



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, March 2, 2021

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

6:15 pm City Council & Planning Commission Joint Work Session

7:00 pm City Council Regular Meeting

City Council Executive Session
(ORS 192.660(2)(f), Exempt Public Records)

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



6:15 PM COUNCIL WORK SESSION – JOINT PLANNING COMMISSION

1. **Comprehensive Plan Update**
(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 February 16, 2021 City Council meeting Minutes (Sylvia Murphy, City Recorder)

6. CITIZEN COMMENTS

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

7. PRESENTATION

A. Recognition of Eagle Scout Award Recipients (Mayor Mays)

8. NEW BUSINESS

A. Resolution 2021-014, Approving Sherwood Police Department Policy Updates - March 2021
(Jeff Groth, Police Chief)

9. 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 Hearing)
(Erika Palmer, Planning Manager)

AGENDA

SHERWOOD CITY COUNCIL March 2, 2021

**6:15 pm City Council & Planning
Commission Joint Work Session**

7:00 pm City Council Regular Meeting

**City Council Executive Session
(ORS 192.660(2)(f), Exempt Public Records)**

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- B. Ordinance 2021-001, Accepting the Addendum to the Sherwood Brookman Concept Plan and adopting the associated amendments to the City's Transportation System Plan (*First Hearing*)**
(Erika Palmer, Planning Manager)

10. CITY MANAGER REPORT

11. COUNCIL ANNOUNCEMENTS

12. ADJOURN TO EXECUTIVE SESSION

- A. ORS 192.660(2)(f), Exempt Public Records** (Josh Soper, City Attorney)

13. ADJOURN

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

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



SHERWOOD CITY COUNCIL MEETING MINUTES

22560 SW Pine St., Sherwood, Or

Pursuant to House Bill 4212 (2020), this meeting will be conducted electronically and will be live streamed at

<https://www.youtube.com/user/CityofSherwood>

February 16, 2021

WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the work session to order at 5:32 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Renee Brouse, Kim Young, Sean Garland, and Russell Griffin.
3. **STAFF PRESENT:** City Manager Joe Gall, City Attorney Josh Soper, Finance Director David Bodway, Public Works Director Craig Sheldon, Community Services Director Kristen Switzer, Community Development Director Julia Hajduk, HR Manager Christina Jones, Planning Manager Erika Palmer, and City Recorder Sylvia Murphy.

PLANNING COMMISSION PRESENT (for topic 4.B): Chair Jean Simson, Vice Chair Justin Kai, Rick Woidyla, Mike Harsch, Taylor Giles, and Dan Bantz.

4. TOPICS

A. Pedestrian Crosswalk Standards

Mayor Mays explained that he had requested this topic be discussed via a work session. Community Development Director Julia Hajduk explained that this work session would be the start of the conversation and she and City Engineer Bob Galati were seeking Council feedback and questions. She presented the "Pedestrian Crosswalk Standards" PowerPoint presentation (see record, Exhibit A) and explained that this work session would discuss crosswalk design considerations with an emphasis on signalized crosswalks and explain the factors that were considered in sidewalk design. She recapped the three types of crosswalks on page 3 of the presentation and explained that per Oregon law, any intersection was a legal pedestrian crossing unless otherwise marked and were categorized as "Unsignalized/Unmarked." "Unsignalized/Marked" crosswalks could be at an intersection or midblock, and the decision to mark as a crosswalk was based on both traffic volumes, traffic speeds, anticipated pedestrian volumes and physical characteristics of the roadway. She explained that midblock crossings always required traffic engineering review to confirm it was appropriate and safe. Decisions for signalized crosswalk required signal warrants, on-demand Rectangular Rapid Flashing Beacon, or full traffic control (traffic signal). City Manager Joe Gall asked for the definition of a "signal warrant." Ms. Hajduk replied a warrant signal was when a signal was warranted. City Engineer Galati explained that a signal warrant was a process by which you compared the operational parameters of the system that

you were designing for and it had to meet a certain baseline system level before it would be acceptable to implement the signal. He provided the example of a signalized intersection that was a four-way stop with signals with pedestrian crossings included in the signal, and stated it had to meet signal warrants. There was no condition under which a pedestrian crossing would be exempt from a signal warrant, other than a school crossing because it was a temporary system. Mid-block crossings had to meet the criteria that would warrant a mid-block crossing, and there was no such thing as a signalized crossing that was strictly for pedestrians that did not meet signal warrants. Council President Rosener asked if Council could dictate that a signalized crossing be installed at any intersection and pass a resolution to make it happen without a warrant? City Engineer Galati replied that that was possible as long as it was not a RRFB signal. Council President Rosener clarified that he was asking if there was a statute or code that mandated that signalized crossings had to meet certain standards, or could Councils choose to put a signalized crossing in where they chose? Community Development Director Hajduk asked if he meant a pedestrian-only signal or a vehicle signal? Council President Rosener replied he meant pedestrian-only. Ms. Hajduk replied it was her understanding that it had to meet warrants. City Engineer Galati replied that was correct and added that if the crossing was pedestrian-only, it had to meet warrants, per State OAR and federal code. He explained that regulating where signalized pedestrian-only crossings were installed prevented safety issues that would arise if their placements were unregulated. Ms. Hajduk recapped that crosswalk designs (signalized or unsignalized) were regulated by federal and state design requirements, there were no specific design detail for crossings in Sherwood's design manual, design was predicated on compliance with federal and state regulations, determination of when/where a mid-block RRFB or other signalized crossing was appropriate. They were based on warrants that looked at traffic volumes, traffic speeds, sight distance, existing road conditions/design, exact design needs for crossings varied based on the warrant analysis, and the City utilized their on-call traffic consultant to provide design for new crossings. She provided an overview of the federal, state and other design regulations for crosswalks on pages 5-7 of the presentation. Mr. Galati clarified that the ADAAG (Americans with Disabilities Act Accountability Guidelines) were strictly for the ramps and how the parameters were established for the design of the construction of pedestrian ramps. He explained that PROWAG was how you addressed ADAAG space requirements. He explained that the RRFB systems had been around for a long time but are only allowed under certain conditions dictated by the Federal Highway Administration and commented that the City needed to get State approval before implementing them. The Manual of Uniform Traffic Control Devices was what cities, counties, and the State followed for their signal and signage guidelines. He explained that if a city wanted to deviate from the MUTCD, they had to provide an analysis that showed that what the city was proposing would work. Mr. Galati clarified that the Oregon Supplements to the MUTCD added slight modifications that had been approved by the Federal Highway Administration in order to maintain current traffic laws in Oregon and reported all of the documents cited on pages 5-7 of the presentation had been adopted in the City's standards manual. Ms. Hajduk reviewed the formula the City used to make decisions regarding sidewalks on page 8 of the presentation.

Mayor Mays clarified that he brought this topic up for discussion because he did not like the RRFB crossings and stated he felt they were dangerous to pedestrians because they gave a false sense of security. He stated he was in favor of either making the current RRFB crossings into signaled crossings, or installing a stop sign, or nothing at all. He commented that the Langer Farms Parkway RRFB crossing should be a signalized crossing and wanted information on how to make that possible. Councilor Young commented regarding a recent police sting operation and asked to know the results of that operation, and commented she was not a fan of the Langer Farms Parkway intersection as it caused a lot of confusion for pedestrians and drivers. Councilor Griffin asked if there was any data to

indicate that RRFB crossings were unsafe? Ms. Hajduk replied that RRFB crossings were technically safe in that they had met the federal and state design standards and commented she would get the results of the recent sting operation. Councilor Scott commented regarding the signage at the Langer Farms Parkway crossing and stated the signage was confusing and counterintuitive because it had a miniature stop sign on the sign. Council President Rosener remarked that he agreed that the signage was confusing and was designed to save money instead of installing a stop light over the road, and commented he was in favor of installing a lighted signal at that intersection. Councilor Garland remarked that there was also the risk of driver/pedestrian confusion when there were no stop signs and commented that if there was going to be a review of the Langer Farms Parkway intersection, a larger city-wide review of crosswalks may also be necessary and that a one-size-fits-all approach to crosswalks was not necessarily appropriate. Ms. Hajduk clarified that she believed a full signalized intersection near the Walmart entrance was probably not possible given the proximity to the Tualatin Sherwood Road intersection, and they had looked into a signalized crossing when development began, and reported she would look into it further. Mayor Mays interjected that he believed that it was possible given the signaled intersection at Borchers and Edy. Council President Rosener asked that the RRFB style crossings and other crossing types be reviewed further as the City grew and went forward. Ms. Hajduk thanked Council for their feedback and stated that she would research and bring her findings back to Council at a later date. Mayor Mays asked that she also investigate whether warrants were required for all projects or just projects where you could require a development to be put in.

B. Brookman Area Refinement Plan (Joint Planning Commission Work Session Topic)

Planning Manager Erika Palmer presented the “Brookman Addition Concept Plan Refinement” PowerPoint presentation (see record, Exhibit B) and recapped that this work session was to review the Brookman Addition Concept Plan and complete a review of the Planning Commission’s recommendations. She provided background on the Brookman Addition Concept Plan and explained that when the plan was adopted, Brookman Road was classified as a Three-Lane Local Collector and the intersection at Highway 99W was shifted to the north due to the potential I-5 Connector project that would have been located south of Brookman Road. She explained that since that time, the I-5 Connector project had not proceeded, Washington County had changed the Brookman Road classification to a Five-Lane Arterial, and Sherwood had updated its TSP to reflect the change. She summarized that the refinement project sought to answer the following questions and concerns:

- Was the alignment still the best option/necessary?
- Properties that had available services were beginning to annex and develop and the City and County need to develop a cross-section suitable for an interim Three-Lane Arterial and to evaluate its alignment with Highway 99W.
- Due to its classification change, there was concern that the land uses assumed on the western portion of the area may not be appropriate any longer due to access spacing.

Ms. Palmer recapped that at the previous work session in December 2020, there was concerns regarding retaining the existing alignment and widening to five lanes and if that would allow for proper spacing from the NW Natural facility, if five lanes were possible with an over/under crossing, concerns regarding the scope of the project not including the ability to consider zone changes, and questions regarding the impacts to neighborhoods with a realignment. She recapped the issues/concerns and staff responses on pages 5-7 of the presentation. She outlined the project timeline and key dates on page 8 of the presentation and reported that both Council public hearings for the plan were scheduled for March 2021, and March 31, 2021 was the deadline to complete the project per the City’s IGA with Metro. She reported that in the fall of 2019, they had held stakeholder meetings regarding Brookman

Road. Feedback from the stakeholder meetings communicated that Brookman Road did not feel safe, the future design should accommodate growth but not be overbuilt, the road should be safe for all users, the road should maintain a scenic aesthetic, speeds should be reduced, and Brookman Road should connect to the rest of the City in a meaningful way. She reviewed the three alignment options and preferred design alternatives on pages 12-13 of the presentation and explained that the preferred interim design was a Three-Lane Transitional road with a total ROW of 60 feet and the long term design for Brookman Road was a Five-Lane Arterial road with a total ROW of 96 feet. She explained that the approved subdivisions adjacent to Brookman Road were required to dedicate additional ROW to provide 53 feet from the centerline of Brookman to ensure future ROW for a Five-Lane Arterial. She reported that there were no red flags regarding the zoning for the Western Sub-Area of Brookman and explained that the current alignment did not impact the future zoning designations and reported that traffic calming measures were included in the plan. She commented that the Planning Commission would like the High Density Residential rezoned to a lower residential density designation. She provided an overview of the Central Sub-Area and Eastern Sub-Area of Brookman on pages 16-17 of the presentation. Ms. Palmer recapped that the short-term recommendation was to construct a Three-Lane Transitional road and the long-term recommendation was to preserve the ROW for a future Five-Lane facility. She reported that there was a community aspiration for a grade separated crossing between Brookman and Sherwood West and explained that it was feasible based on feedback provided from agency partners but would require additional analysis. She reported that a comprehensive study of a crossing to connect Brookman and Sherwood West was needed and was to be coordinated with agency partners. It would also identify the project in the City's TSP and would include cost estimates and funding strategies for the crossing. Ms. Palmer recapped the work that was still needed and outlined that a re-look at the zoning of the western segment of Brookman Road was needed, an exploration of a grade separated crossing in the Brookman/Sherwood West area, a speed study, and the City would continue to work with Washington County on safety improvements.

Mayor Mays commented that he was not interested in changing the west end of Brookman based on the information that was available at this time and asked if there was a timeline for when the interim road would be built? Ms. Palmer replied there was no timeline for the construction of the interim road. Council President Rosener commented that it was important to look into a grade separated crossing in order to get the crossing into the City's TSP. Planning Commission Chair Jean Simson asked Mayor Mays to clarify what he meant when he said he was not interested in changing the west end of Brookman Road. Mayor Mays clarified that because of the missing data on what was and was not possible with a grade separated crossing, he felt it would be easier to stay with the current Master Plan on the west end because it would avoid the natural gas pipeline. Chair Simson explained that the Master Plan had Brookman Road connecting very closely to a high-density residential area. In the original Concept Plan she believed that people anticipated that the high-density residential would access Brookman and go straight onto Highway 99W and if the roads moved south, back to the original alignment, then she felt that that would provide for the high-density residential traffic to cut through north through the Middleton area. She explained that she was concerned that the stakeholder comments were from people in the Brookman area or within 1,000 feet of it, and residents of the Middleton cut through area and Sunset area were not a part of that conversation. She commented she appreciated that staff would review traffic calming measures to ensure the livability for residents in the north as projects went through. Commissioner Taylor Giles asked Mayor Mays for clarification on his comments regarding changing the connecting points of Brookman and asked if he had an issue with the connecting points of Brookman on the Ladd Hill side? Mayor Mays replied he had no issue with the Ladd Hill connection points. Councilor Scott referred to NW Natural's previous feedback approving the

proximity of the road to the gas line and commented that a firmer resolution on that section of road was needed. He commented he also had concerns regarding the zoning for the Brookman Road realignment and needed to be further reviewed since the original zoning for the area was put into place 12-13 years ago. Ms. Hajduk asked about the status of the letter the City was requesting from NW Natural regarding the road's proximity to the pipeline. Planning Manager Palmer replied that the City had reached out to NW Natural for written comment and she expected written comment to be received prior to the first public hearing on March 2nd. Ms. Hajduk clarified that if Council did not want to change the alignment, Brookman Road would remain a Five-Lane Arterial. Mayor Mays commented that based on the available information, he felt that retaining the Five-Lane Arterial was the only reasonable option. Mayor Mays asked if the Metro funding would be forfeited if the City missed the IGA deadline? Planning Manager Palmer replied she would investigate what the exact penalties would be with Metro staff. Council President Rosener stated he agreed that the zoning for the area needed to be reviewed as well as improved safety along the road with incoming development. He stated he agreed with the Mayor regarding not changing the alignment. Mayor Mays commented that there were too many unknowns about the west end for him to be in favor of supporting a change until more work was completed. He stated he did not want to alter the Concept Plan on the west end in order to meet the deadline, which would allow for more work to be completed as time went on. Councilor Griffin asked if Metro would grant an extension in order to allow City staff to investigate other options because of the importance of the west end and how it would interface with future Sherwood West areas. Council President Rosener asked for a review of how Brookman would align through Sherwood West out towards Hillsboro given the conversations with the County regarding pushing traffic off Elwert and further south around town. Commissioner Dan Bantz commented regarding zoning and referred to the impacts of HB 2001 and commented that more consideration for future street placement was needed due to the impacts of increased population and zoning. Councilor Griffin asked where the natural gas pipeline was located? Mayor Mays replied the pipe ran south of the road and went under Highway 99W, in front of the Baptist church, and behind the new high school. Mayor Mays asked if Council was happy with Option 3 for the Eastside alignment? Councilor Garland commented it was better than the current alignment. Ms. Hajduk stated she and Planning Manager Palmer would speak with Metro regarding the idea of a deadline extension and explained if an extension was not possible, she planned for the Brookman Area Concept Plan to include more information about the cross section and eastern end, and planned to leave the west end as it was with a footnote that stated west end options were still being explored. She explained that by doing so, they would likely be able to meet the Metro deadline. Mayor Mays stated he did not want to vacillate between west end alignment options just to meet the Metro deadline because that was not fair to property owners and stated he wanted to stick with the existing alignment until there was enough data to make a decision. Commissioner Mike Harsch stated he agreed with Mayor Mays that doing the least impactful alignment to property owners was important. Commissioner Rick Woidyla asked if there were issues with the Option 2 alignment and its impacts for access to the road based off ODOT requirements? Councilor Scott replied that at one point in time, ODOT would only allow right in/right out from Brookman, but that was no longer an issue as it was approved to be signalized. Planning Manager Palmer stated that was correct. City Manager Joe Gall commented that Mayor Mays' suggested alternative was the best way forward as well as continuing to work with Metro to determine the potential penalties of missing the deadline and procuring the letter from NW Natural regarding the natural gas pipeline. Mayor Mays asked if the City had received a similar letter from ODOT Rail? Ms. Palmer replied that both ODOT Rail and ODOT Region were working on a combined letter of comments. Councilor Griffin asked regarding the east end alignment options and asked if grade had affected the available options? Ms. Palmer replied that the City had reviewed the grade, cut and fill, placement, preferred alignment, and the impacts and confirmed that the grade had been the driving

factor in the placement of the alignment options. Mayor Mays asked for a cost estimate for the construction of the straight portion of Brookman Road as a temporary road because the cost would impact the timing of the project? Ms. Hajduk replied she would investigate the estimated costs and give that information to Council. Mayor Mays asked if Brookman Road was included when Washington County completed their creative financing for high-growth areas? Ms. Hajduk replied that Brookman Road was not included as there was not much development occurring in the area at the time. She explained that she would need to speak with the County in order to determine if there was any appetite for the County to complete another round of calculations. Mayor Mays thanked the Planning Commission for their time and hard work.

5. RECESSED:

Mayor Mays recessed the work session at 6:50 pm and convened a regular session.

REGULAR SESSION

- 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, Renee Brouse, Kim Young, Sean Garland, and Russell Griffin.
- 3. STAFF PRESENT:** City Manager Joe Gall, City Attorney Josh Soper, IT Director Brad Crawford, Community Development Director Julia Hajduk, Police Chief Jeff Groth, Finance Director David Bodway, Public Works Director Craig Sheldon, Community Services Director Kristen Switzer, Economic Development Manager Bruce Coleman, HR Manager Christina Jones, and City Recorder Sylvia Murphy.

4. APPROVAL OF AGENDA:

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

Mayor Mays addressed the next agenda item.

5. CONSENT AGENDA:

- A. Approval of February 2, 2021 City Council meeting Minutes**
- B. Resolution 2021-011 Authorizing the City Manager to execute a contract amendment for the Rock Creek Sanitary Sewer Upsizing Project Phase 1**
- C. Resolution 2021-012 Appointing the Budget Officer for Fiscal Year 2021-22**

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

Mayor Mays addressed the next agenda item.

6. CITIZEN COMMENTS:

The City Recorder reported that Julie Nader had provided written comments regarding the billboards along Highway 99W and read the comments aloud and stated that the email would be included in the meeting record. Mayor Mays thanked Ms. Nader for her letter.

Mayor Mays addressed the next agenda item.

7. NEW BUSINESS

A. Resolution 2021-013 Authorizing the City Manager to Sign a Contract Amendment with Washington County on behalf of Washington County Cooperative Library Services (WCCLS) to Extend the Public Library Services Agreement and Information Services Network Agreement

Community Development Director Kristen Switzer stated that the proposed resolution would extend the Library Services Agreement and Information Services Agreement with WCCLS until June 30, 2022. She explained that the extension would give the executive board time to review and evaluate the current IGA and distribution formula and make recommendations to future IGAs. She reported that a new IGA was expected to be complete by February 2022 that would be used for the remainder of the five-year levy cycle that expired in June 2026. Councilor Scott asked Ms. Switzer to explain why an extension was needed. Ms. Switzer explained that the City had had an IGA with WCCLS for a number of years, and they often extended the IGA for the length of the levy cycle, but this time they wanted to review the IGA and potentially make adjustments to the IGA, which would require more time to complete. Mayor Mays commented he felt it was more appropriate to adjust the funding formula in advance of renewing a levy, not after a levy was approved, and commented he was concerned about the approach the WCCLS was taking. Ms. Switzer responded that it was her understanding that there would be no adjustments that would reduce the amount the City would receive and it was guaranteed to receive at least the same percentage that was agreed upon, and the adjustments would focus on how Pool 2 funds were distributed. City Manager Joe Gall commented that by reviewing the IGA, it would ensure that the IGA was suitable. Mayor Mays commented his biggest concern was the City losing revenue. City Manager Gall replied that anything was possible when a funding formula was reviewed, but he believed it was unlikely that the City would lose funds. Discussion regarding potential future fund distributions occurred. Councilor Scott asked for clarification between Ms. Switzer's statement saying it was guaranteed the City would not lose any funding and Mr. Gall's statement of "anything was possible." Mr. Gall clarified that new funding could occur during the new five-year IGA, but not within the next year. Councilor Scott clarified he meant the next IGA period, not the current IGA. Mayor Mays remarked that he felt that any changes should impact the next levy. Council President Rosener commented that he had the same concerns and explained that the majority of the Sherwood Library's funding came from the WCCLS, and if that amount was reduced, the City would have to pay the difference. Council President Rosener and Councilor Young commented that they agreed with Mayor Mays' concerns. Councilor Griffin asked why the WCCLS was doing this review now? City Manager Gall explained that the current agreement would end on June 30, 2021. Council President Rosener asked why the formula needed to be reviewed now? Mr. Gall replied that they were not reviewing the formula now and explained that the WCCLS wished to keep the formula as it was and to extend the IGA one year to look at the future levy. In the future levy, there could be changes, but there would not be changes during this levy. Mayor Mays stated that the levy had recently been renewed under the old formula for five years. Ms. Switzer stated that was correct

and clarified that the amount of money collected from taxpayers would not be impacted and explained that there was more to the IGA than the funding formula. She reported that in years past, WCCLS had changed the formula in the middle of IGAs to review distribution and commented that this was an opportunity for each city to weigh-in by members of the executive board. Mayor Mays stated that he would like a follow up resolution in March 2021 that explained that the City expected no change on the amount of funding it would receive until the next levy. Council President Rosener stated it was important to make the City's position on this known to the WCCLS. With no further comments, the following motion was stated.

MOTION: FROM COUNCILOR BROUSE TO ADOPT RESOLUTION 2021-013 AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT AMENDMENT WITH WASHINGTON COUNTY ON BEHALF OF WASHINGTON COUNTY COOPERATIVE LIBRARY SERVICES (WCCLS) TO EXTEND THE PUBLIC LIBRARY SERVICES AGREEMENT AND INFORMATION SERVICES NETWORK AGREEMENT. SECONDED BY COUNCILOR GARLAND. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

8. CITY MANAGER REPORT:

City Manager Joe Gall commented regarding the recent inclement weather and stated that Sherwood had fared relatively well compared to other cities thanks to Public Works Director Craig Sheldon and the Public Works staff. Mr. Sheldon reported that the City had spent roughly \$18,000 on plowing and de-icing, and getting City facilities prepared for each day, and they had also helped deliver meals to seniors. He reported that an arborist was scheduled to evaluate the trees for their overall health the following week and he estimated that the City would likely remove 100-125 yards of trees based on the arborist's evaluation, and explained they would be chipped at the Public Works facility to help lower the cost of disposal. He reported that he expected Public Works crews to complete their street work by Wednesday, after which they would move onto the parks and trail system. He explained that the City of Aurora's wells went down last Thursday, and the City of Sherwood supplied them with a larger generator it had on-hand, as it was a regional asset. City Manager Gall asked Mr. Sheldon to explain what a "regional asset" was. Mr. Sheldon explained that because the City was the one to store the generator, the City got to use it. He reported that the generator was purchased through grants years ago when the Emergency Management position existed within the City. Mayor Mays gave his kudos to Mr. Sheldon and the Public Works crew for their work during the winter storm and helping the City of Aurora. Mr. Sheldon commented he forecasted the cost of storm preparations and cleanup would be under \$50,000. Discussion regarding the storm's impact on garbage pickup occurred. Council President Rosener asked that Mr. Gall work with Pride Disposal on a social media message regarding the revised pickup schedule and number of allotted garbage bags Pride would pick up at no extra charge due to the winter storm. Mr. Gall replied that the City had been posting Pride's statements, but he would make it clear that there would not be an extra charge for additional bags.

Mayor Mays addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS:

Councilor Griffin reported there would be a joint work session with the Planning Commission to discuss the fifth block of the Comprehensive Plan Update on March 2nd. The Parks and Recreation Master Plan would have its first public hearing on March 16th. He gave his kudos to Mr. Sheldon and the Public Works crew for their work during the winter storm and Sherwood citizens for helping their neighbors.

Councilor Young explained that the funding from the Community Development Block Grant would go towards community action for eviction prevention, the Forest Grove Foundation which focused on rural homelessness, the Good Neighbor Center would receive funds for their work-to-housing program, and St. Vincent de Paul St. Anthony's rent and utilities assistance program. Funds for the home portion of the CDBG went to two affordable housing programs based in Tigard and Tualatin.

Councilor Scott reported that the Parks and Recreation Master Plan would be heard by the Planning Commission on February 23rd.

Councilor Brouse thanked Councilor Young for her work on the CDBG and Public Works Director Craig Sheldon and the Public Works crew for their work during the winter storm. She reported on the Senior Advisory Board meeting where they heard a presentation by library staff about some of the senior programs they offered.

Councilor Garland reported on his attendance on the Cultural Arts Commission and Willamette Intake Facility meetings. He reported that Washington County had moved from the "Extreme Risk" category to the "High Risk" category for COVID-19 precautions.

Council President Rosener reported on his attendance at the Willamette River Water Coalition meeting and the Special District Association of Oregon's annual meeting as a representative of the WRWC. He reported that in August, Mayor Mays had asked him to serve on a group working on getting a levy on the Washington County ballot that would help raise money to offer after school programs for kids. He explained that the levy was defeated because there was little regional outreach about what the program would look like and because people were concerned that the funding would come from the city-side tax structure instead of the school-side tax structure. He explained the group was working on determining if there was regional interest in getting something on the November ballot. He urged community members to keep up the good work on getting COVID-19 cases down. He gave his kudos to Mr. Sheldon and the Public Works crew for their work during the winter storm.

Mayor Mays urged those eligible to receive a COVID-19 vaccine, to do so. He reported that City Council's annual goal setting work session would be held on February 20th at the Arts Center. He reported that the LOC board meetings were canceled due to power outages caused by the winter storm. He gave his kudos to Mr. Sheldon and the Public Works crew for their work during the winter storm and Sherwood citizens for helping their neighbors.

10. ADJOURN:

Mayor Mays adjourned the regular session at 7:40 pm and reconvened a work session.

WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the work session to order at 7:42 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 Joe Gall, City Attorney Josh Soper, IT Director Brad Crawford, Community Development Director Julia Hajduk, Police Chief Jeff Groth, Finance Director David Bodway, Public Works Director Craig Sheldon, Community Services Director Kristen Switzer, Economic Development Manager Bruce Coleman, HR Manager Christina Jones, and City Recorder Sylvia Murphy.

GUESTS: Oregon State Representative Courtney Neron and CFM representative Tess Milio.

