



Home of the Tualatin River National Wildlife Refuge

**City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
November 8, 2011**

Work session – 6:00

1. Code Clean Up
 - a. Temporary Signs
 - b. Commercial and Industrial Uses

Business Meeting – 7:00

1. Call to Order/Roll Call
2. Agenda Review
3. Consent Agenda : None
4. Council Liaison Announcements (Krisanna Clark)
5. Staff Announcements
6. Community Comments
7. Old Business: None
8. New Business

a. Public Hearing - Temporary Uses and Outdoor Sales (PA 11-04)

Proposed amendment to multiple code sections within the Sherwood Zoning and Development Code as part of the Code Clean Up project. The amendments modify the temporary uses standards to clarify the standards requirements and update the code to be consistent with past resolutions and new policies. Additionally, outdoor sales and merchandise sales standards have been modified to make them clearer.

b. Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis of the Planning Commission

9. Adjourn

Work Session – Following business meeting

- Continue Code Clean Up discussion
- a. Trees on Private Property and Parking Lot Landscaping

Next Meeting: December 13th

Community Comments

Julia Hajduk

From: Julia Hajduk
Sent: Monday, October 31, 2011 3:26 PM
To: 'Kurt Kristensen'
Subject: RE: SE Sherwood Master Plan
Attachments: 5-9-06 FINAL MINUTES.doc

Kurt – I have spoken with Chair Allen about your request and we recommend that you come prepared to speak under the community comments section of the agenda. So that the Planning Commissioners are aware that you will be coming to the Commission and have some background information, I will include this e-mail along with a copy of the 5-9-06 minutes which documents the Planning Commission action and discussion in their packets. A copy of those minutes are attached for your reference.

Julia

From: Kurt Kristensen [<mailto:kurtk@poetspeak.com>]
Sent: Saturday, October 29, 2011 12:21 PM
To: PlanningCommission
Subject: SE Sherwood Master Plan

Mr. Allen:

Please provide me with an opportunity to address the Planning Commission on 11-8-11 during public comments regarding the Planning commission's disposition of its recommendation for SE Sherwood Master Plan at the conclusion of the public hearings funded by State of Oregon planning grant.

I would appreciate if you and the Planning staff could prepare a packet of minutes from the planning commission where SE Sherwood was discussed and acted upon by the Planning commission and the city council; it appears that no minutes are available in current web postings, and a city web site search using SE Sherwood Master plan does not produce any results.

Respectfully,

Kurt

Kurt Kristensen - M. Ed.
22520 SW Fair Oaks Ct.
Sherwood, OR 97140-9720
503-625-2340
<http://www.commondreams.org/>

City of Sherwood, Oregon
Planning Commission Minutes
May 9, 2006

Commission Members Present:

Chair – Adrian Emery
Vice Chair – Patrick Allen
Jean Lafayette
Dan Balza
Matt Nolan
Todd Skelton
Russell Griffin

Staff:

Kevin Cronin – Planning Supervisor
Rob Dixon – Community Development Director
Cynthia Butler – Administrative Assistant

1. **Call to Order/Roll Call** – Chair Emery called the meeting to order at 7 PM.
2. **Agenda Review** - There were no changes to the agenda.
3. **Consent Agenda** – Minutes for the April 25, 2006 session were approved by vote:

Yes – 7 No- 0 Abstain– 0

4. **Brief Announcements** – Kevin Cronin said the Economic Development Strategy workshop open to the public will be held tomorrow, May 10th from 7-9 PM at City Hall on the 2nd floor mezzanine level. The All America City Award presentation and delegation for June 9-11, 2006 is proceeding well. Julia Hajduk, Senior Planner, is the coordinator for the project and is working with the Sherwood Chamber of Commerce on details. Public is invited to plan their vacations and participate to support the community at the event in Anaheim, CA. Kevin confirmed that public participants who would like to attend must use their own funds for the trip. Metro adopted the construction excise tax for urban growth boundary (UGB) expansion areas. Kevin plans to present an inter-governmental agreement to the City Council in June, for an excise tax on new building permits valued over \$100,000. Collected funds will be dispersed through Metro who will reimburse jurisdictions for UGB planning, such as Area 59. The City can also submit grant applications to receive funds for new UGB expansion areas. The City's Wayfinding Open House is Thursday, May 11th from 7-9 PM in the community room at City Hall. Community Development Director Rob Dixon recapped that local area residents were mailed flyers announcing the meeting and that the agenda would be expanded for discussion regarding the colors chosen for lighting, pedestrian walkway fixtures, and signage in Old Town - including the recently installed monuments located at the entrance of 1st and Pine Streets. Rob said that a survey inviting responses would also be provided to citizens at the conclusion of the meeting.

Patrick Allen asked Rob to summarize what kinds of projects would not be completed if the \$50,000 required to repaint the lighting and pedestrian walkway fixtures to another color was implemented. Rob stated that the funds are from the urban renewal project contingency fund and would have to be used on other urban renewal projects. Rob said that Jim Patterson, Assistant City Manager, is the primary contact for the urban renewal

program and that there is a list of current related projects on the City's website under SURPAC.

5. Community Comments – Debra Ng-Wong, 23524 SW Denali Ln., Sherwood OR 97140 – Debra asked commissioners if they received a copy of a Preliminary Assessment Report compiled by the DEQ regarding the former Ken Foster farm site dated September 21, 2005 – along with a copy of a letter from the Governor's office addressed to Kevin Cronin dated April 24, 2006. Chair Emery said that Kevin Cronin had received a copy and would be distributing copies to commission members, but that it was not part of this evening's agenda. Matt Nolan stated that he received a copy at his home on Sunday, May 7th, but did not read it and gave it to Kevin Cronin so that copies could formally be introduced to all members at the same time. Kevin confirmed that copies of the document were not received by the noon deadline on May 2nd for inclusion to the member's packets, and that copies are to be distributed to commissioners tonight - copies were distributed. Debra stated that Kevin Cronin could have been more flexible in accepting the documents after the deadline on May 2nd, and that her neighbor said they called Kevin and asked for more time to deliver the document for the packets due to delays in traffic. Debra reported that her neighbor indicated Kevin they could still deliver the materials, but that when the delivery arrived at 12:15, Kevin would not accept the materials. Debra said that it was important information to the project and that the materials should have been accepted.

Kevin Cronin said that the purpose of the agenda at tonight's meeting for the SE Sherwood Master Plan did not include or require inclusion of the report by DEQ, and that although the DEQ report is indirectly related to the topic it was not relevant to the goals and timeline for the May 9th Planning Commission meeting. Kevin also stated that staff is involved with agency communications and has made a request of DEQ to better directly coordinate information with local government and City staff as it develops.

Patrick Allen asked staff if the presence of possible contaminants was not relevant to the determination of defining appropriate zones and density issues. Kevin responded that the DEQ is continuing to proceed in the study and that because possible contaminant information is still under review the answers are not currently knowable. Kevin said that tonight's agenda and goals are to largely focus on street connections, trails and open spaces and that as DEQ information is confirmed any alterations can be assessed at the appropriate time. Patrick said the timing was poor, but that he believed the current report to be relevant. Brief discussion ensued regarding aspects of the report. Chair Emery opened discussion on the first agenda item:

6. Old Business – SE Sherwood Master Plan: Kevin stated that he spoke to Metro staff in the Greenspaces program regarding the bond measure and Metro expressed an interest in the Snyder property located outside the UGB. The local share of funds if the bond measure passes would be approximately \$400,000 - \$500,000. Jean Lafayette asked for the location of the Snyder property. Kevin confirmed the property is outside the SE Sherwood Master Plan study area directly east of the Mosier property on the refuge. Kevin said that he spoke to Mrs. Moser recently and Bart Bartholomew, their representative, about a week ago. Kevin understood from his conversation from Mr. Bartholomew that a pre-application separate from this process may be forthcoming geared toward a higher density than any alternatives in the SE Sherwood Master Plan study, but none has been submitted to date.

Patrick Allen asked staff to confirm if there was anything currently in the zoning code that would protect the trees located on the Mosier property. Kevin said there was not.

Kevin reported that the SE Sherwood property owners did not conduct another meeting since the last Planning Commission session on April 11th as hoped. Staff distributed draft resolution, 2006-001 to commissioners and the public audience in attendance. Kevin recapped the resolution content to include the initial purpose and authorization to conduct the SE Sherwood Master Plan study, public involvement opportunities throughout the process, and identified Sections 1 through 3 as action items to accept the SE Sherwood Master Plan Report and resolves that master plan alternatives have been reviewed. Kevin stated that staff proposes flexibility for the alternatives: 1) accept Alternative B/C; 2) accept a hybrid of Alternative B/C; 3) allow developers and property owners to arrive at an alternative in their own process. Kevin deferred to the Planning Commission for comments, questions and process.

Chair Emery stated that he would like to include Alternative A, and asked commissioners for their responses.

Patrick Allen asked staff if the selection of any alternative option that is not a higher density would violate any terms of the City's grant from DLCDC? Kevin Cronin stated that credibility may be an issue with DLCDC in regard to the principles that were put into place. Patrick asked staff how credibility could be an issue for DLCDC if the Planning Commission made alternate findings for lower density after thorough review and public discussion. Kevin said that DLCDC has supported Sherwood with grant funding and the ongoing relationship is important. Chair Emery questioned to what extent the Planning Commission must follow DLCDC guidelines. Kevin said that Metro is the source of funding and a policy decision for a lower density would make it more difficult in the future relationship with DLCDC. Patrick asked for confirmation from staff that alternate findings would not violate any terms of the grant with DLCDC. Kevin confirmed. Chair Emery said that options for the site will change when applications are actually submitted, and recommended leaving the options to the developers and property owners for a final plan and see what evolves.

Russell Griffin asked staff to confirm if the language in Section 2 allows for another alternative plan to be submitted by an applicant at a later date, and that Section 1 states that any adopted plan is to be used as a guideline. Russell asked staff how transportation issues such as Denali Lane will be addressed. Kevin stated the transportation findings that led to the report and illustrations are accepted, when the report is accepted.

Jean Lafayette said that the City Council requested that the Planning Commission review the project for increasing density within the scope of a well thought out process, and to consider the community as a whole. The City Council also asked the commission to consider parks and amenities. Jean said that Alternative B/C seems like a compromise to all desires expressed and that this alternative has achieved the tasks.

Patrick Allen stated that he was conflicted and understands that a decision is needed. Patrick said that based on results from the last meeting, he expected property owners to have met one more time for consensus and that this did not occur. Patrick rejected Alternative C due largely to lack of connectivity and open space. Patrick stated that he believes the DEQ report on potential

hazardous materials should have been included in the commissioner's packets if it was just 15 minutes late. Patrick also stated that he was not ready to adopt a resolution.

Todd Skelton agreed with Patrick and recommended a density higher than 54. Todd also expressed disappointment that property owners did not meet again after the last meeting in an effort to achieve consensus.

Matt Nolan stated he was surprised by some of the citizen comments received in the packet, and said that the proposed lot sizes in the project area are significantly higher than the rest of Sherwood and are comparable to the Fair Oaks development. Matt stated that he understands the DEQ report is relevant to the project, but that tonight's session is charged with providing a direction for the master plan to proceed.

Patrick Allen stated that he would like Alternative A included. Patrick suggested that Section 1 be edited not to include reference to any specific alternative, due to changes a developer may make on an application or any affects later potentially discovered by DEQ. Patrick stated that depending on DEQ findings a lower density may be required. Commissioners showed nods of agreement.

Matt Nolan reiterated that a recommendation to remove reference to any alternative would leave the door open for developers and property owners to decide.

Patrick Allen asked how that would comply with the master plan process.

Chair Emery said the process provided designs to use as concepts for the plan.

Jean Lafayette recapped some calculations on the differences between the alternatives, and said that the comparisons are not so far apart from each other. Jean was also in favor of a wider middle green space to keep a hilltop view park. Jean said that the basic conflict appears to be saving the trees and the location of residential development for density.

Kevin Cronin reiterated that staff is not proposing that the Planning Commission redesign the plans, but to provide the option for private sector to do so through the application process.

Jean Lafayette confirmed.

Patrick Allen suggested adding performance standards or targets as guidelines for density and acreages to the language in Section 2 of the draft resolution, which would be compatible with the changes to Section 1 omitting a specific adopted alternative.

Kevin Cronin stated that the Planning Department is booked completely the next six months on other projects that are mandated by deadlines. Rob Dixon reaffirmed Kevin's schedule and added the initiation of the SE Sherwood Master Plan was a proactive volunteer effort to involve the community and that property owners and developers can now take it forward.

Patrick Allen asked staff non-mandatory numbers could be recommended as targets in Section 2. Kevin confirmed. Discussion among commissioners ensued on desirable aspects of alternatives.

Kevin Cronin reiterated that staff can affirm that any pre-applications presented for development in the master plan area represent the adopted concept plan or guidelines. Additionally, the Planning Commission will review any submitted development applications requiring a zone change and other development applications requiring the Planning Commission review process.

Jean Lafayette asked staff to confirm that development could presently occur under the current VLDR (very low density residential) zoning. Kevin confirmed.

Dan Balza referred to the SE Sherwood Master Plan project report by Otak, Inc. and stated that the study provided by the consultants entailed a lot of time and work. Dan said he agrees with other commissioners to establish targets or performance standards that will achieve an end result that relates to designs from the project report.

Chair Emery suggested at 7:50 PM taking a 15-minute break for commissioners to discuss potential targets for the resolution.

< 15- minute break >

Chair Emery reconvened the session at 8:05 PM. Adrian recapped that during the break performance standards and target calculations were discussed, that would keep the existing framework of the resolution and maintain the general concepts of alternatives in the project study.

Patrick Allen recapped the recommended change for Section 1 of the resolution to read:

“The SE Sherwood Master Plan Report (Exhibit A) dated February 20, 2006 is hereby accepted and the concept plans contained in the report meet the project objectives.” The new language omits reference to specific alternative plans.

