the of Chapter 16.102 is an infraction. Each day on which a violation continues shall be considered a separate violation.~~

#### ~~B. Notwithstanding Sherwood Municipal Code Chapter 2.28, illegally placed portable sign into conformance is provided to the property owner.~~

#### ~~B. Second Violation — Fine.~~

#### ~~C. Third Violation — Sign removed signs found within the right of way will be confiscated and held for thirty (30) calendar days. During this period the sign will be returned to the owner subject to payment equal to twice the original fine.~~

#### ~~D. Fourth Violation — The no more than ten (10) business loses temporary and portable sign privileges for days. The City shall provide one (1) year. City can remove signs and fine for each offense or more opportunities to retrieve confiscated signs during this one (1) year probation period.~~

#### ~~E. The City the ten (10) business days. If a sign is not responsible for any signs not collected by the owner after the thirty (30) day hold period expressed in C above. Such signs shall retrieved within ten (10) business days it will be properly disposed of by the City in the event~~



Proposed Sign Code Amendments – Track Changes

~~that the signs are not collected by the owner within five (5) days after the hold period expires.~~

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Chapter 16.162 Old Town (OT) Overlay District

16.162.070 Community Design

E. Signs - In addition to signs otherwise permitted for home occupations, as per Section 16.142.101 one (1) non-illuminated, attached, exterior sign, up to a maximum of nine (9) square feet in surface area, may be permitted for each approved home occupation. [See also Chapters 16.100, Permanent Signs and 16.102 Temporary, Portable, Banner, and Feather Signs.](#)



## ORDINANCE 2020-005

### AMENDING SECTIONS OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE AS IT RELATES TO THE REGULATION OF SIGNS

**WHEREAS**, the Sherwood Zoning and Community Development Code contains regulations regarding signs within the City; and

**WHEREAS**, the sign standards in the Sherwood Zoning and Community Development Code are intended to allow the City of Sherwood citizens to exercise their right to free speech while ensuring that the City's streets remain clear of visual clutter and safe for travel; and

**WHEREAS**, the City has determined that there is a need to clarify and update regulations and provisions of the City code pertaining to sign definitions, wall signs in the Institutional Public (IP) zone, portable signs in residential zones, and feather signs, as well as other revisions; and

**WHEREAS**, the Planning Commission held a public hearing on proposed amendments on March 10, 2020; and

**WHEREAS**, the City Council held a public hearing on the proposed amendments on June 2, 2020, and on July 7, 2020, when it was continued to November 17, 2020, due to the Covid-19 pandemic; and

**WHEREAS**, on November 17, 2020, City Council continued the public hearing to March 3, 2021, and asked staff for a work session on sign issues prior to a second hearing on September 7, 2021; and

**WHEREAS**, on July 20, 2021, City Council held a work session to discuss and provide direction to staff on sign code amendments;

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

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

**Section 2.** The proposed amendments to Chapters 16.100, 16.101, 16.102, and 16.162 in Exhibit 1, attached to this Ordinance, are hereby **APPROVED**.

**Section 3. Planning Department Authorized** The Planning Department is hereby directed to take such action as may be necessary to document the amendments, including notice of adoption to the Department of Land Conservation and Development (DLCD).

**Section 4. Applicability** The amendments to the City of Sherwood Zoning and Community Development Code adopted by this Ordinance apply to all signs beginning on the effective date of this Ordinance.

**Section 5. Effective Date** This Ordinance shall become effective the 30<sup>th</sup> day after its enactment by the City Council and approval by the Mayor.

**Duly passed by the City Council this 7<sup>th</sup> day of September 2021.**

\_\_\_\_\_  
Keith Mays, Mayor

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

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

## **Chapter 16.100 – GENERAL SIGN PROVISIONS:**

### **16.100.010 Definitions.**

**[Editor’s Note: All definitions have been moved to a new section, however they are not shown as moved to better see what changes are proposed to specific definitions]**

For purposes of Chapters 16.100, 16.101, and 16.102, the following terms shall have the following meanings, except when the context requires otherwise:

- A. **Animated Signs:** Signs that are animated by a person or animal using, carrying, or wearing a sign.
- B. **Area, Sign Face:** The area of the sign shall be measured as follows if the sign is composed of one (1) or more individual cabinets or sides:
  - a. The area around and enclosing the perimeter of each cabinet, sign face or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall include all written advertising copy, symbols or logos.
  - b. If the sign is composed of more than two (2) sign cabinets, sign faces, or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign.
- C. **Awning or Canopy Sign:** A sign attached below a building awning, porch, canopy, or other roof-like structure and limited to six (6) square feet.
- D. **Banner Sign:** Signs made of lightweight fabric or other non-rigid material supported by two (2) or more points, and hung on a building, which does not meet the definition of a flag.
- E. **Commercial Center:** Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having at least two (2) but no more than three (3) legally permitted businesses on the site.
- F. **Commercial Plaza:** Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having four (4) or more legally permitted businesses on the site.
- G. **Electronic Message Signs:** Consistent with 16.100.020.E. and F., electronic message signs may not change more than once every thirty (30) seconds. In addition, the change may not involve movement or flashing. Electronic message signs are limited to no more than thirty-five (35) percent of the total sign area per sign face.
- H. **Flag:** A sign which consists of a single piece of lightweight material which is designed to, or which actually does, wave or move in the wind, which meets all of the following criteria:
  - a. Is two-sided and rectangular in shape.
  - b. Is a maximum of six (6) feet wide and a maximum of four (4) feet tall in all residential zones, and a maximum of eight (8) feet wide and a maximum of five (5) feet tall in all other zones.
  - c. Is attached by one side, which must be one of the two shorter sides, to a single metal pole, which is either (1) vertical and permanently installed in the ground or (2) vertical or a maximum of 45 degrees from vertical and attached to a building by a wall mount.