4. TOPICS

A. Discussion with State Representative Courtney Neron

City Manager Joe Gall explained that this was a good opportunity to hear directly from and have a conversation with our state representative and recapped that the City was using the services of a lobbying firm to advocate for the City. Representative Neron explained that she was the state representative for House District 26, which included communities from Wilsonville to Hillsboro along the Urban Growth Boundary. She reported that this was her second two-year term and was entering her second long session. She explained that long sessions occurred in odd-numbered years for six months from January to June. She reported that the legislative priorities for this session were centered around the COVID-19 response, wildfire response, economic recovery, and DEI (diversity, equity, and inclusion) work to address systemic, institutional racism. She commented regarding school closures due to the COVID-19 pandemic and stated she hoped to be able to open schools safely soon for those who felt safe attending. She commented that protecting vulnerable Oregonians by ensuring people were housed, supporting essential workers as the state recovered from the pandemic, and connecting residents to unemployment insurance were all a priority. She referred to her committee work and commented that she had been advocating for more attention to early childhood issues such as the childcare crisis in Oregon. She reported she was the Vice Chair of the Education Committee and looked forward to supporting the Chair in her vision to have student-centered and equity-centered policies. She reported she served on the Housing Committee, School Safety Task Force, Fire Service Council, the Gender Responsiveness Committee in the Department of Corrections work group, and a behavioral health and education work group. She recapped that for early childhood education, she was focused on a safe return to classrooms as soon as possible. In the childcare reform area, House Bill 2503 was her bill to reform the State's employment related daycare in order to better serve families. She was seeking to extend the School Safety Task Force to review all hazards and build in an equity lens to ensure that historically underserved students felt served. The School Safety Task Force also sought to bring student voices into their processes, which included a Student Racial Justice Council that would help advise the Legislature and Governor's Office on policy changes, and a review of the disproportionate exclusionary discipline of BIPOC (black, indigenous, and people of color) youth. For behavioral and mental health care, she was focused on access to care that was culturally competent and linguistically diverse to help underserved populations. The Housing Committee addressed the pre-existing housing concerns and lack of housing crisis, which included the added impact of the COVID-19 pandemic. She explained that the issues that the Housing Committee would review were also

interconnected to the other areas state representatives were focusing on. She provided an overview of her bills, which included bills to address victims rights in domestic violence situations and sought to define “coercive control,” bills to invest in early literacy, bills to address unaccompanied homeless youth, bills to review equity and teacher testing to ensure that there was a diverse workforce in Oregon schools, bills to micro-credential mental health care providers in trauma, as well as changes to the Student Success Act relative to mental health. She explained she would be working with Washington County on zoning fixed for a property off Roy Rogers Road to address a section of road that was incorrectly zoned. Representative Neron explained she was also working on reviewing the cost of funding for court appointed special advocates for all children in foster care. She reported that she would continue her work on a bill that focused on brain injury documentation. She spoke on the specifics of District 26 and explained that there were many conversations about equitable housing, recycling legislation, wake sports on the Willamette River, the Aurora Airport Master Plan. District 26 conversations also included discussion on infrastructure investments throughout the region and commented that she was advocating for the pedestrian bridge as a top priority as well as the Boone Bridge. She explained that she was hoping to take the pedestrian bridge into its final phases of funding and enter the Boone Bridge into the next phase of funding, which was design and engineering of the I-5 crossing. She reported that both Clackamas and Washington Counties were having conversations about investing in improved courthouses to better serve their populations. She spoke on the pedestrian bridge and explained that in 2019, House Bill 5050 had pledged \$2 million in lottery funds that was in a budget note that ODOT would work with the City of Sherwood and report to a joint Ways and Means Committee in the 2020 session, where the final funding request for the balance of the project would be determined. She explained that the 2020 session finished early and, combined with the COVID-19 economic recovery challenges, all lottery projects were paused for the time being. She stated she would fight for bridge funding again and commented she hoped that the State would come through with the final investment. She encouraged District 26 residents to reach out to her office with their ideas and concerns. She reported that the long session would be held virtually, which came with challenges for access, and commented that she hoped that that would change as vaccination numbers improved. She explained that access points for the legislative process were being provided by OLIS (Oregon Legislative Information System).

Mayor Mays thanked Representative Neron for taking the time to meet with Council and asked how many bills she predicted would be voted on the floor? Representative Neron replied that she believed the number would be in the hundreds and commented that the process was slower due to the pandemic and the Legislature wanted to do things as transparently as possible. Mayor Mays commented that he had not heard that Boone Bridge may need to be replaced. Representative Neron explained that that information was in an ODOT report that had been published two to three weeks ago. She reported that they originally thought it would cost \$80-120 million to seismically retrofit the bridge, which included a capacity expansion. ODOT’s report indicated that rebuilding the bridge would cost closer to \$400-500 million, and the Legislature would be looking for a federal investment since it was a seismic issue. She reported that the current ask from the State was \$4 million for the design and engineering phase for the next step, and once that was complete, they would be able to complete their request for federal funding. Councilor Scott commented that he was concerned about the number of bills related to housing and education that removed local control and asked Representative Neron her thoughts on the trend of removing local control from city governments and what she would do to help guard against that. Representative Neron asked Councilor Scott to cite the specific bills that he was concerned about so she could investigate them further and hear his feedback on them as well. She explained that she was in constant conversation with local governments, city managers, and lobbyists

like CFM to help her understand the perspectives of all the cities she represented and welcomed any feedback they wished to provide. Councilor Scott enquired what Representative Neron's thoughts were on removing local control to pass very directive legislation from Salem that gave cities very little flexibility in certain areas? Representative Neron replied that it made sense to her to ask cities to partner with the state when it was a statewide issue that demanded a statewide response, and commented that it really came down to the individual issue. She commented on HB 2001 and stated many local cities had pushed back and felt there were too many imperfections in the bill, and explained they would still continue to address the items that needed to be worked on in the bill while also continuing to address the statewide housing need. Council President Rosener commented that cities needed partnerships and tools to help solve the missing middle housing issue that worked for individual communities, not one-size-fits-all mandates. Councilor Griffin asked given Representative Neron's experience as an educator, what grade she would give the process? Representative Neron replied she would want to complete a much more careful critique than applying a letter grade and commented that she felt there were strengths and weaknesses and they were always addressing the flaws in the system. She remarked she would give the process a "B" grade and clarified that there was still a lot of growth to be attained which included more bipartisanship outcome collaboration that did not accelerate in partnership over the course of a session and commented that she appreciated a thoughtful, deliberate process to pass and revisit legislation in order to better refine it. Councilor Young thanked Representative Neron for always being accessible to her constituents and local governments she represented and thanked her for her work on HB 2141 which appropriated money to the Oregon Department of Administrative Services for deposit in the Court Appointed Special Advocate Fund and distribution to CASA Volunteer Programs. Discussion regarding the CASA program occurred. Councilor Brouse asked if Representative Neron was looking more at accessibility or affordability or a combination of both regarding early childhood education. Representative Neron replied that her bill would pull the employment related daycare, which was the only childcare in the DHS program, and put it into the early learning division with all other childcare structures. She explained this would streamline the governance and it would pay providers by the fifth day of the month instead of 60-90 days after the service had been rendered. It would also address the slim profit margins for childcare providers, especially during the COVID-19 pandemic, and would set them up for partnerships where the child would be the one who qualified for childcare for one year, and not the parent's employment status. The bill would also cap the co-pay at 7% of income instead of the current 30-40% and would emphasize cultural competency and diverse providers. Councilor Garland commented on the increase in citizen involvement and the streaming of the legislative process/sessions due to the pandemic and asked Representative Neron the best ways for citizens to learn about upcoming bills and how to advocate for issues they feel strongly about and get involved. Representative Neron replied that she would hold an informational session that would have a trainer who would instruct people on how to use OLIS, how to get involved with local city-level government, and would also provide resources on how to reach out to local cities. She commented on state-level transparency and clarified that the legislative sessions had been filmed for many years and were available for public viewing. She remarked that she liked when her constituents wrote in to her office and stated that she needed to hear from people regarding specific legislation she was considering in the committees she served on and explained how to utilize OLIS to provide comment on specific bills. Mayor Mays asked CFM representative Tess Milio how virtual lobbying was going? Ms. Milio thanked Representative Neron for being so accessible and for her help advocating for the pedestrian bridge and missing middle housing. She commented on virtual lobbying and stated they were still able to connect and build on their preexisting relationships with legislators. Mayor Mays thanked Ms. Milio for her work helping advocate for the City.

5. ADJOURN:

Mayor Mays adjourned the work session at 8:40 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor

TO: Sherwood City Council

FROM: Jeff Groth, Police Chief

Through: Joseph Gall, ICMA-CM, City Manager, and Josh Soper, City Attorney

SUBJECT: Resolution 2021-014, Approving Sherwood Police Department Policy Updates - March 2021

Issue:

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

Background:

The Sherwood Police Department subscribes to Lexipol for its Police Department Policy System/Manual. That subscription includes, at a minimum, two (2) annual updates to the policy manual, generally in July and December every year. Updates also occur as a result of changes in case law, statutory changes and/or accepted best practices. Lexipol has been releasing a series of policy updates for the Sherwood Police Department Policy Manual as a result of the passage of multiple pieces of legislation by the Oregon Legislature. The March 2021 updates include a complete re-numbering of the policy manual so the numerical order makes more sense, several updates to statutory coding/numbering and changes to language/content.

The updates are as follows;

- Re-Numbering: At Lexipol's recommendation, the entire policy manual was re-numbered to eliminate blank chapters and create a more cohesive numerical order.
- 100-Law Enforcement Authority: this policy was updated by Lexipol to correct a statutory number reference and to replace the term "department" with "agency".
- 300-Use of Force: this policy was updated by Lexipol to correct several statutory number references, make improvements in language and to add additional new language regarding respiratory restraints.
- 307-Vehicle Pursuits: this policy was significantly updated by Sherwood Police Department Staff, with review and assistance by City Attorney Josh Soper, to improve language and add clarity regarding when to initiate and terminate pursuits and who can exercise control over pursuits. In short the updates make the policy more restrictive and add additional control and clarity.
- 431-Medical Aid and Response: this policy was updated by Lexipol to add language regarding the administration of Opioid overdose medication and to clarify the requirement to provide first aid training.
- 600-Investigation and Prosecution: this policy was updated by Lexipol to correct statutory number references and make language improvements.
- 806-Protected Information: this policy was updated by Lexipol to correct a statutory number reference.

- 1018-Fitness for Duty: this policy was updated by Lexipol to correct a statutory number reference.

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

These updates were reviewed by the Sherwood Police Advisory Board during their regular meeting on February 18, 2021. The Police Advisory Board recommends approval of the updates and resulting policies as attached.

Financial Impact:

No financial impact or additional funds needed by this resolution.

Recommendation:

Staff and the Sherwood Police Advisory Board respectfully recommend adoption of Resolution 2021-014 Approving Sherwood Police Department Policy Updates - March 2021.



RESOLUTION 2021-014

APPROVING SHERWOOD POLICE DEPARTMENT POLICY UPDATES - MARCH 2021

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

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

WHEREAS, the March 2021 police policy amendments contain updates to statutory number references, language improvements and re-numbering of the entire manual to eliminate blank chapters and create a more cohesive numerical order; and

WHEREAS, the Sherwood Police Advisory Board did review the March 2021 police policy amendments during their regular meeting on February 18, 2021 and recommends approval by the Sherwood City Council; and

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

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

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

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

Section 3. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 2nd of March, 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the City of Sherwood Police Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the City of Sherwood Police Department to limit its members to only exercise the authority granted to them by law.

While this agency recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This agency does not tolerate abuse of law enforcement authority.

100.3 PEACE OFFICER POWERS

Peace officers are granted authority by Oregon Revised Statutes to prevent and deter crime; arrest offenders; issue citations in lieu of custody; take custody of evidence of a crime, contraband or recovered stolen property; control the flow of traffic and preserve the peace and safety of the public.

Sworn members of this agency are peace officers pursuant to ORS 161.015. Peace officer authority extends to any place in the State of Oregon.

100.3.1 AUTHORITY TO ARREST

Pursuant to ORS 133.235:

- (a) A peace officer may arrest a person for a crime at any hour of any day or night.
- (b) A peace officer may arrest a person for a crime, pursuant to ORS 133.310(1), whether or not such crime was committed within the geographical area of the peace officer's employment, and the peace officer may make the arrest within the state, regardless of the situs of the offense.
- (c) The peace officer shall inform the person to be arrested of the peace officer's authority and reason for the arrest, and, if the arrest is under a warrant, shall show the warrant, unless the peace officer encounters physical resistance, flight, or other factors rendering this procedure impracticable, in which case the arresting peace officer shall inform the arrested person and show the warrant, if any, as soon as practicable.
- (d) In order to make an arrest, a peace officer may use physical force as justifiable under 2020 Oregon Laws c. 3, § 7, 2020 Oregon Laws c. 3, § 8, and ORS 161.245.
- (e) In order to make an arrest, a peace officer may enter premises in which the peace officer has probable cause to believe the person to be arrested to be present.
- (f) If after giving notice of the peace officer's identity, authority, and purpose, the peace officer is not admitted, the peace officer may enter the premises, and by a breaking, if necessary.

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Law Enforcement Authority

- (g) A person may not be arrested for a violation except as provided by ORS 153.039 and ORS 810.410.

100.4 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Oregon Constitutions.

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters California, Idaho or Nevada in fresh pursuit of a person who the officer has probable cause to believe has committed a felony (Penal Code § 852.2 (California); Idaho Code 19-701 (Idaho); NRS 171.158 (Nevada)).
- (c) When an officer enters Washington while in pursuit of a person the pursuing officer has probable cause to believe has committed a felony; or violation related to driving while intoxicated, driving while under the influence of drugs or alcohol, driving while impaired or reckless driving (RCW 10.89.010).

Whenever an officer makes an arrest in California, Idaho, Nevada or Washington, the officer shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (Penal Code § 852.3; Idaho Code 19-702; NRS 171.158; RCW 10.89.020).

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this agency is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations, and the value and sanctity of human life. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value, dignity and sanctity of all human life without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

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Use of Force

It is our policy to use de-escalation tactics whenever possible and to use force only as a last resort. It is our intent to make every attempt to defend ourselves and others without causing harm.

300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force (2020 Oregon Laws, c.5, § 2).

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible (2020 Oregon Laws, c.5, § 2).

300.2.2 STATE REPORTING REQUIREMENTS

A report of another member using excessive force must be made to a supervisor no later than 72 hours after the misconduct was witnessed (2020 Oregon Laws, c.5, § 2).

300.2.3 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this agency. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

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Use of Force

300.3.1 USE OF FORCE - JUSTIFICATION

An officer is justified in using force upon another person only when and to the extent that the officer reasonably believes it necessary (2020 Oregon Laws c. 3, § 7):

- (a) To make an arrest or to prevent the escape from custody of an arrested person unless the officer knows that the arrest is unlawful; or
- (b) For self-defense or to defend a third person from what the officer reasonably believes to be the use or imminent use of force while making or attempting to make an arrest or while preventing or attempting to prevent an escape.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

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300.3.3 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers shall use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion) (2020 Oregon Laws c. 3, § 7; 2020 Oregon Laws c. 3, § 8).

300.3.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed agency-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.5 CHOKE HOLDS

Choke holds and neck restraints of any kind that are designed and/or intended to restrict the flow of air or blood have a de-humanizing affect on people and high potential for injury. Therefore, the intentional use and/or application of the carotid control hold, or any similar choke hold or neck restraint of any kind that is designed and/or intended to restrict the flow of air or blood is prohibited, except when deadly force is justified.

300.3.6 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the City of Sherwood Police Department for this specific purpose.

300.3.7 VERBAL WARNING PRIOR TO USE OF FORCE

Prior to using physical force, if reasonable to do so, officers shall give a verbal warning that physical force may be used and provide a reasonable opportunity to comply (2020 Oregon Laws c. 3, § 7; 2020 Oregon Laws c. 3, § 8).

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300.3.8 RESPIRATORY RESTRAINTS

The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines as specified in policy 300.3.5..

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk (2020 Oregon Laws c. 3, § 8):

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.
- (c) An officer may use deadly force to make a lawful arrest when the officer has probable cause to believe that the person has committed a violent felony as defined in ORS 419A.004.
- (d) An officer may use deadly force to prevent a person from escaping custody when the officer has probable cause to believe that the person has committed a violent felony as defined in ORS 419A.004.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. All use of force reports will be reviewed by command staff up to and including the Police Chief.

To collect data for purposes of training, resource allocation, analysis and related purposes, the Department also requires the completion of additional report forms, as specified in department policy, procedure or law.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the TASER or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be

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witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired and in accordance with the established records retention schedule.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.

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1. These photographs should be retained until all potential for civil litigation has expired and in accordance with the established records retention schedule.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 SHIFT SUPERVISOR RESPONSIBILITY

The Shift Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

300.9 ANNUAL REVIEW

Each January the Patrol Section Commander will ensure that an annual review is conducted of all Use of Force Reports from the previous calendar year. The review will be analyzed to focus on the effectiveness and trends regarding the use of force and any identified deficiencies in training or policy will be addressed. The review will not include any specific case numbers, occurrence locations or names of citizens or officers.

300.10 USE OF FORCE ANALYSIS

At least annually, the Patrol Section Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Police Chief. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.

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- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Vehicle Pursuits

307.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where Department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

307.1.1 POLICE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect who is actively attempting to avoid arrest while operating a motor vehicle by using high speed driving or other evasive tactics such as driving off a highway, turning suddenly, or recklessly disregarding traffic control devices. Following a driver who is driving in a legal manner and merely failing to yield (as defined by ORS 811.145) does not constitute a vehicle pursuit.

307.2 OFFICER RESPONSIBILITIES

While engaging in a vehicle pursuit Officers must drive with due regard for the safety of all other persons. However, while engaging in a vehicle pursuit, officers are not legally required to follow the rules of the road (ORS 820.300). This exemption only applies to emergency vehicles using emergency lights and sirens (ORS 820.300; ORS 820.320). This following policy is established to provide Officers with guidelines for driving with due regard and caution for the safety of all persons, as required by ORS 820.300(2).

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307.2.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect has committed a crime involving violence and/or risk of serious harm to a person and is attempting to evade arrest or detention by fleeing in a vehicle.

The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety. Pursuits shall not be initiated or continued based solely on traffic infractions or minor, non-violent property crimes.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) Whether the identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time. Pursuits shall not be initiated or continued when the identity of the suspect is known, unless the suspect poses an immediate and significant threat to the community.
- (d) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors. Pursuits involving high speeds shall not be initiated or continued in a residential neighborhood, unless there is an immediate and significant threat to the community.
- (e) Pursuing officer(s) familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (f) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.
- (g) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (h) The emergency equipment present on the vehicles used in the pursuit. Unmarked vehicles shall not engage in pursuits unless authorized by a supervisor.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages). Pursuits shall not be continued if it becomes known that the pursued vehicle is being operated by a juvenile, or if there is a child in the pursued vehicle, unless there is an immediate and significant threat to the child and/or the community.
- (k) Availability of other resources such as helicopter assistance.
- (l) Whether the police unit is carrying passengers other than police officers. Pursuits shall not be undertaken with a prisoner(s) in the police vehicle.

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307.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to any officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspects' escape. Any sworn member of this agency has the responsibility to terminate any pursuit in this jurisdiction if they believe the risks of the pursuit appear to outweigh the threat to the community and the need to capture the suspect.

The factors listed in WHEN TO INITIATE A PURSUIT are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense and the need for immediate capture against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term terminate shall be construed to mean discontinue or to stop chasing the fleeing vehicles by pulling to the side of the road and coming to a stop and turning off emergency lights and sirens, or turning the police vehicle around and heading the opposite direction with emergency lights and siren turned off.

In addition to the factors listed in the When to Initiate a Pursuit subsection of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:

- (a) Distance between the pursuing officers and the fleeing vehicles is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) Pursued vehicle's location is no longer known because the officer loses sight of it.
- (c) Officer's pursuit vehicle is involved in any type of crash or sustains any type of damage.
- (d) Extended pursuits of violators for misdemeanors (independent of the pursuit) are prohibited.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers shall terminate the pursuit and apprehend the offender at a later time.
- (g) Direction from a supervisor or other Sherwood officer.

307.2.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the pursuing officer, supervisor and any other Sherwood officer. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

- (a) Whether the pursuit speeds are unsafe for the surrounding conditions.
- (b) Whether the speeds being reached are beyond the driving ability of the officer.

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- (c) Whether the speeds are beyond the capabilities of the police vehicle thus making its operation unsafe.

307.3 PURSUIT UNITS

Pursuit units should be limited to two vehicles; however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspects. All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

307.3.1 MOTORCYCLE OFFICERS

Police motorcycles shall not engage in pursuits unless authorized by a supervisor. A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practical.

307.3.2 VEHICLES WITHOUT OVERHEAD LIGHT BARS

Department vehicles not equipped with emergency lights and sirens are prohibited from initiating or joining in any pursuit, unless there is no other reasonable alternative and either authorized by a supervisor or human life is in immediate danger. The exemptions provided by ORS 820.300 do not apply to officers using vehicles which do not qualify as emergency vehicles under ORS 801.260.

307.3.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the primary pursuit unit is the apprehension of the suspects without unreasonable danger to themselves or other persons.

The pursuing officer shall notify Dispatch that a vehicle pursuit has been initiated, by clearly stating their patrol number followed by, "I'm in pursuit", and as soon as practical provide information including, but not limited to:

- (a) Reason for the initial traffic stop.
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license number, if known.
- (e) Number of known occupants.
- (f) The identity or description of the known occupants.
- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

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In order to concentrate on pursuit driving the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit as soon as practical to a secondary unit or aircraft joining the pursuit, unless practical circumstances indicate otherwise.

307.3.4 SECONDARY UNITS RESPONSIBILITIES

The second officer in the pursuit is responsible for the following:

- (a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit
- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit
- (c) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise

307.3.5 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so they are able to see and avoid hazards and/or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics shall be used when possible:
 - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing units should exercise due caution when proceeding through controlled intersections.
- (c) Officers shall not pursue a vehicle driving left of center (wrong way) on any roadway. In the event that the suspect vehicle does so, the following tactics should be considered:
 - 1. Requesting assistance from an air unit.
 - 2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
 - 3. Requesting other units to observe exits available to the suspects.
 - 4. Notifying the Oregon State Police and/or other jurisdictional agency when it appears the pursuit may enter that jurisdiction.
- (d) Officers involved in a pursuit shall not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

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307.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Officers are authorized and encouraged to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved, during or at the termination of the pursuit, unless directed by a supervisor or officer in charge.

Non-pursuing personnel assigned to assist at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road, unless directed otherwise by a supervisor.

The primary and secondary units should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit, or as directed by a supervisor.

307.3.7 PURSUIT TRAILING

In the event the initiating unit from this agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor or officer in charge, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspects.

The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

307.4 SUPERVISORY CONTROL AND RESPONSIBILITY

It is the policy of this department that available supervisory, management and/or agency control will be exercised over all vehicle pursuits in this jurisdiction. This control can be exercised by any sworn member of the agency.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor, or if unavailable, the officer in charge, or if need be any officer, will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.
- (b) Exercising management and control of the pursuit.
- (c) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
- (d) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
- (e) Ensuring that aircraft are requested if available.
- (f) Ensuring that the proper radio channel is being used.

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- (g) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (h) Control and manage SPD units when a pursuit enters another jurisdiction.
- (i) Preparing post-pursuit critique and analysis of the pursuit for training purposes (supervisors only).

307.5 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available and reasonable, switch radio communications to an emergency channel most accessible by participating agencies and units.

307.5.1 COMMUNICATION CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Dispatch will:

- (a) Clear the channel on which the pursuit is being broadcast.
- (b) Coordinate pursuit communications of the involved units and personnel.
- (c) Notify and coordinate with other involved or affected agencies as practical.
- (d) Ensure that a field supervisor is notified of the pursuit.
- (e) Assign an incident number and log all pursuit activities.
- (f) Broadcast pursuit updates as well as other pertinent information as necessary.
- (g) Notify the Shift Supervisor as soon as practical.

307.5.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost or no longer in sight, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

307.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, and in accordance with Inter-Agency Pursuit Agreements, shall request, when appropriate, the other agency assume the pursuit. If that agency refuses to assist the pursuit shall be terminated unless authorized by a supervisor to continue.

Anytime a pursuit enters, or is expected to enter another jurisdiction, no matter how brief, it is required that the primary officer or supervisor ensure that notification is provided to each outside

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jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

307.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and the assistance of this agency is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor or officer in charge, to the termination point to assist in the investigation.

The role and responsibilities of officers at the termination of a pursuit initiated by this agency shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit must be specific.

307.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

In the event that a pursuit from another agency enters this jurisdiction, the on-duty supervisor, or officer in charge, or if unavailable, any police officer, shall request the pursuit be terminated anytime it is determined the risks of continuing outweighs the need for capture, in accordance with policy 307.2.2.

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department shall not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit and authorized by a supervisor or officer in charge.

Only a supervisor can authorize officers from this agency to take over a pursuit from another agency. When a request is made for this department to take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider the following additional factors:

- (a) Ability to maintain the pursuit.
- (b) Circumstances serious enough to continue the pursuit.
- (c) Adequate staffing to continue the pursuit.
- (d) The public's safety within this jurisdiction.
- (e) Safety of the pursuing officers.

The Shift Supervisor, after consideration of the above factors, may decline to take over the other agency's pursuit.

Officers from this agency may assist the pursuing agency by warning cross traffic at intersections along the pursuit route and deploying spike strips when authorized by a supervisor or officer in charge.

Assistance to a pursuing allied agency by officers of this department will generally terminate at the City limits; ongoing participation from this department may continue only when authorized by a supervisor or officer in charge.

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In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to officers from the allied agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

307.7 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable it or forcibly position it such that further flight is not possible or practical.

307.7.1 WHEN USE AUTHORIZED

Officers are authorized to use only the intervention tactics they have been trained to use. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. The decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision and must be authorized by a supervisor or officer in charge, as outlined in policy 307.7.4.

It is imperative that officers act within the bounds of legality, good judgment and accepted practices.

307.7.2 DEFINITIONS

Blocking or Vehicle Intercept - A very low speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a slow moving or stopped suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing-in - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Ramming - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

Roadblocks - A tactic designed to stop a violator's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the violator's vehicle. This tactic is also often referred to as a barricade or blockade.

Pursuit Intervention Technique (PIT) - is a low speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit

Spike Strips - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

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307.7.3 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not an effective tactic, involves all the dangers associated with discharging firearms and is prohibited. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any officer from using a firearm in extreme circumstances when deadly force is justified.

307.7.4 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Considerations include:

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a significant threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved this technique should only be employed with prior approval of a supervisor, after giving consideration to the following:
 - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
 - 3. Employing the blocking maneuver does not unreasonably increase the risk to officer or public safety.
 - 4. The target vehicle is stopped or traveling at a low speed.
 - 5. At no time should civilian vehicles be used to deploy this technique.
- (b) Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor or officer in charge upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.
- (c) Ramming a suspect vehicle, whether fleeing or not shall be considered a use of deadly force and the tactic shall only be used when the suspect has committed a violent felony, presents an immediate and significant threat to the community, all other alternatives have been exhausted and there exists a need for immediate apprehension to save lives and/or protect the community. Ramming must have prior supervisor approval.
- (d) Boxing In. As with all intervention tactics, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.

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- (e) Spike Strips. The use of spike strips shall be approved in advance by a supervisor or officer in charge and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. Officers shall not use spike strips if the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children.

307.7.5 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

Unless relieved by a supervisor the primary officer should coordinate efforts to apprehend the suspect(s) following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

307.8 REPORTING REQUIREMENTS

Reports should be completed to comply with appropriate local and state regulations:

- (a) The primary officer shall complete appropriate agency reports
- (b) A field supervisor shall complete a pursuit review summarizing the pursuit to his/her department manager to evaluate the pursuit in terms of Department policy. The review shall minimally contain the following information:
 - 1. Date and time of pursuit.
 - 2. Length of pursuit.
 - 3. Involved units and officers.
 - 4. Initial reason for pursuit.
 - 5. Starting and termination points.
 - 6. Disposition: arrest, citation, etc. Arrestee information should be provided if applicable.
 - 7. Injuries and/or property damage.
 - 8. Medical treatment.
 - 9. Name of supervisor at scene.
 - 10. A preliminary determination, simply stating whether or not the pursuit appears to be in compliance with this policy.
 - 11. Determine the need for any additional review and/or follow up.

307.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all sworn members of this department will participate no less than annually in regular and periodic department training addressing this

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policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others. It shall be the responsibility of the Patrol Commander to ensure the training takes place.

307.8.2 POLICY REVIEW

Each member of this department shall acknowledge that they have received, read and understand this policy initially and upon any amendments.

307.8.3 ANNUAL REVIEW

During the first calendar quarter of each year, the Patrol Section Commander will ensure that an annual review of all vehicle pursuit incidents for the previous calendar year is conducted. The analysis will focus on the effectiveness and trends in the use of vehicle pursuits that might suggest training or equipment needs, or policy modification. Specific detail including items such as officer names, case numbers, location of occurrence are not needed for this purpose and therefore will not be part of this process.