Patrick read the stated the performance targets recommended by commissioners in Section 2 of the resolution as follows:

“The Planning Commission will consider a specific development and proposal from an application which is consistent with the principles and goals listed in Exhibit A, and those which provided the framework for the creation of the master plan alternatives. In particular, any proposal should attempt to meet the following performance targets:

Total # of proposed lots = 72

Acres of open space = 12.5

Gross density = 2.2

Endorsement of a hilltop viewpoint park included in open space, and the use of swale green space.

Discussion ensued on the current total acreage of trees, which was not known.

Chair Emery asked commissioners if consensus was achieved on recommendations recapped by Vice Chair Allen. Jean Lafayette moved to approved Resolution 2006-001 as amended.

Dan Balza seconded. Vote was taken:

Yes – 7 No – 0 Abstain – 0

Motion passed.

Chair Emery suggested a 10-minute break before beginning the next agenda item at 8:15 PM.

< 10-minute break >

Chair Emery reconvened the session at 8:25 PM.

7. New Business - Urban Planning Area Agreement (UPAA): Kevin Cronin recapped the UPAA with Washington County and stated that the UPAA has not been updated since 1988 and that the draft has been updated to include current language and date information. In particular, email as a means of communication between the two jurisdictions was needed. Kevin said that a couple of changes were submitted from Washington County after the commission packets were delivered that do not appear on commissioner copies, as follows: Page 1, Item 4 – Process to amend UPAA, Metro expanded the original UGB in December 2002 and in June 2004 DLCD acknowledged (expansion dates listed). Under definitions, communication by email has also been added and in sections where communication is mentioned in the document. Page 4, under “Additional Coordination Requirements”, adding Sections E & F. Section E adds that the originating agency shall utilize tracking options (tracked changes). Section F adds that the originator of an emailed notice will send a copy of the notice by first class mail by the next business day, and that copies of emails will be kept as part of the public record per State archive laws. Page 5, under “Comprehensive Plan & Development Policies”, Section E, adding “land divisions that are inconsistent with the FD20 district designation.” Lastly, under signatures, the effective date of execution on the signed current document. Kevin said once approved by the Planning Commission, the UPAA will be reviewed and signed by the Mayor and then sent to the Washington County Planning Department for adoption sometime in the fall - likely September or October 2006, before the November 2006 vote on annexation for the Area 59 Master Plan project.

Jean Lafayette asked staff to review Page 2, Item 2-A, and stated that this section was not consistent with other entries with nearly identical text, regarding first class mail or electronic mail and asked Kevin to update this section.

Patrick Allen suggested that using the term “notify” to define communication to mean electronic or first class mail, and entering “notify” in the definitions would simplify the process.

Kevin Cronin confirmed. Jean Lafayette stated that Item 2-C has the same issue. Kevin stated that he would proof the document for consistency before it is presented to City Council. Jean said that she would provide Kevin with edits.

Patrick Allen moved to approved the UPAA with edits.

Jean Lafayette seconded. Vote was taken:

Yes – 7 No – 0 Abstain – 0

8. Comments by Commission – Matt Nolan and Dan Balza stated they would not be present at the next session. Kevin Cronin recapped that the May 23rd session will consist of a field trip for commissioners on Infill Standards conducted by Heather Austin, Associate Planner, and that there will be no regular meeting.

Russell Griffin asked staff if the water tank in Tualatin near Sherwood received approval through Washington County. Russell commented on its close proximity to the road and lack of buffers or screening. Chair Emery is on the I-5 Connector Task Committee and gave an update, stating that no location has been determined to date. Rob Dixon said that excise tax funds for Brookman Road and the Light Industrial (LI) zone cannot be used for a study until a corridor has been determined. The I-5 corridor needs to be identified for concept planning to begin. General discussion ensued regarding toll charges for road use. Chair Emery asked if there were further comments by commissioners. There was none.

9. Next Meeting – May 23, 2006: 7 PM – No regular held - Infill Standards field trip for Planning Commission members and work session to follow.

10. Adjournment – Chair Emery adjourned the session at 8:35 PM.

End of minutes.

Work Session 1.a.



Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

City of Sherwood
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Mayor
Keith Mays

Council President
Dave Grant

Councilors
Linda Henderson
Robyn Folsom
Bill Butterfield
Matt Langer
Krisanna Clark

City Manager Pro Tem
Tom Pessenier



2009 Top Ten Selection



2007 18th Best Place to Live



DATE: October 31, 2011
TO: Sherwood Planning Commission
FROM: Brad Kilby, AICP
SUBJECT: Temporary and Portable Signs, Projecting Signs, Banners, Murals, and Wall Signs

The purpose of the memorandum is to provide the Planning Commission with information regarding proposed revisions to the Chapter 16.102 Sign code language, and to provide further information regarding wall signs and murals in order for the Planning Commission and City Council to discuss how they might fit into the Sherwood Community.

As you may already know, City staff is going to conduct a Public Open House at the YMCA teen center on November 16, 2011 between the hours of 6:30 and 9:00 PM. One of four subjects we would like to discuss is the temporary/portable sign code. The Commission's feedback on the 8th will allow us to make any necessary changes to the material before it is presented at the open house.

Temporary/Portable Signs

In the work session that was conducted on September 27th, staff received direction that the Planning Commission wanted the code to focus on size, number, location, and duration for temporary and portable signs. The following discussion highlights the proposed code language, which we believe would accomplish these objectives. Following the discussion, staff is providing examples of the temporary and portable signs that are currently located within the community to give the Planning Commission some additional perspective on the application of the current and proposed code language for further consideration on the matter.

The proposed code language includes the following changes over the existing code:

1. All of the definitions for temporary/portable signs have been moved to the same location so that all definitions related to signs are in a single location.

2. Definitions have been added for animated signs, awning or canopy signs, flag signs, Over-right-of-way banner sign, portable sign, rotating or revolving signs, snipe signs, temporary signs, and vehicle signs.
3. A distinction between temporary (not moveable by hand, but not permanent, such as a "for Lease" sign) and portable signs is proposed.
4. Staff has added more specific language that would limit temporary and portable signs as follows:
 - a. Property owners are permitted up to two temporary signs per lot, and are subject to size and height limitations by zone. Sizes and heights are included in a new table and range in height from 6-12 feet and size from 24-72 square feet in size. The lesser heights and sizes coincide with the intensity of the underlying zone.
 - b. Property owners are limited to (4) portable signs per lot, (4) feet in height, with a total maximum sign area of 24 square feet.
 - c. Signs shall be placed at least 15 feet apart when there is more than (1) temporary or portable sign on a single lot.
 - d. Under the proposed language, only signs located within the right of way will require a permit.
 - e. Permits are good for 30 days at a time.
5. Prohibitions on locations of temporary signs will now include signs located within the clear vision triangle at intersections, and within the roundabouts within the City.
6. The prior Tuesday and Thursday-Saturday exemption has been removed from the code.
7. It should be noted that the exceptions related to businesses within Old Town have been maintained within the proposed revisions.

Projecting Signs

1. New language has been added beneath the projecting signs criteria that would allow a second, up to 4 square feet, projecting sign to be hung from a porch, awning, or similar structure so long as it is no lower than eight feet above the grade of the sidewalk.
2. Additional language has been added to prohibit angle iron, guy wires, or braces for projecting signs unless it is decorative, or needed for safety.

Banner Signs

Banner signs within the City of Sherwood have been typically considered temporary and permitted provided they were attached to the side of the building, and did not exceed the 20% allotment that is allowed for wall signs. Under the proposed revisions, they would be distinguished from temporary or portable signs with their own standards. The following points summarize the proposed language as it would relate to banner signs:

1. Banner Signs would continue to require a permit prior to their placement.
2. Banner signs would be allowed to be attached to a building, fence, or wall as opposed to just the building.

3. Banner signs would be allowed in all zones but not on properties developed with low density single-family residences.
4. Each business on the property would be allowed one banner sign.
5. Banner signs placed on a fence or wall would be limited in size to 32 square feet.
6. Banner signs in commercial, institutional and public, and industrial zones would be limited as they are now, which means that the total wall sign, projecting sign, and banner sign area could not exceed 20% of the wall area up to a maximum of 250 square feet.

Related to banner signs, we believe that there should be a maximum number of occurrences or a time limit on their placement, but would like the Commission's input on this as well.

Murals and Wall Signs

Because our sign code is required to be content neutral, murals in their traditional sense would be considered wall signs. That is to say that murals, in combination with wall signs, banners, and projecting signs could not exceed 20% of the gross area face of the building to which it is attached up to a maximum size of 250 square feet. A 250 square foot sign would require the wall plane to be at least 1,250 square feet. While there are large wall planes on some of the buildings in Sherwood, the most likely location would be the end of a large building such as a gymnasium, City Hall, or some similar structure. The wall sign standards have been in place for quite some time, and there have been few requests for such a large sign. The latest example would be the Captain Ron's wall located at 21900 SW Alexander Lane in Sherwood.

If the Planning Commission and City Council wished to entertain allowing more and larger murals within the City, we could follow the Cities of Portland and Philadelphia's leads in viewing them as public art. This process would require that the City discuss the appropriate locations and processes for approving and accepting public art pieces.

Examples:

The following examples are from locations in and around Sherwood.



This snipe sign is located on a utility pole and would not be permitted under the current or proposed language.



This sign is located in front of the Senior Center along Sherwood Blvd. The sign is 2 feet wide and approximately 3 feet 10 inches high. Under the current code, this sign would not currently be permitted within this location because it is further than 25-feet away from the primary entrance of the building. Currently it would require a permit unless it is a Tuesday or Thursday through Friday. Under the proposed language, the sign would be allowed without a permit as a portable sign because it is outside of the right of way, does not exceed the height or size requirements, and is not located within a clear vision area.



This is considered a temporary sign and is located outside of a commercial business complex. The sign is 10'3" high, and 4' wide. Under the current regulations, this sign would not be permitted because it exceeds the size limit of (6) square feet per sign face, and does not have a permit. Under the proposed language, the sign would be allowed without a permit because it is located on private property, outside of the right of way, and does not exceed the height and size requirements for the RC zone which allows temporary signs to be 12 feet high, and up to 72 square feet in size.



This would be considered a portable sign. Under the existing code, this would be allowed with a permit in up to 10 locations throughout the City. Under the proposed language, the sign would be allowed outright if it was located entirely on private property, and provided the site does not already have more than 3 signs totaling 28 square feet, or with a permit if the owner chooses to place the sign within the right of way.



These portable signs are not allowed on Monday, Wednesday, or Thursday before 6PM because they are located within the public right-of-way, and do not have valid permits. They may also be too close together. Under the proposed language they could be allowed without a permit on private property, or with a permit in the public right-of-way provided they had the owner's permission, met the standards, and obtained city permits.



This banner sign, at this location is not permitted under the current language because it does not have a permit, and is not attached to a building. Under both existing and proposed codes, it would require a permit, and have to be attached to a fence, wall, or the building.



The banner signs on this fence are currently not allowed under the existing language because they do not have permits, and are not attached to the building. Under the proposed language, the property owner would be allowed to have a single banner sign attached to the fence, building, or wall provided they obtained a permit.

Summary

As can be seen, temporary/portable and banner signs are very prevalent throughout Sherwood, and utilized by businesses throughout the area to promote their products or sales. There are certainly instances where the current code would require that the signs be removed, but there just has not been the time or resources available to enforce the code and inform the business community. Should the Planning Commission decide to recommend the proposed language to the City Council, it is recommended that it be accompanied by an aggressive outreach campaign to existing businesses, along with some leeway that would allow them to adjust their current practices.

The proposed language would clarify when a city permit would be required, and provide businesses with more flexibility than is currently allowed in some cases, and would be stricter in others. One of the items that this language

does not address is how to handle signage associated with community events. One suggestion would be to permit signage for community events to be allowed through the special event permit currently issued by the city along with a cap on the amount of signage, but we would like some direction on the amount of signage the commission feels is appropriate. Another item to consider is whether or not to regulate inflatable objects placed on a roof, searchlights, or similar devices through the temporary sign code. I have attached two versions of the proposed code to this memorandum for your consideration. One is a clean version, and the other is a version with track changes. Please let me know if you have a preference in the future.

Finally, the proposed language was drafted based on direction from the last Planning Commission work session, and should for the most part be considered a working draft. Our intent is to introduce the broader concepts that have been highlighted in this memo to the public at an open house on November 16, 2011, so it is imperative that you feel comfortable with what we are proposing. We would like the commission to carefully consider the information provided in this memorandum along with the items attached, and provide staff with your thoughts on the matters discussed.

Chapter 16.102

SIGNS*

Sections:

16.102.010 Generally

16.102.020 Prohibited Signs

16.102.030 Sign Regulations by Zone

16.102.040 Temporary/~~Portable~~/~~Portable~~ Signs

16.102.050 ~~Portable A-Frame Signs~~ ~~Temporary/Portable Signs Generally~~

16.102.060 ~~Temporary/Portable Signs/Over-Roadway Signs~~ ~~Banner Signs~~

16.102.070 ~~Banner Signs~~ ~~Temporary Sign Violations~~

~~16.102.080 Temporary/Portable Sign Violations~~

* Editor's Note: Some sections may not contain a history.