- I. Feather sign: A sign constructed in whole or in part of lightweight material which is designed to, or which actually does, wave or move in the wind, and which does not meet the definition of a flag or banner sign. Feather signs are sometimes commonly referred to as teardrop signs, feather banners, or flag signs.
- J. Free-Standing Signs:
  - a. Monument Sign: A sign constructed so that it is erected on grade or set into a hillside. If the monument sign is supported by poles, the sign shall extend to cover the support poles to within four (4) inches of the grade. Each free-standing monument sign shall have no more than two (2) faces.
  - b. Column Sign: A sign supported by two (2) square columns covered by wood, brick, metal or stone with a minimum width of twenty-four (24) inches or a single square column with a minimum width of thirty-six (36) inches.
  - c. Pole Sign: A free-standing sign mounted on one (1) vertical support less than thirty-six (36) inches wide.
- K. Over-Right-of-Way Banner Sign: A banner sign, placed over a public right of way for a limited period of time, by or with the permission of the agency with jurisdiction over said right-of-way.
- L. Permanent Residential Development Sign: Any permanent sign erected within 100 feet of any entrance to a single-family attached, single-family detached, duplex or townhome subdivision or Planned Unit Development (PUD).
- M. Portable A-Frame Sign: A double-faced portable sign with an A-shaped frame, no greater than four (4) feet in height and seven (7) square feet per sign face, composed of two (2) sign boards attached at the top and separated at the bottom, and not supported by a structure in the ground.
- N. Portable Sign: Small movable signs no greater than twenty-four (24) inches in height and a sign face no larger than eighteen (18) inches by twenty-four (24) inches in size used for a temporary period of time. Portable signs include stand-alone signs, not attached to a building or any other permanent structure. Examples include political signs, real estate open house signs, and other similar signage.
- O. Projecting Sign: A projecting sign is a sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane that is generally perpendicular to the wall.
- P. Roof Signs: Signs erected in or directly above a roof or parapet of a building or structure.
- Q. Rotating or Revolving Signs: Signs that rotate or turn in motion by electrical or mechanical means in a circular pattern
- R. Single Business Site: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or any other recorded document, having a single legally permitted business on the site.
- S. Snipe Sign: Any sign of any size, made of any material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects.
- T. Temporary Sign: Signs that are firmly affixed to a temporary structure that is placed into the ground and designed to be temporary. Characteristics of a temporary sign include signs constructed of a rigid material attached to wood or metal posts which do not require

permanent footings. Examples of temporary signs include, but are not limited to residential and commercial real estate signs.

- U. Vehicle Sign: A sign that is attached to a vehicle, on or above the vehicle that is parked in a location for the primary purpose of advertising.
- V. Wall Sign: A sign attached to, erected against or painted on a wall of a building.

**16.100.020 - Prohibited Signs [Editor's Note: The "Prohibited Signs" section has been moved to a new section, however they are not shown as moved for improved readability]**

A. Unsafe or Unmaintained Signs

All signs and sign structures must be constructed, erected and maintained to withstand the wind, seismic and other loads as specified in the Uniform Building Code. No sign shall be constructed, erected or maintained in violation of the maintenance provisions of this Chapter.

B. Signs on Streets

No sign shall substantially obstruct free and clear vision along streets or by reason of the position, shape or color, may interfere with, obstruct the view of, or be confused with any authorized traffic signal or device. No sign shall use the words "stop", "look", "danger", or any other similar word, phrase, symbol or character that interferes with or misleads motorists, pedestrians or bicyclists.

C. Obstructing Signs

No sign or sign structure shall be located or constructed so that it obstructs access to any fire escape, exit doorway or other means of egress from a building. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that will substantially limit access to the building in case of fire.

D. Rotating or Revolving Signs

Rotating or revolving signs are prohibited.

E. Illuminated Signs

Flashing signs, exposed reflective type bulbs, strobe lights, rotary beacons, par spots, zip lights and similar devices are prohibited. No exposed incandescent lamp which exceeds twenty-five (25) watts shall be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to a public street. All permitted signs shall bear an approved Underwriters Laboratory label or equivalent third party product safety testing and certification organization.

F. Changing Image Signs

Any sign that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or change of sign image or message is prohibited. Changing image signs do not include otherwise static signs where illumination is turned off and back on at a maximum of once every thirty (30) seconds and such change does not involve movement or flashing.

G. Pole Signs, over six (6) feet in height

H. Signs on Vacant Land

Any sign on unimproved property, unless allowed as a portable or temporary sign under Chapter 16.102 is prohibited.

- I. Permanent Residential Development Signs
- J. Roof Signs
- K. Feather Signs
- L. Flags, except as provided in 16.101.010(C).

### **16.100.030 Violations**

Violation of Chapter 16.100 is a Class B violation. Each day on which a violation continues shall be considered a separate violation.

## **Chapter 16.101 - PERMANENT SIGNS**

### **Sections:**

#### **16.101.010 - Common Regulations**

##### **A. Sign Permits**

1. Except as otherwise provided in this Section and in Chapter 16.102, a person may not construct, install, structurally alter or relocate any sign without first obtaining an administrative sign permit from the City as required by Chapter 16.72, including payment of the fee required by Section 16.74.010. In addition, all permitted illuminated signs are subject to the provisions of the State Electrical Code and any applicable permit fees.

##### **B. Sign Application.**

1. Application for a sign permit shall be made upon forms provided by the City and shall include the following information:
  - a. Name, address and telephone number of the applicant. Name, address, telephone number and signature of the property owner.
  - b. Location of the building structure, lot or parcel to which or upon which the sign is to be attached or erected.
  - c. A scaled drawing showing sign design including colors, dimensions, sign size, height above ground, method of attachment, construction and materials, type, source and intensity of illumination and the relationship to any building to which the sign will be attached.
  - d. A plot plan drawn to scale indicating the location of all buildings, property lines, existing signs, street lights, easements, and overhead power lines on the same premises.
  - e. Name, address and telephone number of the person or firm who will erect, construct and maintain the sign.

##### **C. Exceptions**

1. The following signs do not require a permanent sign permit but shall conform to all other applicable provisions of this Chapter:
  - a. Traffic signs installed per the Manual of Uniform Traffic Control Devices and other federal, state and local traffic sign regulations.
  - b. Changes to the copy of a legally erected, painted or printed advertising sign, theater marquee or similar sign specifically designed for the use of replaceable copy that does not alter the dimensions of the sign.
  - c. On-site painting, repainting, cleaning and normal maintenance and repair of a sign.
  - d. A sign that is accessory to a construction site and construction activities that does not exceed thirty-two (32) square feet in area, provided that such sign is removed within thirty (30) days from date of issuance of the final occupancy permit or within two (2) years, whichever is less.
  - e. Portable/temporary signs allowed per Chapter 16.102.
  - f. Public utility signs and other signs required by law.
  - g. Signs on private property three (3) square feet or less per sign face and under three (3) feet tall when freestanding and installed to be readable only on private property.
  - h. Flags on private property which meet the following standards:

A property in a residential zone may have up to two flags or twenty-four (24) square feet of flags, whichever is less. Flag poles shall not exceed twenty (20) feet in height and must be located within the front yard setback.

A property in a nonresidential zone may have up to four (4) flags or one-hundred and twenty (120) square feet of flags, whichever is less. Flag poles shall not exceed forty (40) feet in height and must be located within the front yard setback.

#### D. Violations

1. The City may order the removal of any sign erected or maintained in violation of the provisions of this Chapter. If the City orders the removal of a sign under this Section, the City shall give ninety (90) days written notice to the owner of the sign or, if the owner of the sign cannot be notified, to the owner of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance. After ninety (90) days the City may remove the sign at cost to the owner of the building, structure or premises. All costs incurred by the City will be a lien against the land or premises on which the sign is located and may be collected or foreclosed in the same manner as an assessment lien.