Medical Aid and Response

431.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

431.2 POLICY

It is the policy of the City of Sherwood Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

431.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 - 1. Signs and symptoms as observed by the member.
 - 2. Changes in apparent condition.
 - 3. Number of patients, sex, and age, if known.
 - 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 - 5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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431.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

431.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a civil commitment in accordance with the Civil Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

431.6 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

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Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

431.7 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

431.8 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Patrol Section Section Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Agency should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One agency member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.

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- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

431.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

An AED should only be used by members who have completed a course with published standards and guidelines for CPR and the use of an AED.

431.9.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in agency vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Support Captain who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Dispatch as soon as possible and request response by EMS.

431.9.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

431.9.3 AED TRAINING AND MAINTENANCE

The Support Captain should ensure appropriate training is provided to members authorized to use an AED.

The Support Captain is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

431.10 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may administer opioid overdose medication in accordance with protocols specified by the physician who prescribed the overdose medication for use by the member.

431.10.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Support Captain.

Medical Aid and Response

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

431.10.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Support Captain will ensure that the Support Captain is provided enough information to meet applicable state reporting requirements.

431.10.3 OPIOID OVERDOSE MEDICATION TRAINING

The Support Captain should ensure training is provided to members authorized to administer opioid overdose medication.

431.11 ADMINISTRATION OF EPINEPHRINE

In an emergency situation when a licensed health care professional is not immediately available, members who have successfully completed educational training for severe allergic responses may administer epinephrine (ORS 433.825).

431.11.1 EPINEPHRINE USER RESPONSIBILITIES

Members who are qualified to administer epinephrine should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Support Captain.

Any member who administers epinephrine should contact Dispatch as soon as possible and request response by EMS.

431.11.2 EPINEPHRINE REPORTING

Any member administering epinephrine should detail its use in an appropriate report.

431.11.3 EPINEPHRINE TRAINING

The Support Captain should ensure that training is provided to members authorized to administer epinephrine (ORS 433.815; ORS 433.817; OAR 333-055-0030).

431.12 FIRST AID TRAINING

The Support Captain should ensure officers receive first aid training appropriate for their position and as required by DPSST certification standards.

Investigation and Prosecution

600.1 POLICY

It is the policy of the City of Sherwood Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.2 INITIAL INVESTIGATION

600.2.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Supervisor.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.2.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.3 COLLECTION OR MAINTENANCE OF SPECIFIC INFORMATION

The collection or maintenance of information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business

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or partnership shall occur only when the information directly relates to a criminal investigation and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct (ORS 181A.250).

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Generally, except where circumstances make it impracticable, custodial interviews regarding felony offenses should be electronically recorded. When such custodial interviews are conducted in a law enforcement facility, electronic recording of the interview is mandatory absent good cause not to record if the interview is conducted in connection with an investigation into aggravated murder, as defined in ORS 163.095, or a crime listed in ORS 137.700 or ORS 137.707 (ORS 133.400).

A custodial interview of a person 17 years of age or under involving an investigation into a misdemeanor or a felony or an allegation that the juvenile being interviewed committed an act that would be a misdemeanor or a felony if committed by an adult shall be recorded, absent good cause not to record the interview, if (ORS 133.402):

- (a) The interview is conducted at a courthouse or at any law enforcement agency authorized to detain juvenile offenders; or
- (b) The interview is conducted anywhere else and the officer is wearing a body-worn camera.

If an interviewee expresses an unwillingness to have the custodial interview electronically recorded but agrees to speak to investigators without such recording, the interviewing officer or detective should document the refusal in his/her report and request that the interviewee sign a written statement or provide a recorded statement of his/her refusal to have the interview recorded.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law (ORS 165.540).

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate, and complete and are made only for authorized and legitimate law enforcement purposes. Electronic recording of a custodial interview shall be preserved until the conclusion of the criminal proceeding or youth adjudication proceeding, including post-conviction relief and habeas corpus appeals are exhausted, or until the prosecution of the offense is barred by law (ORS 133.400).

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Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.6 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.7 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

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600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this agency. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using agency equipment.

Information obtained via the internet should not be archived or stored in any manner other than agency-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.8.1 ACCESS RESTRICTIONS

Information that can be accessed from any agency computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.9 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Section

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Commander or the Police Chief. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

Protected Information

806.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the City of Sherwood Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Agency and not the public records information covered in the Records Maintenance and Release Policy.

806.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the City of Sherwood Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

806.2 POLICY

Members of the City of Sherwood Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

806.3 RESPONSIBILITIES

The Police Chief shall select a member of the Agency to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records, and Law Enforcement Data System (LEDS).
- (b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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Protected Information

806.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, City of Sherwood Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

806.4.1 ACCESS TO OREGON STATE PATROL OFFENDER INFORMATION

Access to Oregon State Patrol (OSP) criminal offender information may be granted when the information is to be used for the administration of criminal justice, employment, or the information is required to implement a federal or state statute, local ordinance, Executive Order, or administrative rule that expressly refers to criminal conduct and contains requirements or exclusions expressly based on such conduct, or other demonstrated and legitimate needs (OAR 257-010-0025).

806.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Support Captain for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Agency may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other agency members or the public is at risk. In those instances, cell phones should be used if possible. The transmission should be limited to essential details only, with maximized use of law enforcement codes (10 or 12 code), concealing information identifying individuals and offenses as much as possible. Plain text transmission of an entire record (summary or full) is prohibited.

Nothing in this policy is intended to prohibit broadcasting warrant information.

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Protected Information

806.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own Oregon criminal offender information shall be referred to OSP, Identification Services Section (OAR 257-010-0035).

An individual may review his/her local record on file with the Agency under the provisions of ORS 192.345(3), and after complying with all legal requirements.

This agency will not release information originated by any other agency (ORS 192.311 et seq). Individuals requesting this information shall be referred to the originating agency.

806.6 SECURITY OF PROTECTED INFORMATION

The Police Chief will select a member of the Agency to oversee the security of protected information.

The responsibilities of this position include but are not limited to:

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents including computer attacks.
- (d) Tracking, documenting, and reporting all breach of security incidents to the Police Chief and appropriate authorities.

806.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

806.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

806.7.1 LEDS TRAINING

All members who operate a terminal to access the LEDS network shall complete a LEDS System Training Guide at a level consistent with the member's duties. Each member who operates a terminal to access LEDS must be re-certified by the Agency every two years (OAR 257-015-0050).

Fitness for Duty

1018.1 PURPOSE AND SCOPE

The safety and well-being of employees and the citizens we serve, requires that all officers be free from any physical, emotional or mental condition which might adversely affect the exercise of assigned duties, including peace officer powers. The purpose of this policy is to ensure that all members of this agency remain fit for duty and able to perform their established job functions.

1018.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this agency to maintain good physical condition sufficient to safely and properly perform the duties of their job function.
- (b) Each member of this agency shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.
- (e) A certificate from a doctor or health care professional verifying that the employee is able to perform his/her essential duties in a manner that does not threaten his/her safety or the safety of others may be required, whenever the City has a good faith concern regarding an employee's ability to do so. The City also reserves the right to require employees to submit verification of the precise nature of any limitations of an employee's ability to safely perform his/her job duties, as a condition of returning the employee to work, whenever there are good faith concerns regarding an employee's limitations, consistent with applicable law.
- (f) All medical expenses incurred by the employee in complying with verification requests that are not covered by insurance will be reimbursed by the City.

1018.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to perform his/her duties shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.

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- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Shift Supervisor or employee's available Section Commander, a determination should be made whether or not the employee should be temporarily relieved from their duties.
- (e) The Police Chief shall be promptly notified in the event that any employee is relieved from duty.

1018.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

1018.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Shift Supervisor or unit supervisor and concurrence of a Section Commander, any employee whose actions or use of force in an official capacity result in death or serious injury may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave pending:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate,
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1018.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Police Chief may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Agency with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties.
- (c) In order to facilitate the examination of any employee, the Agency will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

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- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1018.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1018.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

1018.9 MENTAL HEALTH WELLNESS PROGRAM

The Police Chief or the authorized designee is responsible for establishing a mental health wellness program (refer to policy 338) to address issues related to mental health wellness for officers employed by the Agency (ORS 181A.832).

Agenda Item: Public Hearing (*Second Reading*)

TO: Sherwood City Council

FROM: Erika Palmer, Planning Manager

Through: Julia Hajduk, Community Development Director, Josh Soper, City Attorney, and Joseph Gall, ICMA-CM, City Manager

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 postpone the second hearing on adopting 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 of Sherwood has been working to develop amendments to Chapters 16.100, 16.101, 16.102, and 16.162 of the Sherwood Zoning and Community Development Code relating to various issues involving signs. Council has previously postponed this process due to the impacts of COVID-19, and staff is recommending an additional postponement.

The Sherwood City Council held the first reading of this ordinance on June 2, 2020 and delayed the second reading to November 17, 2020. At the second reading, Council continued the second reading to March 2, 2021 and asked for a work session prior to holding the second reading. On February 2, 2021, a Council work session was held for staff to seek direction on how to proceed with proposed sign code amendments. At the work session there appeared to be general agreement that additional work was needed as well as additional time for businesses to deal with the impacts of COVID-19 prior to Council action on any amendments. The staff recommendation reflects this direction.

Financial Impacts:

The current proposed code amendments to Chapter 16.102, provide for "Feather Signs" being subject to a Type I Administrative Review, which requires a \$150.00 review fee. Additional revenue will be taken in for feather signs, but there will also be additional staff time for review approval and enforcement. The City may also incur additional staff time in connection with enforcement of the revised code, as well as potentially some fine revenue for violations.

Recommendation:

Due to the global pandemic of COVID-19 and its impact on local businesses as well as input from Council at the February 2, 2021 work session, Staff recommends Council indefinitely postpone Ordinance 2020-005 until the COVID-19 pandemic situation eases, at which time staff and Council can provide new public notice and resume the code amendment process.

Attachments:

Ordinance 2020-005, Staff Report

March 3, 2021

Page 1 of 2, with attachment PC Recommendation (3, 14 pgs), Public Comment (2 pgs)

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. Ordinance with Exhibit

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.~~100~~101.030 - 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.~~100~~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.

- (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.~~102~~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.~~100~~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^[43]

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.
 43. 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.~~1-21010~~.
 - 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:

- 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 16.100.1.12010.~~ 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 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 H~~[Height of eleven \(11\) feet.](#)
 - b. [Maximum width of thirty \(30\) inches.](#)

2. Number ~~P~~permitted:

- 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 ~~F~~feather ~~S~~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.

65. 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.

- 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. Only one (1) permit will be granted per property per calendar year. The permit will specify an effective date, will be effective for a fixed duration of consecutive calendar days, not to exceed ninety (90) consecutive calendar days, and will allow for a specified maximum number of feather signs to be placed on the property during that period based on subsection 16.102.060(A)(2). 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.

CITY OF SHERWOOD

Date: June 2, 2020

Planning Commission Recommendation to the City Council

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

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)



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



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 Sherwood City Council has determined the need to clarify regulations and provisions of the city code pertaining to sign definitions, wall signs in the Institutional Public (IP) zone, and the use of feather signs within certain zoning areas, as well as other revisions; and

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

WHEREAS, the City Council held a public hearing on the proposed amendments on June 2, 2020, and July 7, 2020, and November 17, 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 SZCDC 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 on or after the effective date of this Ordinance.

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

Duly passed by the City Council this 2nd day of March 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.

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.
- 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 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 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. Mural: 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 is visible from the public right-of-way.
- L. 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.
- M. 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).
- N. 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.
- O. 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.
- P. 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.
- Q. Roof Signs: Signs erected in or directly above a roof or parapet of a building or structure.
- R. Rotating or Revolving Signs: Signs that rotate or turn in motion by electrical or mechanical means in a circular pattern
- S. 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.
- T. 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.
- U. 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.

- V. 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.
- W. Wall Sign: A sign attached to, erected against or painted on a wall of a building.

16.100.020 - Prohibited Signs

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:

16.101.010 - 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 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.

16.101.030 - 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: 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.

1. 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 16.101.030 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, BANNER AND FEATHER SIGNS^[43]

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, 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, 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. 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 the sign can be within the right-of-way through 6 pm
 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 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 16.100.010. 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 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. Only one (1) permit will be granted per property per calendar year. The permit will specify an effective date, will be effective for a fixed duration of consecutive calendar days, not to exceed ninety (90) consecutive calendar days, and will allow for a specified maximum number of feather signs to be placed on the property during that period based on subsection 16.102.060(A)(2).

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 restrictions:
 - a. Maximum height of eleven (11) feet.
 - b. Maximum width of thirty (30) inches.
2. Number permitted:
 - 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.
3. Location of feather signs:
 - a. Signs must be placed a minimum of ten (10) feet from the property line and within the landscaped buffer.
 - b. If the landscape buffer is less than 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.
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.
 - 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.
 - b. Request for a permit shall be processed through a Type I administrative review and are subject to the standards in this section.

- c. Permits for feather signs within the City shall be valid for no more than ninety (90) consecutive calendar days per 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.

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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.

TO: Sherwood City Council

FROM: Erika Palmer, Planning Manager

Through: Joseph Gall, ICMA-CM, City Manager, Julia Hajduk, Community Development Director, and Josh Soper, City Attorney

SUBJECT: Ordinance 2021-001, Accepting the Brookman Concept Plan Addendum and Associated Amendments to the City's Transportation System Plan

Issue:

Shall the City Council accept the Brookman Concept Plan Addendum and the associated amendments to the City's Transportation System Plan?

Background:

The Brookman Addition Concept Plan was adopted in 2009 (Sherwood ORD 2009-004) to provide a conceptual guide to the development of this area incorporated into Sherwood's Urban Growth Boundary in 2002 (Metro ORD 2002-969B). This concept plan identifies future land uses, parks and trails, natural resource areas, transportation improvements, and public facilities.

The Brookman Addition Concept Plan envisioned Brookman Road realigned to provide a perpendicular crossing of the existing rail line and provide for a signalized intersection roughly 2,700 feet south of the existing Highway 99W/Sunset intersection. When the Brookman Addition Concept Plan was being developed, the I-5/99W connector project was underway. It was envisioned that a new arterial would be located south of Brookman Road, approximately 1,000 feet to the south, and the planned realignment would ensure Brookman was adequately spaced between this new arterial and Sunset.

Brookman Road in the 2009 concept plan was classified as a 3-lane local connector road. Since that time, the I-5/99W corridor location has not been resolved, and Washington County updated its Transportation System Plan (TSP) to identify Brookman Road as an arterial. The long-term vision of Brookman Road is a 5-lane roadway; however the County is requiring construction of only 3 lanes in the near term. As required, to be consistent with the county designation for this road under their jurisdiction, Sherwood updated its TSP to designate Brookman Road as an arterial; however, there were questions and concerns about how this facility would fit into the concept previously developed.

- Sherwood has created a preliminary concept plan for the Sherwood West Urban Reserve area located across Pacific Highway (99W) bounded between SW Chapman and SW Elwert Road which provides both the need and opportunity for connection across Pacific Highway (99W) between the two areas.
- The City's Transportation System Plan calls for a signalized intersection at Brookman and Pacific Highway (99W) once a location is determined. The existing TSP and the Brookman Concept Plan state that Brookman Road will be shifted to the north to create a new signalized intersection ¼ mile from its current location which makes it problematic to require expensive intersection improvements at

this location when the preferred alternative in the updated plan is a signalized intersection at Brookman and Chapman at Pacific Highway (99W). Currently, the Sherwood West Concept Plan does not show a street connection aligned with Brookman in the shifted alignment location to the north. In addition, roughly ninety-four (94) acres of land has annexed into the City for residential development. Recently sixty-four acres have been subdivided, creating two-hundred and fifty-three (253) new lots proposed for single-family detached housing. Improvements to Brookman Road are being made as part of those developments, however a comprehensive and clear direction on the requirements for the build out of the road are necessary.

Due to the multitude of changes since the plan was developed, in 2019 the City of Sherwood requested and was awarded a grant from Metro's 2040 Planning and Development Grant Program to address transportation and land use issues associated with development proposed for the area served by Brookman Road. This project reevaluated the Concept Plan in a coordinated multi-agency effort to determine the future function, general capacity, and design needs for Brookman Road as a three-lane roadway and as a possible future five-lane arterial. Additionally, the project reviewed the current land uses to ensure they are still appropriate as the area builds out.

The proposed Addendum identifies a realignment of Brookman Road at the east and west end as well as an interim and long-term cross-section that will guide requirements of development going forward while also ensuring that the long-term plans for the road can be achieved. The preferred cross-section identifies Brookman Road in the interim as a 3-lane roadway, and a 5-lane roadway as the long-term vision. After the Planning Commission hearing and recommendation, the City Council held a series of work sessions and indicated additional questions and concerns. Attachment 1 to this staff report is memo describing the concerns raised and staff responses in greater detail. Based on City Council feedback at the last work session, staff is aware that Council may wish to make modifications to the recommended Addendum to the plan, specifically to remove the proposal to keep Brookman in its current location as opposed to the realigned Brookman identified in the 2009 plan. As a result, the staff recommendation provides alternatives for Council consideration.

Adoption Alternatives

1. City Council accepts the Brookman Concept Plan Addendum, and adopts the associated Transportation System Plan amendments that are needed for consistency and future implementation as recommended by the Sherwood Planning Commission.
2. City Council could consider accepting the Brookman Plan Addendum and TSP amendments as recommended by the Sherwood Planning Commission with an new insertion in the plan that identifies a segment of Pacific Highway (99W) between the preferred alignment with Chapman Road and the current shifted alignment ¼ mile to the north as an area for futher refinement for a future grade separated crossing.
3. City Council accepts the Brookman Concept Plan Addendum retaining the current alignment of Brookman that shifts the road to the North.

This is the first hearing on this matter. A second hearing is scheduled for March 16, 2021.

Financial Impacts:

There are no additional financial impacts as a result of the approval of this Ordinance.

Recommendation:

Staff respectfully recommends City Council hold the first reading on Ordinance 2021-001, accepting the Addendum to the Brookman Addition Concept Plan and adopting associated amendments to the City's Transportation System Plan.

Attachment:

1. Memo to Sherwood City Council, February 22, 2021



Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

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

To: Sherwood City Council

From: Erika Palmer, Planning Manager

RE: Brookman Concept Plan Addendum

Date: February 22, 2021

The purpose of this memo is to walk-through the preferred alignment of each subarea in Brookman and to address specific questions raised in regard to the Northwest Natural Gas facility, a grade-separated crossing between Brookman and Pacific Highway (99W), zoning, and access spacing.

Western Subarea - Brookman and Pacific Highway (99W)

The Addendum's preferred alignment in the western subarea identifies keeping the existing alignment of Brookman Road at Pacific Highway (99W). This alignment would allow for a future signalized intersection with Chapman Road. Retaining the current alignment allows for significantly fewer impacts on properties in this subarea. In the preferred alignment, the existing right of way along Brookman is retained and utilized to the maximum extent, as road does not shift to the north, which would require the full amount of right-of-way to be obtained for a 5-lane arterial.

Shifting the road alignment north would mean the entire right-of-way area for a future five-lane arterial would need to be secured. Obtaining the right-of-way for a future 5-lane arterial through multiple properties could prove challenging through dedication and proportionality issues at the time of development, and if the land was purchased for a new roadway project, it would be a costly and lengthy process. During the stakeholder meeting with property owners, residents want Brookman improved for safety as quickly as possible. Maintaining the existing right-of-way aligns itself better with the current Sherwood West Concept Plan, signalizing the intersection at Chapman Road.

The land uses were reviewed in this area, and the uses did not have significant impacts on the proposed alignment and existing surrounding roads. During the hearings at the Planning Commission, the Planning Commission had concerns about cut-through traffic through the existing neighborhood to the north. To address this concern, additional language was added to the plan update identifying the need to review traffic calming measures at the time of development in the neighborhood commercial node. The Planning Commission also recommends reviewing the high-density zoning in this area in the future. While the land uses were found to be generally compatible with the realignment of the road, there will be opportunities to evaluate the zoning and land uses during or after the comprehensive plan update. No changes to the zoning in the Brookman area were identified as necessary as a result of this project.

The project team also met with ODOT Rail and identified necessary improvements to the existing rail crossing. Should the railroad become active, the queue lengths were analyzed and would be acceptable.

The project team also reached out to Northwest Natural Gas regarding the facility at Old Highway 99W and Brookman Road. Representatives from Northwest Natural Gas reviewed the recommended corridor alignment. They understand that through the final road design and construction phases, there will need to be continued coordination. If through the road engineering process, unavoidable constraints are determined, Brookman Road could shift further to the north in this segment. There are road engineering solutions if constraints arise that would still utilize the existing right-of-way to the greatest extent practicable and minimal additional right of way would be required during the land use review process adjacent to the impact. If Brookman Road shifted a little more to the north in this segment, it still would have less impact on properties than shifting the roadway to the north, requiring obtaining the full width of right-of-way for a 5-lane arterial.

Central Subarea

The proposed alignment in this subarea remains the same as the existing Concept Plan. Three new subdivisions in this subarea have been approved since the start of this project. The approved subdivisions were required to dedicate the appropriate amount of right-of-way to achieve the long-term vision of a 5-lane arterial when additional right-of-way is acquired on Brookman's south side Road. This means that a 3-lane roadway could be constructed in the interim, and a future five-lane arterial constructed when additional right-of-way on the south side of Brookman is acquired. A 3-lane interim arterial roadway is expected to meet the transportation system's needs for the 20-year planning period and possibly beyond. The properties on the south side of Brookman Road located in the city's future urban reserve area. A future concept plan of this area is needed prior to an Urban Growth Boundary expansion and annexation. At this time, there are no plans to develop a concept plan for this area to bring it into the Urban Growth Boundary.

Eastern Subarea

The alignment in this subarea where Brookman intersects with Ladd Hill Road was analyzed to reduce the sharp curve along Brookman and lessen impacts with existing structures. The proposed alignment shifts Brookman further south, to flatten the curve and to better align Brookman at Ladd Hill Road, while still minimizing impacts to existing homes and structures.

Is a grade separated crossing at Pacific Highway (99W) possible?

Staff reached out to representatives from ODOT, ODOT Rail and Washington County. All agency partners believe a crossing is achievable in this area, and possibly could occur within the preferred alignment of Brookman. A grade separated crossing between Brookman and Sherwood West is a long-term aspirational goal that will require additional analysis and study and identified as a project in the TSP including funding. The current levels of traffic in this area do not call for grade separation and no other funding is identified for an improvement other than signaling an intersection with Pacific Highway (99W). Washington County staff have indicated that given that there is a rail crossing to the east of 99W, and rural land on the other side, a grade separated crossing will be a large and challenging structure to build. Washington County would probably not object to this kind of project if the city delivered the funding and a preferred design.

Was zoning reviewed through this process?

As discussed above, zoning was reviewed and analyzed in the traffic impact analysis. Changes to the zoning are not necessary to implement the preferred alignment. The Planning Commission recommended traffic calming measures to be evaluated in the neighborhood commercial node to reduce vehicle trips through the existing neighborhood to the north, which is documented in the plan. Planning Commission would like to see the High Density Residential near the neighborhood commercial node rezoned for lower density residential development in the future. Zoning in this area can be reviewed as part of the post Comprehensive Plan and Sherwood West Re-look.

Washington County access spacing on an Arterial roadway is 600 ft. Are there impacts to spacing requirements?

Current access points along Brookman (Old Highway 99, Middleton, Middlebrook Subdivision, Reserve at Cedar Creek) were reviewed in addition to the spacing between these intersections. It was found that there is sufficient spacing, and potential new internal neighborhood streets will be reviewed with land use applications that will provide additional circulation in the area.



ORDINANCE 2021-001

ACCEPTING THE ADDENDUM TO THE SHERWOOD BROOKMAN CONCEPT PLAN AND ADOPTING THE ASSOCIATED AMENDMENTS TO THE CITY'S TRANSPORTATION SYSTEM PLAN

WHEREAS, Metro brought the Brookman Area (Area 54/55) into the urban growth boundary in 2002 via Metro Ordinance 02-96B; and

WHEREAS, the Council adopted the Brookman Addition Concept Plan via Ordinance 2009-004; and

WHEREAS, the Brookman Addition Concept Plan envisioned Brookman Road realigned to provide a perpendicular crossing of the existing rail line and provide for a signalized intersection roughly 2,700 feet south of the existing Highway 99W/Sunset intersection; and

WHEREAS, since that time, the I-5/99W corridor location has not been resolved, and Washington County updated its Transportation System Plan (TSP) to identify Brookman Road as an arterial, and to be consistent with the county designation for this road under their jurisdiction, Sherwood updated its TSP to designate Brookman Road as an arterial roadway via Ordinance 2018-003; and

WHEREAS, in 2019, the City of Sherwood requested and was awarded a grant from Metro's 2040 Planning and Development Grant Program to address transportation and land use issues associated with development proposed for the area served by Brookman Road; and

WHEREAS, this project reevaluated the Concept Plan in a coordinated multi-agency effort to determine the future function, general capacity, and design needs for Brookman Road as a three-lane roadway and as a possible five-lane arterial, and reviewed the current land uses to ensure they are still appropriate as the area builds out; and

WHEREAS, the Sherwood Planning Commission conducted a work session to review the proposed Addendum to the Brookman Addition Concept Plan and associated amendments to the City's Transportation System Plan (TSP) on October 13, 2020; and

WHEREAS, the Planning Commission, after Public Hearing Notice was provided to a list of partner agencies, posted in locations in the City and on the City website, and advertised in The Times, a newspaper of general circulation in the City, held a public hearing on November 10, 2020, to review and to gather additional testimony and evidence regarding the proposed Addendum to the Brookman Addition Concept Plan and the associated amendment to the TSP; and

WHEREAS, the Planning Commission duly considered the subject, including the staff recommendation and public testimony, and recommended that the City Council accept the Addendum to the Brookman Addition Concept Plan and associated amendments to the TSP; and

WHEREAS, Public Hearing Notice of a Council hearing was advertised on the City website and advertised in The Times, a newspaper of general circulation in the City on February 11, and 25, 2021; and

WHEREAS, the City Council has considered the Planning Commission's recommendation, the staff reports, and testimony in this matter and has evaluated the TSP amendments against the Statewide Planning Goals and regional requirements.

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

Section 1. Findings. The City Council hereby accepts the findings in this matter located within the Planning Commission staff report (Case File LU 2020-020-PA), attached hereto as Exhibit 1 and incorporated by reference.

Section 2. Amendments. The City Council hereby accepts and adopts the Addendum to the Brookman Addition Concept Plan, attached hereto as Exhibit 2, and adopts the associated TSP amendments, attached hereto as Exhibit 3 and incorporated by reference.

Section 3. Staff Directive. To reflect the acceptance and adoption of the Addendum to the Brookman Addition Concept Plan and amendments to the TSP, staff is directed to make conforming changes to the TSP necessary to incorporate the amendments adopted herein.

Section 4. Effective Date. This Ordinance shall become effective 30 days from its adoption.

Duly passed by the City Council this March 2, 2021.

Keith Mays, Mayor

Date

Attest:

Sylvia Murphy, MMC, City Recorder

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

CITY OF SHERWOOD

Staff Report

LU 2020-020 PA Brookman Addition Concept Plan Addendum and TSP Amendments

Recommendation of the Sherwood Planning Commission:

The Planning Commission held a public hearing on November 10, 2020, to take testimony and consider the application (LU 2020-020PA) to make a recommendation on the Brookman Addition Concept Plan Addendum and associated amendments to the City's Transportation System Plan (TSP). After receiving public testimony, the Commission voted to close the public hearing to consider the Brookman Addition Concept Plan Addendum, amendments to the City's TSP, and the staff report's findings. The Planning Commission voted to recommend the approval of the Addendum and associated TSP amendments. The Planning Commission added an additional recommendation for Council consideration – to consider rezoning the high-density residential area in the western sub-area of the plan to a lower density through a separate process such as the Comprehensive Plan Update to provide a better buffer between the existing neighborhood to the north and traffic concerns.

The Planning Commission's recommendation on the Plan's Addendum and TSP amendments are based on the facts and findings in this staff report.