16.102.010 Generally

1. Sign Permits

- A. Except as otherwise provided in this Section and Sections 16.102.040 through 16.102.070, 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. (Ord. 2009-002, § 2, 4-21-2009; Ord. 2005-002 § 5; 2002-1132)

2. Sign Application.

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 landowner.
- 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. (Ord. 2009-002, § 2, 4-21-2009; Ord. 2004-006 §

3; Ord. 86-851)

3. Exceptions

The following signs do not require a 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. Nameplates not exceeding one (1) square foot in area.
- C. Changes to the copy of Aa 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.
- D. On-site painting, repainting, cleaning and normal maintenance and repair of a sign.
- E. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
- F. 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.
- G. Portable/temporary signs allowed per Sections 16.102.040 through 16.102.070.
- H. Public utility signs and other signs required by law.
- I. 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. (Ord. 2009-002, § 2, 4-21-2009; Ord. 2002-1132 §3; Ord. 86-851)

4. Violations

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 similar liens. (Ord. 2009-002, § 2, 4-21-2009; Ord. 86-851 §3)

5. Nonconforming Signs

- a. 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.
- b. Except as exempted in d 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.
- c. Except as exempted in d below, a nonconforming sign that is structurally altered, relocated or replaced shall immediately be brought into compliance.
- d. A sign that is 45 feet tall or less and that is 300 square feet or less in size is exempt from the requirement to come into compliance within 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 goes through a major re-development as determined by the Commission as part of a Type IV land use application. (Ord. 2009-002, § 2, 4-21-2009; Ord. 2005-002 § 5; 2004-006)

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6. 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. (Ord. 2009-002, § 2, 4-21-2009; Ord. 86-851, § 3)

7. Reserved (Ord. 2009-002, § 2, 4-21-2009; Ord. 86-851, § 3)

8. 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. (Ord. 86-851, § 3)

9. Definitions

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 or more individual cabinets or sides:

1. 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.
2. If the sign is composed of more than two 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. A. —Awning or Canopy Sign: A sign attached or applied to a building awning, porch, canopy, or other roof-like structure.

D. Banner Sign: Signs made of lightweight fabric or other non-rigid material characteristically supported by two or more points, and hung only on a permanent structure such as a building, fence, or wall.

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. Any legally permitted off-premise sign on the site must comply with the provisions of this Chapter.

G. Electronic Message Signs: Consistent with 16.102.020.6, electronic message signs may not change more than once every 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 allowable sign area per sign face. (Ord. 2004-006 § 3) (Ord. No. 2009-003, § 2, 2-17-2009)

H. Flag sign: A sign constructed of lightweight material designed to wave or move in the wind to attract attention to a particular location. For the purposes of this code an example would be a vertical banner. Flag signs are sometimes referred to as teardrop or feather banners.

I. Free-Standing Signs:

1. 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

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the support poles to within four (4) inches of the grade. Each free-standing monument sign shall have no more than two (2) faces.

2. Column Sign: A sign supported by two 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.

3. Pole Sign: A free-standing sign mounted on one (1) vertical support less than 36 inches wide.

J. Off-Premise Sign: A sign placed at a location other than on the lot or property where the business or event being advertised or otherwise promoted is located.

B. Sign Face Area: The area of the sign shall be measured as follows if the sign is composed of one or more individual cabinets or sides:

1. 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.

2. If the sign is composed of more than two 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.

K. Over-Right-of-Way Banner Sign: A banner sign, usually associated with a community-wide event, placed over a public right of way for a limited period of time.

L. 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). (Ord. 2005-002 § 5; 2004-006)

M. Portable A-Frame Sign: A double-faced portable sign with an A-shaped frame, composed of two sign boards attached at the top and separated at the bottom, and not supported by a structure in the ground.

N. Portable Sign: Small movable signs 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 A-frame signs, political signs, real estate open house signs, and other similar signage.

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

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

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

R. C. — 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.

D. — 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.

E. — 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. Any legally permitted off-premise sign on the site must comply with the provisions of this Chapter.

F. — Free Standing Signs:

1. — 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.

2. — Column Sign: A sign supported by two 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.

3. — Pole Sign: A free-standing sign mounted on one (1) vertical support less than 36 inches wide.

S. Snipe Sign: Any sign of any size, made of any material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which said sign is located.

T. Temporary Sign: Signs that are firmly affixed to a temporary structure that is placed into the ground and designed to be temporary. Characteristics of a temporary sign include signs attached to a durable material such as wood posts which do not require permanent footings. Examples of temporary signs include residential and commercial real estate signs.

U. Vehicle Sign: A sign that is attached to a vehicle, on or above the vehicle that is parked in a location for the primary purpose of advertising.

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

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~~H. 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). (Ord. 2005-002 § 5; 2004-006)~~

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

~~J. Electronic Message Signs: Consistent with 16.102.020.6, electronic message signs may not change more than once every 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 allowable sign area per sign face. (Ord. 2004-006 § 3) (Ord. No. 2009-003, § 2, 2-17-2009)~~

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16.102.020 Prohibited Signs

1. 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. (Ord. 86-851, § 3)

2. 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. (Ord. 86-851, § 3)

3. 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. (Ord. 86-851, § 3)

4. Rotating or Revolving Signs

Rotating or revolving signs are prohibited. (Ord. 86-851, § 3)

5. 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. (Ord. 86851 § 3)

6. Changing Image Signs

Any sign that through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, resulting in movement, the appearance of movement or change of sign image or message are prohibited. Changing image signs do not include otherwise static signs where illumination is turned off and back on at a maximum of once every 30 seconds and such change does not involve movement or flashing. (Ord. 2003-1153, § 1)

7. Pole Signs, over six (6) feet in height (Ord. 2004-006 § 3)

8. Signs on Vacant Land

Any sign on unimproved property, unless allowed as a portable or temporary sign under Sections 16.102.040 ~~though~~through 16.102.070 shall be prohibited. (Ord. 2004-006 § 3)

9. Permanent Residential Development Signs (Ord. 2005-002 § 5; 2004-006)

10. Roof Signs (Ord. 2004-006 § 3)
(Ord. No. 2009-003, § 2, 2-17-2009)

16.102.030 Sign Regulations By Zone

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1. Residential Zones

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

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A. Public/Semi-Public Uses

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

1. 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.
2. 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.

B. Multi-Family Development Signs

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. (Ord. 2005-002 § 5; 2004-006)

C. Non-Residential Signs

One (1) monument sign not more than sixteen (16) square feet in area identifying a permitted use in a residential zone shall be allowed. (Ord. 2005-002 § 5; 2004-006; 2002-1132)

D. Temporary/Portable Signs

The requirements of Sections 16.102.040 through 16.102.070 shall apply. (Ord. 2004-006 § 3)

2. Commercial Zones

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

A. Free-Standing Signs

1. Number Permitted: Except as otherwise provided in a.-c. below, one (1) multi-faced, free-standing sign designating the principal goods or services available on the premises shall be permitted per lot. Any off-premise free-standing sign legally located on a site shall be considered the sole free-standing sign allowed on the site and shall comply with the provisions of this Chapter.

a. 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 b. or c. 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.

b. One additional free-standing monument sign may be provided for fueling stations to provide required pricing information.

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

2. Height Limit: The maximum sign height shall not exceed six (6) feet in all commercial zones except that in the locations identified in (a)--

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

- a. on or within one hundred (100) feet of Pacific Highway,
- b. Tualatin-Sherwood Road between 99W and SW Olds Place,
- c. Roy Rogers Road between 99W and Borchers
- d. Sherwood Boulevard between 99W and Century Boulevard, and
- e. Edy Road between 99W and Borchers.

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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.

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

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— 4. 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 16.102.030.2.A.2(a)--(e), the sign area for one 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.

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— 5. 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.

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— 6. Off-Premise Signs: Sign area will be calculated as part of the permitting business's total square footage requirements as described in subsection (A)(4). Any off-premise free-standing sign legally located on a single business site shall be considered the sole free-standing sign allowed on the site and shall comply with the provisions of this Chapter.

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— All off-premise signs oriented to be viewed from State Highway 99W shall be subject to the standards and requirements of the Oregon Administrative Rules and Oregon Revised Statutes administered and enforced by the Oregon Department of Transportation (ODOT). Where there is a conflict between the standards or requirements of the City and the State, the more

restrictive standards or requirements shall apply.

B. Wall Signs

Wall signs in combination with banner and projecting signs placed per Section 16.102.070-060 and defined in Section 16.102.040-010, shall not exceed twenty percent (20%) 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 signing. 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 (1 1/2) feet from the wall to which they are attached.

C. Projecting Signs

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 on the same business frontage with wall signs. In addition, businesses within commercial districts with a porch or awning, will be permitted to have one additional sign that is perpendicular to the building and oriented to pedestrians provided that they are:
 - a. Hung from the roof of the porch or awning;
 - b. Less than 4 square feet in area; and
 - c. The bottom of the sign is at least eight 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 or roof sign.
3. ~~A projecting sign shall be used solely to identify a business and shall not be used to advertise services or products sold on the premises.~~
4. 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.
5. No projecting sign shall be located within twenty (20) feet of another projecting sign in the same horizontal plane.
6. ~~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.~~
~~No projecting sign shall be supported by a frame, commonly known as an "A~~

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~~frame" or other visible frame located on the roof of a building.~~

~~76.~~ 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.

D. Directional Signs

The requirements of subsection C shall apply. (Ord. 2004-006 § 3; 2002-1132)

~~EE.~~ Temporary/Portable Signs

The requirements of Sections 16.102.040 through 16.102.070 shall apply. (Ord. 2004-006 § 3; 2002-1132)

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3. Industrial Zones

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

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A. Free Standing Signs

1. Industrial zoned properties that have an approved PUD and approval for permitted commercial uses, shall apply requirements in Section 16.102.030.2.A (a)--(c), 2, 3, 4, 5, 6, B, C, D and E.
2. Other than allowed under (1) above, industrial zones ~~shall be permitted to may~~ have one (1) multi-faced free-standing sign designating the principal uses of the premise ~~shall be permitted~~ 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.

B. Directional Signs

The requirements of subsection C shall apply. (2004-006 § 3; 2002-1132)

C. Temporary/Portable Signs

The requirements of Sections 16.102.040 through 16.102.070 shall apply.

D. Wall Signs

The requirements of Section 16.102.030.2, Commercial Signs shall apply. (Ord. No. 2009-003, § 2, 2-17-2009)

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16.102.040 Temporary/Portable/Portable Signs

Temporary and Portable signs regulated by this code are intended to allow the City of Sherwood citizens to exercise their right to free speech whilst ensuring that the City's streets remain aesthetically attractive and safe for travel. Signs that do not meet the standards of this subsection are subject to the standards for permanent signs as described above. All temporary and portable signs are subject to the placement, size, and height requirements of this chapter

16.120.050 Temporary/Portable Signs General Regulations

1. Definitions

The following sign types are termed Temporary/Portable for the purposes of this Code.

- A. Portable A Frame Sign — a double faced portable sign with an A-shaped frame, composed of two sign boards attached at the top and separated at the bottom, and not supported by a structure in the ground.
- B. Temporary/Portable Sign — small movable sign used for a temporary period of time (A-frame signs are considered a Temporary Portable Sign when used for a limited time period as specified by this Code).
- C. Banner Sign — a sign made of lightweight fabric or other non-rigid material characteristically supported by two or more points and hung on the side of a building.
- D. Temporary Over Roadway Banner Sign — banner signs placed over a public roadway for a limited period of time.
(Ord. 2002-1132 § 3)

1. Regulations

- A. 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.
- B. Signs shall not obstruct vehicular or pedestrian traffic.
- C. It is the responsibility of the person posting a temporary or portable sign to remove it.
- D. No more than two (2) temporary signs are permitted on any one lot.
- E. Temporary signs in all zones are limited to the area and height limitations of the following table:

Zoning District	Maximum Height	Maximum Allowable Sign Area
VLDR, VLDR-PUD, LDR, MDRL	6'	24 SF
MDRH, HDR, NC	9'	48 SF
OC, OR, RC, GC	9'	72 SF

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LI, GI	9'	72 SF
IP	9'	48 SF

- F. Where multiple temporary signs are placed on the same property, the signs shall be spaced at least 15 feet apart.
- G. Portable signs, in all zones are limited to 4 feet in height and a maximum of 24 square feet per lot.
- H. No more than four (4) portable signs are allowed on any lot.
- I. Signs on private property. Temporary and portable signs on private property do not require a permit, but are subject to all of the applicable standards within this section. In addition, signs shall not be placed on private property without permission of the property owner.
- J. Signs in Public Rights-of-Way. No temporary or portable sign shall be placed in any publicly owned right-of-way without a permit. Signs placed in public rights-of-way must meet the following standards in order to obtain and maintain a valid permit:
- a. Signs may be placed on rights-of-way adjacent to a single-family dwelling only with permission of the adjoining property owner.
 - b. Signs shall not create a traffic safety or maintenance problem, and the City may remove and dispose of any signs that constitute a problem.
 - c. 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 without express approval.
 - d. 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.
 - e. Temporary sign permits within the public right-of-way are valid for 30 days.
 - f. Signs proposed to be located over a public right-of-way are subject to the following provisions:
 - i. An applicant may be approved for one (1) temporary over-the-roadway banner sign to be attached to power poles. Over-the-roadway banner signs shall be installed only after receiving a permit from Portland General Electric (PGE) or its successor. Once a PGE permit is obtained, the applicant is required to receive a right-of-way permit from the City Engineer.
 - ii. Over-the-roadway banner signs are allowed at the following location:
 - 1. North Sherwood Boulevard, north of the south property line of Sherwood Middle School and south of the north property line of Hopkins Elementary School.
- K. Old Town Overlay District
- a. Businesses who have a valid City of Sherwood business license and are physically located within the Old Town Overlay District, may display two (2) portable signs on private property or within the public right-of-way in

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the Old Town Overlay District.

b. Each portable sign shall be a maximum of six (6) square feet per sign face. If a business wishes to place a portable sign on the sidewalk in front of someone else's property that business must receive written permission from the property owner whose property is adjacent to where the sign is placed. Signs shall be sited per Section 16.102.040.

L. Temporary and portable signs are prohibited in the following locations

2. Placement Requirements

A. Temporary/Portable signs must remain movable by hand and shall not be attached or anchored in any way to trees, vehicles, trailers, utility poles, pavement or any public property.

B. Temporary/Portable signs shall not obstruct pedestrian and disabled accessible ADA routes of travel, including but not limited to, transit stop areas, disabled parking spaces, disabled access ramps, building entrances and fire escapes.

C. Temporary/Portable signs shall not create a traffic hazard by blocking vehicular site distance or be placed within a vehicular travel lane.

D. Temporary/Portable signs shall be kept in good condition and shall not be rusty, faded or splintered.

(Ord. 2002-1132 § 3)

16.102.050 Portable A-Frame Signs

1. Prohibited Locations

A. Industrial Zoning Districts

To preserve industrial zoning districts as employment-based manufacturing areas and to encourage retail uses and retail signage in commercial zones, portable A-frame signs are prohibited in industrial zones, including General Industrial (GI) and Light Industrial (LI) zones.