#### E. Nonconforming Signs

1. Signs that do not conform to the provisions of this Chapter are regarded as non-conforming signs and shall be brought into compliance with this Code's standards.
2. Except as exempted in subsection four (4) below, a nonconforming sign in existence on the effective date of Ordinance 2005-002, shall be brought into compliance within five (5) years of the effective date of Ordinance 2005-002. A nonconforming sign erected after the effective date of Ordinance 2005-002 or made non-conforming by subsequent sign ordinance amendments, shall be brought into compliance within five (5) years of the issuance of a building permit to construct the sign or adoption of the ordinance creating



the non-conformity. A nonconforming sign that is not brought into compliance within five (5) years shall be removed at the expense of the sign owner or, at the City's discretion, the owner of the property upon which it is located.

3. Except as exempted in subsection 4 below, a nonconforming sign that is structurally altered, relocated or replaced shall immediately be brought into compliance.
4. A sign that is forty five (45) feet tall or less and that is three hundred (300) square feet or less in size is exempt from the requirement to come into compliance within five (5) years and may remain until: a.) structurally altered, relocated or replaced, or b.) until such time as the property on which it is located is developed or re-developed pursuant to a Type IV land use application.

#### F. Abandoned Signs

A person who owns or leases a sign shall remove the sign when the business advertised is discontinued or moves. The City shall give the owner of the building, structure or premises upon which an abandoned sign is located ninety (90) days written notice to remove the sign. After ninety (90) days the City may remove the sign at cost to the owner of the building, structure or premises. All costs incurred by the City may be a lien against the land or premises on which such sign is located and may be collected or foreclosed in the same manner as similar liens.

#### G. City-Owned Signs

Permanent signs owned by the City of Sherwood shall be exempt from the provisions of this Code.

#### H. Construction and Maintenance

Except as otherwise provided in this Code, the construction of all signs or sign structures shall conform to applicable provisions of the Uniform Building Code. All signs, supports, braces, guys and anchors and sign sites shall be kept in good repair and maintained in a clean, safe condition.

### **16.101.030 - Sign Regulations by Zone**

#### A. Residential Zones

No permanent sign requiring a permit shall be allowed in residential zones except for the following:

##### 1. Public/Semi-Public Uses

For churches, schools and other public uses located within a residential zone:

- a. One (1) wall sign not exceeding thirty-six (36) square feet shall be permitted on a maximum of two (2) building elevations. Wall signs must be attached flat against the building face.
- b. One (1) free-standing sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted. A minimum setback of fifteen (15) feet from property lines adjacent to public streets is required. The maximum height of any portion of a free-standing sign shall be limited to six (6) feet from ground level at its base.

##### 2. Multi-Family Development Signs

- a. One (1) non-illuminated free-standing sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted on a property with a permitted multi-family

development, and the maximum height of any portion the sign shall be limited to six (6) feet from ground level at its base.

### 3. Non-Residential Signs

a. One (1) monument sign not more than sixteen (16) square feet in area on a property with a permitted non-residential use in a residential zone shall be allowed.

### B. Commercial Zones

A permanent sign that requires a sign permit is not allowed in a commercial zone except for the following:

#### 1. Free-Standing Signs

a. Number Permitted: Except as otherwise provided in (1-3) below, one (1) multifaced, free-standing sign.

(1) Where the total street frontage exceeds three-hundred (300) feet in length, one (1) additional free-standing sign is permitted. Except as otherwise permitted in (2) or (3) below, no more than one (1) free-standing sign per street frontage shall be permitted. Where two (2) or more signs are allowed due to multiple frontages, each sign shall be oriented to face a different direction or street frontage.

(2) One (1) additional free-standing monument sign may be provided for fueling stations.

(3) A Commercial Center or Commercial Plaza with at least two (2) stand- alone businesses may have one (1) additional free-standing sign provided the site has more than three hundred (300) feet of frontage

b. Height Limit: The maximum sign height shall not exceed six (6) feet in all commercial zones except that in the locations identified in (1-5) below, the height, for no more than one (1) sign per single business site, commercial center or plaza, may be increased to no more than twenty (20) feet to allow for the construction of a column sign only. The exception locations are identified as:

(1) On or within one hundred (100) feet of Pacific Highway,

(2) Tualatin-Sherwood Road between 99W and SW Olds Place,

(3) Roy Rogers Road between 99W and Borchers

(4) Sherwood Boulevard between 99W and Century Boulevard, and

(5) Edy Road between 99W and Borchers.

The height of the sign shall be measured from the average grade of the building footprint located on site to the highest point of the sign. For sites with more than one (1) building, the average grade of the building closest to the location of the sign shall be used.

c. Clearance: Signs are prohibited over a driveway or parking area.

d. Area: The maximum sign area for all commercial zones shall not exceed thirty-six (36) square feet per sign face with a maximum of two (2) sign faces permitted except

that in those areas identified in 16.100.030.B.1.b.1-5, the sign area for one (1) sign may be increased up to one hundred (100) square feet for a commercial center or up to one hundred fifty (150) square feet for a commercial plaza.

- e. Location: No free-standing sign or any portion of any free-standing sign shall be located within a public right-of-way. Free-standing signs must comply with the Clear Vision Area requirements of Section 16.58.010.

## 2. Wall Signs

- a. Wall signs in combination with projecting signs shall not exceed twenty (20) percent of the gross area face of the building to which the sign is attached. Signs placed on or within one (1) foot of display windows and designed to be viewed from the exterior of the building shall be included in determining the amount of signage. A minimum of thirty (30) square feet is guaranteed and the maximum shall be two-hundred fifty (250) square feet. Wall signs may not project more than one and one-half (1½) feet from the wall to which they are attached. Wall signs shall be constructed of rigid materials. No banner sign shall be framed or encased in a manner to be constructed as a wall sign.

## 3. Projecting Signs

- a. Projecting signs supported by a wall of a building or structure shall be permitted under the following conditions:
  - (1) Only one (1) projecting sign will be permitted per store front. Projecting signs are attached so that they hang perpendicular to the façade of the building, and are limited in size by the provisions of 16.101.030 above.
    - (a) In addition, businesses within commercial districts with a porch or awning, will be permitted to have one (1) additional awning sign that is perpendicular to the building and oriented to pedestrians provided that they are:
      - (i) Hung from the roof of the porch or awning;
      - (ii) No more than six (6) square feet in area; and
      - (iii) The bottom of the sign is at least eight (8) feet above the grade of the sidewalk.
  - (2) No projecting sign shall be permitted on the same premises where there is a free-standing sign.
  - (3) No projecting sign shall extend more than three (3) feet above the roof line at the wall or the top of a parapet wall, whichever is higher.
  - (4) When a projecting sign is used no angle irons guy wires or braces shall be visible except those that are an integral part of the overall design such as decorative metals or woods or unless they are required for safety.
  - (5) No sign shall project to within two (2) feet of the curb of a public street or beyond five (5) feet from the building face, whichever is less.