From:



Erika Palmer, Planning Manager

Proposal: The Planning Commission to review, consider, and to make a recommendation to the Sherwood City Council to:

- 1) Accept the Brookman Addition Concept Plan Addendum to the Brookman Addition Concept Plan; and
- 2) Adopt amendments to the city's Transportation System Plan to amendment maps reflecting Brookman Road's realignment in the west and east sub-areas, and text amendments describing the Brookman Road transportation project.

I. BACKGROUND

The Brookman Addition Concept Plan was adopted in 2009 (Sherwood ORD 2009-004) to provide a conceptual guide to the development of this area that was incorporated into Sherwood's Urban Growth Boundary in 2002 (Metro ORD 2002-969B). This concept plan identifies future land uses, parks and trails, natural resource areas, transportation improvements, and public facilities.

The plan area consists roughly of 250 acres and is located at the southern edge of Sherwood and is bound by Pacific Highway (99W) to the west, Brookman Road to the south, and Ladd Hill Road to

the east. Old Pacific Highway, an existing rail corridor, and Cedar Creek run north/south through the site area. To the north, Brookman is bordered by the existing residential neighborhoods and Sherwood's largest master-planned community, Woodhaven. South of Brookman Road is the Sherwood South Urban Reserve area, located in Unincorporated Washington County.

The Brookman Addition Concept Plan envisioned Brookman Road realigned to provide a perpendicular crossing of the existing rail line and provide for a signalized intersection roughly 2,700 feet south of the existing Highway 99W/Sunset intersection. When the Brookman Addition Concept Plan was being developed, the I-5/99W connector project was underway. It was envisioned that a new arterial would be located south of Brookman Road, approximately 1,000 feet to the south.

Since that time, the I-5/99W corridor location has not been resolved, and Washington County updated its Transportation System Plan (TSP) to identify Brookman Road as an arterial. As required, to be consistent with the county designation for this road under their jurisdiction, Sherwood updated its TSP to designate Brookman Road as an arterial. Sherwood has also created a preliminary concept plan for the Sherwood West Urban Reserve area located across Pacific Highway (99W) bounded between SW Chapman and SW Elwert Road. In addition, roughly ninety-four (94) acres of land has annexed into the city for residential development. Recently sixty-four acres have been subdivided, creating two hundred fifty-three (253) new lots proposed for single-family detached housing.

In 2019, The City of Sherwood requested and was awarded a grant from Metro's 2040 Planning and Development Grant Program to address transportation and land use issues associated with development proposed for the area served by Brookman Road. This project reevaluated the Concept Plan in a coordinated multi-agency effort to determine the future function, general capacity, and design needs for Brookman Road as a three-lane roadway and as a possible five-lane Arterial. Additionally, the project reviewed the current land uses to ensure they are still appropriate as the area builds out.

Process and Public Involvement

The planning process engaged local landowners and residents at two events during the project. In-person stakeholder meetings with developers currently active in the Brookman area, landowners, and residents were held early in the process. Several key themes emerged from the stakeholder Interviews.

Key themes heard:

- Brookman Road is not safe in its current condition
- The vision should reflect the area
- Any future design should accommodate growth
- Transparency from the City

In addition to the stakeholder meetings, the project team met with technical agency partners, including Oregon Department of Transportation (ODOT), ODOT Rail, Washington County Land Use and Transportation, Clackamas County Land Use and Transportation, and Northwest Natural Gas.

Three cross-sections and alignment alternatives were developed during the project to identify potential tradeoffs between various options, road configurations, and potential revisions to the existing alignment identified in the Concept Plan. A public workshop was planned in March of 2020 to discuss potential Brookman Road design alternatives. Prior to holding the meeting, the State of Oregon placed requirements to reduce the spread of COVID-19 and restricted large gatherings. As a result, that in-person event was hosted as an online open house, which provided the same information as what would have been presented at the in-person event. A postcard mailer was sent to all property owners in the Brookman area and within 1,000 feet of the project area, directing them to the project website. Roughly a dozen people contacted staff with questions after reviewing the presentation of the road design alternatives.

The City Council held a work session on April 7, 2020, to review the project alternatives and ask the project team questions. The following several months were spent refining the information based on the feedback received and additional follow-up meetings with agency partners and

The Planning Commission held a work session on October 13, 2020, to review the draft plan. The Commission raised the following questions/concerns about the west sub-area of the plan:

- Were the land use designations in the west-sub area of the plan considered as part of the traffic analysis?
- Is there enough capacity on Old Highway 99w and at intersections of Timbrel/Sunset to continue to support the plan's land use designations given the revised alignments and classification of Brookman?
- Are the land uses and local road access in this area viable for future development opportunities?
- Will there be additional cut-through traffic into the existing neighborhood as a result of the realignment and access spacing that will be required?
- Will there be additional public outreach before a public hearing for residents to review and comment on the proposed plan?

Response

The analysis was focused on future traffic operations along the Brookman corridor to support the alternatives analysis for alignments and land uses. The future 2040 transportation demand model included Brookman with the planned realignment to OR 99W to the north per the Regional Transportation Plan and the city's Transportation System Plan. The future model showed low demand for the Old Highway 99-Timbrel connection to Timbrel/Sunset, not enough to warrant evaluating the intersection. The transportation consultants, DKS, indicated that the modeling indicates the future demand on Old Highway 99-Timbrel to Sunset will be low enough to accommodate a moderate amount of new trips even with the higher density development planned and will not trigger capacity improvements. That said, traffic studies will be required with any new development which will ensure off-site impacts are addressed. In addition, the City anticipates updating the Transportation System Plan (TSP) within the next few years at which point, the entire system will be re-looked at system improvements identified based on development, zoning and modeling data at that time.

After the Commission's concerns about local access roads and connectivity to support the land uses in the western subarea, the project team analyzed the area and updated the conceptual road layout included in this plan update. As development occurs, the conceptual road layout and accesses may change.

Updated Conceptual Local Road Connectivity in Brookman Western Subarea



The project team is also recommending calming traffic-calming measures to be reviewed and evaluated in the future to mitigate and reduce vehicle trips through the existing neighborhood to the north (Page 9 of Addendum).

During the week of October 19, 2020, staff mailed a tri-fold mailer about the project and the upcoming public hearing to all property owners and those within 1,000 feet of the Brookman area. This mailer was also posted on the project webpage. Staff has had correspondence with a few residents and property owners, but no formal comments have been received at the date of this staff report.

II. OVERVIEW

- A. Applicant: The City of Sherwood
- B. Location: The Brookman Addition Concept Plan area, as described above. The Sherwood Transportation System Plan is a city-wide document.
- C. Review Type: The proposal requires a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission will make a recommendation to the City Council, who will make the final decision. Any appeal of the City Council decision would go directly to the Oregon Land Use Board of Appeals.

- D. Public Notice and Hearing: The project is a legislative amendment. Notice of the first evidentiary hearing was provided to the Department of Land Conservation and Development (DLCD) and Metro on October 9, 2020. Notice of the November 11, 2020, Planning Commission hearing was published in The Times, a newspaper of general circulation, on October 22, 2020, and November 5, 2020. Notice of the hearing was also posted in City Hall. A project webpage was created on the city's website in August 2019 has been updated throughout the planning process.
- E. Review Criteria:
The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC). In addition, the amendment must be consistent with Goals 1, 2, and 12 of the Statewide Planning Goals and Metro's Functional Plan.

III. PUBLIC COMMENTS

Public comments received are included in the record as Attachment B

Mel Taylor, November 2, 2020 (See Attachment B1). Mr. Taylor's comments focus on public involvement and the possibility that Brookman Rd, parts or all of it, may be the Southern Arterial connecting I-5 to Hwy 99 at some time in the future.

Staff response: Public involvement is discussed in the Plan Addendum. Stakeholder interviews were held early on in the process. A project webpage was created in August 2019 on the city's website. After a public open house was canceled due to COVID-19, staff sent a postcard mailing to all property owners and within 1,000 feet of the boundary early last spring to review the draft road design and alignment alternatives on the project webpage and to call or email staff with questions. The proposed road design and alignment alternative slideshow have been on the project website since early April of 2020. Staff sent out another mailer about the project in October 2020, directing people to the project website for additional information prior to the public hearing. The intent of this project was to reevaluate the Concept Plan to determine the future function, general capacity, and design needs for Brookman Road and as a three-lane roadway and as a possible five-lane Arterial. There are currently no plans extending the roadway east of Ladd Hill within Clackamas County at this time.

Scott Edington, November 5, 2020 (See Attachment B2). Mr. Edington would like the plan to move the high density housing closer to Highway 99W similar to Woodhaven & Creekview Crossing condos.

Clayton Hargrove, November 7, 2020 (See Attachment B3). Mr. Hargrove would not like Brookman Road to shift slightly to the north and bisect his property at Highway 99W.

Staff response: The intersection of Brookman and Highway 99W was corrected to remain in it's current alignment with Highway 99W after a meeting with ODOT staff. The plan's alignment no longer shows a slight shift to the north that would bisect Mr. Hargrove's property.

Randy & Kayla Krueger, November 9, 2020 (See Attachment B4). The Krueger's are against the plan's proposal that shows Brookman Road's extension through their property.

IV. AGENCY/DEPARTMENTAL COMMENTS

The City requested comments from affected departments and agencies on October 21, 2020. Formal agency comments are included in the record and attached as Attachment C1-C3. The following is a summary of agency comments received:

ODOT Rail, Carrie Martin, and Kurt Mohs provided comments indicating that a diagnostic meeting will be required with the railroad(s), road authority, and ODOT Rail present around project kickoff and/or 30% design for the rail crossing improvements. The agency had questions about the design of bike/pedestrian access near the rail crossing and recommended new examples of newer rail crossing design concepts (See Attachments C1 and C2).

Staff Response: Staff recognizes that continuing coordination with ODOT Rail and Washington County will be needed throughout the rail crossing's early design process.

ODOT, Region 1, Marah Danielson provided comments indicating that Brookman's current alignment at Highway 99W is adequate, and the road should not slightly shift to the north. Her comments note an error the proposed TSP language to remove the traffic signal at the intersection of Brookman and Highway 99W (See Attachment C3).

Staff Response: The plan shows the intersection of Brookman and Highway 99W in it's current alignment, and staff did not mean to strike out the language regarding the traffic signal at the intersection of Brookman and Highway 99W. This traffic signal remains as part of the project improvements.

V. REQUIRED FINDINGS FOR A PLAN TEXT/MAP AMENDMENT TO THE CITY'S TRANSPORTATION SYSTEM PLAN

Sherwood Zoning and Community Development Code Chapter 16.80 Plan Amendments

16.80.030 – Review Criteria

A. Text Amendment

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

There are no proposed text amendments to the City's adopted Comprehensive Plan as part of the Brookman Addition Concept Plan's Addendum. There are two proposed text changes to the City's Transportation System Plan (TSP) document, which is adopted as a supporting element to the city's Comprehensive Plan. The proposed text changes to the TSP refer to the refinement planning effort in 2019 and 2020 and describes Brookman Road's proposed realignment.

Page #	Item	Recommended Changes
Volume 1: Sherwood Transportation System Plan		
36	Project D14 in Table 1: Realign Brookman Road to intersect with Highway 99W approximately ¼ mile north of its existing intersection; This alignment would provide future separation from the Southern Arterial connection at Highway 99W and would improve safety and driver expectancy for the intersection on the highway by moving it within the urbanized context (within future urbanized area of Brookman Concept Plan area). This improvement includes a traffic signal at the realigned intersection with a westbound left and southbound right turn lane, and a grade separated railroad crossing. All traffic signals on the state highway system would need to be approved by the state traffic engineer and design coordination with ODOT would be needed to ensure that the improvements were done in a manner that would improve driver expectancy and safety.	Realign Brookman Road to intersect with Highway 99W approximately ¼ mile north of its existing intersection; This alignment would provide future separation from the Southern Arterial connection at Highway 99W and would improve safety and driver expectancy for the intersection on the highway by moving it within the urbanized context (within future urbanized area of Brookman Concept Plan area). This improvement includes a traffic signal at the realigned intersection with a westbound left and southbound right turn lane, and a grade separated railroad crossing. All traffic signals on the state highway system would need to be approved by the state traffic engineer and design coordination with ODOT would be needed to ensure that the improvements were done in a manner that would improve driver expectancy and safety. <i>The intersection of Brookman Rd and OR 99W to be improved with the installation of a traffic signal. All traffic signals on the state highway system need to be approved by the State Traffic Engineer and design coordination with ODOT is needed to ensure that the improvements are done in a manner that improves driver expectation and safety. The design of the intersection may result in the need for additional right of way to improve the intersection alignment.</i>
73	Function and Design of Brookman Road and Concept Plan Area Update: Brookman Road is a rural corridor that sits on the southern edge of the Urban Growth Boundary (UGB). Through the Brookman Addition Concept Plan, it was identified that the road was needed to	Function and Design of Brookman Road and Concept Plan Area Update: Brookman Road is a rural corridor that sits on the southern edge of the Urban Growth Boundary (UGB). Through the Brookman Addition Concept Plan, it was identified that the road was needed to provide access to areas south of Sunset Road. The I-5 to 99W Connector project had

provide access to areas south of Sunset Road. The I-5 to 99W Connector project had conceptually identified the "Southern Arterial" as the primary east-west mobility route through the area, with an alignment along or just south of Brookman Road. Since the time of those planning efforts, additional planning efforts in the Basalt Creek area have refined the eastern portion of the "Southern Arterial". To establish additional clarity about the western portion of the facility, a coordinated multi-agency effort is needed to determine the future function and general capacity and design needs for Brookman Road and the Southern Arterial. These efforts will help ensure that appropriate right of way can be reserved as the area is urbanized while providing accessibility to future development. In the interim, to provide for future flexibility, Brookman Road has been designated by Washington County as an arterial with 5-lanes of right-of-way needed. It is recognized that changing the role and function of Brookman Road would require modifications to the Brookman Addition Concept Plan to determine how future development would occur. During the interim, while refinement planning has not yet completed, access spacing and other requirements will need to be evaluated on a case by case basis at the time of any development	conceptually identified the "Southern Arterial" as the primary east-west mobility route through the area, with an alignment along or just south of Brookman Road. Since the time of those planning efforts, additional planning efforts in the Basalt Creek area have refined the eastern portion of the "Southern Arterial". <i>The Brookman Road Concept Plan Area underwent a multi-agency refinement planning effort in 2019 and 2020. The results of that process recommended that Brookman Road should use a 3-lane "transitional" road design as the interim design until additional road capacity is needed. Brookman Road will maintain its Arterial designation, allowing widening to a five-lane arterial consistent with the Washington County and Sherwood TSP. This effort ensures the appropriate right of way can be reserved as the area is urbanized while providing accessibility to future development. While the majority of the existing road alignment would remain the same, the refinement process also recommended the intersection of Brookman Road and Ladd Hill Road be realigned approximately 700 feet to the south to flatten out a sharp curve and minimize impacts to residences.</i> To establish additional clarity about the western portion of the facility, a coordinated multi-agency effort is needed to determine the future function and general capacity and design needs for Brookman Road and the Southern Arterial. These efforts will help ensure that appropriate right of way can be reserved as the area is urbanized while providing accessibility to future development. In the interim, to provide for future flexibility, Brookman Road has been designated by Washington County as an arterial with 5-lanes of right-of-way needed. It is recognized that changing the role and function of Brookman Road would require
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	application. The long-term intent is to reevaluate the Brookman Addition Concept Plan in the context of the Urban Reserve designation to the south. The evaluation would consider the refinement of both the location Southern Arterial, and a local collector level roadway to provide access to the area. As the issues for the Southern Arterial are resolved (including the long-term alignment) appropriate changes to these interim designations should be considered.	modifications to the Brookman Addition Concept Plan to determine how future development would occur. During the interim, while refinement planning has not yet completed, access spacing, and other requirements will need to be evaluated on a case by case basis at the time of any development application. The long-term intent is to reevaluate the Brookman Addition Concept Plan in the context of the Urban Reserve designation to the south. The evaluation would consider the refinement of both the location Southern Arterial, and a local collector level roadway to provide access to the area. As the issues for the Southern Arterial are resolved (including the long-term alignment) appropriate changes to these interim designations should be considered.
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RESPONSE COMMUNITY NEED: The proposed Addendum to the Brookman Concept Plan addresses transportation and land use concerns associated with development proposed for the area served by Brookman Road. The initial concept plan envisioned Brookman Road realigned to provide a perpendicular crossing of the existing rail line and provide for a signalized intersection south of the Highway 99W/Sunset intersection. When the Brookman Addition Concept Plan was being developed, the I-5/99W connector planning was well underway. It was envisioned that a new arterial would be located south of Brookman Road, approximately 1,000 ft. Since that time, the I-5/99W connector location has not been resolved, and Washington County updated its Transportation System Plan and identified Brookman Road as an arterial. To be consistent with the County, the City has also updated its' TSP. It classifies Brookman Road as an arterial, which complicates the vision for this planned area as Brookman Road was intended as a neighborhood collector. The following community goals for this planning process included:

1. Developing and analyzing potential design concepts for Brookman Road.
2. Identifying an alignment that best reflects the future transportation needs of the community.
3. Providing multi-modal transportation facilities.
4. Minimizing impacts to properties in the Concept Plan area.
5. Reviewing zoning compatibility against potential alignments.
6. Aligning the final recommendation with City and County transportation plan

The proposed revised road alignments in the Brookman area's western and eastern subareas were developed as part of the identified need to update the Brookman Addition Concept Plan because of changing conditions since adopting the concept plan.

Consistency and regional and state regulations is discussed in detail below, in this staff report.

B. Map Amendment

An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.
2. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.
3. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.
4. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.

FINDING: There are no proposed map amendments to the City's Zoning Map as part of the Addendum to the Brookman Addition Concept Plan. The table below indicates the maps within the city's TSP to be amended with the proposed realignment of Brookman Road in the western and eastern subareas. This standard is met.

Page #	Item	Recommended Changes
<i>Volume 1: Sherwood Transportation System Plan</i>		
18	Figure 5	Update figure to show new Brookman Road alignment
21	Figure 6: 2035 Motor Vehicle Conditions	Update figure to show new Brookman Road alignment
41	Figure 11: Motor Vehicle Projects	Update figure to show new Brookman Road alignment and classification
42	Figure 12: Pedestrian Projects	Update figure to show new Brookman Road alignment
43	Figure 13: Biking Projects	Update figure to show new Brookman Road alignment
44	Figure 14	Update figure to show new Brookman Road alignment
57	Figure 17: Street Functional Classification	Update figure to show new Brookman Road alignment
60	Figure 18: Local Street Connectivity	Update figure to show new Brookman Road alignment
64	Figure 19: Through Truck Routes	Update figure to show new Brookman Road alignment
72	Figure 20: 2035 Non-SOV Share	Update figure to show new Brookman Road alignment

Consistency 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

STATEWIDE PLANNING GOALS

Goal 1 (Citizen Involvement)

Objective: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

RESPONSE: A summary of citizen involvement opportunities provided throughout this planning process is described in the Addendum. The Planning Commission, is the designated Citizen Involvement Committee under this goal, and provides an advisory recommendation to the City Council for review and adoption.

Goal 2 (Land Use Planning)

Objective: To establish a land use planning process and policy framework as a basis for all decision and actions related to the use of land and to assure an adequate factual basis for such decisions and actions.

RESPONSE: The proposed Addendum does not alter any goals and policies in the Comprehensive Plan or changes to Sherwood Plan and Zoning Map and Zoning and Development Code that are already consistent with Goal 2. The Addendum does not propose any zoning changes within the Brookman plan area.

Notice was provided to DLCD 35 days prior to the first schedule public hearing as required. The plan Addendum was developed in coordination with Metro, ODOT, ODOT Rail, Washington, and Clackamas counties to be consistent with applicable regulations.

The proposed Addendum and TSP amendments are consistent with this Goal.

Goal 3 (Agricultural Lands)

Goal 4 (Forest Lands)

RESPONSE: Goals 3-4 not applicable to Sherwood.

Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces)

Goal 6 (Air, Water and Land Resources Quality)

Goal 7 (Areas Subject to Natural Hazards)

Goal 8 (Recreational Needs)

Goal 9 (Economic Development)

Goal 10 (Housing)

RESPONSE: The proposed Addendum Brookman Addition Concept Plan is consistent with the above Goals. The Addendum only proposes changes to the alignment of Brookman Road in the western and eastern subareas. There are no proposed changes to zoning within the plan area (commercial and residential areas) or to parks and open space within the concept plan. The plan's Addendum is consistent with these goals.

Goal 11 (Public Facilities and Services)

Objective: 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.

RESPONSE: This goal is addressed by the existing water, sanitary sewer and stormwater master plans that already have anticipated development within this area and have identified projects to ensure this area is adequately served. The Addendum is consistent with this Goal.

Goal 12 (Transportation)

Objective: To provide and encourage a safe, convenient and economic transportation system.

RESPONSE: The proposed design cross-section of Brookman Road provides for bike and pedestrian facilities on a multi-use path. The proposed design of Brookman Road provides and encourages all modes of travel and is consistent with this Goal.

Goal 13 (Energy Conservation)

Objective: To conserve energy.

RESPONSE: The Brookman Concept Plan is planned with transportation options and encourages energy efficiency by providing opportunities for people to live near where they work and shop, and encouraging people to walk and bike.

Goal 14 (Urbanization)

Goal 15 (Willamette River Greenway)

Goal 16 (Estuarine Resources)

Goal 17 (Coastal Shorelands)

Goal 18 (Beaches and Dunes)

Goal 19 (Ocean Resources)

FINDING: Goals 14-19 not applicable.

METRO FRAMEWORK PLAN

Chapter 2

This chapter of the Regional Framework Plan presents the overall policy framework for the specific transportation goals, objectives and actions contained in the Regional Transportation Plan (RTP). It also sets a direction for future transportation planning and decision-making by the Metro Council and the implementing agencies, counties and cities.

GOAL 1: Vibrant Communities The greater Portland region is a great and affordable place to live, work and play where people can easily and safely reach jobs, schools, shopping, services, and recreational opportunities from their home by walking, biking, transit, shared trip or driving.

Objective 1.2: Walkable Communities - Increase the share of households in walkable, mixed-use areas served by current and planned frequent transit service.

Objective 1.4: Access to Community Places¹ - Increase the number and variety of community places that households, especially households in historically marginalized communities, can reach within a reasonable travel time for all modes of travel.

RESPONSE: The land use concepts (office and light industrial edge, small village center, residential areas) the parks, open space and trail system, and the vision for a complete community from the 2009 concept plan area do not change with the proposed realignment of Brookman Road. The 2009 concept plan sets the framework for a mixed-use community coupled with pedestrian orientated design to promote walkability to jobs, schools, commercial uses.

GOAL 2: Shared Prosperity People have access to jobs, goods and services and businesses have access to workers, goods and markets in a diverse, inclusive, innovative, sustainable and strong economy that equitably benefits all the people and businesses of the greater Portland region.

Objective 2.1: Connected Region - Build an integrated system of throughways, arterial streets, freight routes and intermodal facilities, transit services and bicycle and pedestrian facilities, with efficient connections between modes that provide access to jobs, markets and community places within and beyond the region.

Objective 2.3: Access to Jobs and Talent - Attract new businesses and family-wage jobs and retain those that are already located in the region while increasing the number and variety of jobs that households can reach within a reasonable travel time.

Objective 2.4: Transportation and Housing Affordability - Reduce the share of income that households in the region spend on transportation to lower overall household spending on transportation and housing.

RESPONSE: Brookman Road is designated as an arterial but is proposed to be constructed as a three-lane-arterial until it warrants widening. The road will have a multi-use path for bike and pedestrians and provides people access to jobs, goods and services, and employment opportunities. As stated above, the original intent of the 2009 Concept Plan remains the same. The Brookman area integrates land uses, transportation, open space, and green infrastructure with high expectations for quality development and sustainable pedestrian-orientated design.

GOAL 3: Transportation Choices People throughout the region have safe, convenient, healthy and affordable options that connect them to jobs, school, services, and community places, support active living and reduce transportation-related pollution.

Objective 3.1: Travel Choices - Plan communities and design and manage the transportation system to increase the proportion of trips made by walking, bicycling, shared rides and use of transit and reduce vehicle miles traveled.

Objective 3.2: Active Transportation System Completion - Complete all gaps in regional bicycle and pedestrian networks.

¹ Community places are defined as key local destinations such as schools, libraries, grocery stores, pharmacies, hospitals and other medical facilities, general stores, parks, greenspaces, and other places that provide key services and/or daily needs.

Objective 3.4: Access to Active Travel Options - Increase household and job access to planned regional bike and walk networks.

RESPONSE: The proposed realignment of Brookman Road at the western and eastern subareas does not negatively affect the transportation system or transportation choices. The Addendum calls for a multi-use path on the northside of Brookman road to increase active transportation choices.

16.80.030 – REVIEW CRITERIA FINDINGS:

The proposed text amendments to the TSP are consistent with the city's Comprehensive Plan, TSP, and all applicable state and city statutes. The city's TSP was adopted in 2014 (ORD 2014-012) and are found to comply with the city's Comprehensive Plan and all applicable regional and state statutes. The city's TSP describes the Brookman Road project. The proposed text amendment brings into line the project's description with the proposed realignment of Brookman Road as shown and in the Addendum in the western and eastern subareas. The original intent of the Brookman Addition Concept Plan does not change through the proposed amendments to the TSP. The land uses, parks, open space and natural resource preservation, and the desire to development to designed to be high-quality and long-lasting for a livable future, guided by green infrastructure, remain goals of the plan.

C. Transportation Planning Rule Consistency

1. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.

FINDING: The proposed TSP map and text amendments do not amend policies in the Comprehensive Plan or the city's Zoning Plan map. Brookman Road's functional classification remains a designated arterial roadway within the city and county transportation plans. The proposed Addendum includes a 3-lane alternative roadway cross-section for future roadway improvements. The proposed 3-lane alternative roadway cross-section within the Plan Addendum does not affect the Transportation Planning Rule. When the Brookman Addition Concept Plan was adopted, it was analyzed and determined to be in full compliance with the Transportation Planning Rule. As properties annex into the city and development occurs, additional traffic studies may be required. This standard is met.

V. RECOMMENDATION

The Transportation System Plan amendments within the Addendum to the Brookman Addition Concept Plan comply with applicable Statewide Planning Goals, Metro regulations, and the City's Development Code's applicable provisions.

Based on a review of the applicable code provisions, agency comments, and staff review, staff finds that the Transportation Plan Amendments are consistent with the applicable criteria. Therefore, staff **recommends that the Planning Commission forward a recommendation of APPROVAL** of the Brookman Concept Plan Addendum and associated amendments to the city's Transportation System Plan to the Sherwood City Council.

VI. EXHIBITS

B. Public Comments

B-1: Mel Taylor, November 2, 2020

B-2: Scott Edington, November 5, 2020

B-3: Clayton Hargrove, November 7, 2020

B-4: Randy and Kayla Krueger, November 9, 2020

C. Agency Comments

C-1: ODOT Rail, Carrie, October 23, 2020

C-2: ODOT Rail, Kurt Mohs, October 22, 2020

C-3: ODOT Region 1, Marah Danielson, November 10, 2020

From: [MARTIN Carrie A](#)
To: [Erika Palmer](#)
Subject: RE: Request for Agency Comment -- Case File LU 2020-020 PA Brookman Refinement Plan and City of Sherwood Transportation System Plan (TSP) amendments
Date: Friday, October 23, 2020 7:44:33 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Hello Erika,

Thank you for the opportunity to comment the Brookman refinement plan.

The documents state the railroad crossing is inactive. All rail crossings are to be considered active unless the tracks have been removed.

A diagnostic meeting will be required with the railroad(s), road authority, and ODOT Rail present. Suggest sometime around project kickoff and/or 30% design.

It was stated that a multiuse pathway crossing was wanted at the rail crossing. The plans do not show a multiuse pathway and instead show a cycle track (bike lane) and a sidewalk which are two separate usages not a multiuse pathway. A multiuse pathway would be combined usage with a stop bar, stop sign, minimum 10 ft wide, and most likely some sort of fencing, channelization, gates, z-channelization at the crossing to ensure, especially bicycles, stop at the crossing. There are several rail crossing projects either being constructed, in design, or other that have a cycle track (bike lane) and the cycle track will transition onto the vehicular roadway level to a bike lane at about the vehicular SSD, travel thru the gated rail crossing, and then transition back up into a cycle track around the vehicular SSD near the sidewalk once on the other side of the rail crossing. Bikes do not normally travel behind gates like a pedestrian does. It is also not suggested to place bike lanes to travel in opposite directions on one side of the roadway if they are to utilize the rail crossing gates. When the time comes for actually design of the rail crossing the railroad, road authority, and ODOT Rail can have some more detailed discussions.