B. Temporary/Portable signs are permitted per Section 16.102.060.

a. (Ord. 2002-1132 § 3) Within any ODOT right-of-way, including but not limited to Highway 99.

b. Within any Washington County right-of-way, including but not limited to Roy Rogers Road, Edy Road, and Tualatin-Sherwood Road.

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c. Within any clear vision area as defined in Section 16.58.010

M. Exemptions. The following signs, and the placement of those signs are exempt from the provisions of this chapter.

a. Public notice signs as required by Section 16.72.020, or by any federal, state, or local law.

b. Federal, state, and other flags not exceeding 24 square feet in all residential zones, and 40 square feet in all commercial and industrial zones.

c. Signs that have been approved in association with a City of Sherwood Event Permit.

d. Public necessity signs such as safety/ instructional, for public facilities and parks, City sponsored community events, warnings, information kiosks at trail heads, bus stops, no parking, and street name Signs installed by or with permission of the City of Sherwood are exempt from permit requirements.

N. In the event that the temporary sign is requested by a business whose regular access is blocked due to road construction and/or road closures, temporary signs may be permitted to remain until construction is completed without having to renew every 30 days. These signs may be located in ODOT, City of Sherwood or Washington County right-of-ways if approved by these agencies.

16.120.060 Banner Signs

When placing signs on private property, an owner's signature granting permission to place the sign on their property is required.

A. Commercial and Institutional Public Zoning Districts

Each business having a valid City of Sherwood business license which is physically located in the Neighborhood Commercial (NC), Office Commercial (OC), Office-Retail (OR), Retail Commercial (RC), General Commercial (GC) or Institutional Public (IP) zoning district may display one (1) portable A-frame sign on private property within 25 feet of the main entrance to the business.

Each portable sign shall be a maximum of six (6) square feet per sign face.

Signs shall be sited per Section 16.102.040.

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~~_____ B. _____ Multi-family zoning districts including High Density Residential (HDR) and Medium Density Residential High (MDRH).~~

~~One (1) portable A-frame sign on private property.~~

~~Each portable sign shall be a maximum of six (6) square feet per sign face.~~

~~Signs shall be sited per Section 16.102.040.~~

~~_____ C. _____ Old Town Overlay District~~

~~Businesses who have a valid City of Sherwood business license and are physically located within the Old Town Overlay District, may display two (2) portable signs on private property or within the public right-of-way in the Old Town Overlay District.~~

~~Each portable sign shall be a maximum of six (6) square feet per sign face. If a business wishes to place a portable sign on the sidewalk in front of someone else's property that business must receive written permission from the property owner whose property is adjacent to where the sign is placed. Signs shall be sited per Section 16.102.040. (Ord. 2002-1132 § 3)~~

~~16.102.060 Temporary/Portable Signs/Over Roadway Signs~~

~~1. Prohibited Locations~~

~~Temporary/Portable and Over the Roadway Banner Signs are prohibited in the following locations, unless otherwise approved due to road construction and/or closure per subsection C:~~

~~_____ A. _____ ODOT right-of-way, including but not limited to Highway 99W.~~

~~_____ B. _____ Washington County right-of-way, including but not limited to Roy Rogers Road, Edy Road and Tualatin-Sherwood Road. (Ord. 2002-1132 § 3)~~

~~2. Temporary/Portable Sign Exemptions~~

~~_____ A. _____ Four (4) off-site temporary/portable signs not exceeding six (6) square feet each per sign face may be displayed without permit from Thursday at 6:00 PM until Sunday at 8:00 PM and on Tuesday.~~

~~_____ B. _____ Public notice signs as required by Section 16.72.020.~~

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~~_____ C. _____ Tenants and property owners may display temporary/portable signs a maximum of eight (8) square feet per sign face without permit on private residential property where the tenant or owner resides.~~

~~_____ D. _____ Signs shall be sited per Section 16.102.040.
(Ord. 2002-1132 § 3)~~

3. Permits Required

~~_____ A. _____ Temporary/Portable sign users that are not exempt per this Section shall obtain a permit from the City of Sherwood. Permits shall be issued by the Planning Director without public notice of public hearing per Section 16.72.010A, Type I review action. Permits shall be issued by the Planning Director without public notice of public hearing per Section 16.72.010A, Type I review action.~~

~~_____ B. _____ A temporary/portable sign user may be permitted to display temporary signs a total of four (4) times in one (1) calendar year for a period of two (2) weeks prior to an event. The signs shall be removed two (2) days following the event. As an alternative to four, two-week periods, signs may be permitted for a two-month period per calendar year for seasonal, temporary events.~~

~~_____ C. _____ In the event that the temporary sign is requested by a business whose regular access is blocked due to road construction and/or road closures, temporary/portable signs may be permitted to remain until construction is completed. These signs may be located in ODOT, City of Sherwood or Washington County right-of-ways if approved by these agencies.~~

~~_____ D. _____ Signs shall be sited per Section 16.102.040.
(Ord. 2002-1132 § 3)~~

4. Permit Forms

~~All temporary sign users requiring permits per this code shall make application on forms provided by the City. Such forms shall be created and maintained by the City Manager or his or her designee. A permit fee may be charged and set out in a City Council resolution. When placing signs on private property, an owner's signature granting permission to place the sign on their property is required.
(Ord. 2002-1132 § 3)~~

5. Permit Types

Temporary sign permits are classified as follows:

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~~A. General Temporary Sign Permit~~

~~The sign user may display no more than one (1) temporary sign at up to ten (10) approved locations throughout the City. Temporary signs are limited to six (6) square feet per sign face and shall be spaced a minimum of ten (10) feet apart. Applications must be submitted to the City four (4) weeks prior to the requested date of sign placement.~~

~~A temporary sign may be permitted to be larger than six (6) square feet, if one or more of the following criteria is met:~~

- ~~1. The location where the sign is proposed is on a high speed roadway, 35 mph or greater, that warrants a larger sign making the sign readable and improving traffic safety.~~
- ~~2. Installing a larger sign would eliminate the need for several smaller signs reducing visual clutter.~~
- ~~3. The proposed event for which the sign is being permitted is expected to attract a large number of people and would require closing roads.~~

~~B. Temporary Over the Roadway Banner Signs~~

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

~~Over the roadway banner signs are allowed at the following locations:~~

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

~~C. Pre-approved Temporary Portable Sign Permits~~

~~Temporary sign permits may be renewed for reoccurring annual events without submitting for a new permit to the City. However, over the roadway banner signs require a new permit from Portland General Electric (PGE). A new permit from the City is required if changes are made to the existing permit.~~

~~(Ord. 2002 1132 § 3)~~

~~16.102.070 Banner Signs~~

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Comment [BK6]: Limited to 32 square feet as that is a typically accepted sign size for a downtown street with a 35 mile per hour speed. The acceptable height would be 18 feet, but since this is related to temporary signage, the height should remain limited.

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~~A. 1. PLACEMENT REQUIREMENTS~~ Placement Requirements

~~a. A.~~ Except for banner signs exempted by this Section, banner signs shall be firmly attached to the side of a building, ~~fence, or wall~~ only. No banner sign shall be attached to building roofs, ~~fences~~, vehicles, trailers, or anything else, ~~that is not the side or part of the side of a building.~~

~~b. B.~~ Banner signs shall not cover building windows.

~~c. C.~~ 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.

~~D.~~ Banner signs shall be made of all-weather material.

~~d.~~ (Ord. 2002-1132 § 3)

~~e.~~ Banner signs are prohibited in all low-density residential and industrial zoning districts. (Ord. 2002-1132 § 3)

~~2. Prohibited Locations~~

~~A.~~ Banner signs are prohibited in all residential and industrial zoning districts. (Ord. 2002-1132 § 3)

~~B. 3. Exemptions~~

~~A.~~ Banner signs not intended to be viewed from a public street.

~~a.~~ (Ord. 2002-1132 § 3)

~~b.~~ Signs that meet any of the provisions of section 16.120.050(L)

~~C. 4. Permitted Locations~~

~~a. A.~~ Commercial, ~~Industrial~~, and Institutional Public Zoning Districts.

~~1)~~ 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), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), ~~General Industrial (GI), Light Industrial (LI)~~ or Institutional Public (IP) zoning district may display ~~one (1)~~ banner signs on private property.

~~2)~~ Banner sign size shall be regulated per Section 16.102.030.2.B, ~~for banner signs that are placed on walls.~~

~~3)~~ Banner signs that are placed on any fence or wall is limited to no more than 32 square feet.

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~~— Signs shall be displayed per this Section.~~

~~b. — B. — Multi-family zoning districts, including High Density Residential (HDR) and Medium Density Residential High (MDRH).~~

~~— One banner sign not exceeding 32-32 square feet per tax lot.~~

~~— Signs shall be displayed per this Section.~~

~~1) (Ord. 2002-1132 § 3)~~

D. Review Process

a. No banner sign, except those exempt by the provisions of 16.120.050(L) shall be placed anywhere within the City without a permit.

b. Requests for permits shall be processed through a Type I administrative review, must be accompanied by a list along with the dimensions of all other signage on site, and are subject to the standards listed above.

c. Permits for banner signs within the City shall be valid for a period of thirty (30) days.

d. Permits may be reissued on the same property up to (3) times in any calendar year.

16.102.080-070 Temporary/~~Portable~~ Sign Violations

~~A1. Fines shall be set in a by City Council resolution. (Ord. 2002-1132 § 3)~~

~~Temporary/~~Portable~~ Signs, Banner Signs and Over-the-Roadway Banner Signs
Individuals in violation shall be subject to the sign being removed and a fine for the first offense and the fine doubled for each subsequent offense. (Ord. 2002-1132 § 3)~~

~~1. Portable A-frame Signs~~

~~A. — First Violation -- Written warning stating corrective action required to bring the portable sign into conformance.~~

~~— B. — Second Violation -- Fine.~~

~~C. — Third Violation -- Portable sSign removed and held for 30 calendar days. During this period the sign will be returned to the owner subject to payment equal to twice the original a fine. After 30 days the City is no longer responsible for returning the sign.~~

~~D. -Fourth Violation -- The business loses temporary and portable sign privileges for one year. City can remove signs and fine for each offense during this one year probation period. (Ord. 2006-021; 2005-002 § 5; 2002-1132)~~

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Based this provision on typical flag rules and regulations for the American Flag.

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These provisions would eliminate the need for any temporary signs located on private property to obtain a temporary sign permit provided the signage does not exceed the allotted sign area for the zoning district, and the owners permission is granted. This should help in enforcement issues.

Page 16: [60] Comment [BK5] **Bradley Kilby** **9/6/2011 4:47:00 PM**

New requirement that will allow property owners who do not grant permission to pull the sign on their own.

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Page 21: [123] Comment [BK7] **Bradley Kilby** **9/6/2011 4:47:00 PM**

Am going to advocate for sign enforcement that is consistent across the board and seemingly easier to administer.

Chapter 16.102

SIGNS*

Sections:

- 16.102.010 Generally
- 16.102.020 Prohibited Signs
- 16.102.030 Sign Regulations by Zone
- 16.102.040 Temporary/Portable Signs
- 16.102.050 Temporary/Portable Signs Generally
- 16.102.060 Banner Signs
- 16.102.070 Temporary Sign Violations

* Editor's Note: Some sections may not contain a history.

16.102.010 Generally

1. Sign Permits

- A. Except as otherwise provided in this Section and Sections 16.102.040 through 16.102.070, 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. (Ord. 2009-002, § 2, 4-21-2009; Ord. 2005-002 § 5; 2002-1132)

2. Sign Application.

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 landowner.
- 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. (Ord. 2009-002, § 2, 4-21-2009; Ord. 2004-006 §

3; Ord. 86-851)

3. Exceptions

The following signs do not require a 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. Nameplates not exceeding one (1) square foot in area.
- C. 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.
- D. On-site painting, repainting, cleaning and normal maintenance and repair of a sign.
- E. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
- F. 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.
- G. Portable/temporary signs allowed per Sections 16.102.040 through 16.102.070.
- H. Public utility signs and other signs required by law.
- I. 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. (Ord. 2009-002, § 2, 4-21-2009; Ord. 2002-1132 §3; Ord. 86-851)

4. Violations

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 similar liens. (Ord. 2009-002, § 2, 4-21-2009; Ord. 86-851 §3)

5. Nonconforming Signs

- a. 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.
- b. Except as exempted in d 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.
- c. Except as exempted in d below, a nonconforming sign that is structurally altered, relocated or replaced shall immediately be brought into compliance.
- d. A sign that is 45 feet tall or less and that is 300 square feet or less in size is exempt from the requirement to come into compliance within 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 goes through a major re-development as determined by the Commission as part of a Type IV land use application. (Ord. 2009-002, § 2, 4-21-2009; Ord. 2005-002 § 5; 2004-006)

6. 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. (Ord. 2009-002, § 2, 4-21-2009; Ord. 86-851, § 3)

7. Reserved (Ord. 2009-002, § 2, 4-21-2009; Ord. 86-851, § 3)

8. 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. (Ord. 86-851, § 3)

9. Definitions

- 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 or more individual cabinets or sides:
 - 1. 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.
 - 2. If the sign is composed of more than two 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 or applied to a building awning, porch, canopy, or other roof-like structure.
- D. **Banner Sign:** Signs made of lightweight fabric or other non-rigid material characteristically supported by two or more points, and hung only on a permanent structure such as a building, fence, or wall.
- 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. Any legally permitted off-premise sign on the site must comply with the provisions of this Chapter.
- G. **Electronic Message Signs:** Consistent with 16.102.020.6, electronic message signs may not change more than once every 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 allowable sign area per sign face. (Ord. 2004-006 § 3) (Ord. No. 2009-003, § 2, 2-17-2009)
- H. **Flag sign:** A sign constructed of lightweight material designed to wave or move in the wind to attract attention to a particular location. For the purposes of this code an example would be a vertical banner. Flag signs are sometimes referred to as teardrop or feather banners.
- I. **Free-Standing Signs:**
 - 1. **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.