## 4. Directional Signs

- a. The requirements of chapter 16.102 shall apply.

### C. Industrial Zones

No permanent sign requiring a permit shall be allowed in industrial zones except for the following:

1. Free Standing Signs
  - a. Industrial zoned properties that have an approved PUD and approval for permitted commercial uses, shall apply requirements in Section 16.101.030.B.1-4.
  - b. Other than allowed under (a) above, a property in an industrial zone may have one (1) multi-faced free-standing sign per street frontage provided the height does not exceed six (6) feet and the sign face does not exceed thirty-six (36) square feet per sign face for a maximum of seventy-two (72) square feet.
2. Directional Signs
  - a. The requirements of Chapter 16.102 shall apply.
3. Wall Signs
  - a. The requirements of Section 16.101.030.B.2, Commercial Signs shall apply.

### D. Institutional and Public zones

No permanent sign requiring a permit shall be allowed in an institutional public zone except for the following:

1. Wall Signs shall be permitted as follows:
  - a. The maximum total wall sign area shall not exceed one-hundred (100) square feet across a maximum of two (2) wall signs, which may be located across a maximum of two building elevations. No wall sign may be larger than twenty percent (20%) of the size of the wall on which it is located.
  - b. For buildings located on property adjacent to one or more collector or arterial roadways, when the nearest point of the building to the right-of-way for any such roadway is located at a distance of at least one-hundred (100) feet from said right-of-way, the maximum total wall sign area described in subsection (a) above shall be increased to one-hundred fifty (150) square feet. All other requirements of subsection (a) shall still apply.
2. Free Standing Signs shall be permitted as follows:
  - a. One (1) free-standing sign per street frontage, with a size not exceeding thirty-six (36) square feet per sign face, shall be permitted. A minimum setback of fifteen (15) feet from property lines adjacent to public streets is required. The maximum height of any portion of a free-standing sign shall be limited to six (6) feet from ground level at its base.

### 16.101.040 Violations

Violation of Chapter 16.101 is a Class B violation. Each day on which a violation continues shall be considered a separate violation.

## **Chapter 16.102 - TEMPORARY, PORTABLE, AND BANNER SIGNS<sup>[43]</sup>**

### **Sections**

#### **16.102.010 - Temporary and Portable Signs—Purpose**

Temporary, portable, and banner signs regulated by this code are intended to allow the City of Sherwood citizens to exercise their right to free speech while ensuring that the City's streets remain clear of visual clutter and safe for travel. Signs that are not clearly regulated by the provisions of this chapter are subject to the standards for permanent signs in Chapter 16.101. Definitions for permanent, temporary, and portable signs can be found in Section 16.100.010. All temporary, portable, and banner signs are subject to the time, place, and manner regulations of this chapter

#### **16.102.020 – Temporary, Portable, and Banner Signs—General Regulations**

- A. Temporary and portable signs are prohibited in the following locations:
  - 1. Within any ODOT right-of-way, including but not limited to Highway 99.
  - 2. Within any Washington County right-of-way, including but not limited to Roy Rogers Road, Edy Road, and Tualatin-Sherwood Road. However, if the city or county right of way extends more than 50 feet beyond the outermost point of road paving, curb or sidewalk, a banner or other temporary sign may be displayed at 50 feet or more from the curb or edge of pavement, subject to authorization from the entity with jurisdiction over the right of way.
  - 3. Within any clear vision area as defined in Section 16.58.010
- B. The following temporary, portable, and banner signs are exempt from the provisions of this chapter.
  - 1. Public notice signs as required by Section 16.72.020, or by any federal, state or local law.
  - 2. Signs that have been approved in association with a City of Sherwood Special Event Permit.
  - 3. A public-necessity sign such as safety and instructional signs, for public facilities and public parks, or City sponsored community events, installed by or with permission of the City of Sherwood.
  - 4. Over-Right-of-Way Banner Signs.
- C. Temporary and portable signs on private property do not require a permit, but are subject to all of the applicable standards within this section.
- D. Signs shall not be placed on private property without the express permission of the property owner.
- E. Signs shall not be illuminated and may not include pennant strings, balloons, streamers, spinners, propellers, search lights, or other items that involve motion to attract attention.

- F. Signs shall not obstruct vehicular or pedestrian traffic.
- G. It is the responsibility of the person posting a temporary or portable sign to remove it.
- H. In the event that a sign is requested by a business whose regular access is blocked due to road construction and/or road closures, signs may be permitted to remain in the public right-of-way, at an approved location, until construction is completed. Such signs do not require a permit. Such signs may be located in ODOT, City of Sherwood or Washington County right-of-ways if approved by the agency.

### **16.102.030 - Temporary Sign Regulations**

- A. The following regulations apply to all temporary signs as defined in Section 16.100.010.
  - 1. Temporary signs on properties zoned VLDR, LDR, and MDRL, may be double sided, but are limited to a maximum height of six (6) feet, and a maximum sign width of three (3) feet. The actual sign face of each side of the sign shall not exceed six (6) square feet. The sign must be constructed of wood or vinyl in the colonial post style and is allowed one (1) rider not to exceed six (6) inches in height.
  - 2. Temporary signs in all other zones may be double sided, and are limited to a maximum height of eight and one-half (8½) feet, and a maximum width of four (4) feet. The actual sign face of each side of the sign shall not exceed thirty-two (32) square feet.
  - 3. No more than one (1) temporary sign is permitted on any one (1) lot unless the property fronts more than one (1) street or has more than three hundred (300) feet of frontage along a street. In these limited cases up to two (2) temporary signs may be allowed.
  - 4. Where multiple temporary signs are placed on the same property, as authorized above, the signs shall be spaced at least fifty (50) feet apart.
  - 5. Temporary signs are not permitted in the public right-of-way.