It is not recommended that bikes travel at a skew across a rail crossing but instead at a 90 degree angle. If the bike lane crosses the tracks at a skew then skewed signs will be necessary.

Sidewalks need to cross at a 90 degree angle for visibility.

Typically minimum 12 ft travel lanes are needed at the crossing which the 3 and 5 lane cross section shows.

Only low vegetation should be planted in advance and directly next to the rail crossing due to sight distances for vehicles, bikes, and pedestrians safety within the sight triangle. Tree plantings or objects in advance of the crossing should not block railroad signs and signals or it will not pass final inspection.

Will there be a cantilever installed for the rail crossing when the rail crossing transitions from 3 lanes

to 5 lanes? This was not shown in the document.

Will there be a median with guardrail to place railroad equipment/gates when the roadway transitions from 3 to 5 lanes?

All roads/driveways near the rail crossing will need to be looked at further, and especially when the crossing goes from 3 to 5 lanes wide. Some side roads may need to be right in/right out or closed/moved depending on the distance from the tracks and if they are within the SSD of the rail crossing.

Suggest looking at other projects like 209th, Century, Cornelius Pass Rd rail crossings for examples of newer design concepts.

Thank you,

Carrie Martin

ODOT Rail
Crossing Compliance Specialist
Carrie.A.Martin@odot.state.or.us
(Cell) 971-719-0906

From: Erika Palmer <PalmerE@SherwoodOregon.gov>

Sent: Wednesday, October 21, 2020 4:02 PM

Subject: Request for Agency Comment -- Case File LU 2020-020 PA Brookman Refinement Plan and City of Sherwood Transportation System Plan (TSP) amendments

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hello Agency Partners:

The City of Sherwood Planning Department is requesting agency comments on the following proposal. A public hearing with the Sherwood Planning Commission is scheduled for Tuesday, November 10, 2020, at 7:00 pm, and a City Council hearing tentatively planned for December 1, 2020, at 7:00 pm. Pursuant to House Bill 4212 (2020), this meeting will be conducted electronically and will be live-streamed at <https://www.youtube.com/user/CityofSherwood>

Proposal: The City of Sherwood proposes to adopt a refinement to the Brookman Addition Concept Plan and associated map amendments to the City's TSP, showing the proposed Brookman Road re-alignment at Highway 99w and Ladd Hill Road.

Code Criteria: Sherwood Zoning and Community Development Code 16.80, Oregon State Land Use Goals, 1, 2, 12, Metro's Framework Plan, Sherwood Comprehensive Plan Chapter 2.

The link to the project webpage:

From: [MOHS Kurt A](#)
To: [Erika Palmer](#)
Subject: RE: Request for Agency Comment -- Case File LU 2020-020 PA Brookman Refinement Plan and City of Sherwood Transportation System Plan (TSP) amendments
Date: Thursday, October 22, 2020 7:17:24 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

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Erika,

Pursuant to ORS 824.202, the Oregon Department of Transportation, Commerce and Compliance Division (Department) has authority over the construction, alteration and protection of railroad-highway crossings in the State of Oregon.

Any modifications to existing at grade crossings require a crossing order issued by the Oregon Department of Transportation. The process to get to the final order begins by conducting a diagnostic meeting on site with ODOT rail crossing safety staff, the road authority and railroad (railroads in this case) as the underlying railroad right of way is owned by the Union Pacific Railroad. The line is leased to Portland and Western Railroad.

Any significant increase in average daily traffic at an existing at-grade crossing would also trigger at a minimum a discussion to determine if the existing safety devices are adequate to handle the increase in traffic.

The construction of an overpass also requires a diagnostic meeting and crossing order.

The construction of new at grade crossings is discouraged by our department and by the railroads. I believe the UPRR railroad currently requires that for any new at-grade crossings built, there be 3 at-grade crossings closed nearby.

Thanks for the opportunity to comment.

Kurt

Kurt Mohs
Rail Crossing Compliance Specialist
ODOT Commerce and Compliance Division
(503) 551-0602

 palmere@sherwoodoregon.gov

 www.sherwoodoregon.gov

Sherwood Community Development Department office hours are Monday – Friday 8 am to Noon

During this time of health emergency, we are encouraging the use of email and making appointments with staff. Thank you for understanding.

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Oregon
Kate Brown, Governor

Department of Transportation
Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon, 97209
Phone: (503) 731-8200
Fax: (503) 731-8259

November 10th, 2020

To: Erika Palmer, Sherwood Planning Manager

From: Marah Danielson, ODOT Senior Planner

Subject: Brookman Rd Concept Plan Update and TSP Changes

ODOT participated in the Brookman Rd Concept Update planning process which reevaluated the need to relocate the Brookman Rd intersection at OR 99W. At the time the plan was originally done, the region was exploring options for the I-5 to OR 99W connector (Southern Arterial) which is why the concept plan showed relocating the Brookman Rd intersection to north by a ¼ mile. Upon further evaluation through the plan update process, it has been determined that there is not a need to relocate Brookman Rd intersection at OR 99W. ODOT supports the decision that the Brookman Rd connection to OR 99W remain in the existing location. The city's Transportation System Plan identifies a project to install a signal at the intersection. Since there isn't a design concept for this project at this time, we do not know whether the improvements can be done within the existing right of way. While additional right of way to the north may be needed to improve the intersection alignment for the future improvement, some preliminary design is needed to inform that decision. Based on the level of analysis for this planning effort, ODOT thinks it is reasonable to show the Brookman Rd connection at OR 99W within the existing right of way.

ODOT has reviewed the proposed TSP language changes to implement the Brookman Rd Concept Plan Update. The proposed language changes for page 36 of the TSP address the outcome of the update to remove the language for relocating the Brookman Rd/OR 99W to the north by ¼ mile. The proposed language changes also include removing the language requiring a traffic signal at the intersection. Although the intersection will remain in its current location, a traffic signal should still be included in the TSP since it is needed to mitigate traffic growth at the intersection. The project team has indicated that it was not the city's intent to remove the signal project from the TSP. Therefore, ODOT recommends the following language relating to the Brookman Rd/OR 99W intersection:

- The intersection of Brookman Rd and OR 99W to be improved with the installation of a traffic signal. All traffic signals on the state highway system need to be approved by the State Traffic Engineer and design coordination with ODOT is needed to ensure that the improvements are done in a manner that improves driver expectation and safety. The design of the intersection may result in the need for additional right of way to improve the intersection alignment.

From: [Mel Taylor](#)
To: [Erika Palmer](#)
Subject: Comments for Brookman Concept Plan Refinement
Date: Monday, November 2, 2020 11:49:13 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

I just noticed that I had some mail from the Planning Dept at the City of Sherwood, letting me know that after Covid delays, they were scheduling "public" hearings to get approval for recommended refinements to the 2009 Brookman Concept Plan. In going on line to review the documents that are being proposed, I found a Public Hearing Notice (LU 2020-020 PA) that says that for comments to be considered and addressed within the staff report, I need to submit them today. The mailing I received did not mention the staff report comment deadline. I just happened to click on the Public Hearing Notice, and read it.

I have a couple of things I would like to comment on. The first being the process that has been followed to realign the Brookman Rd. And the second thing I would like to mention is it seems like a lot of effort is being made to not let people know what is really being proposed for Brookman Rd. It is obvious that the door is being left open for Brookman Rd to be the Southern Arterial (think I-5 to Hwy 99 connector, if another route is not found. The proposed alignment of the road gives that away.

First the process comments. Resolution 2019-027, April 16, 2019 page 2, states that in doing the refinement plan to determine the future alignment of the road, a meeting would be held with stakeholders, including existing land owners. None of the landowners on the East end of Brookman Rd were aware that the refinement work was being done, until the work was finalized. They did not meet with us. But we all got postcards letting us know it was done, and to go online to look at it. And now, the two public hearing that I was promised, have turned into an opportunity to send comments, and watch a live-streamed Youtube. From the start it looked like there was something that the City did not want people to know about the proposed refinement plan.

So, I think the citizens and property owners need to be told about the possibility that Brookman Rd, parts or all of it, may be the Southern Arterial connecting I-5 to Hwy 99 at some time in the future. At the start of the refinement process the goals were to tie the Brookman Rd area into the rest of the city, slow traffic down (it is 25/35 MPH now) and to maintain the character of the area. That makes sense. But when you look at the route that is proposed, it does not do that. On the west end, the intersection with Hwy 99 does not move north to make a place to connect a future Southern Connector, it becomes the Southern Connector. And on the East end, instead of connecting back to town, it goes up the hill, on a big fill, to gain elevation to get over the top and over to the Basalt Creek Industrial/Commercial area. And extra ROW is being taken to be able to have five lanes to handle the traffic. And a five lane road is not usually a slow road. It does not maintain the woodsy residential character of the area.

And the new refinement plan states that another reason for the proposed alignment is that it minimizes the impact to properties in the concept plan area. That is not true on the East End. The need to get the road up and over the hill to connect to 124th and Tonquin in the future, has dirt piled up so close to three of the homes (one is mine) that no one would want to live in them. That may be the point. The city wants all of the people there to sell so the area can develop. I just hope that we will be compensated for the having a arterial highway run through them, to solve a regional transportation problem for Metro, and a money problem for the City of Sherwood. Why else would a city want a regional highway run through an area prime for residential development if it wasn't to get regional money. I just don't want to be hurt by that as a property owner. I don't think others in the City will like it either.

I think that regional transportation needs (think Portland Metro) not City of Sherwood needs were the things that determined the design of Brookman Rd. And it is interesting that the City is recommending that the residential zoning be maintained. Will Brookman Rd become a truck route, like Tualatin Sherwood Rd? Maybe commercial zoning would be more appropriate. My concern is that the value of my

property on the east end of Brookman Rd will be reduced. I should probably help keep the Southern Connector deal a secret to protect the value of my property. I am not opposed to the area developing, but I am opposed to having a regional arterial go through a valley that people think is going to be a quiet woodsy highly desirable residential area. I think that is what the people of Sherwood are expecting. OK maybe to start with it will be a three lane road, like Sunset Blvd. But the people are not going to be happy when it Metro says it is time to connect it over to 124th and Tonquin, as a five lane arterial.

It is interesting that the City of Sherwood has approved a cul-de-sac in one of the new subdivisions that may someday connect to a five lane arterial.

And if I am wrong about what I think is going on, just tell me. I would love to know that I am wrong. Just say it.

And I apologize for any spelling errors. I just happened to find out that the deadline to whine was tonight, and I just has a short time to comment. I don't like the secretive process. I don't go around looking for meeting notices, etc. Are they posted on the bulletin board at the library. Do I need to go down and look every couple days? And I am sorry if I missed some little technicality or committed a process error.

Mel Taylor
541.225.7722

Attachment B-2

From: [Scott 4045](#)
To: [Erika Palmer](#)
Subject: Brookman Addition Concept Plan
Date: Thursday, November 5, 2020 11:12:20 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

I would like this email/letter to be included in the public comment for the upcoming hearing on Tues, Nov 10, 2020:

Dear Planning Commission and City Council,

I am not opposed to growth when it's done correctly. However, future growth should not negatively impact existing residents and neighborhoods. I feel the current Brookman Addition Concept Plan, as presently laid out, does hurt existing residents and neighborhoods in many ways.

With all of the changes that have occurred since the city originally drafted the plan (county reclassification of Brookman Rd - collector vs artery is a big one), **I feel it is worth reevaluating the plan.**

Specifically, I'd like to address the planned location of the high density housing and in light of the many changes, how it's current location could negatively impact the surrounding community.

Placement of Higher Density Housing

Under the current plan, the high density housing is tucked in away from 99W; heavily bordered by much lower-density housing types.

This creates some challenges: traffic, safety and feel/continuity of neighborhoods.

Building the high density housing closer to 99W, like Woodhaven Crossing and Creekview Crossing (condos by the YMCA and at corner of Meinecke/99W) would be a much smarter option!

Since we already have precedence in our city for building high density this way, this seems like a VERY easy solution to implement.

Putting the high density on 99W improves traffic issues for both the high density residents and bordering neighborhoods:

- High density residents have better on/off access to 99W
- Bordering residents don't have the high density traffic filtering through the neighborhoods

If the high density housing is NOT moved from it's planned location to be closer to 99W, another solution would be to make a singular and dedicated entrance to the site from Brookman Road. Something similar to the way the Woodhaven Crossing (condos by YMCA) only has access to 99W and not to Woodhaven Dr or surrounding neighborhoods.

I acknowledge the topography and the way the area is currently partitioned/zoned, makes this option challenging, but with some simple adjustments to the plan, feel this could be a viable option as well.

Moving the high density near the highway also helps the liveability, continuity and feel of the existing neighborhoods by better matching density types as you go deeper into the Brookman area.

Traffic Impact on Existing Neighborhoods & Middleton Elementary

If the high density housing is built in it's proposed location and with the arterial vs collector road issue, there is a concern that residents of the high density housing would use surface streets through the neighborhoods to the north to gain access to Sunset and then 99W instead of using Brookman Road.

The proximity of Middleton Elementary to the north and it's surrounding School Zone further amplify this challenge and concern.

The school's physical location already creates access and traffic challenges throughout the area, especially during the morning commute.

Middleton also has a high number of kids that walk to school through these neighborhoods.

Allowing/pushing this new traffic north, up and around Middleton Elementary, creates additional and unnecessary risk that could be easily avoided with minor changes to the now outdated concept plan.

Conclusion

To me, the easiest solution is to update the plan and move the high density housing closer to 99W, just as we've done with the Woodhaven & Creekview Crossing condos.

Please consider updating the Brookman Addition Concept Plan to better optimize the location of where the high density housing is built.

The county's reclassification of Brookman's roadway type should be more than enough justification to redo and build a better plan.

At the very least, please consider other solutions to address these concerns so existing residents and neighborhoods aren't negatively impacted by implementation of this current, diminished concept plan!

Thank you for your time and service to our community!

Regards,

Scott Eddington
23911 SW Aspen Lakes Dr
Sherwood, OR 97140

From: [Clayt H](#)
To: [Erika Palmer](#)
Subject: Testimony, Brookman addition concept plan
Date: Saturday, November 7, 2020 1:09:59 PM

Attachment B-3

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

I am a owner Clayton Hargrove, as well as my brother Keith Hargrove of the property at the corner of Brookman and 99W.

This plan has been based on apparently a study, that locates moving the road through properties, instead of where it pre-exists. This destroys sections of property I own for pasture, as well as across the street up Chapman, to bring it back to where it pre-exists.

Who did this study?

The safety problem has always exists due to the short center section cars enter to cross the street/turn. Much of the time, car signals not canceled automatically with such a small area half way through a turn. The combination of this, cars starting to go, stop for others, from this point has lead to many accidents of cars pulling out in front of others at full speed, distracted by the center median section activity.

A proper intersection with a traffic light eliminates the distraction.

To waste money in building a entirely new road winding the road around through people's properties I don't find a credible solution. Which also is split by the main Highway, and two separate plans, (I believe).

A project like this is what has been on Roy Rogers for over a year of fiddling around (24 hour a day construction). As a side note I worked in construction, and ready mix.

Proper contractors, design, is a simple thing at this intersection, that doesn't need a complete new road. Nor a high tax dollar Bill to tax payers, for a job milked out for massive payouts in putting roads through people properties, instead of where it already is.

From: [acedheatingcooling](#)
To: [Erika Palmer](#)
Subject: property owner
Date: Monday, November 9, 2020 6:01:08 PM

Attachment B-4

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Testimony public hearing
Property owner right and forcing to move.

I just discovered about this meeting and planning that is going on at my property.

Your proposed plan, if I am looking at this correctly is going through the middle of my property.

This has been our home for 34 years and we are not moving and are against this proposal.

We advise a different solution instead of forcing people out of their retirement home.

Our property in question is
18468 sw brookman rd, sherwood, or 97140.

We say no to this plan!

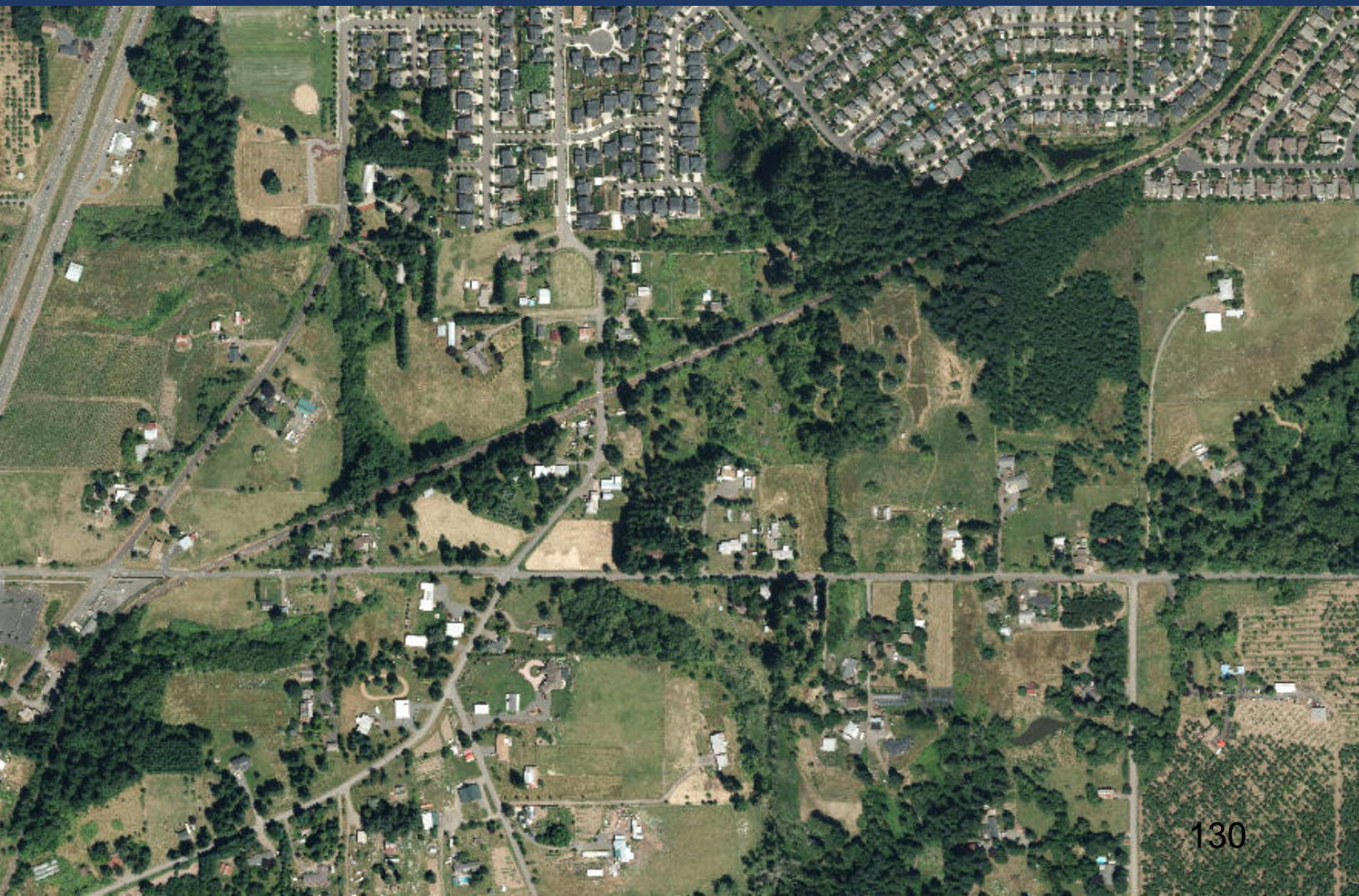
Local affected property owner

Randy & Kayla Krueger
503-746-3772

Sent from my Verizon, Samsung Galaxy smartphone

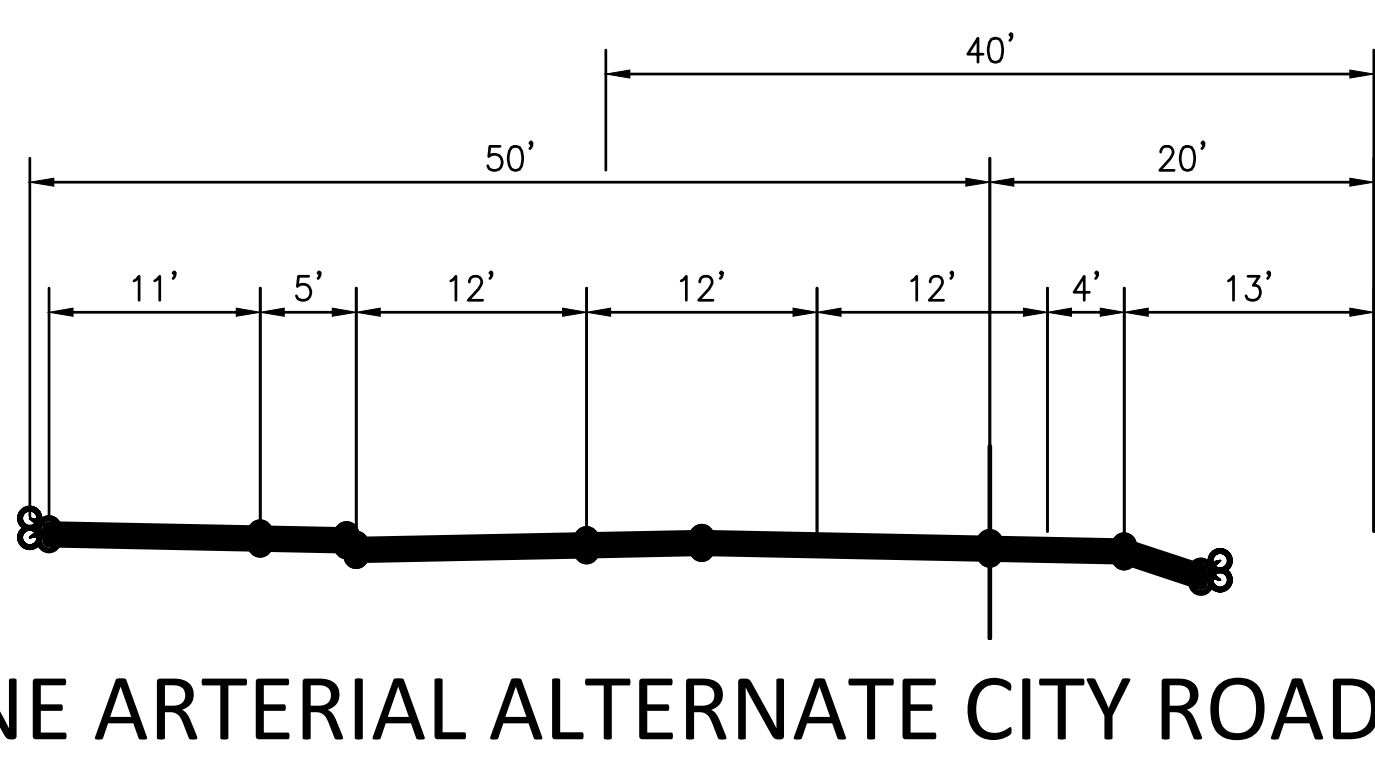
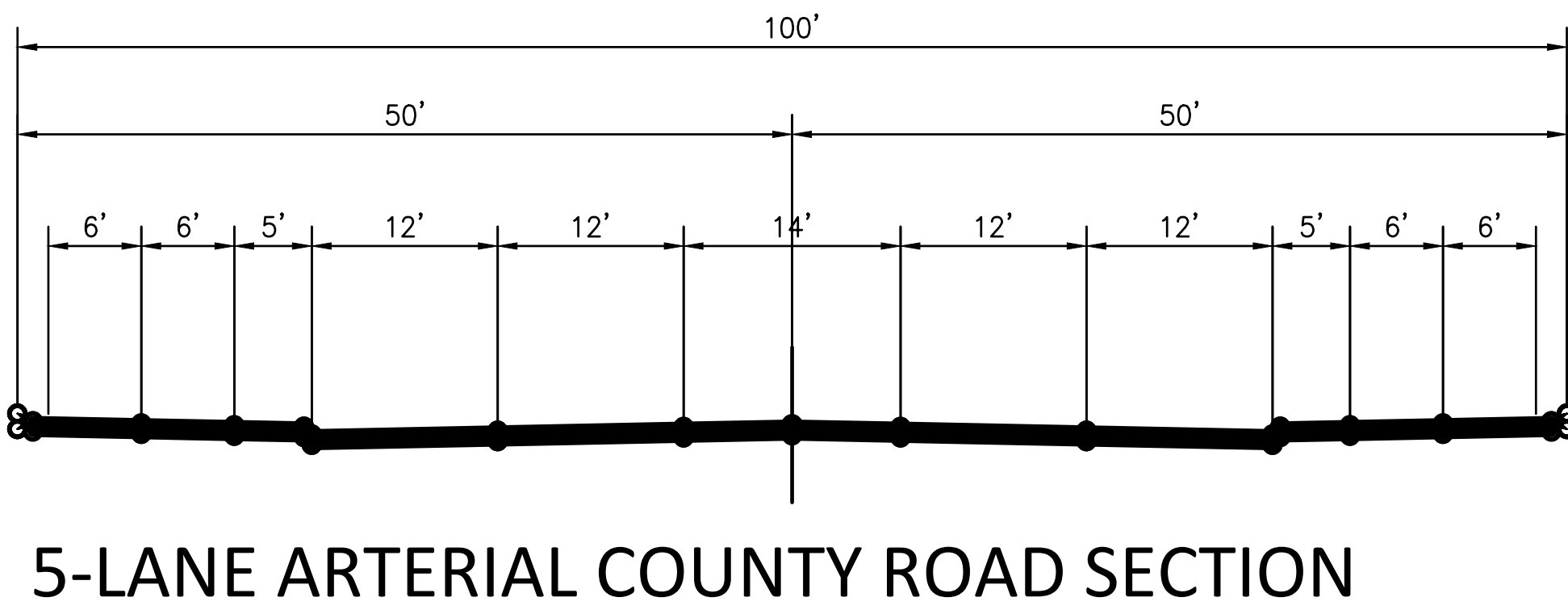
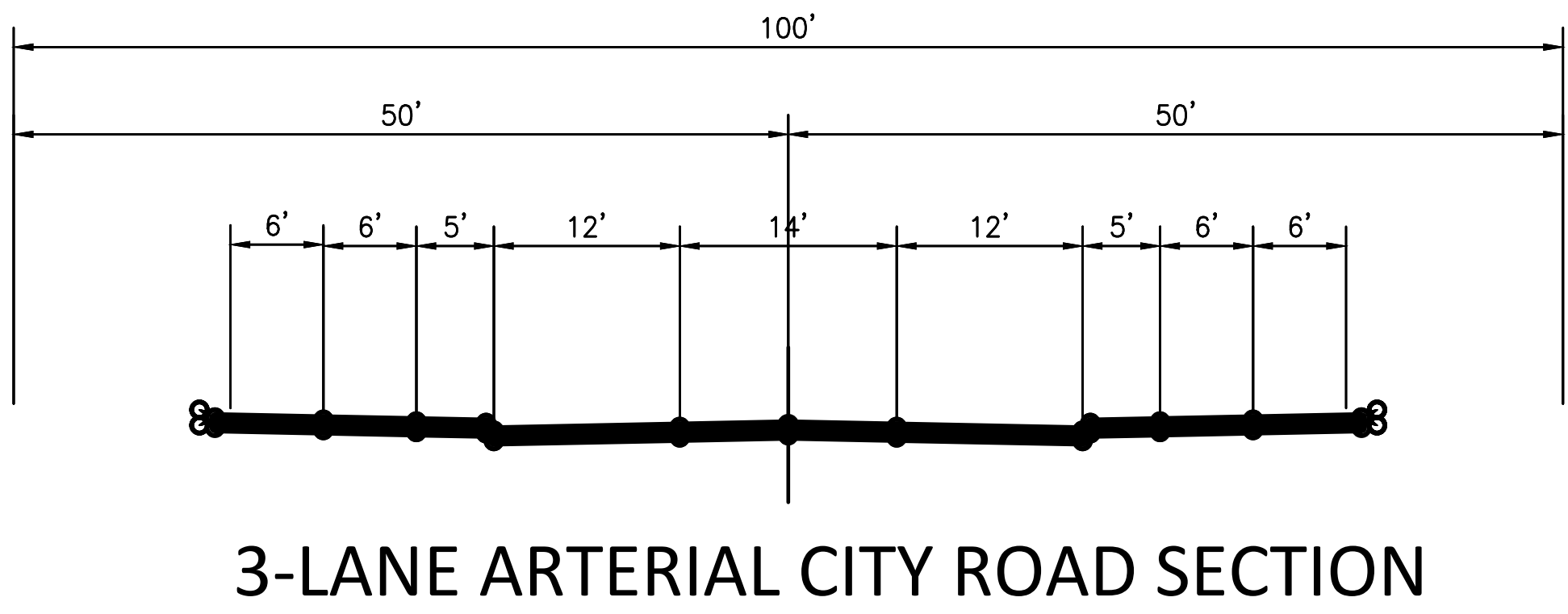
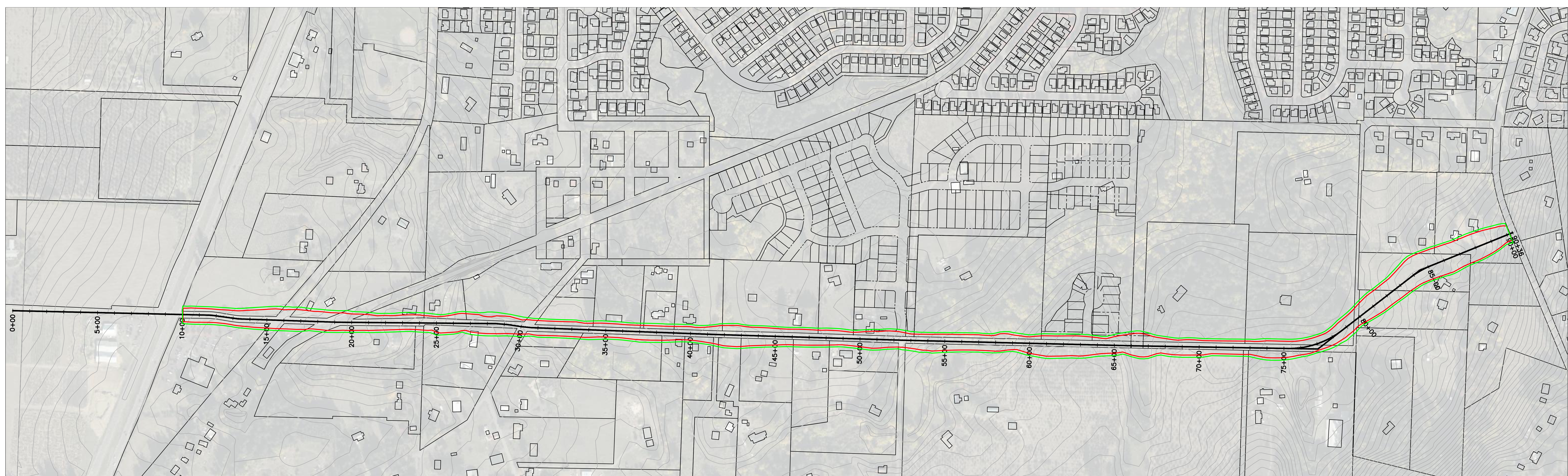
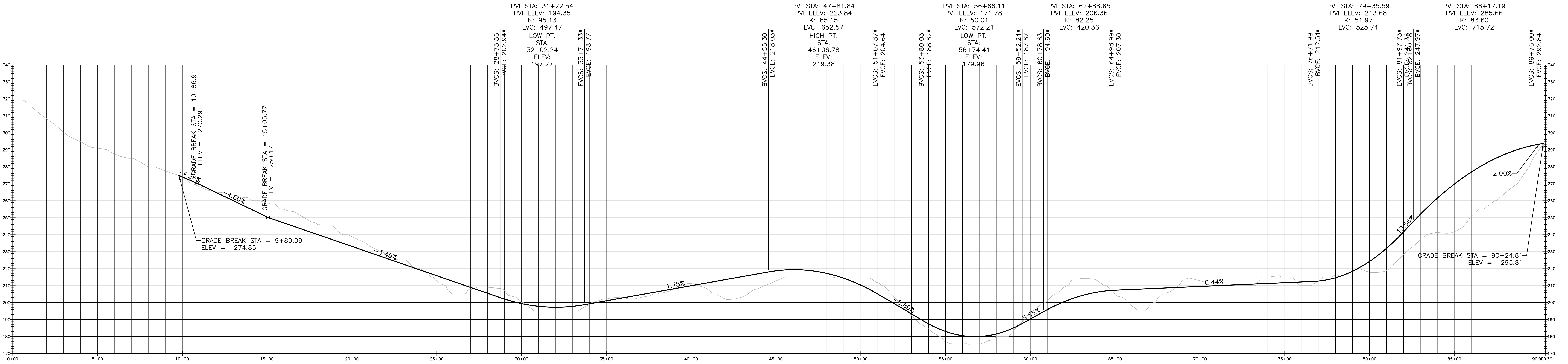
APPENDIX A.