2. Column Sign: A sign supported by two 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.
 3. Pole Sign: A free-standing sign mounted on one (1) vertical support less than 36 inches wide.
- J. Off-Premise Sign: A sign placed at a location other than on the lot or property where the business or event being advertised or otherwise promoted is located.
 - K. Over-Right-of-Way Banner Sign: A banner sign, usually associated with a community-wide event, placed over a public right of way for a limited period of time.
 - L. 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). (Ord. 2005-002 § 5; 2004-006)
 - M. Portable A-Frame Sign: A double-faced portable sign with an A-shaped frame, composed of two sign boards attached at the top and separated at the bottom, and not supported by a structure in the ground.
 - N. Portable Sign: Small movable signs 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 A-frame signs, political signs, real estate open house signs, and other similar signage.
 - O. Projecting Sign: A projecting sign is a sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane that is generally perpendicular to the wall.
 - P. Roof Signs: Signs erected in or directly above a roof or parapet of a building or structure.
 - Q. Rotating or Revolving Signs: Signs that rotate or turn in motion by electrical or mechanical means in a circular pattern
 - R. Single Business Site: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or any other recorded document, having a single legally permitted business on the site.
 - S. Snipe Sign: Any sign of any size, made of any material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which said sign is located.

T. Temporary Sign: Signs that are firmly affixed to a temporary structure that is placed into the ground and designed to be temporary. Characteristics of a temporary sign include signs attached to a durable material such as wood posts which do not require permanent footings. Examples of temporary signs include residential and commercial real estate signs.

U. Vehicle Sign: A sign that is attached to a vehicle, on or above the vehicle that is parked in a location for the primary purpose of advertising.

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

16.102.020 Prohibited Signs

1. 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. (Ord. 86-851, § 3)

2. 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. (Ord. 86-851, § 3)

3. 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. (Ord. 86-851, § 3)

4. Rotating or Revolving Signs

Rotating or revolving signs are prohibited. (Ord. 86-851, § 3)

5. 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. (Ord. 86851 § 3)

6. Changing Image Signs

Any sign that through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, resulting in movement, the appearance of movement or change of sign image or message are prohibited. Changing image signs do not include otherwise static signs where illumination is turned off and back on at a maximum of once every 30 seconds and such change does not involve movement or flashing. (Ord. 2003-1153, § 1)

7. Pole Signs, over six (6) feet in height (Ord. 2004-006 § 3)

8. Signs on Vacant Land

Any sign on unimproved property, unless allowed as a portable or temporary sign under Sections 16.102.040 through 16.102.070 shall be prohibited. (Ord. 2004-006 § 3)

9. Permanent Residential Development Signs (Ord. 2005-002 § 5; 2004-006)

10. Roof Signs (Ord. 2004-006 § 3) (Ord. No. 2009-003, § 2, 2-17-2009)

16.102.030 Sign Regulations By Zone

1. Residential Zones

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

A. Public/Semi-Public Uses

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

1. 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.
2. 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.

B. Multi-Family Development Signs

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. (Ord. 2005-002 § 5; 2004-006)

C. Non-Residential Signs

One (1) monument sign not more than sixteen (16) square feet in area identifying a permitted use in a residential zone shall be allowed. (Ord. 2005-002 § 5; 2004-006; 2002-1132)

D. Temporary/Portable Signs

The requirements of Sections 16.102.040 through 16.102.070 shall apply. (Ord. 2004-006 § 3)

2. Commercial Zones

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

A. Free-Standing Signs

1. Number Permitted: Except as otherwise provided in a.-c. below, one (1) multi-faced, free-standing sign designating the principal goods or services available on the premises shall be permitted per lot. Any off-premise free-standing sign legally located on a site shall be considered the sole free-standing sign allowed on the site and shall comply with the provisions of this Chapter.
 - a. 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 b. or c. 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.
 - b. One additional free-standing monument sign may be provided for fueling stations to provide required pricing information.
 - c. A Commercial Center or Commercial Plaza with at least two (2) stand alone businesses may have one additional free-standing sign provided the site has more than three hundred (300) feet of frontage
2. Height Limit: The maximum sign height shall not exceed six (6) feet in all commercial zones except that in the locations identified in (a)--(d) below the height, for no more than one sign per single business site, commercial center or plaza, may be increased to no more than 20 feet to allow for the

construction of a column sign only. The exception locations are identified as:

- a. on or within one hundred (100) feet of Pacific Highway,
- b. Tualatin-Sherwood Road between 99W and SW Olds Place,
- c. Roy Rogers Road between 99W and Borchers
- d. Sherwood Boulevard between 99W and Century Boulevard, and
- e. 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.

3. Clearance: Signs are prohibited over a driveway or parking area.
4. 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 16.102.030.2.A.2(a)-(e), the sign area for one 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.
5. 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.
6. Off-Premise Signs: Sign area will be calculated as part of the permitting business's total square footage requirements as described in subsection (A)(4). Any off-premise free-standing sign legally located on a single business site shall be considered the sole free-standing sign allowed on the site and shall comply with the provisions of this Chapter.

All off-premise signs oriented to be viewed from State Highway 99W shall be subject to the standards and requirements of the Oregon Administrative Rules and Oregon Revised Statutes administered and enforced by the Oregon Department of Transportation (ODOT). Where there is a conflict between the standards or requirements of the City and the State, the more restrictive standards or requirements shall apply.

B. Wall Signs

Wall signs in combination with banner and projecting signs placed per Section 16.102.060 and defined in Section 16.102.010, shall not exceed twenty percent (20%) 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 signing. 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 (1 1/2) feet from the wall to which they are attached.

C. Projecting Signs

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 on the same business frontage with wall signs. In addition, businesses within commercial districts with a porch or awning, will be permitted to have one additional sign that is perpendicular to the building and oriented to pedestrians provided that they are:
 - a. Hung from the roof of the porch or awning;
 - b. Less than 4 square feet in area; and
 - c. The bottom of the sign is at least eight 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 or roof 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. No projecting sign shall be located within twenty (20) feet of another projecting sign in the same horizontal plane.
5. 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.
6. 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.

D. Directional Signs

The requirements of subsection C shall apply. (Ord. 2004-006 § 3; 2002-1132)

E. Temporary/Portable Signs

The requirements of Sections 16.102.040 through 16.102.070 shall apply. (Ord. 2004-006 § 3; 2002-1132)

3. Industrial Zones

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

A. Free Standing Signs

1. Industrial zoned properties that have an approved PUD and approval for permitted commercial uses, shall apply requirements in Section 16.102.030.2.A (a)--(c), 2, 3, 4, 5, 6, B, C, D and E.
2. Other than allowed under (1) above, industrial zones shall be permitted to have one (1) multi-faced free-standing sign designating the principal uses of the premise 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.

B. Directional Signs

The requirements of subsection C shall apply. (2004-006 § 3; 2002-1132)

C. Temporary/Portable Signs

The requirements of Sections 16.102.040 through 16.102.070 shall apply.

D. Wall Signs

The requirements of Section 16.102.030.2, Commercial Signs shall apply. (Ord. No. 2009-003, § 2, 2-17-2009)

16.102.040 Temporary/Portable Signs

Temporary and Portable signs regulated by this code are intended to allow the City of Sherwood citizens to exercise their right to free speech whilst ensuring that the City's streets remain aesthetically attractive and safe for travel. Signs that do not meet the standards of this subsection are subject to the standards for permanent signs as described above. All temporary and portable signs are subject to the placement, size, and height requirements of this chapter

16.120.050 Temporary/Portable Signs General Regulations

I. Regulations

- A. 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.
- B. Signs shall not obstruct vehicular or pedestrian traffic.

- C. It is the responsibility of the person posting a temporary or portable sign to remove it.
- D. No more than two (2) temporary signs are permitted on any one lot.
- E. Temporary signs in all zones are limited to the area and height limitations of the following table:

Zoning District	Maximum Height	Maximum Allowable Sign Area
VLDR, VLDR-PUD, LDR, MDRL	6'	24 SF
MDRH, HDR, NC	9'	48 SF
OC, OR, RC, GC	9'	72 SF
LI, GI	9'	72 SF
IP	9'	48 SF

- F. Where multiple temporary signs are placed on the same property, the signs shall be spaced at least 15 feet apart.
- G. Portable signs, in all zones are limited to 4 feet in height and a maximum of 24 square feet per lot.
- H. No more than four (4) portable signs are allowed on any lot.
- I. Signs on private property. Temporary and portable signs on private property do not require a permit, but are subject to all of the applicable standards within this section. In addition, signs shall not be placed on private property without permission of the property owner.
- J. Signs in Public Rights-of-Way. No temporary or portable sign shall be placed in any publicly owned right-of-way without a permit. Signs placed in public rights-of-way must meet the following standards in order to obtain and maintain a valid permit:
 - a. Signs may be placed on rights-of-way adjacent to a single-family dwelling only with permission of the adjoining property owner.
 - b. Signs shall not create a traffic safety or maintenance problem, and the City may remove and dispose of any signs that constitute a problem.
 - c. 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 without express approval.
 - d. 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.
 - e. Temporary sign permits within the public right-of-way are valid for 30 days.
 - f. Signs proposed to be located over a public right-of-way are subject to the following provisions:
 - i. An applicant may be approved for one (1) temporary over-the-roadway banner sign to be attached to power poles. Over-the-roadway banner signs shall be installed only after receiving a permit from Portland General Electric (PGE) or its successor.

Once a PGE permit is obtained, the applicant is required to receive a right-of-way permit from the City Engineer.

ii. Over-the-roadway banner signs are allowed at the following location:

1. North Sherwood Boulevard, north of the south property line of Sherwood Middle School and south of the north property line of Hopkins Elementary School.

K. Old Town Overlay District

- a. Businesses who have a valid City of Sherwood business license and are physically located within the Old Town Overlay District, may display two (2) portable signs on private property or within the public right-of-way in the Old Town Overlay District.
- b. Each portable sign shall be a maximum of six (6) square feet per sign face. If a business wishes to place a portable sign on the sidewalk in front of someone else's property that business must receive written permission from the property owner whose property is adjacent to where the sign is placed. Signs shall be sited per Section 16.102.040.

L. Temporary and portable signs are prohibited in the following locations

- a. Within any ODOT right-of-way, including but not limited to Highway 99.
- b. Within any Washington County right-of-way, including but not limited to Roy Rogers Road, Edy Road, and Tualatin-Sherwood Road.
- c. Within any clear vision area as defined in Section 16.58.010

M. Exemptions. The following signs, and the placement of those signs are exempt from the provisions of this chapter.

- a. Public notice signs as required by Section 16.72.020, or by any federal, state, or local law.
- b. Federal, state, and other flags not exceeding 24 square feet in all residential zones, and 40 square feet in all commercial and industrial zones.
- c. Signs that have been approved in association with a City of Sherwood Event Permit.
- d. Public necessity signs such as safety/ instructional, for public facilities and parks, City sponsored community events, warnings, information kiosks at trail heads, bus stops, no parking, and street name Signs installed by or with permission of the City of Sherwood are exempt from permit requirements.

N. In the event that the temporary sign is requested by a business whose regular access is blocked due to road construction and/or road closures, temporary signs

may be permitted to remain until construction is completed without having to renew every 30 days. These signs may be located in ODOT, City of Sherwood or Washington County right-of-ways if approved by these agencies.

16.120.060 Banner Signs

A. Placement Requirements

- a. Except for banner signs exempted by this Section, banner signs shall be firmly attached to the side of a building, fence, or wall only. No banner sign shall be attached to building roofs, vehicles, trailers, or anything else.
- b. Banner signs shall not cover building windows.
- c. 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.
- d. Banner signs shall be made of all-weather material. (Ord. 2002-1132 § 3)
- e. Banner signs are prohibited in all low-density residential and industrial zoning districts. (Ord. 2002-1132§ 3)

B. Exemptions

- a. Banner signs not intended to be viewed from a public street. (Ord. 2002-1132 § 3)
- b. Signs that meet any of the provisions of section 16.120.050(L)

C. Permitted Locations

- a. Commercial, Industrial, and Institutional Public Zoning Districts.
 - 1) 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), Office Retail (OR), 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.
 - 2) Banner sign size shall be regulated per Section 16.102.030.2.B for banner signs that are placed on walls.
 - 3) Banner signs that are placed on any fence or wall is limited to no more than 32 square feet.
- b. Multi-family zoning districts, including High Density Residential (HDR) and Medium Density Residential High (MDRH).
 - 1) One banner sign not exceeding 32 square feet per tax lot. (Ord. 2002-1132 § 3)

D. Review Process

- a. No banner sign, except those exempt by the provisions of 16.120.050(L) shall be placed anywhere within the City without a permit.
- b. Requests for permits shall be processed through a Type I administrative review, must be accompanied by a list along with the dimensions of all other signage on site, and are subject to the standards listed above.
- c. Permits for banner signs within the City shall be valid for a period of thirty (30) days.
- d. Permits may be reissued on the same property up to (3) times in any calendar year.

16.102.070 Temporary Sign Violations

1. Fines shall be set by City Council resolution. (Ord. 2002-1132 § 3)
 - A. First Violation -- Written warning stating corrective action required to bring the portable sign into conformance.
 - B. Second Violation -- Fine.
 - C. Third Violation -- Sign removed and held for 30 calendar days. During this period the sign will be returned to the owner subject to payment equal to twice the original fine. After 30 days the City is no longer responsible for returning the sign.
 - D. Fourth Violation -- The business loses temporary and portable sign privileges for one year. City can remove signs and fine for each offense during this one year probation period. (Ord. 2006-021; 2005-002 § 5; 2002-1132)

Work Session 1.b.