### **16.102.040 - Portable Sign Regulations**

- A. The following regulations apply to all portable signs as defined in Section 16.100.010 in all zones.
  - 1. No more than four (4) portable signs are allowed on any residentially zoned lot, except that properties over an acre in size that are developed with an approved nonresidential use may place one (1) portable sign every fifty (50) feet for the length of the sites frontage along a public street.
  - 2. No more than (1) portable sign per business is allowed in all other zones, except the Institutional and Public (I-P) zone
  - 3. Properties zoned Institutional and Public (I-P) may place one (1) portable sign, every fifty (50) feet for the length of the sites frontage along a public street.
  - 4. No portable sign shall be placed in any publicly owned right-of-way except on Friday after 6 am through Sunday at 6 pm unless exempt per B below or 16.102.020.B above or unless the following Monday is a Federal holiday in which case the sign can be within the right-of-way through 6 pm Monday

5. Portable signs shall also meet the following standards:
  - a. Because maintenance of the right-of-way in front of a single-family home is the responsibility of the homeowner, signs are not permitted in the right of way adjacent to residential zones without the authorization of the adjoining property owner.
  - b. Portable signs may not be located within the right of way adjacent to City owned property or on City owned property without express permission of the City Manager or designee.
  - c. Signs shall not be located within, or within 50 feet of the entry and exit lanes of, a round-about and shall not otherwise create a traffic safety or maintenance problem.
  - d. Signs shall be freestanding and shall not be attached to any structure or vegetation such as utility poles, traffic signs, street signs, trees, or similar items.
  - e. Portable Signs shall be either an A-frame design or shall be attached to a wood or wire h-frame stake driven into the ground well clear of tree roots, irrigation lines, and any other underground utility that could be damaged by such stakes.
  - f. Portable signs shall be spaced at least 25 feet apart when placed on the same property. The City may remove all signs in any right-of-way area where signs are placed less than twenty five (25) feet apart.
- B. The following regulations apply to all portable signs located within the Old Town Overlay District
  1. A business who has a valid City of Sherwood business license and is physically located within the Old Town Overlay District may display two (2) portable signs, without a permit, on private property or within the public right-of-way in the Old Town Overlay District.
  2. Each portable sign can be a maximum of seven (7) square feet per sign face. A business that wishes to place a portable sign on the sidewalk in front of someone else's property must receive written permission from the property owner of the property where the sign is placed. Signs must be sited per Section 16.102.040.

#### **16.102.050 - Banner Sign Regulations**

- A. The following banner signs are exempt from these regulations:
  1. Banner signs not visible from a public street.
  2. Signs that meet any of the provisions of section 16.102.020(B).
- B. The following regulations apply to all banner signs as defined in Section 16.100.010 in all zones.
  1. Except for banner signs approved as over the right-of-way banner signs or 5 below, banner signs shall be firmly attached to the side of a building. No banner sign shall be attached to a fence, wall, building roofs, vehicles, trailers, or anything else.
  2. Banner signs shall not cover building windows.
  3. Banner signs shall be maintained in good condition. They shall not droop, have frayed ends, and shall be graphically clear and readable. Sun-faded, weather-damaged banner signs are prohibited.

4. Banner signs shall be made of all-weather material.
5. If the city or county right of way extends more than 50 feet beyond the outermost point of road paving, curb or sidewalk, a banner or other temporary sign may be displayed on a fence or wall at fifty (50) feet or more from the curb or edge of pavement, subject to authorization from the entity with jurisdiction over the right of way.

C. Permitted Locations

1. Commercial, Industrial, and Institutional Public Zoning Districts.
  - a. Each business having a valid City of Sherwood business license and which business is physically located in the Neighborhood Commercial (NC), Office Commercial (OC), Retail Commercial (RC), General Commercial (GC), General Industrial (GI), Light Industrial (LI) or Institutional Public (IP) zoning district may display one (1) banner sign on private property.
  - b. Banner signs shall be no larger than thirty-two (32) square feet in size.
2. Residential Zoning Districts.
  - a. One (1) banner sign not exceeding thirty-two (32) square feet per tax lot.

D. Review Process

1. No banner sign, except signs exempt by the provisions of sections 16.102.020.B, and 16.102.050.A shall be placed anywhere within the City without a permit.
2. Requests for permits shall be processed through a Type I administrative review and are subject to the standards listed above.
3. Permits for banner signs within the City shall be valid for a period of thirty (30) days.
4. Permits may be reissued on the same property a maximum of three (3) times in any calendar year.

**16.102.070 - Violations**

- A. Violation of Chapter 16.102 is an infraction. Each day on which a violation continues shall be considered a separate violation.
- B. Notwithstanding Sherwood Municipal Code Chapter 2.28, illegally placed portable signs found within the right of way will be confiscated and held for ten (10) business days. The City will provide one or more opportunities to retrieve confiscated signs during the ten (10) business days. If a sign is not retrieved within ten (10) business days it will be disposed of.



Chapter 16.162 Old Town (OT) Overlay District

16.162.070 Community Design E. Signs - In addition to signs otherwise permitted for home occupations, as per Section 16.142.101 one (1) non-illuminated, attached, exterior sign, up to a maximum of nine (9) square feet in surface area, may be permitted for each approved home occupation. See also Chapters 16.100, Permanent Signs and 16.102 Temporary, Portable, Banner, and Feather Signs.



**TO:** Sherwood City Council

**FROM:** Erika Palmer, Planning Manager  
**Through:** Julia Hajduk, Community Development Director, Kristen Switzer, City Manager Pro Tem, and Josh Soper, City Attorney

**SUBJECT:** **Ordinance 2021-008, Amending sections of the Sherwood Zoning and Community Development Code to modify standards for residential uses in Commercial Land Use Districts** (*First Reading*)

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**Issue:**

Shall the City Council amend sections of Chapter 16.22, Commercial Land Use Districts, to modify standards for residential uses in Commercial land use districts?

**Background:**

On April 27, 2021, the Planning Commission and City Council held a joint work session to discuss the standards and restrictions for Residential Uses allowed within the Commercial areas of the City (Office Commercial, Neighborhood Commercial, Retail Commercial and General Commercial zoning districts). There are concerns that permitting multi-family housing in this zone based on the current standard of “on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings” without additional limitations or restrictions allows for the consumption of land not associated with office, retail service, and other commercial employment uses in areas intended for those uses. Economic development, job creation, and the preservation of the tax base in these commercial zones are Council priorities.

The general themes that came out of that work session included:

- Only allow for vertical mixed-use building opportunities outright and not horizontal mixed-use sites within commercial zones. In other words, a developer may still be able to propose a Planned Unit Development that provides other development concepts, but that would come with additional discretion and review. Vertical mixed-use buildings are those with commercial uses located primarily on the first floor and residential on the upper floors. Horizontal mixed-use sites are parcels that have a range of both commercial and residential uses typically separated from each other in separate buildings but within a walkable area.
- Limit the number stairwells open to the outside.
- Make clear that the reference to high-density residential (HDR) standards in the current code provides the maximum density but that there is no minimum density.
- Ensure that the development of the commercial use occurs first or concurrent with residential development.
- Ensure there is adequate parking

With these guiding concepts, staff prepared proposed modifications. On June 8, 2021, the Planning Commission held a work session to review the draft standards. Planning Commission asked staff to review

and provide feedback on minimum first-floor ceiling heights, and staff asked the commission if they wanted to limit the uses allowed on the ground floor or allow all permitted uses within each commercial zone. The consensus of the commission was to allow all permitted uses within each commercial zone. On July 27, 2021, the Planning Commission held a public hearing on the draft code language. There was no public testimony received, and Planning Commission has recommended the draft language, attached as Attachment 1 (red lined version) and Exhibit B to the Ordinance (clean version), to Council for consideration.