BROOKMAN ROAD ALIGNMENT CROSS SECTIONS



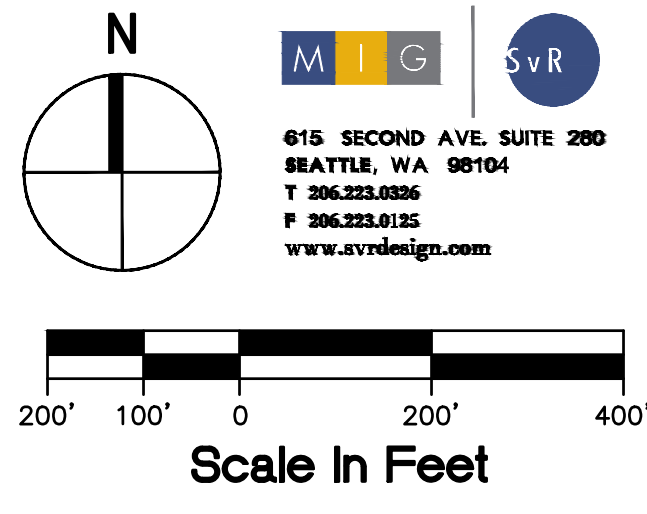
OCTOBER 2019
DRAFT FOR INTERNAL DISCUSSION
BROOKMAN ROAD ALIGNMENT STUDY - THIRD ROADWAY ALIGNMENT

PROFILE VIEW: THIRD ALIGNMENT

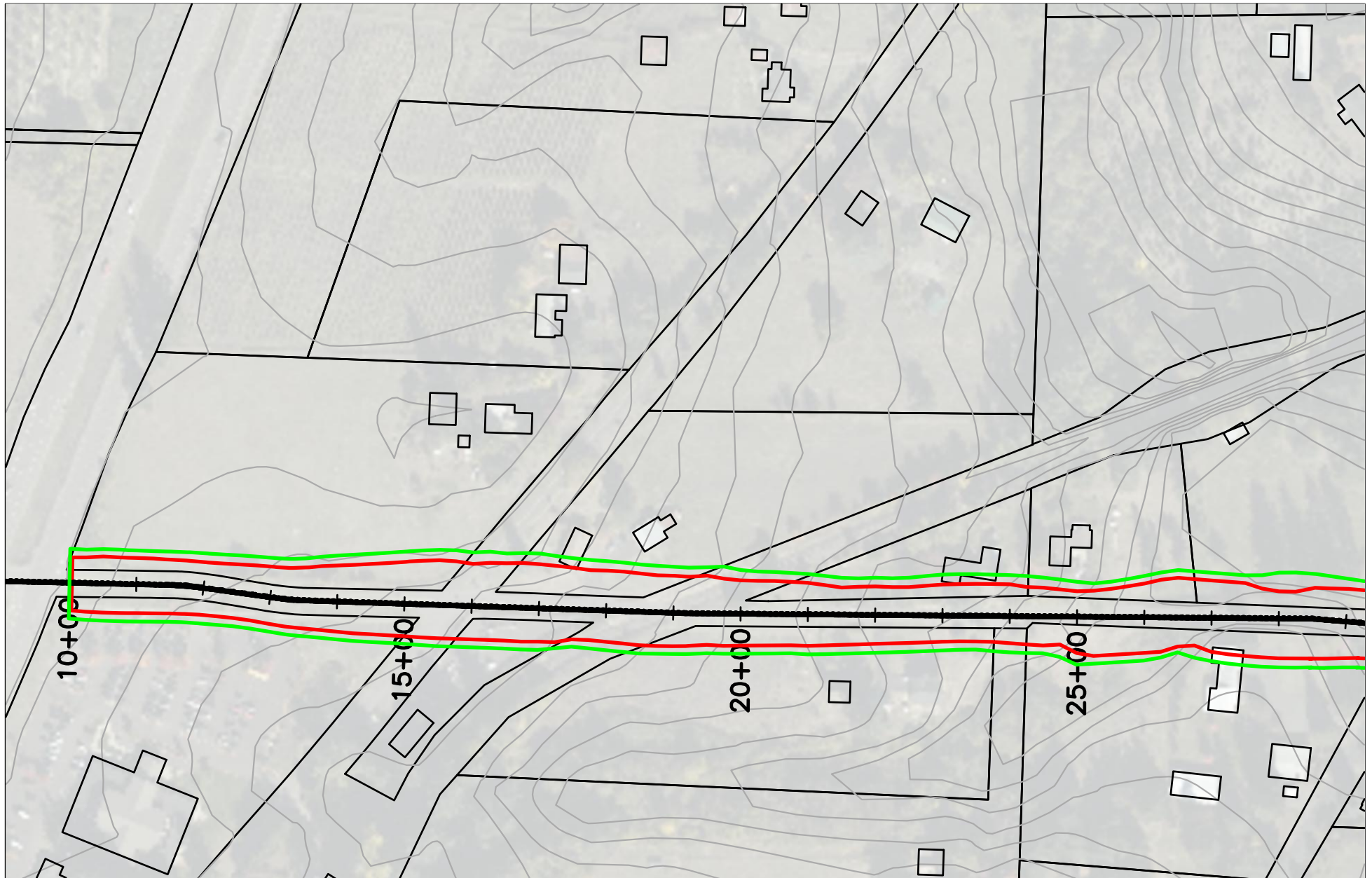
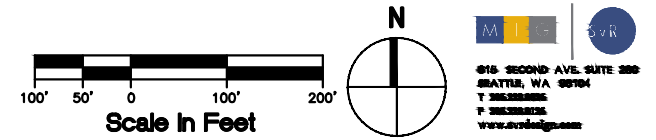


THIRD BROOKMAN ROAD ALIGNMENT

- 3-LANE ARTERIAL CITY ROAD SECTION
- 5-LANE ARTERIAL COUNTY ROAD SECTION
- 3-LANE ARTERIAL ALTERNATE CITY ROAD SECTION

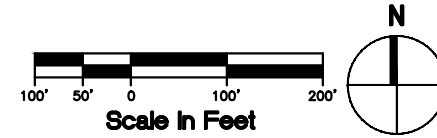


- BROOKMAN ROAD ALIGNMENT**
- 3-LANE ARTERIAL CITY ROAD SECTION
 - 5-LANE ARTERIAL COUNTY ROAD SECTION
 - 3-LANE ARTERIAL ALTERNATE CITY ROAD SECTION

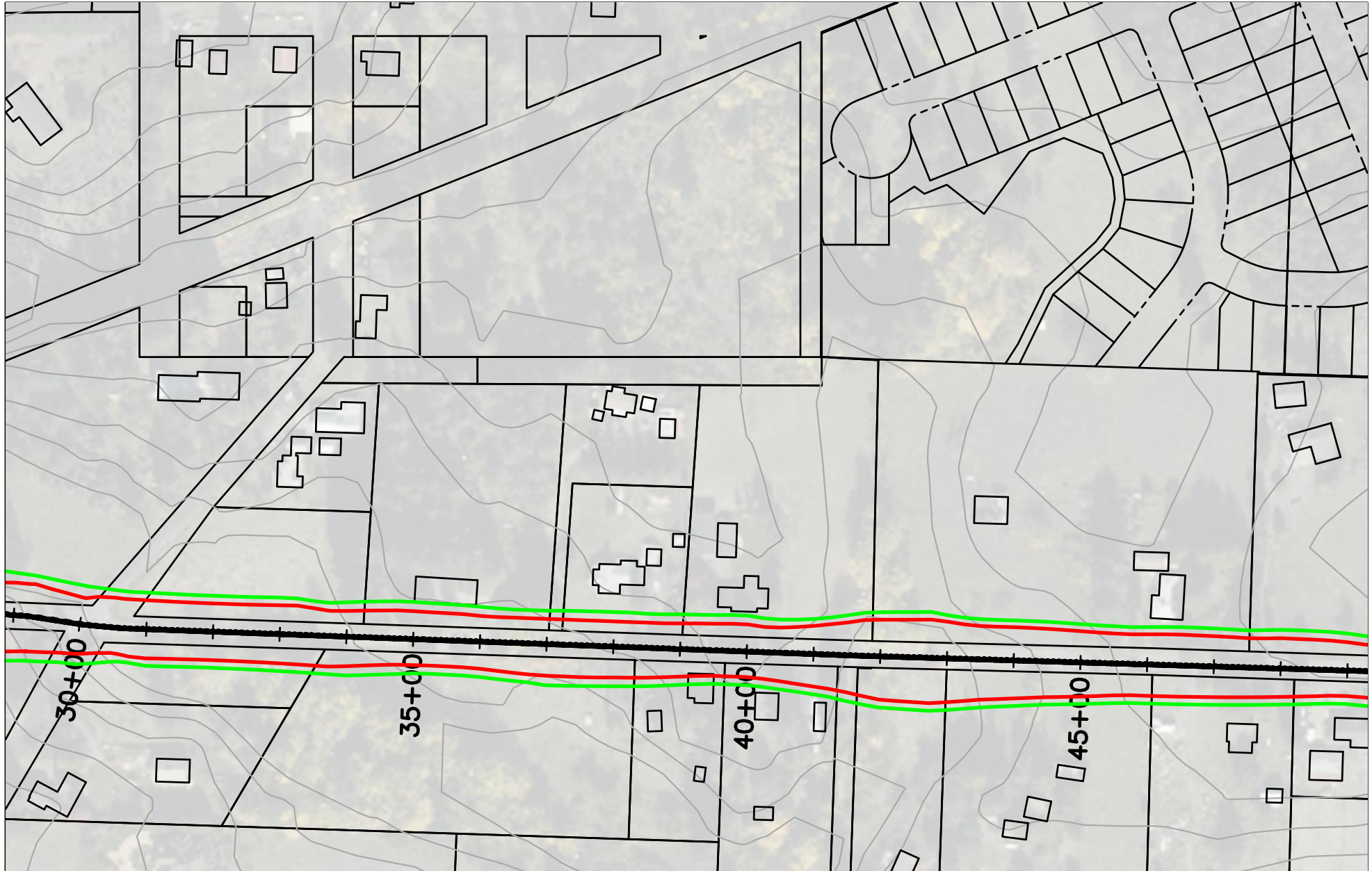


BROOKMAN ROAD ALIGNMENT

- 3-LANE ARTERIAL CITY ROAD SECTION
- 5-LANE ARTERIAL COUNTY ROAD SECTION
- 3-LANE ARTERIAL ALTERNATE CITY ROAD SECTION

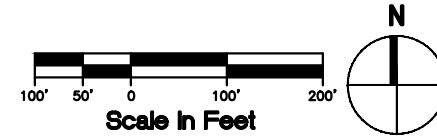


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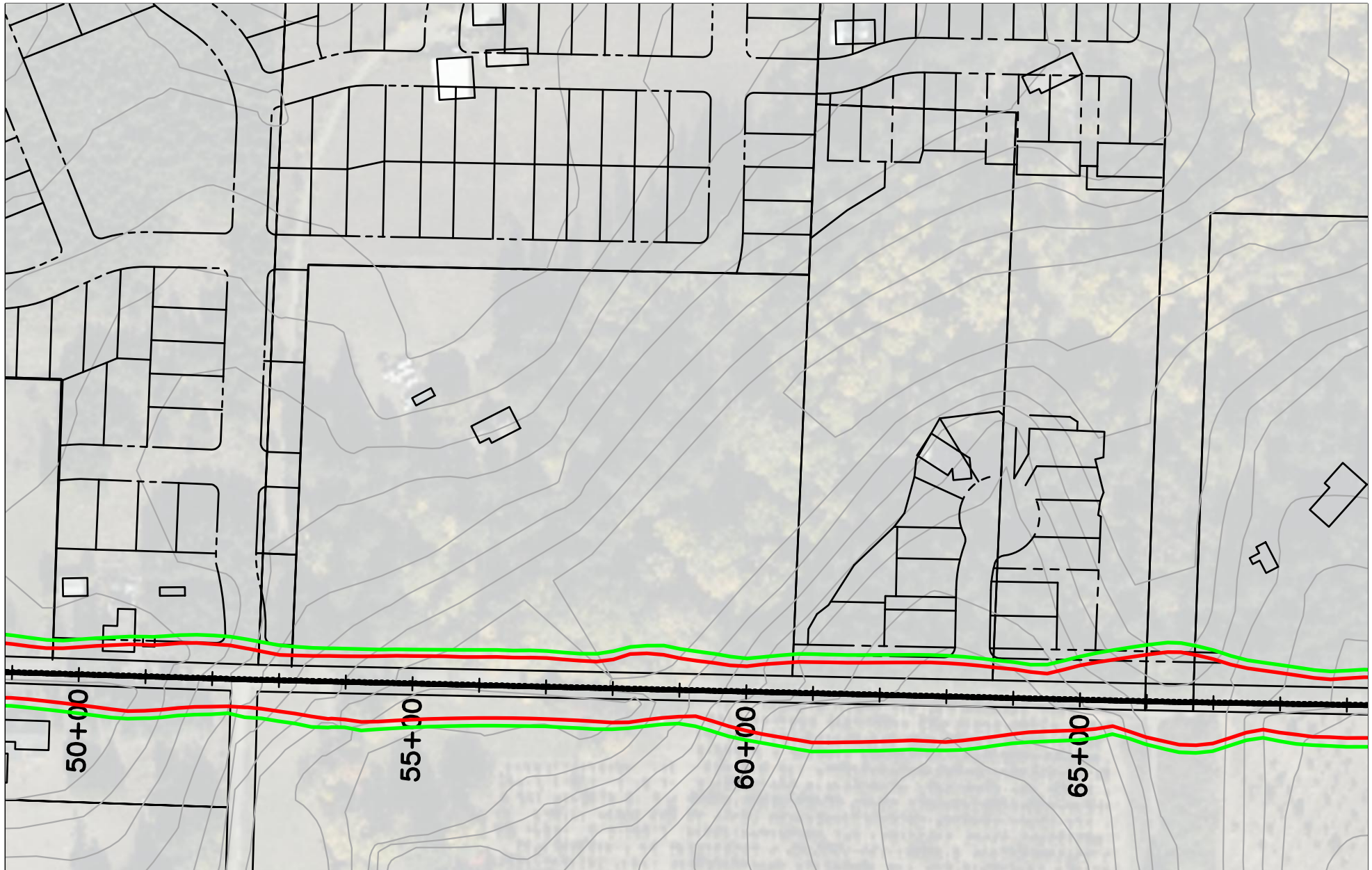


BROOKMAN ROAD ALIGNMENT

- 3-LANE ARTERIAL CITY ROAD SECTION
- 5-LANE ARTERIAL COUNTY ROAD SECTION
- 3-LANE ARTERIAL ALTERNATE CITY ROAD SECTION

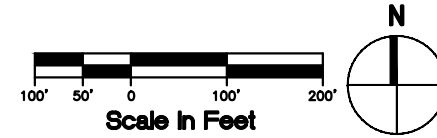


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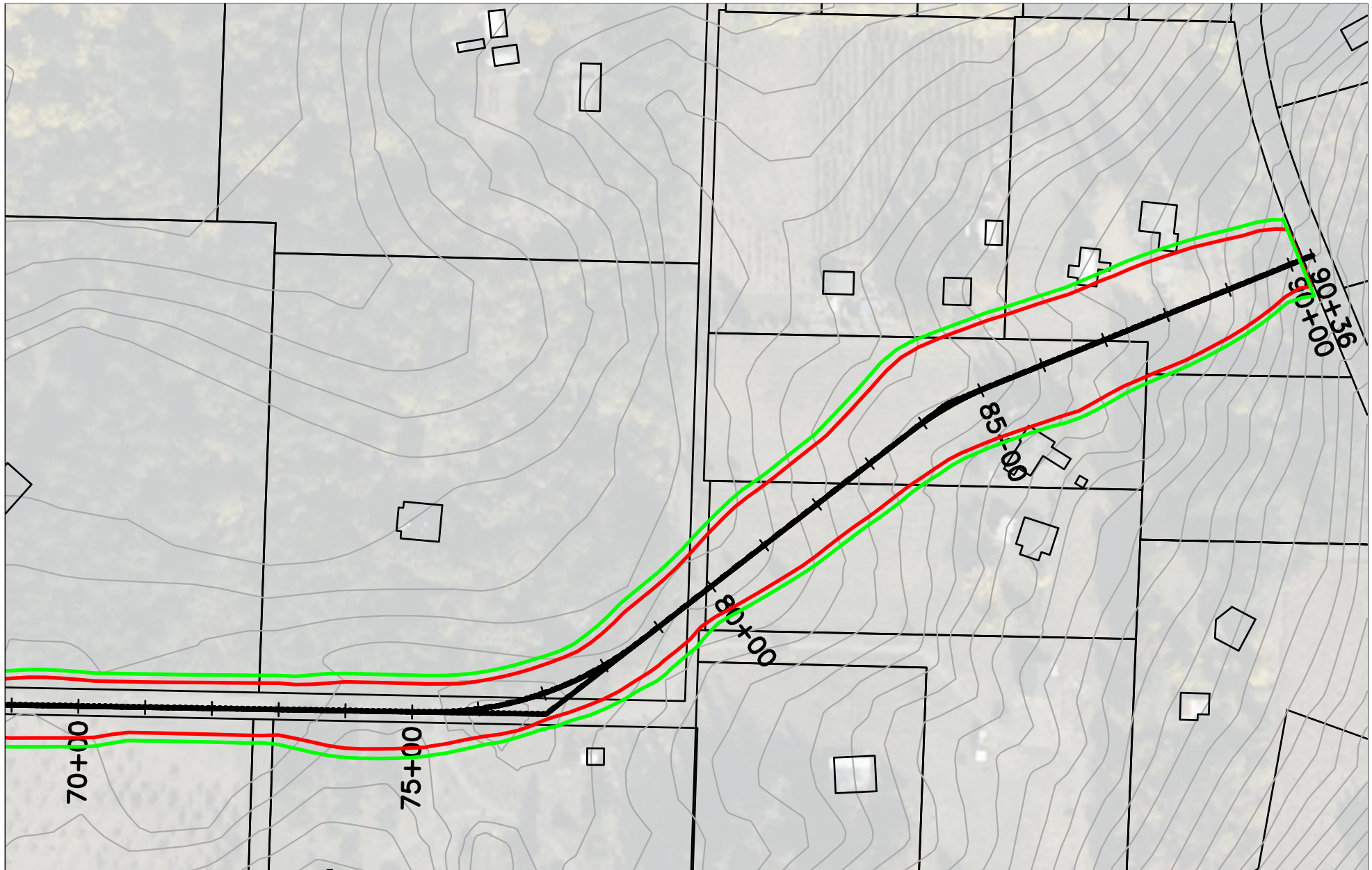


BROOKMAN ROAD ALIGNMENT

- 3-LANE ARTERIAL CITY ROAD SECTION
- 5-LANE ARTERIAL COUNTY ROAD SECTION
- 3-LANE ARTERIAL ALTERNATE CITY ROAD SECTION

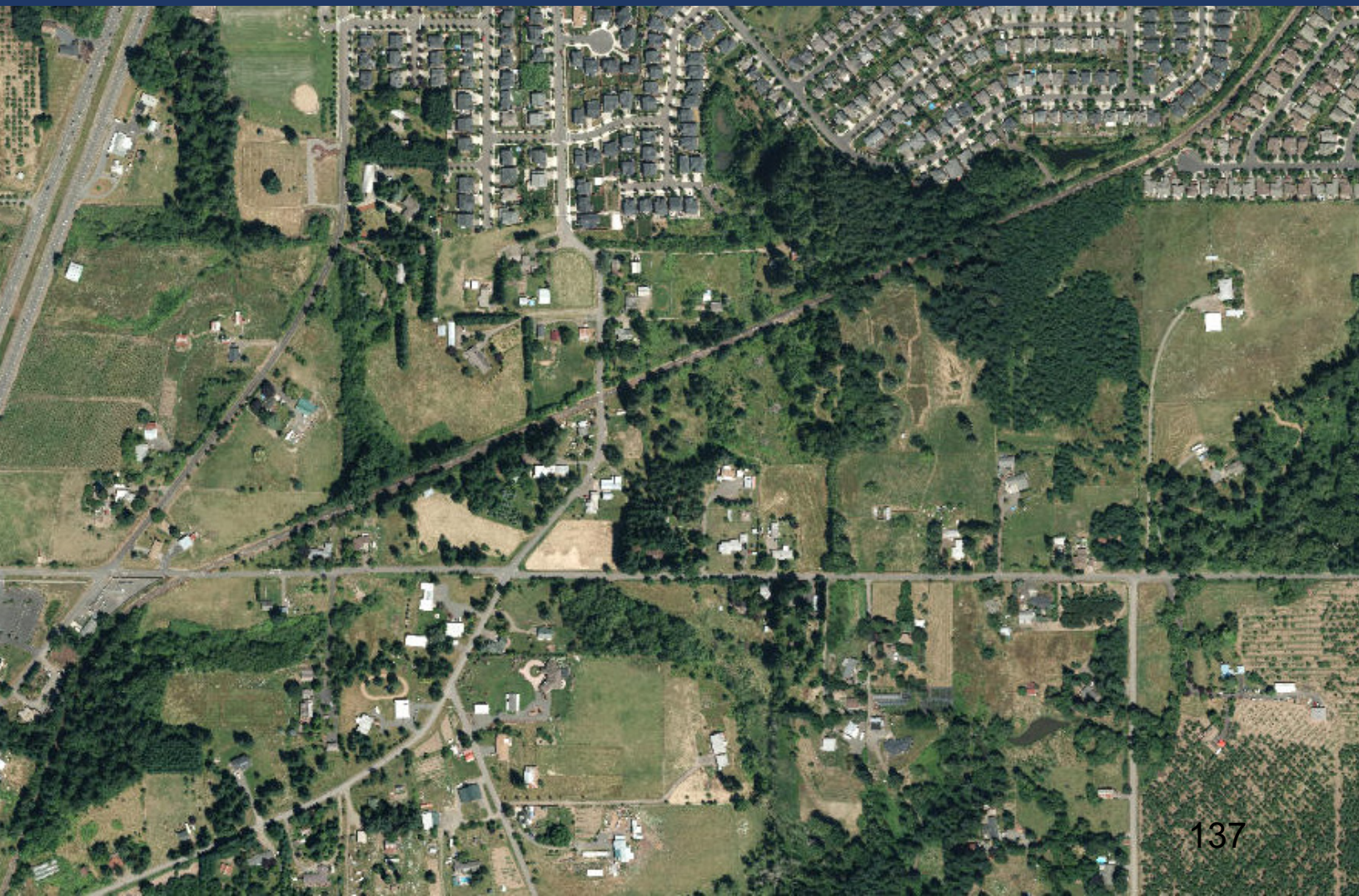


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B.1

ADDENDUM TO THE BROOKMAN ADDITION CONCEPT PLAN





B.1

ADDENDUM TO THE BROOKMAN ADDITION CONCEPT PLAN



PROJECT PURPOSE

The purpose of this document is to summarize analysis and identify changes, as applicable, to the alignment and road classification of SW Brookman Road. As the alignment could also affect future land use designations, land uses were also evaluated to determine whether changes to the land use designations identified in the adopted Brookman Addition Concept Plan should also be modified.