MEMORANDUM

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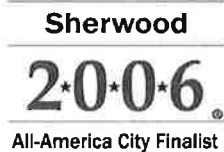
City Manager Pro Tem
Tom Pessemier



2009 Top Ten Selection



2007 18th Best Place to Live



DATE: October 31, 2011
TO: Sherwood Planning Commission
FROM: Brad Kilby, AICP
SUBJECT: Commercial, Industrial, Institutional and Public Uses

The purpose of this memorandum is to report back to the Planning Commission regarding the findings of the testing that was conducted related to Commercial, Industrial, Institutional and Public Uses. This testing relates to work that the Planning Commission and staff conducted over 2010 and 2011. The last work session was approximately July 12, 2011 on the matter. Within that work session the Planning Commission and staff came to some consensus on the uses that were in the table, and asked staff to test the language to verify that existing uses generally fit into the revised categories prior to presenting it to the public:

Methodology

In order to test the language that the Planning Commission and staff developed, 132 businesses throughout Sherwood in the commercial, industrial, and institutional and public zones were surveyed. Staff utilized company websites and city permits to determine the use of each business and tried to match it up to the uses that would be permitted under the revised language. One obvious objective was to ensure that we were not creating a lot of non-conforming uses by implementing the revised language. The other objective was to determine if the use classifications were appropriate for what was actually occurring within the underlying zones. The businesses that were surveyed are identified within the attached spreadsheet.

Findings

Of the 132 businesses surveyed, 12 of the existing business would not be permitted, or would be considered existing non-conforming uses for a variety of reasons that have been noted in the notes section of the spreadsheet. Eleven (11) of those 12 uses are found in the industrial districts, and are either in conflict with the metro language for

industrial services in that they occupy too much of the building, or are unlisted, and would fall within a use category that is more readily associated and permitted within a commercial zone. The 12th non-conformity was a single family residence in the Retail Commercial zone. The spreadsheet highlights the uses that would not be permitted and includes a reason for why they wouldn't be permitted, or would be considered non-conforming. In some cases, staff has suggested changes to the language.

In addition to the revisions suggested to the classification, staff is recommending a use classification system. The use classification system would be theoretically located within chapter 16.88 *Interpretation of Similar Uses*. An example of how the Commercial Uses would look within that system is attached to this memorandum after the fore mentioned spreadsheet. The use classification system attempts to describe the general characteristics of a use type, and provide examples of the uses that would generally fall within the category. This is a system that is used in quite a few other jurisdictions within the region, and generally serves two distinct purposes.

The first purpose is that it gives staff some clear direction on the types and characteristics of uses that are generally accepted by the community in making interpretations on uses that may be unlisted. The second benefit of a use classification system is that it allows the use tables to be much more abbreviated, and only requires that a specific use be listed when it is not intended to be included within a specific zoning district. Take RV parks for example.

Generally, they might be considered a entertainment or recreational use, but that is generally an assumption for RV parks that are transient in nature. What about RV parks where people reside in them full time? The use could be added to a table with stipulations that generally requires RV parks under the Hospitality and Lodging use category with a limitation on how long the RV can be parked. Regular RV parks for permanent residences could then be considered under a more permanent use category such as Residential Use Types.

This is just one example of how the use classification system could benefit the City in determining like uses.

Summary

It is apparent from our testing that the proposed language could be amended in a manner that is more clear and concise, but prior to making those changes staff is requesting that the Planning Commission agree to incorporating these changes.

Commercial/Industrial Use Classification Study September - 2011

Business Name	Address	Zoning	Permitted Use	Existing Use Classification	PC/Staff Developed Use Classification	Notes
Bank of Oswego - Sherwood	20655 Sw Roy Rogers Rd	RC	Yes	Business and Professional Offices, non-government	Business and Professional Offices	
4 Season Nails	20649 SW Roy Rogers Rd Ste 309	RC	Yes	Personal and Business Svcs.	Personal Sevices	
Ultimate Tan	20649 SW Roy Rogers Rd Ste 308	RC	Yes	Personal and Business Svcs.	Personal Sevices	
Tasty Sushi & Teriyaki	20649 SW Roy Rogers Rd Ste 307	RC	Yes	Restaurants, Taverns, and Lounges	Restaurants, Taverns, and Lounges without drive-thru	
The Barbers	20649 SW Roy Rogers Rd Ste 306	RC	Yes	Personal and Business Svcs.	Personal Sevices	
H&R Block	20649 SW Roy Rogers Rd Ste 305	RC	Yes	Business and Professional Offices, non-government	Business and Professional Offices	
Sawatdee Thai Cuisine	20649 SW Roy Rogers Rd Ste 304	RC	Yes	Restaurants, Taverns, and Lounges	Restaurants, Taverns, and Lounges without drive-thru	
Gentle Dental	20673 SW Roy Rogers Rd Ste 201	RC	Yes	Professional Services	Medical and Dental Offices and Urgent Care Facilities	
Chapman Smiles Orthodontics Office	20673 SW Roy Rogers Rd Ste 205	RC	Yes	Professional Services	Medical and Dental Offices and Urgent Care Facilities	
United Studios of Self Defense (Martial Arts Studio)	20673 SW Roy Rogers Rd Ste 206	RC	Yes	Private Lodges... sports and racquet clubs, and other similar clubs	Health clubs less than 5,000 square feet in size	If they were originally permitted as personal and business services, then they were permitted outright under both codes. If permitted as a "similar club," then they were permitted conditionally under the existing code
Crossroad Cleaners (Drycleaners)	20673 SW Roy Rogers Rd Ste 207	RC	Yes	Personal and Business Svcs.	Personal Sevices	
Safeway	20685 SW Roy Rogers Rd	RC	Yes	General Retail	General Retail Trade greater than 10,000 SF	
Starbucks	20661 SW Roy Rogers Rd Ste 501	RC	Yes	General Retail	General Retail Trade not exceeding 10,000 SF of Gross Square Footage	
Quizno's	20661 SW Roy Rogers Rd Ste 502	RC	Yes	Restaurants, Taverns, and Lounges	Restaurants, Taverns, and Lounges without drive-thru	
Sprint	20661 SW Roy Rogers Rd Ste 503	RC	Yes	General Retail	General Retail Trade not exceeding 10,000 SF of Gross Square Footage	
Pizza Schmizza	20661 SW Roy Rogers Rd Ste 504	RC	Yes	Restaurants, Taverns, and Lounges	Restaurants, Taverns, and Lounges without drive-thru	
Sherwood Family Pet Clinic	15968 SW Tualatin - Sherwood Rd	RC	Yes	Veterinarian Offices and Animal Hospitals	Veterinarian Offices and Animal Hospitals	Permitted Conditionally in the Retail Commercial Zone in both cases.
Sherwood Eye Clinic	15970 SW Tualatin - Sherwood Rd	RC	Yes	Professional Services	Medical and Dental Offices and Urgent Care Facilities	
La Petite Academy (Private School)	15940 SW Tualatin-Sherwood Rd	RC	Yes	Public and Private Schools providing education at the elementary school level or higher	Public and Private Schools providing education at the elementary school level or higher	Permitted Conditionally in the Retail Commercial Zone in both cases.
Jiffy Lube	15930 SW Tualatin - Sherwood Rd	RC	Yes	Automotive service stations...when conducted entirely within an enclosed building	Motorized vehicle and sport craft repairs and service	Permitted Conditionally in the Retail Commercial Zone in both cases.
America's Mattress	16052 SW Tualatin - Sherwood Rd	RC	Yes	General Retail	General Retail greater than 10,000 SF of gross square footage	
Massage Envy	16078 SW Tualatin - Sherwood Rd	RC	Yes	Personal and Business Svcs.	Personal Sevices	
Snap Fitness	16080 SW Tualatin - Sherwood Rd	RC	Yes	Private Lodges... sports and racquet clubs, and other similar clubs	Health Clubs	Permitted conditionally under existing development code. Under the new provisions, the use would most likely be permitted as a health club. They are permitted outright when they are under 5,000 square feet in size, and conditionally if they are larger.
Sherwood Travel	22595 SW Pine St	RC	Yes	Professional Services	Business and Professional Offices	
Mane Attractions Hair Studio	22595 SW Pine St	RC	Yes	Personal and Business Svcs.	Personal Sevices	
Farmers Insurance	22595 SW Pine St	RC	Yes	Professional Services	Business and Professional Offices	
Adam's and Sterwart CPA's	22595 SW Pine St	RC	Yes	Professional Services	Business and Professional Offices	
Acutonics and Massage Therapy	22595 SW Pine St	RC	Yes	Personal and Business Svcs.	Personal Sevices	
Sherwood Old Town Dental	16043 SW Railroad St	RC	Yes	Professional Services	Medical and Dental Offices and Urgent Care Facilities	
Corleones Italian Bistro	16057 SW Railroad St	RC	Yes	Restaurants, Taverns, and Lounges	Restaurants, Taverns, and Lounges without drive-thru	
Sweet Story Bakery	16079 SW Railroad St	RC	Yes	General Retail	General retail...	If the use is under 10,000 SF in size, then it is permitted outright. If it is over 10,000 SF in size it is a conditional use
Black Bird Coffee	16091 SW Railroad St	RC	Yes	Restaurants, Taverns, and Lounges	Restaurants, Taverns, and Lounges without drive-thru	
It's all Arranged (Florist)	16125 SW Railroad St	RC	Yes	General Retail	General retail...	If the use is under 10,000 SF in size, then it is permitted outright. If it is over 10,000 SF in size it is a conditional use
Rainbow Market (Grocery/Convenience Store)	16127 SW Railroad St	RC	Yes	General Retail	General retail...	If the use is under 10,000 SF in size, then it is permitted outright. If it is over 10,000 SF in size it is a conditional use
Vanleave & Cobrain LLC, (Attorneys)	16135 SW Railroad St	RC	Yes	Professional Services	Business and Professional Offices	
Fat Milo's Family Kitchen	16147 SW Railroad St	RC	Yes	Restaurants, Taverns, and Lounges	Restaurants, Taverns, and Lounges without drive-thru	
Railroad Street Antique Mall	16167 SW Railroad St	RC	Yes	General Retail	General retail...	If the use is under 10,000 SF in size, then it is permitted outright. If it is over 10,000 SF in size it is a conditional use
Portland Funding LLC (Specialty Lenders)	22582 SW Main St Ste 309	RC	Yes	Professional Services	Business and Professional Offices	
Real Estate Executives (Realtors)	22582 SW Main St Ste 9	RC	Yes	Professional Services	Business and Professional Offices	
True Wholesale Houses (Real Estate Investors)	22582 SW Main St Ste 309	RC	Yes	Professional Services	Business and Professional Offices	
Stitch in Time (Tailors)	16186 SW 1ST St	RC	Yes	Personal and Business Svcs.	Personal Sevices	
Music and Dance Studio	16186 SW 1ST St	RC	Yes	Personal and Business Svcs.	Personal Sevices	
Taekwondo Studio	16186 SW 1ST St	RC	Yes	Private Lodges... sports and racquet clubs, and other similar clubs	Health Clubs	Permitted conditionally under existing development code. Under the new provisions, the use would most likely be permitted as a health club. They are permitted outright when they are under 5,000 square feet in size, and conditionally if they are larger.
Single Family Home - Duplex	16186 SW 1ST St	RC	No	Multi-family uses are allowed subject to PD approval	Single/Multi-family Housing	Allowed either through the PD process, or when located on the upper floors, in the rear, or otherwise clearly incidental to commercial buildings. This home does not appear to meet this requirement, and would therefore be considered non-conforming.
Rebekah Hall (Community Center)	22550 SW Washington St	RC	Yes	Private Lodges... sports and racquet clubs, and other similar clubs	Religious Institutions, Private Fraternal Organizations, Lodges, and secondary uses.	
Oregon Ballet School	22520 SW Washington St	RC	Yes	Personal and Business Svcs.	Personal Sevices	
Clancy's Pub and Restaurant	16066 SW First St	RC	Yes	Restaurants, Taverns, and Lounges	Restaurants, Taverns, and Lounges without drive-thru	
Kazuri Studios (Photography Studio)	22424 SW Washington St	RC	Yes	Personal and Business Svcs.	Personal Sevices	