**Financial Impacts:**

There is no specific financial impact associated with this change, however new vertical mixed-use development would create additional tax revenue and can provide a positive economic impact on the local economy while preserving commercial development capacity.

**Recommendation:**

Staff respectfully recommends City Council hold the first hearing on Ordinance 2021-008, amending sections of the Sherwood Zoning and Community Development Code to modify standards for residential uses in Commercial Land Use Districts. If needed, a second hearing on this Ordinance has been scheduled for September 21, 2021.

Attachments

1. Planning Commission Recommendation to Council with redlined code language

## CITY OF SHERWOOD

Date: September 7, 2021

### Planning Commission Recommendation to the City Council Residential in Commercial Land Use Districts Code Amendments

File No: LU 2021-011- PA

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#### Recommendation of the Planning Commission

The Sherwood Planning Commission held a public hearing on July 27, 2021, to take testimony and consider the application (LU 2021-011-PA). No testimony on the hearing matter was taken, and the Commission voted to close the hearing. After considering the application materials and the findings in the staff report, the Planning Commission voted to recommend the proposed text amendments to the City Council.



Erika Palmer  
Planning Manager

**Proposal:** The City of Sherwood proposes to amend Chapters 16.22, *Commercial Land Use Districts* of the Sherwood Zoning and Community Development Code (SZCD). The proposal amends the Use Table in SZCD section 16.22.020 by providing clear and objective standards for multi-family housing within all commercial zones.

- A. Applicant:** This is a city-initiated text amendment.
- B. Location:** The proposed amendments are to the text of the SZCDC and apply to Commercial Zoning Districts within Sherwood (Neighborhood Commercial (NC), Office Commercial (OC), Retail Commercial (RC), and General Commercial (GC)).
- 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 July 27, 2021. At the close of this hearing, the Planning Commission will forward a recommendation to the City Council, who will consider the proposal and make the final recommendation whether to approve, modify, or deny the proposed language. The City Council public hearing is tentatively scheduled for September 7, 2021. Any appeal of the City Council's final decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).
- D. Public Notice and Hearing:** Notice of the July 27, 2021, Planning Commission hearing and tentative September 7, 2021, City Council hearing on the proposed amendment were published in *The Times* on July, 8<sup>th</sup> and 22<sup>nd</sup>, 2021. Notice was also posted in five public locations around town and on the website on July 6, 2020. Notice to the Oregon Department of Land Conservation and Development (DLCD) was submitted on June 10, 2021 and notice to agencies was sent via email on July 6, 2021.
- E. Review Criteria:** The required findings for Plan Amendments are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCD).

**F. Background:** On April 27, 2021, the Planning Commission and City Council held a joint work session to discuss the residential uses allowed within the commercially zoned areas of the City (Office Commercial, Neighborhood Commercial, Retail Commercial, and General Commercial) and the application of the standards in the SZCD Use Table, 16.22. There are concerns that permitting multi-family housing in this zone when in the rear of, or other clearly secondary to commercial buildings allows for the consumption of land not associated with office, retail service, and other commercial employment uses. The preservation of the tax base in these commercial zones is a Council priority.

The commercially zoned areas in Sherwood going as far back as 1987 have allowed for multi-family housing. However, the standards for multi-family housing within the commercial zones were modified in 2012 to include, 'or otherwise clearly secondary to commercial buildings' due to a development having more multi-family housing than commercial uses. The 2012 code change clarified and defined that a residential portion of a mixed-use development is considered secondary when traffic trips generated, dedicated parking spaces, signage, and the road frontage of the 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.

At the April 27, 2021 work session, both commissioners and councilors agreed that the language, '*or clearly secondary to commercial buildings*' with the explanatory footnotes at the end of the Use Table in SZCDC 16.22.020, are vague and problematic. There was a consensus that the language in this section needs to be more clear and objective, and the provisions need to ensure that commercial uses are provided for and protected. Planning staff drafted language based on the general direction received at the meeting and presented it during a Planning Commission work session on June 8, 2021, for additional feedback. Based on input from both the April 27 and June 8, 2021 work sessions, there is a need for the development code to reflect the following:

- To only allow for vertical mixed-use building opportunities outright and not allow for horizontal mixed-use sites within commercial zones. In other words, a developer may still be able to propose a Planned Unit Development that provides other development concepts, but that would come with additional discretion and review. Vertical mixed-use buildings are those with commercial uses located primarily on the first floor and residential on the upper floors. Horizontal mixed-use sites are parcels that have a range of both commercial and residential uses typically separated from each other in separate buildings but within a walkable area.
- Limit the number of stairwells open to the outside.
- Ensure that the reference to HDR standards provides the maximum density but that there is no minimum density.
- Ensure that the commercial occurs first or concurrent with residential development.
- Ensure parking for multi-family use is in addition to the minimum required for the commercial use(s).

Also, at the June 8<sup>th</sup> work session, the Commission was asked if the types of businesses should be limited on the ground floor, what those uses should be, and interest in a minimum ceiling height for the ground floor. Limiting the types of uses on the ground in the commercial zones did not gain traction. Planning Commission did ask staff to review and research minimum floor to ceiling heights in mixed-use buildings. Staff reached out to several jurisdictions within the state to review mixed-use residential building standards. Staff found minimum first-floor ceiling height ranges between twelve (12) and fourteen (14) feet. At the ground floor, ceiling heights are a critical part of what makes a retail space inviting and what makes a building feel

comfortable for pedestrians on the sidewalk next to it. Low ceilings can make uninviting spaces that feel cramped and are less visible from the street. In addition, taller ceiling heights are required for more intense uses that require mechanical equipment such as restaurant kitchens and other uses. Planning staff has proposed a fourteen (14) foot minimum ground floor ceiling height, as part of the draft amendments attached to this staff report.

## II. PUBLIC COMMENTS

As of this writing, no public comments have been received.

## III. AGENCY COMMENTS

Notice to DLCD and Metro was sent on June 10, 2021, and an e-notice to agency partners was sent on July 6, 2021.

As of this writing, no comments have been received.

## IV. REQUIRED FINDINGS FOR PLAN TEXT AMENDMENT

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

### SZCDC 16.80.030 - Review Criteria

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

### Community Need

The proposal seeks to amend chapters of the Sherwood Zoning and Community Development Code (SZCDC) Volume III, of the Comprehensive Plan. The specific text amendments do not include changes to the goals and policies of the Comprehensive Plan; it would only amend the language of the Sherwood Development Code.