In 2019, the City of Sherwood received a Metro 2040 Community Planning grant to refine the Concept Plan. Many factors have changed since the adoption of the Brookman Concept Plan in 2010 including the new Sherwood High School, ODOT requirements for a connection with Highway 99W, Washington County changes to the classification of Brookman Road, annexation requests, and land-use applications for new developments. In a coordinated effort with Washington County, ODOT, and Metro, the City began an effort to analyze the alignment and possible design of Brookman Road.

The following goals provided direction during the plan refinement process.

1. Developing and analyzing potential design concepts for Brookman Road.
2. Identifying an alignment that best reflects the future transportation needs of the community.
3. Providing multi-modal transportation facilities.
4. Minimizing impacts to properties in the Concept Plan area.
5. Reviewing zoning compatibility against potential alignments.
6. Aligning the final recommendation with City and County transportation plans.

The Sherwood TSP and Brookman Addition Concept Plan originally identified the future function

of SW Brookman Road as a three-lane collector facility with bicycle and pedestrian improvements. The Washington County TSP and I-5/99W Connector Study (included as part of Metro's 2018 Regional Transportation Plan) identify SW Brookman Road as a 5-lane arterial in the future. Following this designation by the County, the Sherwood TSP was amended to designate SW Brookman Road as a 5-lane arterial; constructing the road as a three-lane arterial but reserving additional road right-of-way for five lanes. In addition to widening SW Brookman Road to accommodate either a three-lane or five-lane cross-section, the Sherwood TSP and other planning documents have identified the need to realign SW Brookman Road slightly to the north to provide safe geometrics for turning movements to and from side streets.

This document is organized into the following sections:

1. **Background**, which provides the context for completing this project.
2. **Public Engagement**, which covers the two engagement opportunities over the course of the project and overall themes that emerged.
3. **Brookman Road Design Alternatives**, which summarizes the cross-section alternatives and roadway alignments analyzed for the project.
4. **Transportation Analysis**, which highlights key points from the evaluation of future conditions to determine the long-term roadway and intersection capacity and operational needs from the transportation analysis prepared by DKS and Associates.
5. **Implementation**, which includes the final recommendation and next steps for implementation.

BACKGROUND

The Brookman Addition Concept Plan, adopted by the city Council in June 2009, is a guide for the creation of a new 250-acre community in Sherwood. The Concept Plan identifies the general location and intensity of future land uses, including medium-low to high density residential, mixed use commercial, employment, parks, and open space. A conceptual layout of basic infrastructure systems including transportation, trails, utilities, and stormwater management has been integrated with future land uses. The Concept Plan follows a 2002 decision by Metro to bring the area into the regional urban growth boundary (UGB).

The 2009 concept planning effort included a comprehensive review of the existing inventory of land use, Goal 5 resources, transportation and public facilities, a market study, and a survey of the needs of current residents and property owners. The Concept Plan also identified future land uses, public facilities, including parks and open space, civic uses, and transportation corridors. Until annexation occurs, the Brookman area will remain in unincorporated Washington County. Since the Plan's adoption, the City has applied zoning to land annexed into the Sherwood City Limits consistent with the general land use categories identified within the Concept Plan and Sherwood Comprehensive Plan. Those areas are already in various stages of development

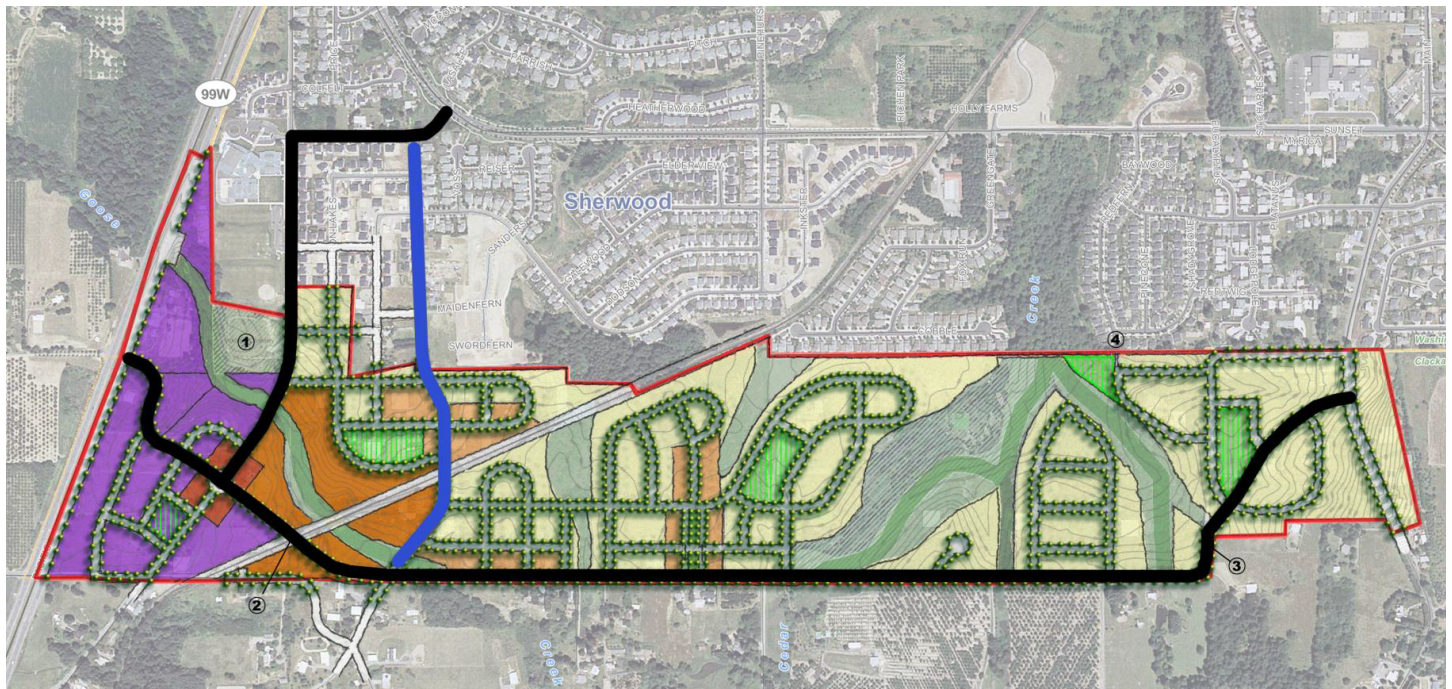
The Concept Plan and the City's Transportation System Plan designates Brookman Road as a collector roadway with the OR 99W/Brookman Road intersection realigned approximately 1,300 feet to the north of the existing intersection. Brookman Road is intended to serve as the primary east-west connection between OR 99W and Ladd Hill Road. Figure 1 illustrates the proposed location of the road constructed as a three-lane collector. The realigned Brookman Road would also include a new grade separated crossing of the railroad tracks. The plan also proposed a physically separated multi-use pathway for bicyclists and pedestrians running parallel to Brookman Road.

Since the adoption of the 2009 Concept Plan, the Washington County TSP states access spacing and other requirements will need to be evaluated on a case by case basis. Along collector roadways, access spacing should be a minimum of 100

The long-term intent was to reevaluate the Concept Plan in a coordinated multi-agency effort to determine the future function, general capacity, and design needs for Brookman Road and as a three-lane roadway and as a possible five-lane Arterial.

feet and a maximum of 400 feet to meet City of Sherwood and Washington County standards. The Concept Plan achieves these standards, with several minor exceptions. Access spacing greater than 400 feet occurs along green spaces where motor vehicle access will not be provided, as well as at the grade-separated rail crossing on Brookman Road. The long-term intent was to reevaluate the Concept Plan in a coordinated multi-agency effort to determine the future function, general capacity, and design needs for Brookman Road as a three-lane roadway and as a possible five-lane Arterial.

However, as development has begun in the Brookman Area, the City is attempting to address a lack of uniform street classifications for Brookman Road. Additionally, the City is seeking to review the current land uses to assure they are still appropriate as the area builds out. This review includes an analysis of the potential urban development and the intersection of an additional arterial road with OR 99W (Pacific Highway). During the development of the Brookman Addition Concept Plan the location of a southern arterial i-5 connector was not known and the Concept Plan indicated Brookman Road could serve as a collector roadway and that the existing intersection of SW Brookman Road and 99W be realigned north to avoid conflicts with the southern arterial. Since the adoption of the Concept Plan, SW Brookman Road has been designated as a 5-lane arterial by both the Washington County and City of Sherwood transportation system plans to provide for future flexibility. Both recognized that additional multi-agency planning efforts were needed to reevaluate the needs of SW Brookman Road and refine the Concept Plan.

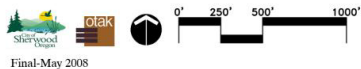


Brookman Addition Concept Plan

Functional Street Classification

Notes:

1. Existing Cemetery (Constrained Land)
2. Railroad Crossing (Grade Separated)
3. All street alignments are conceptual.
4. Redfern connection is pedestrian, bicycle and emergency access only.



Legend

High Density Residential 24 du/ac	Orange	Neighborhood Parks (Locations are conceptual)
Medium Density Residential- High 11 du/ac	Light Orange	Constrained Lands (Goal 5 resource lands, subject to on-site verification)
Medium Density Residential- Low 8 du/ac	Yellow	Constrained Lands (Vegetated corridor proxy, subject to on-site verification)
Commercial / Mixed Use	Red	Constrained Lands (Potential wetlands, subject to on-site verification)
Employment	Purple	Collector
		Neighborhood Roads

Figure 1: 2009 Brookman Additional Concept Plan Functional Street Classification and Zoning

PUBLIC ENGAGEMENT

The planning process engaged local landowners and residents at two events during the project: in-person stakeholder meetings during the project initiation phase of the project and an online open house to vet potential Brookman Road alignments. Public information, including information about opportunities to provide input, was distributed through established City communication channels and direct mailings to area addresses. A project webpage on the Sherwood website served as an informational portal through the plan refinement process.

Stakeholder Meetings – June 12, 2019

At the outset of the planning process, the project team met with developers currently active in the Brookman area, landowners, residents, and businesses in the plan area. These in-person

interviews provided insights into key issues and opportunities along the Brookman Road corridor. Several key themes emerged from the stakeholder interviews:

- » **Brookman Road is not safe in its current condition.** Due to a variety of users, the lack of right-of-way creates an unsafe road. High vehicle speeds, restricted site lines, and tight curves add to a consensus that immediate improvements are needed to address safety.
- » **The vision should reflect the area.** Participants articulated a vision for the future of Brookman Road which included safety for all users, including wildlife; a primarily residential road that incorporates scenic qualities; a practical design that is not overbuilt; and serves local land uses.

- » **Any future design should accommodate growth.** As Sherwood grows, there should be a long-term vision in place of where growth should occur and what improvements need to be made to accommodate that growth. However, road improvements could be focused on improving capacity within the UGB, not in periphery locations such as Brookman Road.
- » **Consider connections to the north of Brookman.** Some participants identified a potential connection to the area using Redfern Place.
- » **Clarity on the cost of the project.** The size and potential cost of modifying Brookman Road from its current conditions to an arterial should be clear and transparent.
- » **Transparency from the City.** Several participants requested frequent and transparent communication from City staff regarding current and future planning efforts for the area.

A summary of the meeting is included as **Attachment 1** to this addendum.

Online Workshop – April 2020

A public workshop was planned in March of 2020 to discuss potential Brookman Road design alternatives. Prior to holding the meeting, State of Oregon requirements to reduce the spread of COVID-19 restricted large gatherings. As a result, the in-person event was hosted as an online open house, which provided the same information as what would have been presented at the in-person event. An online event was produced as a PowerPoint presentation that the public could view. A draft of this was first presented to the City Council on April 7, 2020. The presentation was hosted on the City website and the community was encouraged to provide comments to the consulting team. The online open house was available from April 15, 2020 through May 4, 2020, during which two comments were received. Comments included requests for preservation of the existing community and requests that the City study the area through the prism of developer buildability.

BROOKMAN ROAD DESIGN ALTERNATIVES

Three cross section options and alignment alternatives were developed during the project to identify potential tradeoffs between various options, road configurations, and potential revisions to the existing alignment identified in the Concept Plan. The following three alternative concepts were presented as potential designs for SW Brookman Road as the area is annexed and developed. Both three- and five- lane cross sections were considered as well as multiple alignment options. Both cross sections are assumed to be constructible for any of the alignments.

Three-and five-lane options were considered because:

- » The Concept Plan identifies Brookman Road as a three-lane collector. The TSP originally included the future roadway as a three-lane collector with the western terminus north of the existing intersection, consistent with the Figure 1 of the Concept Plan.
- » Washington County has identified in its TSP that Brookman Road should be a five-lane limited access arterial along the length of the roadway. The location of Brookman Road was not identified specifically, but is assumed to be the general location of the existing alignment.

Prior to developing the Brookman Road Alignment options, the City, Washington County and ODOT coordinated to confirm that existing plans are incorporated into the alignment and cross section options. The results of this coordination informed the cross sections and alignment options, which were then vetted through the March online open house.

CROSS SECTION OPTIONS

The following cross sections provide general guidance on how Brookman Road could be constructed at some point in the future. No construction (other than what is required to be constructed as part of subdivisions already being constructed or within the entitlement process) is proposed. If construction were to occur in the future, additional site analysis and public outreach would occur as part of the formal design process.

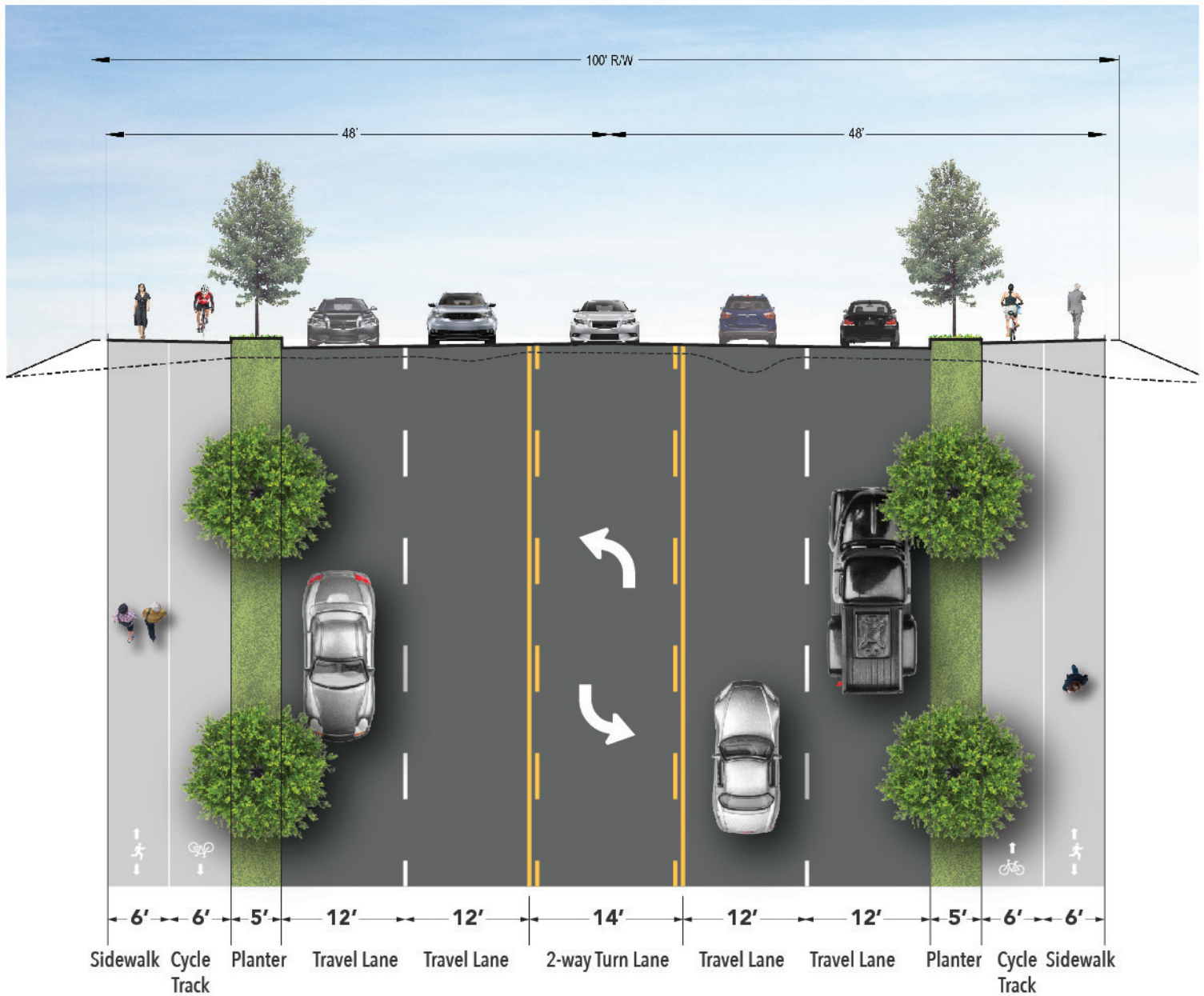


Figure 2: 5-Lane Cross Section

OPTION 1: 5-LANE CROSS SECTION

This option includes two 12-foot lanes in each direction with a 14-foot center turn lane, planting strips, six-foot cycle tracks, and six-foot paved sidewalks. In total, the road and associated improvements would be 96 feet wide. Option 1

would be built to County standards and Washington County transportation system plan designations for SW Brookman Road as a 5-lane arterial, which would also likely require access modifications to meet access spacing standards.

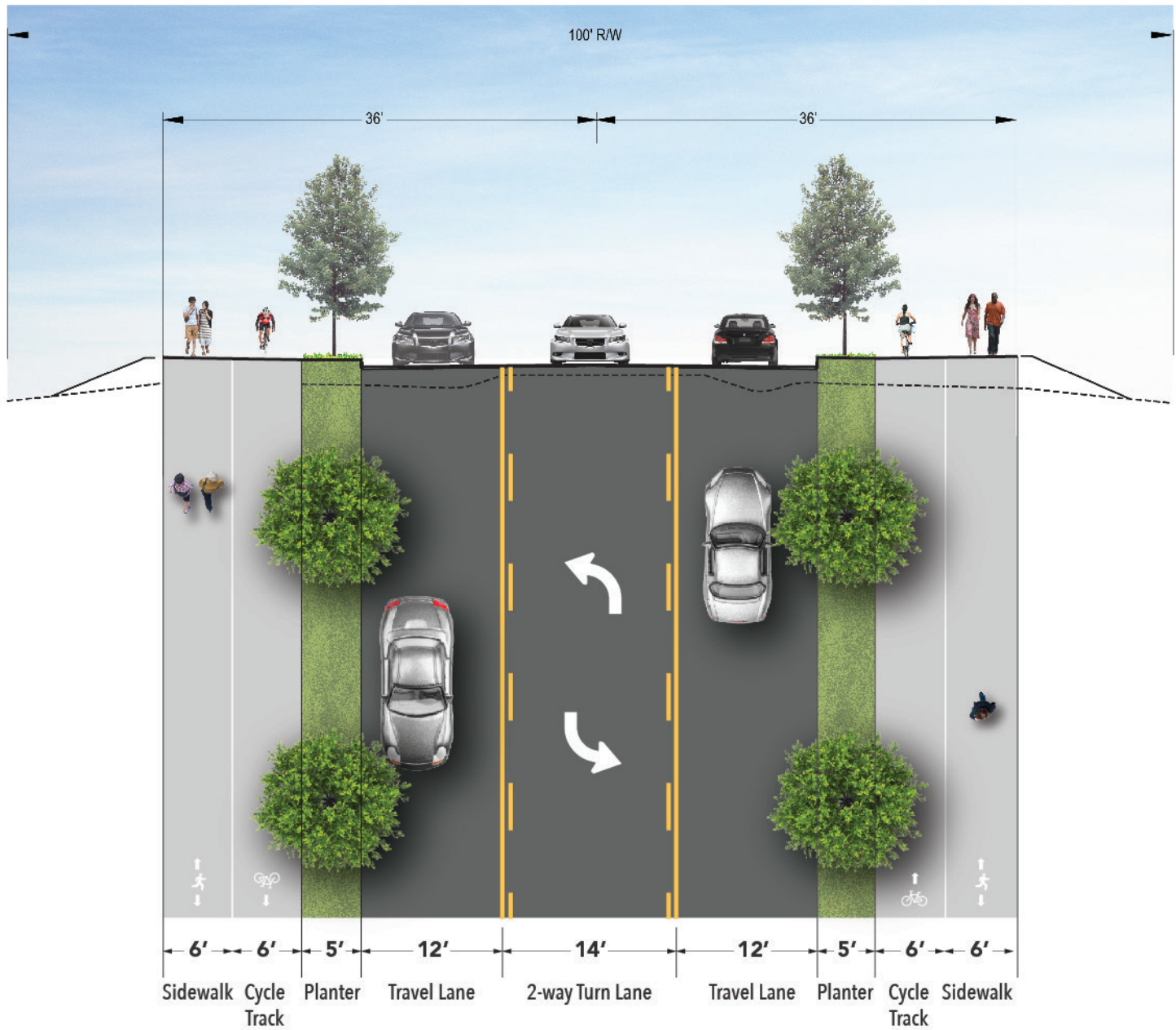


Figure 3: 3-Lane Cross Section

OPTION 2: 3-LANE CROSS SECTION (CONCEPT PLAN CROSS SECTION)

This cross section is the cross section that was adopted as part of the Brookman Addition Concept Plan and classified as a collector roadway. The three-lane cross section includes one 12-foot lane

in each direction and one 14-foot center turn lane, five-foot wide planting strip, six-foot bicycle track, and a six-foot sidewalk for a total width of 72 feet.

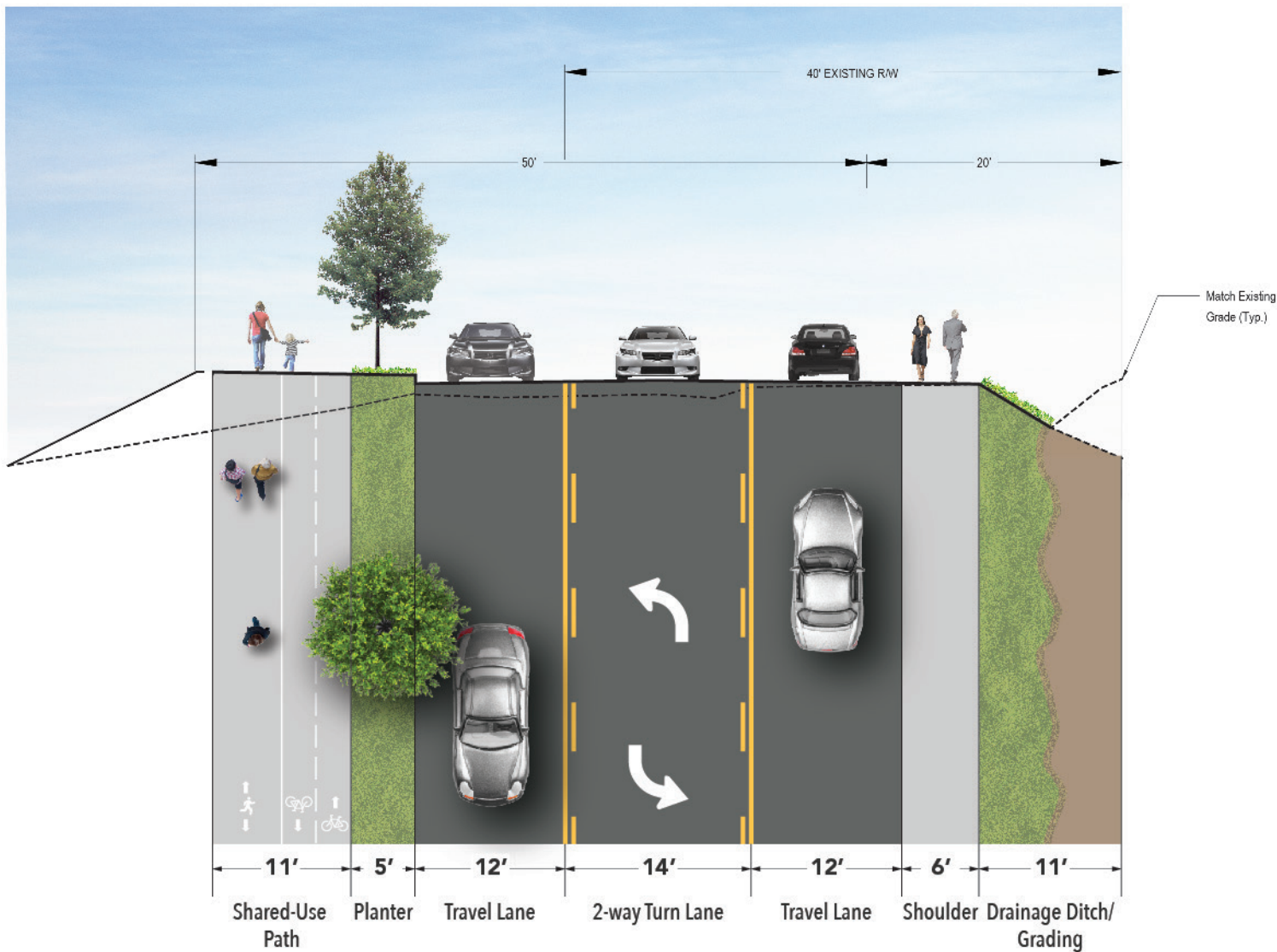


Figure 4: 3-Lane Transitional Road Cross Section

OPTION 3: 3-LANE TRANSITIONAL ROAD

Brookman Road currently serves as the southern boundary for Metro’s Urban Growth Boundary (UGB). The north side of the roadway is within the existing UGB, while the south side is outside of the UGB and designation and Urban Reserve, and designation that identifies the area as potentially developable if the UGB were expanded in the future to include this land. Washington County, because it is also planning and designing facilities within the County on the edge of the UGB, has developed conceptual “transitional street concepts” that provides urban style road features for areas within the UGB while still maintaining rural standards for adjacent parcels outside of the UGB on the opposite side of the roadway. This

concept is similar to the County’s transitional street concept and is consistent with the requirements for development currently underway for land within the Brookman Road City Limits.

This three-lane concept includes 12-foot travel lanes with a 14-foot center turn lane. The north side of the road contains a five-foot planting strip and an 11-foot shared-use path. The south side of the road has a six-foot shoulder and an 11-foot drainage ditch. The road and all improvements measure 70 feet in width. This option would allow for the road to expand to a 5-lane arterial consistent with the County and Sherwood TSP designation if traffic volumes increase in the future when additional road capacity is needed.

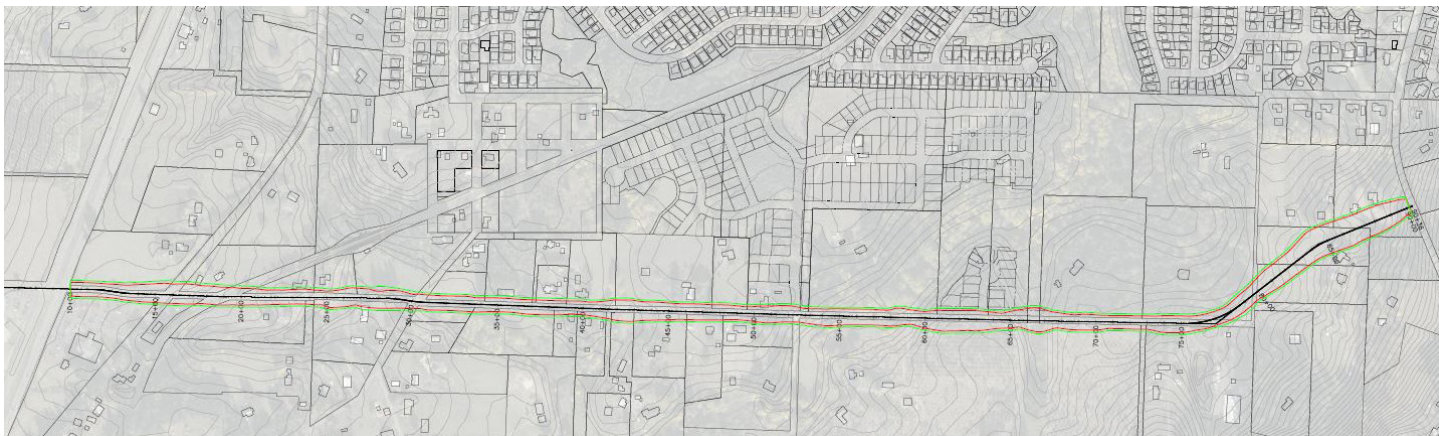


Figure 5: Brookman Road Concept Plan refinement planning recommended alignment. Full graphic attached as Appendix A



Figure 6: Brookman Concept Plan Subareas and Alignment Options Considered

CORRIDOR ANALYSIS

The Brookman Addition Concept Plan divided the area into three distinct subareas during the planning process: the western subarea, central subarea, and eastern subarea. Brookman Road also has unique design considerations within each of these areas. This analysis considered the original Brookman Road alignment recommended in the Concept Plan as well as a number of options in the western and eastern subareas to identify connections that minimized impacts to property while still meeting transportation demands.