Business Name	Address	Zoning	Permitted Use	Existing Use Classification	PC/Staff Developed Use Classification	Notes
Andy's Auto and Truck Service	16029 SW 1st St	RC	Yes	Automotive service stations...when conducted entirely within an enclosed building	Motorized vehicle and sport craft repairs and service	Permitted conditionally under existing and proposed code language
Canine Designs (Pet Grooming)	22399 SW Pine St	RC	Yes	Personal and Business Svcs.	Personal Sevices	
Bella Via Boutique Event Venue	22418 SW Pine St	RC	Yes	Private Lodges...sports and racquet clubs, and other similar clubs	Religious Institutions, Private Fraternal Organizations, Lodges, and secondary uses.	This is more of a community center, but it is a private use similar to the Rebekah Lodge. They are considered conditional uses under both the existing and proposed language.
Rays Old Town Produce Shop	22464 SW Pine St	RC	Yes	General Retail	General Retail Trade not exceeding 10,000 SF of Gross Square Footage	
American Legion Hall	22548 SW PINE ST	RC	Yes	Private Lodges...sports and racquet clubs, and other similar clubs	Religious Institutions, Private Fraternal Organizations, Lodges, and secondary uses.	Permitted conditionally under existing and proposed code language
Sesame Donuts	22560 SW Pine St Ste A	RC	Yes	Restaurants, Taverns, and Lounges	Restaurants, Taverns, and Lounges without drive-thru	
City Hall and Library	22560 SW Pine St	RC	Yes	Public Use Buildings and Government Offices (two separate uses)	Business and Professional Offices and Public Use buildings (two separate uses)	Offices are permitted outright under the current language, whereas the both uses would have been conditional uses under the existing code.
Building Materials Recycling	13921 SW Tualatin - Sherwood Rd	GI	Yes	Contracting and building material and equipment storage yards...	Wholesale building materials sales	Within these classifications, there are three similar uses that we may want to explain for the purposes of clarity.
Cat Adoption Team	14175 SW Galbreath Dr	GI	No	Unlisted use	unlisted use	Need to add to language
Treske Precision Machining	14140 SW Galbreath Dr	GI	Yes	16.34.020(D)(6)...Machining	Industrial and manufacturing uses	Could clarify this table as opposed to listing an entire laundry list. Use Classification?
Bonds Automotive (Auto Sales and Service)	14085 SW Galbreath Dr	GI	Yes	Automotive, recreational vehicle, motorcycle, truck, manufactured home,, boat, farm and other equipment repair or service	Motorized vehicle and sport craft repairs and service	Permitted conditionally under existing and proposed code language
Highway Technologies	13990 SW Galbreath Dr	GI	Yes	Contracting and building material and equipment storage yards...	Contractors storage and equipment yards, building maintenance services, and similar uses	
AKS Engineering and Surveying	13910 SW Galbreath Dr	GI	Yes	Business and Professional Offices, non-government	Business and Professional Offices	Limited to 20,000 SF in a development like this
Snackman Vending, LLC	13910 SW Galbreath Dr Ste 106	GI	Yes	16.34.020(D)(3)...wholesaling, warehousing, or storage of...food products, including but not limited to candy, dairy products, beverages, etc.	manufacture, compounding...wholesaling, warehousing or storage of...food products...vending machines...	
Don Lora Electronics (Satellite TV installers)	13910 SW Galbreath Dr	GI	Yes	Contracting and building material and equipment storage yards...	Contractors storage and equipment yards, building maintenance services, and similar uses	
Richart Builders and Remodelers	13910 SW Galbreath Dr	GI	Yes	Contracting and building material and equipment storage yards...	Contractors storage and equipment yards, building maintenance services, and similar uses	
Versacom Communications Construction (Contractors)	13910 SW Galbreath Dr	GI	Yes	Contracting and building material and equipment storage yards...	Contractors storage and equipment yards, building maintenance services, and similar uses	
Lotus Precision Coating (Painting)	13910 SW Galbreath Dr	GI	Yes	Manufacture...treatment, of...other small products	Manufacture...treatment, of...other small products	This use is not clearly covered within the existing or proposed language. Will propose additional language to cover this type of use.
Oregon Precision Mfg. (Metal Fabrication)	13910 SW Galbreath Dr	GI	Yes	Manufacture...fabrication...of the following products...iron, steel, sheetmetal, other metal products...	Manufacture...fabrication...of the following products...Any non-toxic materials or products made of metal...	May want to consider manufacturing and processing uses as a whole as opposed to breaking them down. This would be another consideration for having use classifications within the Code.
Critter Beds Mfg.	13910 SW Galbreath Dr	GI	Yes	Manufacture...assembling...wholesaling, warehousing of...other small products	Manufacture...assembling...wholesaling, warehousing of...other small products	
US Industrial Automation	13950 SW Galbreath Dr	GI	Yes	Manufacture...assembling...electrical...components appliances and systems...	Industrial and manufacturing uses	These two categories are also in the proposed language, but very close. Should consider amending...
Sherwood Street Juice Co.	13950 SW Galbreath Dr	GI	Yes	Manufacture...processing...packaging...wholesaling, warehousing or storage of the following...food products, including but not limited to...beverages...	manufacture, ...wholesaling, warehousing or storage of...food products...	
Northwest Fourslide	13945 SW Galbreath Dr	GI	Yes	Manufacture...fabrication...treatment...of the following products...iron, steel, sheetmetal, other metal products...	Manufacture...fabrication...treatment...of the following products...Any non-toxic materials or products made of metal...	
Organization for Educational Technology and Curriculum	14145 SW Galbreath Dr	GI	Yes	Business and Professional Offices that received land use approval prior to January 1, 2010	Business and Professional Offices	Limited to 5,000 SF in a single outlet. This use would appear to be a non-conforming use.
Oregon DMV	14240 SW Galbreath Dr	GI	Yes	Business and Professional Offices that received land use approval prior to January 1, 2010	Business and Professional Offices that received land use approval prior to January 1, 2010	Limited to 5,000 SF in a single outlet. This use would appear to be a non-conforming use.
PDX Wraps	14997 SW Tualatin Sherwood Rd	LI	Yes	Automotive, recreational vehicle, motorcycle, truck, manufactured home,, boat, farm and other equipment repair or service	Motorized vehicle and sport craft repairs and service	Permitted conditionally under existing and proposed code language
Killers Pest Control	14997 SW Tualatin Sherwood Rd	LI	Yes	Contractor's offices	Manufacture...assembling...packaging...treatment...of novelties	This use is not clearly covered within the existing or proposed language. Will propose additional language to cover this type of use.
Rite Line Machining Inc.	14997 SW Tualatin Sherwood Rd	LI	Yes	Light metal fabrication, machining, welding...	Industrial and manufacturing uses	This is problematic in that manufacturing is discussed later in the same table. Will propose additional language to cover this type of use.

Business Name	Address	Zoning	Permitted Use	Existing Use Classification	PC/Staff Developed Use Classification	Notes
Sherwood Exhaust and Brake	14997 SW Tualatin Sherwood Rd	LI	Yes	Automotive, recreational vehicle, motorcycle, truck, manufactured home, boat, farm and other equipment repair or service	Motorized vehicle and sport craft repairs and service	Permitted conditionally under existing and proposed code language
CrossFit Absolute	14991 SW Tualatin Sherwood Rd	LI	No	Business and professional offices associated directly with another permitted use in the zone and do not cater to daily customers	Health clubs less than 5,000 square feet in size	
S&P Distribution, LLC (Food and Spice Distributors)	14997 SW Tualatin Sherwood Rd	LI	Yes	16.34.020(D)(3)...wholesaling, warehousing, or storage of...food products, including but not limited to candy, dairy products, beverages, etc.	manufacture, compounding...wholesaling, warehousing or storage of...food products...	
Two Kilts Brewing	14997 SW Tualatin Sherwood Rd	LI	Yes	Manufacture...wholesaling...warehousing...beverages...	Manufacture...wholesaling...warehousing...beverages...	
Morrow's Cabinet	14997 SW Tualatin Sherwood Rd	LI	Yes	Manufacture...assembling...warehousing...of building components and household fixtures including...cabinets	Manufacture...assembling...warehousing...of building components...fixtures...	
J2 Catering	14997 SW Tualatin Sherwood Rd	LI	Yes	Manufacturing...processing...assembling...of the following...Food products	Manufacture...processing...assembling...of the following...food products	
Mow Town (landscapers)	14997 SW Tualatin Sherwood Rd	LI	Yes	Wholesale building sales...contractors storage and equipment yards	Contractors storage and equipment yards, building maintenance services, and similar uses	Permitted conditionally under existing and proposed code language
Designers Litho	14997 SW Tualatin Sherwood Rd	LI	Yes	Blueprinting, printing, publishing, or other reproduction services.	Not a listed use, could go under Business support services such as photocopying, mailing services, fax and computer facilities...	The use is not clearly defined, but is usually considered an acceptable use within Light Industrial zones.
Alternative Burial and Cremation*	14997 SW Tualatin Sherwood Rd	LI	No	Not listed	Not listed	Should consider adding a provision. Similar to a rendering plant?
Peterson Motor Co.	14997 SW Tualatin Sherwood Rd	LI	Yes	Automotive, recreational vehicle, motorcycle, truck, manufactured home, boat, farm and other equipment repair or service	Motorized vehicle and sport craft repairs and service	
Sitka Working Studio and Gallery*	14997 SW Tualatin Sherwood Rd	LI	Yes	Manufacture...compounding...assembling...warehousing of pottery and ceramics...other small products...	Manufacture...compounding...assembling...warehousing of small products...manufactured from previously prepared or semi-finished materials	Should consider adding this use if it is envisioned within the light-industrial district.
Fundo Design LLC*	14997 SW Tualatin Sherwood Rd	LI	Yes	Business and professional offices no more than 5,000 SF	Business and professional offices limited to 5,000 SF or 20,000 SF for multiple offices located within the same complex.	
Athey Creek Fellowship*	14997 SW Tualatin Sherwood Rd	LI	No	Not listed	Religious Institutions, Private Fraternal Organizations, Lodges, and secondary uses.	
Physicians Linen Supply	14997 SW Tualatin Sherwood Rd	LI	Yes	Laundry, dry cleaning, dyeing, or rug cleaning plants	Laundry, dry cleaning, dyeing, or rug cleaning plants	Permitted conditionally under existing and proposed code language
Hydro Quip*	14841 SW Tualatin Sherwood Rd	LI	Yes	Manufacture...assembling...packaging, fabrication, wholesaling, warehousing of appliances, including, but not limited to...similar products and associated small parts.	Manufacture...assembling...packaging, wholesaling, warehousing of...appliances, small electronics, electronics components...	Spa parts
Sherwood Family Medicine	20015 SW Pacific Highway	LI	No	Businesses and professional offices in buildings that received land use approval prior to January 1, 2010 or that are not designated "industrial" on Metro's 2008 Title 4 Map that cater to daily customers	Medical and Dental Offices and Urgent Care Facilities	These uses would not be permitted under the proposed zoning because they are over 20,000 square feet together, but would be permitted under existing. It may be worth looking at rezoning these two buildings since they are primarily office uses as opposed to light industrial uses.
Edward Jones Investments	20015 SW Pacific Highway	LI	No	Businesses and professional offices in buildings that received land use approval prior to January 1, 2010 or that are not designated "industrial" on Metro's 2008 Title 4 Map that cater to daily customers	Business and Professional Offices	These uses would not be permitted under the proposed zoning because they are over 20,000 square feet together, but would be permitted under existing. It may be worth looking at rezoning these two buildings since they are primarily office uses as opposed to light industrial uses.
PDX Endodontics	20015 SW Pacific Highway	LI	No	Businesses and professional offices in buildings that received land use approval prior to January 1, 2010 or that are not designated "industrial" on Metro's 2008 Title 4 Map that cater to daily customers	Medical and Dental Offices and Urgent Care Facilities	These uses would not be permitted under the proposed zoning because they are over 20,000 square feet together, but would be permitted under existing. It may be worth looking at rezoning these two buildings since they are primarily office uses as opposed to light industrial uses.
Oregon Eye Physicians and Surgeons	20015 SW Pacific Highway	LI	No	Businesses and professional offices in buildings that received land use approval prior to January 1, 2010 or that are not designated "industrial" on Metro's 2008 Title 4 Map that cater to daily customers	Medical and Dental Offices and Urgent Care Facilities	These uses would not be permitted under the proposed zoning because they are over 20,000 square feet together, but would be permitted under existing. It may be worth looking at rezoning these two buildings since they are primarily office uses as opposed to light industrial uses.
Legacy Laboratory Services	20015 SW Pacific Highway	LI	Yes	Laboratories for testing and medical, dental, ...	Medical or Dental Laboratories	Use is currently permitted outright, but would be a conditional use under the proposed language.
Progressive Fitness	20345 SW Pacific Highway	LI	Yes	Businesses and professional offices in buildings that received land use approval prior to January 1, 2010 or that are not designated "industrial" on Metro's 2008 Title 4 Map that cater to daily customers	Health clubs less than 5,000 square feet in size	