Sherwood City Council and the Planning Commission identified concerns that permitting multi-family housing in commercial zones when in the rear of, or other clearly secondary to commercial buildings, allows for the consumption of land not associated with office, retail service, and other commercial employment uses. The preservation of the tax base in these commercial zones is a Council priority. The City's 2019-2039 Economic Opportunities Analysis (EOA), which has not yet been adopted, has identified that Retail Commercial employment will grow by 336 employees, with 286 employees requiring vacant land. The average site of retail employers in Sherwood in 2016 was 20 employees per business. At that average size, Sherwood will need 14 retail sites. The EOA also identified Office & Commercial Services employment will grow by 1,579 employees, with 1,247 employees requiring vacant land. The

average number of employees per site of retail/commercial services in was 6.6 employees per business. At that average size, Sherwood will need 189 office and commercial sites.

The proposed amendment would still allow for multi-family residential housing within the commercially zoned designations; however, it would be vertical mixed-used development and not horizontal mixed-use development. A developer may still be able to propose a horizontal mixed-use development but through a Planned Unit Development process, but that would come with additional discretion and review.

**FINDING:** The Sherwood City Council and Planning Commission have identified the need for proposed amendments.

#### **Consistency with the Comprehensive Plan**

The commercially zoned areas in Sherwood going as far back as 1987 have allowed for multi-family housing. The proposed amendment will continue to allow for multi-family housing as part of vertical mixed-use building developments within the commercial land use districts. Vertical mixed-use residential development is typically a multistory building with commercial uses on a ground floor, a shared residential entry lobby, and common access areas such as hallways or stairways leading to individual residential units above the office, retail, and commercial uses.

**FINDING:** The proposed text amendments still permit multi-family residential within commercially zoned areas, consistent with the Sherwood Community Development Plan, Volume II of the Comprehensive Plan.

#### **Consistency with the City's Transportation System Plan**

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

**FINDING:** The proposed text amendments are not inconsistent with the City's Transportation System Plan.

#### **Consistency with other City Planning Documents**

The proposed amendments strike footnote #3 in the Use Table (SZCDC 16.020). This footnote states, "Except in the Adams Avenue Concept Plan area, where only non-residential uses are permitted on the ground floor area." The Adams Avenue North Concept Plan was adopted by Ordinance 2009-009. The Concept Plan is a guide to developing a 55.5 acre area southeast of Highway 99W and north of Tualatin Sherwood Road, of which 34 acres were added to the regional Urban Growth Boundary by Metro in 2002. The primary objective in adding this land to the urban growth boundary was to allow the construction of a collector street and alternative route between Highway 99W/Tualatin-Sherwood Road and Old Town/Downtown Sherwood.

The proposed amendments are consistent with the Adams Avenue Concept Plan area, which calls for mixed-use buildings in this area to only have non-residential uses on the ground floor.

**FINDING:** The proposed text amendments are consistent with the Adams Avenue Concept Plan, Ordinance 2009-009.

### **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:** Sherwood City Council and Planning Commission held a joint work session to review and discuss issues with the current code language and standards for multi-family housing within commercially zoned areas on April 27, 2021. The Planning Commission held another work session on this topic to review draft code language on June 8, 2021. 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 proposed amendments and the City's development code legislative process ensure the opportunity for public engagement.

#### **Goal 2: Land Use Planning**

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

**Response:** The development of the proposed amendments has followed the City's established land use planning process and included public meetings, public outreach through information on the city's website, and opportunities for public comment. Going as far back as 1987, the commercially zoned areas in Sherwood have allowed for multi-family housing with development standards. The proposed amendments still allow for multi-family housing within all commercially zoned areas. The proposed amendments are significantly more clear and objective than the existing language, which is vague and problematic.

The proposed amendment would permit outright vertical residential mixed-use development in commercially zoned areas and would not allow for horizontal mixed-use sites within commercial zones. A developer may still be able to propose a Planned Unit Development that provides other development concepts, including horizontal mixed-use sites, but that would come with additional discretion and review.

**FINDING:** The proposed text amendments are consistent with Goal 2, and the city's commercially zoned areas that allow for mixed-use residential development.

**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 the protection and conservation of natural resources, historic areas and open spaces.

**Goal 6: Air, Water and Land Resources Quality**

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

**FINDING:** The proposed text amendments are not applicable to goals and policies in the City's Comprehensive Plan pertaining to the protection of air, water, and land resources from pollution and pollutants.

**Goal 7: Natural Hazards:**

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

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

**Goal 8: Recreational Needs**

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

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

**Goal 9: Economic Development**

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



**FINDING:** The proposed text amendments would permit for vertical residential mixed-use development within commercially zoned areas of Sherwood. A vertical mixed use building contains a mix of residential and commercial uses. Typically, commercial uses (i.e. retail shops, restaurants, offices) are located on the ground floor, while residential units (condominiums or apartments) are located on upper levels. Horizontal mixed-used development combines single-use buildings with a range of uses (commercial, residential, office, etc.) either on the development site or on a block. A developer may still be able to propose a Planned Unit Development that provides other development concepts such as horizontal mixed-use, but that would come with additional discretion and review.

The City's 2019-2039 Economic Opportunities Analysis, which was not adopted, indicates that the City has a 57-acre deficit of commercial land supply. Economic Development is a top priority for the City. There are concerns that permitting multi-family housing in this zone when in the rear of, or other clearly secondary to commercial buildings allows for the consumption of land not associated with office, retail service, and other commercial employment uses. Allowing vertical mixed-use development with retail/commercial uses on the ground floor ensures business/employment growth and not single-use residential buildings that are secondary to commercial uses.

#### **Goal 10: Housing**

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

**Response:** The City has an approved 2019-2039 Housing Needs Analysis (HNA), Ordinance 2020-010. Residential mixed-use buildings have been permitted, with development standards, in all commercially zoned areas of Sherwood dating as far back as 1987. The proposed text amendments will continue to allow residential mixed-use developments within all commercial zones, with clear and objectives development standards. The proposed amendments will not reduce the amount of land for residential housing. The City's adopted HNA states about nine percent (9%) of Sherwood's residential development occurred in commercial zones between 2000 and 2014. The HNA states that it is reasonable to assume that some residential development will occur in commercial zones over the next 20 years, as long as housing is considered a secondary use to commercial use, as Sherwood's development code requires. The proposed amendments still allow for residential uses within commercial zones, with development standards, as a secondary use to commercial/retail uses. The proposed amendments allow for secondary residential uses with no minimum density requirements but at a maximum density of the High-Density Residential zone of 16.8 – 24 dwellings units per acre.

**FINDING:** The proposed amendments would not decrease the supply of needed housing within Sherwood and therefore meets the intent of Goal 10, Housing.

#### **Goal 11: Public Facilities and Services**

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

**FINDING:** The proposed amendments do not affect public facilities and services.

**Goal 12: Transportation**

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

**FINDING:** The City has an adopted Transportation System Plan (TSP) and the proposed amendments are not applicable. New development will be reviewed for consistency with the City's TSP when submittal for a land use application is received.