WESTERN SUBAREA

The 2009 Concept Plan defined the western subarea as approximately 80 acres located between the two large transportation barriers, OR 99W to the west and the rail corridor to the east. The purpose of this area was to capitalize on highway access and visibility by providing

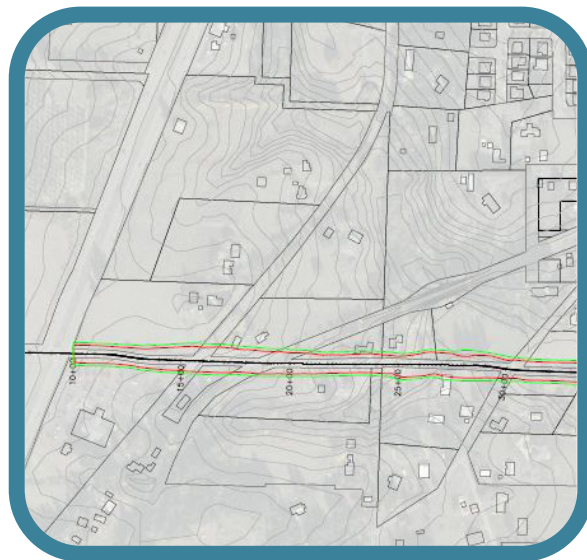


Figure 7: Western Subarea Closeup

space for business and employment opportunities. In the western subarea, SW Brookman Road would be realigned to provide better access through the sub-area and a new intersection would be constructed for SW Brookman Road and OR 99W about 1,300 feet to the north. The railroad crossing would be grade separated, requiring additional right-of-way for the approaches. By shifting the intersection, SW Brookman Road would be separated from the potential Southern Arterial connection at OR 99W.

Recommended Corridor Alignment

The intersection and alignment proposed in the Concept Plan would require extensive amounts of new right-of-way and a grade-separated over crossing. This refinement plan recommends Alignment Option 2, maintaining SW Brookman

Road's existing right-of-way and intersection with OR 99W. This would also align with the Chapman Road intersection and future connections to Sherwood West. Under the 2009 Concept Plan, Brookman Road would cross the existing rail line at a 90-degree angle. Following meetings with the City, Washington County, and ODOT Rail Division, it was determined that the refinement plan would not require a 90-degree crossing, although bicycle paths would cross at 90-degree to ensure a safer crossing. The City will need to coordinate with Northwest Natural Gas for this alignment due to existing facilities along the road. If the intersection of SW Brookman Road and OR 99W becomes signalized in the future, there will need to be improvements on eastbound OR 99W that signals to traffic that they are entering an urban area.



Figure 8: Western Alignment Options.

Alignment Option 1, shown in blue, is consistent with the alignment proposed under the original Concept Plan.

Alignment Option 2, shown in red, follows the alignment of Brookman Road as it exists today.



Figure 9: Recommended Rail Crossing

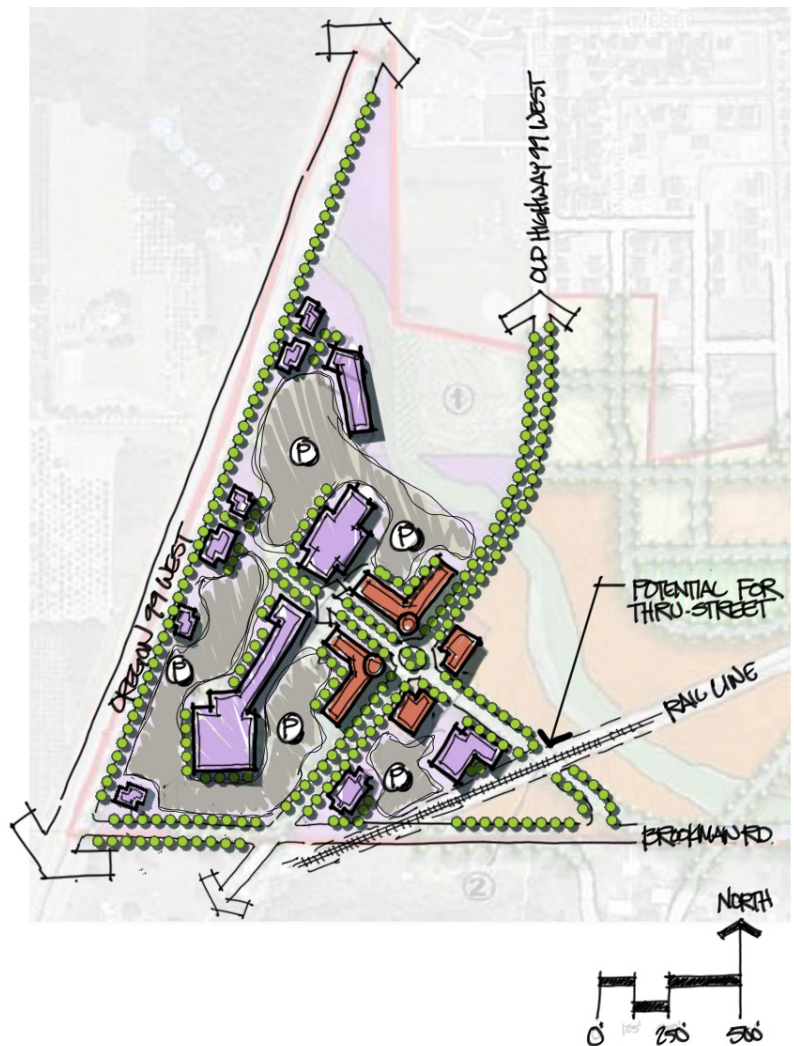


Figure 10: Conceptual design of the western portion of the Brookman Addition with the new Brookman Road alignment. Traffic calming measures should be reviewed to mitigate and reduce vehicle trips through the neighborhood to the north.

CENTRAL SUBAREA

The 2009 Concept Plan's central subarea was designed to be a walkable residential area that allows a mix of housing types while maintaining a lower residential density. Brookman Road would provide the primary east-west access at the southern edge of the neighborhood.

Within this area, the general alignment of Brookman Road would be maintained to minimize impacts to property and natural resources. Additionally, there are sections of this subarea that are being constructed with half-street improvements as part of adjacent subdivision development.

Recommended Corridor Alignment

This refinement plan recommends maintaining the existing road alignment. Future road construction and widening would analyze mitigation options such as a retaining wall or other measures to minimize right-of-way acquisition. Some newly approved subdivisions are already building half-street improvements on portions of the north side of Brookman Road while others are paying a fee-in-lieu for improvements that would be placed in a dedicated fund for future improvements.

EASTERN SUBAREA

Bordered by Cedar Creek to the west and Ladd Hill Road to the east, the eastern subarea is designated for single-family detached dwelling units. SW Brookman Road would still provide primary east-west access to the neighborhood with enhanced pedestrian and bicycle facilities. Currently, the eastern section of Brookman Road curves sharply to the north, traveling approximately 1,300 feet before curving sharply to the east past existing homes and connecting to Ladd Hill Road. Under the 2009 Concept Plan, SW Brookman Road would veer south to avoid using the narrow road past existing homes and that second sharp turn.

Recommended Corridor Alignment

This refinement plan recommends Alignment Option 3, which shifts the northern curve to south and shortens the connection to Ladd Hill Road. This would flatten out the first sharp curve and minimize impacts to existing residences, but would require new right-of-way acquisition to make the new connection to Ladd Hill. This recommended alignment is not currently shown in the Clackamas County TSP.

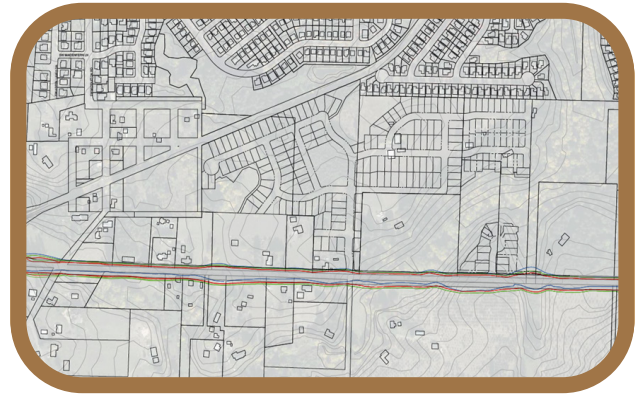


Figure 11: Central Subarea Closeup



Figure 12: Eastern Subarea Closeup



Figure 13: Eastern Alignment Options

Alignment Option 1, shown in blue, is consistent with the alignment proposed under the original Concept Plan

Alignment Option 2, shown in red, follows the alignment of Brookman Road as it exists today.

Alignment Option 3, shown in green, shows the refinement plan recommendation.



Figure 14: Study Area Intersections

TRANSPORTATION ANALYSIS

A transportation analysis was conducted for SW Brookman Road between OR 99W and SW Ladd Hill Road to evaluate corridor alternatives. The analysis inventoried existing transportation facilities including operational analysis, a review of historical plans for SW Brookman Road, and an evaluation of future conditions to determine the long-term roadway and intersection capacity and operational needs.

Four study intersections were selected along the corridor and included:

- » OR 99W (SW Pacific Hwy W) and SW Brookman Road
- » SW Old Highway 99 W and SW Brookman Road
- » SW Middleton Road and SW Brookman Road
- » SW Ladd Hill Road and SW Brookman Road

SW Brookman Road is under County jurisdiction and is classified as an arterial. The two-lane road has a posted speed of 35 mph and only a segment of built sidewalk.

Table 1: Roadway Characteristics within Study Area

Roadway	Jurisdiction	Functional Classification	Cross Section	Posted Speed (mph)	Sidewalks	Bicycle Lanes
SW Brookman Road	County	Arterial	2 lanes	35 mph	Partial*	No
OR 99W (SW Pacific Hwy W)	ODOT	Principal Arterial	4 lanes (divided)	55 mph	No	No
SW Old Highway 99 West	City	Collector	2 lanes	35 mph	No	No
SW Middleton Road	City	Neighborhood / Local ¹	2 lanes	Unposted	No	No
SW Ladd Hill Road	City	Arterial	2 lanes	Unposted	No	No

¹ SW Middleton Road is classified as a neighborhood roadway north of SW Brookman Road and designated as a local street to the south.



EXISTING FACILITIES

Existing Land Use

The Concept Plan area consists of residences located on large lots, particularly along SW Brookman Road. The area has not been fully built out and many parcels remain largely undeveloped. Immediately north of the Concept Plan area are residential subdivisions.

Existing Natural Resources

SW Brookman Road is moderately sloped as it is adjacent to Goose creek and Cedar Creek. These landforms and drainages create a series of small hills and dips along Brookman Road. Along SW Brookman Road there are riparian corridors and habitat as well as potential wetlands. The topography of Brookman Road makes it challenging to construct the type of facility identified in Metro's Regional Transportation Plan and Washington County and Sherwood Transportation System Plans.

Existing Access

SW Brookman Road serves as the primary east-west route through the Concept Plan area, connecting with OR 99W to the west and Ladd Hill Road to the east. Several side streets connect to SW Brookman Road and many existing homes have driveway access to Brookman.

Pedestrian Facilities

Sidewalks are present for only 500 feet of one side of SW Brookman Road in between OR 99W and Old Highway 99 West. Most of the study area lacks adequate pedestrian facilities.

Bicycle Facilities

There were no bicycle lanes or other facilities within the study area, though bicyclists have the option to share the roadway with motor vehicles. The study area as a whole lacks bicycle connectivity.

Transit Facilities

There are no transit facilities located directly within the study area, although services from TriMet and Yamhill County Transit serve Sherwood north of the study area. Daily fixed route service from TriMet is provided via Route 94 and Route 93, departing from downtown Sherwood and connecting to downtown Tigard and downtown Portland. Fixed route service from Yamhill County Transit provides connections from McMinnville to Tigard on weekdays, with two stops in Sherwood, the closest located over 2 miles from the study area. An inactive railroad crossing exists approximately 250 ft. east of 99W and Brookman Road.

Roadway Volumes

The study area roadways are used by motor vehicles, pedestrians, and bicyclists. The activity for each of these categories was recorded at each study intersection during the evening peak period (4 PM to 6 PM). Motor vehicle volumes were relatively low on SW Brookman Road during this time, although 99W carries significant volumes with over 3,700 vehicles during the evening peak. Count data indicates that little to no pedestrian activity occurs within the area and only three bicyclists were counted in total, all of them riding through the intersection at 99W and Brookman Road.

Table 2: Existing 2019 Intersection Operations

Intersection	Jurisdictional Standard	LOS	PM Peak Hour Delay	V/C
<i>Unsignalized</i>				
OR 99W (SW Pacific Hwy W) / SW Brookman Road	0.99 V/C	D / F	> 200	> 2.0
SW Old Highway 99 West / SW Brookman Road	LOS E 0.90 V/C	A / A	9.4	0.02
SW Middleton Road / SW Brookman Road	LOS E 0.90 V/C	A / A	9.6	0.11
SW Ladd Hill Road / SW Brookman Road	LOS E 0.90 V/C	A / B	10.3	0.09

Intersection Operations

Three of the four study area intersections operate within the corresponding jurisdictional standard. The intersection at OR 99W and SW Brookman Road is the only intersection that falls within ODOT jurisdiction, and has a performance target of V/C ratio (which represents the sufficiency of an intersection to accommodate vehicular demand, also known as volume to capacity) equal to or less than 0.99 outside the Town Center under the Oregon Highway Plan. All other study intersections fall under City of Sherwood jurisdiction and have a target of level of service D or a v/c ratio equal to or less than 0.85 for all way stop or roundabout intersections, and a target of level of service E or a v/c ratio equal or less than 0.90 for unsignalized two way stop controlled intersections. Level of service (LOS) is a mechanism used to determine how well a transportation facility is operating from a traveler's perspective. Typically, six levels of service are defined and each is assigned a letter designation from A to F, with LOS A representing the best operating conditions, and LOS F the worst.

The intersection of OR 99W and SW Brookman Road operates below the standard level of service. Excessive delays on side street movements and major street turning movements cause OR 99W and SW Brookman Road to operate well below ODOT mobility standards.

PROJECTED FUTURE CONDITIONS

Future Land Use

The Concept Plan designated future land-uses along Brookman Road including light industrial, high density residential, and medium density residential – high, however the majority of zoning consists of medium density residential – low. The Concept Plan intends to buffer lower density residential areas from the major transportation corridors with higher intensity land uses, wide sidewalks, trees, and generous landscaping.

Future Traffic

In the transportation analysis, Metro and Sherwood TSP future travel demand models were used for developing traffic volumes in the study area for the year 2040. The models generally contain regionally significant facilities, typically arterials and above, with some collector roadways. The project team reviewed network elements of the travel demand models in the study area (speeds, number of travel lanes, capacities, etc.) for consistency between facility types and with the existing roadway network and refined the models in the study area.

The baseline (2015) and future (2040) travel demand models were used to develop future year 2040 traffic volumes. The 2040 model includes regional improvements that are generally expected to be funded by 2040.

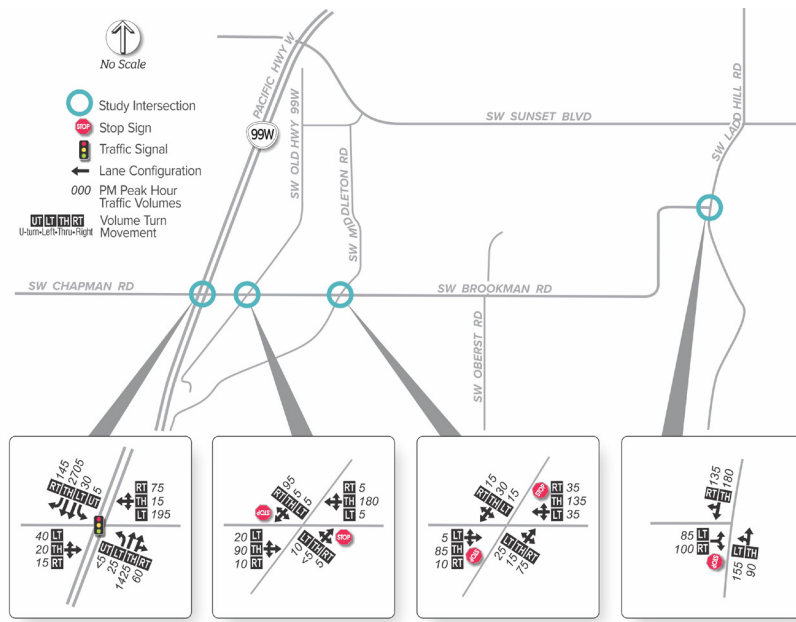


Figure 15: Future Year 2040 Peak PM Traffic Volumes

The following improvements were accounted for:

OR 99W and Brookman Road. Realign OR 99W intersection with Brookman Road a ¼-mile to the north and install a traffic signal, westbound left turn lane and southbound right turn lane. Construct grade separated rail crossing with realignment of Brookman Road (Sherwood TSP, Project D14; Brookman Concept Plan; Metro RTP, Financially Constrained Project #12047).

- » Middleton Road /Brookman Road –Move stop signs to north and south approaches and add a southbound left turn lane (Sherwood TSP, Medium-Term Project D34).
- » Ladd Hill Road /Brookman Road –All-way stop control with southbound right turn lane (Brookman Concept Plan).
- » Ladd Hill Road (Sunset Boulevard to UGB) –Upgrade to three-lane facility (Sherwood TSP, Medium-Term Project D7; Metro RTP, Financially Constrained Project #10693)
- » Sunset Boulevard (Aldergrove Avenue to Eucalyptus Terrace) –Upgrade to three-lane facility (Sherwood TSP, Medium-Term Project D15).
- » Baker Road (Sunset Boulevard to UGB) – Upgrade to two-lane facility (Sherwood TSP, Medium-Term Project D27).

The volume growth increment between the base and future year models was calculated at each study intersection and factored to reflect 21 years of linear growth (2019 to 2040), since existing traffic counts were collected in 2019. This growth was added to the existing traffic volumes and post-processed to estimate the 2040 volumes. The 2040 model was modified to represent each roadway network scenario described further below.

Future volumes were developed for the options, shown in Figure 2. Based on the model output, neither roadway cross-section option (three-lane or five-lane) is expected to significantly shift travel patterns to Brookman Road in the study area. Both cross-sections are expected to accommodate mostly local traffic and alleviate only some of the congestion on nearby parallel routes (Sunset Boulevard, Tualatin-Sherwood Road, etc.).

The future operating conditions at the study intersections were determined for the PM peak hour based on the 2010 Highway Capacity Manual methodology for unsignalized intersections and 2000 Highway Capacity Manual methodology for signalized intersections. Table 3 shows operational results for the Baseline scenario, where roadway configurations and cross-sections remain the same as in existing conditions while volumes increase in the year 2040.

Table 3: Future 2040 Baseline Intersection Operations

Intersection	Jurisdictional Standard	PM Peak Hour		
		LOS	Delay	V/C
Signalized				
OR 99W (SW Pacific Hwy W) / SW Brookman Road	0.99 V/C	D	40.7	1.06
Unsignalized				
SW Old Highway 99 West / SW Brookman Road	LOS E 0.90 V/C	A / B	11.5	0.14
SW Middleton Road / SW Brookman Road	LOS E 0.90 V/C	A / B	12.1	0.18
SW Ladd Hill Road / SW Brookman Road	LOS E 0.90 V/C	A	10.0	0.30

Table 4: Future Build Intersection Operations (PM Peak Hour)

Intersection	Jurisdictional Standard	3-lane Cross-section			5-lane Cross-section		
		LOS	Delay	V/C	LOS	Delay	V/C
Signalized							
OR 99W (SW Pacific Hwy W) / SW Brookman Road	0.99 V/C	D	52.0	1.03	D	51.5	0.99
Unsignalized							
SW Old Highway 99 West / SW Brookman Road	LOS E 0.90 V/C	A / B	11.5	0.13	A / B	11.7	0.17
SW Middleton Road / SW Brookman Road	LOS E 0.90 V/C	A / B	12.1	0.18	A / B	10.4	0.12
SW Ladd Hill Road / SW Brookman Road	LOS E 0.90 V/C	A	10.0	0.30	B	10.4	0.33

Table 5: Mitigated 2040 Intersection Operations (PM Peak Hour)

Intersection	Jurisdictional Standard	3-lane Cross-section		
		LOS	Delay	V/C
OR 99W (SW Pacific Hwy W) / SW Brookman Road	0.99 V/C	D	51.5	0.99

Table 6: 95th Percentile Queues at SW Brookman Road and Rail Crossing

Direction of Travel	95 th % Queue (ft)	Available storage (ft) ^a
Eastbound	75	125
Westbound	375	735

^a Measured to the nearest intersection.

Potential Mitigations

The OR 99W and SW Brookman Road intersection is forecasted to operate below standard on the side street approaches under the 3-lane cross-section scenario, while other intersections remain relatively the same in terms of operations for both scenarios. Adding dual westbound left turn lanes would mitigate 99W and Brookman Road in the 3-lane cross section scenario as shown above.

Constructing an additional left turn lane at the intersection would be more cost-effective than constructing a 5-lane cross-section on SW Brookman Road east of the intersection.

Potential Active Rail

An inactive railroad crossing exists approximately 250 feet east of SW Old Highway 99 West and SW Brookman Road. A queuing assessment was completed to determine the feasibility of the rail becoming active in the future for either freight or commuter traffic. The assessment quantified the potential impacts of queued vehicles on SW Brookman Road. The queuing assessment was based on 30-minute train frequencies with two minutes of total gate downtime for each train crossing SW Brookman Road affecting eastbound and westbound vehicle travel. Predicted traffic volumes in 2040 were used to measure the 95th percentile vehicle queues with a one lane

approach at the railroad crossing in each direction.

The 95th percentile eastbound queues were measured to be about 75 feet (three vehicles) in length, which could easily accommodate the available 300 feet of space between the rail crossing and SW Old Highway 99 West / SW Brookman Road. OR 99W is located 850 feet west of the rail crossing and would not be impacted by the delay caused by an active rail line. The 95th-percentile westbound queues were measured to be 375 feet, easily accommodated by the 735 feet of storage available to SW Middleton Road. If the railroad tracks were to become active in the future, queue lengths would be accommodated by existing road space and would not back up to SW Old Highway 99 West or 99W.





IMPLEMENTATION

Based on technical analysis, coordination with City, Washington County, and ODOT, the following amendments are recommended to the Concept Plan:

- » **Land Use.** The existing zoning identified in the 2009 Concept Plan should remain; no zoning changes are necessary to implement the refinement plan recommendation.

Further Action: Traffic calming measures will be reviewed and evaluated in the future western subarea to mitigate and reduce vehicle trips through the existing neighborhood to the north.

- » **Interim Design.** The 3-lane alternative road design (Option 3) should be used in the interim until a full 5-lane road is needed. Adding dual westbound left turn lanes would mitigate 99W and Brookman Road and allow the intersection to operate within the proper jurisdictional standard for level of service and volume to capacity ratio.

The interim design would feature an 11-foot shared use path on the northern side of the road.

Further Action: Amend text in the existing concept plan pages 5, 18, 20, 21-24 to reflect the interim design. Replace map on page 23 with new recommended road alignment. Update other maps within the concept plan to show the new alignment. Include the 3-lane alternative cross-section graphic as a figure.

- » **Long Term Design.** The 5-lane street design should remain as the official long-term design with an arterial designation.

Further Action: Amend pages 5, 18, 20, 21-24 to include references to a future 5-lane road. Include the 5-lane cross section graphic as a figure.

- » **Location.** The location of Brookman Road should remain the same in the central subarea and continue to provide primary east-west access at the edge of the plan area. In the western subarea, the alignment should deviate from the original Concept Plan and instead continue along its existing path. In the eastern subarea, the southernmost alignment option is preferred due to existing grades and has the least impact to existing residential development.

Further Action: Include graphics of the alignment in each subarea in the existing concept plan. Amend text on pages 18, 20, and 21 to reflect new alignment.

- » **Rail Crossing.** The railroad crossing should be designed to protect bike and pedestrian users by having a multi-use path cross the tracks at a 90-degree angle.

Further Action: Include rail crossing designs as figure in concept plan. Add bullet point discussing recommended road alignment in relation to the railroad on page 18.

Following the adoption of this Refinement Plan, the City will coordinate with Clackamas County to adopt the eastern alignment within their Transportation System Plan.

A new intergovernmental agreement (IGA) or an addendum to the existing IGA will also be needed. The current IGA between Clackamas County and Washington County is specific to the existing alignment of Brookman on the border between the two.

The City of Sherwood will continue to work with new developers to either construct or pay in-lieu fees for their share of future road improvements.

The City of Sherwood, Washington County, and ODOT will continue to work together and seek funding to implement the road improvements.

The following table notes the page number, item, and recommended changes to the Sherwood Transportation Plan to reflect the outcomes of the Addendum to the Brookman Addition Concept Plan.

Page #	Item	TSP Amendments
Volume 1: Sherwood Transportation System Plan		
18	Figure 5	Update figure to show new Brookman Road alignment
21	Figure 6: 2035 Motor Vehicle Conditions	Update figure to show new Brookman Road alignment
36	Text in Project D14 in Table 1:	The intersection of Brookman Rd and OR 99W to be improved with the installation of a traffic signal. All traffic signals on the state highway system need to be approved by the State Traffic Engineer and design coordination with ODOT is needed to ensure that the improvements are done in a manner that improves driver expectation and safety. The design of the intersection may result in the need for additional right of way to improve the intersection alignment.
41	Figure 11: Motor Vehicle Projects	Update figure to show new Brookman Road alignment and classification
42	Figure 12: Pedestrian Projects	Update figure to show new Brookman Road alignment
43	Figure 13: Biking Projects	Update figure to show new Brookman Road alignment
44	Figure 14	Update figure to show new Brookman Road alignment
57	Figure 17: Street Functional Classification	Update figure to show new Brookman Road alignment
60	Figure 18: Local Street Connectivity	Update figure to show new Brookman Road alignment
64	Figure 19: Through Truck Routes	Update figure to show new Brookman Road alignment
72	Figure 20: 2035 Non-SOV Share	Update figure to show new Brookman Road alignment
73	Text Amendment	Function and Design of Brookman Road and Concept Plan Area Update: Brookman Road is a rural corridor that sits on the southern edge of the Urban Growth Boundary(UGB). Through the Brookman Addition Concept Plan, it was identified that the road was needed to provide access to areas south of Sunset Road. The I-5 to 99W Connector project had conceptually identified the "Southern Arterial" as the primary east-west mobility route through the area, with an alignment along or just south of Brookman Road. Since the time of those planning efforts, additional planning efforts in the Basalt Creek area have refined the eastern portion of the "Southern Arterial". The

		Brookman Road Concept Plan Area underwent a multiagency refinement planning effort in 2019 and 2020. The results of that process recommended that Brookman Road should use a 3-lane "transitional" road design as the interim design until additional road capacity is needed. Brookman Road will maintain its Arterial designation, allowing widening to a five-lane arterial consistent with the Washington County and Sherwood TSP. This effort ensures the appropriate right of way can be reserved as the area is urbanized while providing accessibility to future development. While the majority of the existing road alignment would remain the same, the refinement process also recommended the intersection of Brookman Road and Ladd Hill Road be realigned approximately 700 feet to the south to flatten out a sharp curve and minimize impacts to residences.
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