**Goal 13: Energy**

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

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

**Goal 14: Urbanization**

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

**FINDING:** The proposed amendments would affect new residential mixed-use development within all commercially zoned areas in Sherwood, land considered urbanizable. The proposed amendments are consistent with the City's Comprehensive Plan and, therefore, this goal.

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

**Goal 15: Willamette River Greenway,**

**Goal 16: Estuarine Resources,**

**Goal 17: Coastal Shorelands,**

**Goal 18: Beaches and Dunes; and**

**Goal 19: Ocean Resources**

***Metro's Regional Framework Plan***

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

1. People live, work, and play in vibrant communities where their everyday needs are easily accessible.
2. Current and future residents benefit from the region's sustained economic competitiveness and prosperity.
3. People have safe and reliable transportation choices that enhance their quality of life.

4. The region is a leader in minimizing contributions to global warming.
5. Current and future generations enjoy clean air, clean water, and healthy ecosystems.
6. The benefits and burdens of growth and change are distributed equitably.

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

### **SZCDC Review Criteria 16.80.030.C – Transportation Planning Rule Consistency**

**FINDING:** This amendment does not impact the state Transportation Planning Rule. The proposed amendment, as stated above, does not affect the City's Transportation Systems Plan. New development will be reviewed for transportation impacts at the time of submittal of a land use application.

### **V. RECOMMENDATION**

As proposed, the draft amendments to Chapter 16.22, Commercial Land Use Districts, 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 text amendments to Chapter 16.22, Commercial Land Use Districts, Case File LU 2021-011-PA, to the Sherwood City Council.

### **VI. EXHIBITS**

- A. Proposed Code Amendments to Chapters §16.22 of the Sherwood Zoning and Community Development Code (Track Changes)

### Exhibit A

#### Planning Land Use Case File 2021-011 PA

Sherwood Zoning and Community Development Code text amendments to Commercial Zoning Districts Use Table, 16.22.020 creating new standards for multi-family housing within all commercial zones.

~~**Bold Strikethrough**~~ = Text to be deleted from Commercial Zoning Districts Use Table 16.22.020.

***Bold Italic*** = Proposed new text in Commercial Zoning Districts Use Table 16.22.020.

Commercial Zoning Districts Use Table, 16.22.020

	OC	NC <sup>1</sup>	RC	GC
<b>RESIDENTIAL</b>				
<ul style="list-style-type: none"> <li><del>Multi-family housing, subject to the dimensional requirements of the High-Density Residential (HDR) zone in 16.12.030 when located on the upper floors, in the rear of, or otherwise clearly secondary to commercial buildings.<sup>2,3</sup></del></li> </ul>	P	P	P	P

~~<sup>2</sup>The 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.~~

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

Commercial Zoning District Use Table, 16.22.022

	OC	NC <sup>1</sup>	RC	GC
<b>RESIDENTIAL</b>				
<ul style="list-style-type: none"> <li>Multi-family housing, <b><i>subject to all of the following:</i></b> <ol style="list-style-type: none"> <li><b><i>Multi-family housing is only permitted on one or more of the upper floors of a building when a non-residential use that is permitted in the underlying zone is located on the ground floor.</i></b></li> <li><b><i>Site plan review process in section 16.90.020.D.6.</i></b></li> </ol> </li> </ul>	P	P	P	P

<p><b>3. Maximum density limits of the High Density Residential (HDR) zone.</b></p> <p><b>4. Dimensional standards of the underlying zone.</b></p> <p><b>5. The ground floor must have an interior height of not less than 14 feet measured from the entry level finished floor to the bottom of the structural members of the floor above.</b></p> <p><b>6. If a structure is within 100 feet of a residential zone, the height limits of the HDR zone shall apply.</b></p> <p><b>7. A building with multi-family housing is limited to two stairwells that can be entered from the outside of the building.</b></p> <p><b>8. The required parking for the multi-family housing use shall be in addition to the minimum required for the commercial use(s).</b></p>				
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**ORDINANCE 2021-008**

**AMENDING SECTIONS OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE TO MODIFY STANDARDS FOR RESIDENTIAL USES IN COMMERCIAL LAND USE DISTRICTS**

**WHEREAS**, under the current Sherwood Zoning and Community Development Code, all commercial land use districts allow for residential uses within certain parameters; and

**WHEREAS**, at a work session on April 27, 2021, both the Planning Commission and City Council found the current code language vague and problematic; and

**WHEREAS**, there was consensus that the standards in this section need to be clear and objective and ensure that commercial uses are provided for and protected; and

**WHEREAS**, at its meeting on July 27, 2021, the Planning Commission conducted a public hearing, considered proposed amendments to modify the standards for residential uses in commercial land use districts, and recommended that the City Council adopt the proposed amendments; and

**WHEREAS**, the City Council held a public hearing on the proposed amendments on September 7, 2021.

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

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

**Section 2.** The proposed amendments to Chapter 16.22 (Commercial Land Use Districts) in Exhibit B, attached to this Ordinance, are hereby **APPROVED**.

**Section 3.** This Ordinance shall become effective 30 days from its adoption

**Duly passed by the City Council this 7<sup>th</sup> day of September, 2021.**

\_\_\_\_\_  
Keith Mays, Mayor

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

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

## Exhibit B

### Planning Land Use Case File 2021-011 PA

Sherwood Zoning and Community Development Code text amendments to Commercial Zoning Districts Use Table, 16.22.020 creating new standards for multi-family housing within all commercial zones.

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#### Commercial Zoning District Use Table, 16.22.022

	OC	NC <sup>1</sup>	RC	GC
<b>RESIDENTIAL</b>				
<ul style="list-style-type: none"> <li>• Multi-family housing, <i>subject to all of the following:</i> <ol style="list-style-type: none"> <li>1. <i>Multi-family housing is only permitted on one or more of the upper floors of a building when a non-residential use that is permitted in the underlying zone is located on the ground floor.</i></li> <li>2. <i>Site plan review process in section 16.90.020.D.6.</i></li> <li>3. <i>Maximum density limits of the High Density Residential (HDR) zone.</i></li> <li>4. <i>Dimensional standards of the underlying zone.</i></li> <li>5. <i>The ground floor must have an interior height of not less than 14 feet measured from the entry level finished floor to the bottom of the structural members of the floor above.</i></li> <li>6. <i>If a structure is within 100 feet of a residential zone, the height limits of the HDR zone shall apply.</i></li> <li>7. <i>A building with multi-family housing is limited to two stairwells that can be entered from the outside of the building.</i></li> <li>8. <i>The required parking for the multi-family housing use shall be in addition to the minimum required for the commercial use(s).</i></li> </ol> </li> </ul>	P	P	P	P