Business Name	Address	Zoning	Permitted Use	Existing Use Classification	PC/Staff Developed Use Classification	Notes
Three Mountains Plumbing	20345 SW Pacific Highway	LI	Yes	Wholesale building sales...contractors storage and equipment yards, building maintenance services and similar uses	Wholesale building sales...contractors storage and equipment yards, building maintenance services and similar uses	Could clarify this use within the table
Engineered Monitoring Services	20345 SW Pacific Highway	LI	Yes	Business and professional offices in buildings that received land use approval prior to January 1, 2010 or that are not designated "industrial" on Metro's 2008 Title 4 Map that cater to daily customers	Business and professional offices limited to 5,000 SF or 20,000 SF for multiple offices located within the same complex.	
Paws for Elegance	20345 SW Pacific Highway	LI	Yes	Unlisted use	Personal servicesother similar uses	Permitted conditionally
Willamette Valley Cyclery	20345 SW Pacific Highway	LI	No	Unlisted use	General Retail Trade not exceeding 10,000 SF of Gross Square Footage	not a permitted use within the zone
Crown Manufactured Home Sales	20345 SW Pacific Highway	LI	Yes	Business and professional offices in buildings that received land use approval prior to January 1, 2010 or that are not designated "industrial" on Metro's 2008 Title 4 Map that cater to daily customers	Business and professional offices limited to 5,000 SF or 20,000 SF for multiple offices located within the same complex.	
Sherwood II Oregonian	20345 SW Pacific Highway	LI	Yes	Contractor's offices	Distribution, warehousing and storage associated with a permitted use	The permitted use would be warehousing
Frank's Auto Wholesale	20345 SW Pacific Highway	LI	no	Unlisted use	unlisted use	not a permitted use within the zone
Cross Roads Veterinary Clinic	20345 SW Pacific Highway	LI	Yes	Veterinarian Offices and Animal Hospitals	Veterinarian Offices and Animal Hospitals	Permitted as a conditional use under the existing and proposed language.
Nature's Pet LLC	20345 SW Pacific Highway	LI	No	Unlisted use	General Retail Trade not exceeding 10,000 SF of Gross Square Footage	not a permitted use within the zone
The Puppy Playhouse	20345 SW Pacific Highway	LI	Yes	Unlisted use	Personal servicesother similar uses	Permitted conditionally
The Oak Barrel Furniture Store	20345 SW Pacific Highway	LI	Yes	Manufacture...assembling, wholesaling, warehousing of building components including, but not limited to furniture... Private Lodges...sports and racquet clubs, and other similar clubs	Manufacture...assembling, wholesaling, warehousing of building components including, but not limited to furniture...	
Taekwondo Studio	16555 SW 12th St.	GC	Yes	Private Lodges...sports and racquet clubs, and other similar clubs	Health Club	Permitted conditionally under existing development code. Under the new provisions, the use would most likely be permitted as a health club. They are permitted outright when they are under 5,000 square feet in size, and conditionally if they are larger.
Bon Teriyaki	16555 SW 12th St.	GC	Yes	Restaurants, Taverns, and Lounges	Restaurants, Taverns, and Lounges without drive-thru	
Inside Out Gifts & Home Décor	16555 SW 12th St.	GC	Yes	General Retail	General Retail Trade not exceeding 10,000 SF of Gross Square Footage	
Scrapbook	16555 SW 12th St.	GC	Yes	General Retail	General Retail Trade not exceeding 10,000 SF of Gross Square Footage	
Bella Vita Salon	16555 SW 12th St.	GC	Yes	Personal and Business Svcs.	Personal Services	
Domino's Pizza	16555 SW 12th St.	GC	Yes	Restaurants, Taverns, and Lounges	Restaurants, Taverns, and Lounges without drive-thru	
McDonalds	21335 SW Sherwood Blvd.	GC	Yes	Restaurants, Taverns, and Lounges	Restaurants with drive-thru services	
Key Bank	21327 SW Sherwood Blvd.	GC	Yes	Professional Services	Business and Professional Offices	Drive-thru restaurants and drive-thru banks have similar characteristics/impacts. Should they really be treated separately, or is it better to regulate drive-thru uses?
Oregon Hearing Solutions	21323 SW Sherwood Blvd.	GC	Yes	Professional Services	Medical and Dental Offices and Urgent Care Facilities	
Sherwood Urgent Care and Medical Center	21219 SW Sherwood Blvd.	GC	Yes	Professional Services	Medical and Dental Offices and Urgent Care Facilities	
GI Joe's*	16685 SW 12th St.	GC	Yes	General Retail	General Retail Trade exceeding 10,000 gross square footage	
PGE Customer Service Office	16771 SW 12th St.	GC	Yes	Professional Services	Business and Professional Offices	
Phoenix Children's Academy	16775 SW 12th St.	GC	Yes	Personal and Business Svcs.	Daycares, preschools, and Kindergartens as a stand alone use	
Bank of America	15961 SW Tualatin Sherwood Rd	GC	Yes	Professional Services	Business and Professional Offices	
Regal Cinema	15995 SW Tualatin Sherwood Rd	GC	Yes	Motion Picture and live theaters	Motion Picture and Live Theaters	
Pacific Coast Dental	16015 SW Tualatin Sherwood Rd	GC	Yes	Professional Services	Medical and Dental Offices and Urgent Care Facilities	
Rose's Lounge	16015 SW Tualatin Sherwood Rd	GC	Yes	Restaurants, Taverns, and Lounges	Restaurants, Taverns, and Lounges without drive thru services.	
Rose's Deli	16015 SW Tualatin Sherwood Rd	GC	Yes	Restaurants, Taverns, and Lounges	Restaurants, Taverns, and Lounges without drive thru services.	
Mazatlan Restaurant	16055 SW Tualatin Sherwood Rd	GC	Yes	Restaurants, Taverns, and Lounges	Restaurants, Taverns, and Lounges without drive thru services.	
Crazy Sushi	16055 SW Tualatin Sherwood Rd	GC	Yes	Restaurants, Taverns, and Lounges	Restaurants, Taverns, and Lounges without drive thru services.	
AT&T	16055 SW Tualatin Sherwood Rd	GC	Yes	General Retail	General Retail Trade not exceeding 10,000 SF of Gross Square Footage	
KFC/A&W	15971 SW Tualatin Sherwood Rd	GC	Yes	Restaurants, Taverns, and Lounges	Restaurants with drive thru services	

ATTACHMENT 2

Commercial Use Types

Commercial use types are uses that include the sale or rental of goods and services that are customarily associated with those businesses that are not considered to be civic or industrial uses. Examples of commercial use types can be identified through several different subcategories as follows:

Entertainment and Recreation uses including adult entertainment businesses, theaters, drive-in theaters, country clubs, recreational vehicle parks, private sports and racquet clubs, golf courses, arcades, health and fitness clubs, and similar uses.

Hospitality and lodging uses including, hotels, hostels, motels, bed and breakfasts, and similar facilities are uses that provide transient lodging.

Motor vehicle related uses include the sales, servicing, rental, and storage of motorized vehicles including automobiles, trucks, motorcycles, boats, recreational vehicles, trailers, helicopters, airplanes, scooters, construction equipment, tractors, semi-trucks, and similar type uses. This category also includes junkyards, salvage yards, and manufactured home sales and display areas.

Office and Professional Services uses include offices that provide clerical, duplicating, photocopying, mailing services, fax and computer services, executive, management, or administrative services for private firms or organizations. Examples of office and professional services include, but are not limited to law offices, architecture and engineering offices, accounting offices, call centers, financial, insurance, and real estate offices, and similar facilities. Office and Professional Services uses do not include medical and dental offices.

Medical and Dental Office uses are offices that provide personal health services including prevention, diagnosis, treatment, and rehabilitation services provided by physicians, naturopaths, dentists, physician assistants, physical therapists, chiropractors, massage therapists, and similar uses. Examples include, but are not limited to clinics, veterinary offices, animal hospitals, medical laboratories, dentist offices, and urgent care facilities.

Childcare uses are uses that provide care to children, including in-home daycare, daycare centers, child care centers, or similar facilities regulated under the most current Oregon Revised Statutes ORS 657A. Childcare uses do not include facilities providing care that is primarily group athletic or social activities sponsored by or under the supervision of an organized club or hobby group.

General Retail uses are uses that engage in the sale or rental of commonly used merchandise and goods that are consumed for everyday living. Examples of general retail uses include stores that sell, groceries, lawn and garden supplies, hardware, tools, furniture, appliances, consumer electronics, auto-parts, sporting goods, books, pharmaceuticals, home furnishings, jewelry, and similar items. The City of Sherwood classifies general retail uses into large format and small

format. Large format facilities are 10,000 square feet or greater and small format are retail facilities that are less than 10,000 square feet.

Personal Services uses are uses that people come to rely on for their personal needs, but are not necessarily required on a daily basis. Examples include, but are not limited to health clubs, beauty salons, dance or music studios, banks, pet grooming, Laundromats, drycleaners, and similar type uses.

Eating and Drinking Establishments are uses that sale prepared food and beverages for consumption on or off of the site on which the business sits. Examples include restaurants (including drive-through, fast food, and sit-down), taverns, lounges, coffee shops, cafeteria, and similar uses.

New Business 8.a.



Signed:

Zoe Monahan, Assistant Planner

Proposal: Amendments to the Development Code on this phase of the Code Clean-Up project will clarify the standards for Temporary uses and Outdoor Sales. The proposed changes will modify the following code sections: Temporary Uses (16.86) and Outdoor Sales and Merchandise Display (16.98.040). The proposed amendments are attached to this report as Exhibit A.

I. BACKGROUND

- A. Applicant: This is a City initiated text amendment; therefore the applicant is the City of Sherwood.
- B. Location: The proposed amendment is to the text of the development code and, therefore applies citywide.
- G. 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 will make a recommendation to the City Council who will make the final decision. Any appeal of the City Council decision relating to Chapter 16 updates would go directly to the Oregon Land Use Board of Appeals.
- H. Public Notice and Hearing: Notice of the November 8, 2011 Planning Commission hearing on the proposed amendment was published in *The Times* on 10/27/11, and published in the November edition of the Gazette. Notice was also posted in 5 public locations around town and on the web site on 10/18/11.

While this does apply citywide, it does not affect the permissible uses of any property; therefore "Measure 56" notice was not required or provided. DLCDC notice was sent 9/19/11.

- I. 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).
- J. Background:
The City underwent periodic review in 1989-1991 and the Zoning and Community Development Code was comprehensively reviewed and updated as part of that process. Since that time, there have been a number of updates to comply with regional and state laws, and to address local issues. Over time, the piece-meal updates resulted in the need to conduct a comprehensive audit and update of the code to ensure cross references are correct, standards are clear, and typographical errors are fixed. In addition, development trends and community values have changed such that it has become necessary to evaluate the standards to ensure they remain consistent with the goals and policies of the City's Comprehensive Plan, Metro policies and related state and local laws. To that end, the

Council, Planning Commission and staff identified the need to conduct a comprehensive update of the Development Code. The Code Update project has been broken into phases to allow manageable portions to be reviewed and adopted prior to moving on to another phase. There have been multiple updates since October 2010.

This update, focuses on two elements: 1.) temporary use standards clarification and 2) outdoor sales clarifications.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The City sent an e-mail request for comments to agencies October 11, 2010. DLCD received notice on September 20, 2011. The City has received comments from ODOT outdoor signs and Washington County indicating that they do not have any comments.

ODOT submitted comments with concerns about the potential impact to their right-of-way. After providing additional information it appears that they are concerned with Special Event Permits rather than temporary uses as the Special Event Permits are required for events expecting 100 people or more.

Public:

No formal public comments have been received to date on the proposed amendments.

III. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

The applicable Plan Text Amendment review criteria are 16.80.030.1 and 3

16.80.030.1 - Text Amendment Review

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

The City has identified that the code is not always clear and embarked on this multi-phase code clean-up project to address issues that have arisen as a result to make it clearer, more user-friendly, and to reflect current settlement trends and community values. The proposed changes represent an effort to clean up the temporary uses code and ensure that existing policy is clear and objective.

The Planning Commission has held a series of work sessions (June 28, 2011, August 23, 2011 and September 13, 2011) to discuss the proposed changes and considered public input before the changes were developed to obtain feedback on needed changes.

The temporary uses standards were updated to make them clearer and to make the code language consistent with existing policy established by resolution 2002-021 (Attached as Exhibit B). For clarity the standards were divided into temporary uses "no permits required" and permits required". The "no permits required" section adds the existing policy established by Resolution 2002-021 allowing short term events to operate without a temporary use permit as long as they meet set criteria. The temporary uses that require a permit include the existing language. This section has been updated to list more specific criteria and time limits on temporary uses.

As the temporary uses were being reviewed it became clear that the outdoor sales and merchandise display (16.98.040) also need to be updated in order for the two standards to be

consistent with each other. Currently, a conditional use permit is required for outdoor sales and merchandise display. In order to make it clear that temporary uses are permitted without a conditional use permit the language has been revised. The proposed code language discusses permanent and temporary outdoor sales.

Upon review of the Comprehensive Plan, there are not specific policies which directly relate to the proposed language. There are no comprehensive plan requirements that would conflict with the proposed code language.

Applicable Regional (Metro) standards

There are no known Metro standards that would conflict with the proposed language.

Consistency with Statewide Planning Goals

Because the comprehensive plan policies and strategies are not changing and the comprehensive plan has been acknowledged by the State, there are no conflicts with this text change. Further, there are no known state goals or standards that the proposed amendment would conflict with. In addition, they generally support efforts to remove barriers in the code such as conflicts or lack of clarity.

As a whole, the amendments are consistent with and support Goal 2 (land use planning) by providing more clear and objective standards. The proposed language will continue to be used city wide.

The process used to develop and review the proposed amendment is consistent with the Goal 2 requirements (and the development code):

- The Commission held multiple work sessions (June 28, 2011, August 23, 2011 and September 13, 2011) on the project;
- The web site was updated regularly to provide opportunity for people to get information and provide input on the project as a whole as well as input on specific topics;

Formal notice was also published in the newspaper for two weeks prior to the hearing, published in the November issue of the Gazette, posted around town, placed in the library and on the web site.

- Courtesy notices were also provided on the web site and in the City Newsletter (the Archer).
- By providing these notices in an effort to reach the public and encourage their involvement state planning Goal 1 is also met.

The code amendments are also consistent with Goal 9 (Economic Development) by clarifying the standards for temporary uses and outdoor sales. By design, this will allow many temporary uses or temporary outdoor sales, as defined by this language, to occur without permits or fees. The proposed language continues to require that continued temporary uses and permanent outdoor sales have additional standards to meet and a required review to protect adjacent business owners.

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 applicable City, regional and State regulations and policies.

16.80.030.3 – Transportation Planning Rule Consistency

A. 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 amendments are not tied to any one development application. Rather, the proposed amendments are provided to clarify existing language within the existing development code. The proposed amendments will not result in a change of uses otherwise permitted and will have no measurable impacts on the amount of traffic on the existing transportation system; therefore this policy is not applicable to the proposed amendment.

IV. RECOMMENDATION

Based on the above findings of fact, and the conclusion of law based on the applicable criteria, staff recommends Planning Commission forward a recommendation of approval of PA 11-04 to the City Council.

- V. EXHIBITS**
- A. Proposed development code changes
 - B. Resolution 2002-021

Chapter 16.86 TEMPORARY USES*

Sections:

16.86.010 ~~Generally~~ Purpose16.86.020 ~~Applicability~~ Temporary Uses – No Permits Required16.86.030 Temporary Uses- Requiring Permits16.86.020 ~~Permit Approval~~

* Editor's Note: Some sections may not contain a history.

16.86.010 ~~Generally~~Purpose

This section recognizes that temporary uses serve a useful purpose in the life of the community. Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent changes are not made to the site. Such activities have a potential to have adverse impacts on surrounding property created by the temporary activity therefore specific requirements are necessary as discussed herein.

16.86.020. Temporary Uses – No Permits RequiredA. Applicability

1. Short- term events with an approved City of Sherwood Special Event Permit such as festivals, farmers markets and local events.

2. Short- term events, two (2) weeks in duration or less, including but not limited to fireworks sales, tent sales, sidewalk sales, book sales, craft sales, tree sales or rummage sales.

3. Holiday tree sales are limited to four (4) weeks in duration.

B. Criteria

1. No permit or review is required for short -term events that receive approval through the City of Sherwood Special Event Permit.

2. No permit or review is required for short -term events described in section A.2 and A.3 above, however, they must meet the following criteria:

a. The operations take place on private property for which the applicant has permission to use. No part of the site or use shall be located in the public right-of-way, unless a right-of-way permit has been previously granted by the City Engineer.

b. The event must take place on an improved site that has received site plan approval per Chapter 16.90.

c. The use shall not result in cars stacking onto a public street or interfering with on-site traffic circulation.

d. Pedestrian pathways such as sidewalks, bike path, walkways and breezeways shall not be blocked.

e. Wheelchair paths and handicapped parking spaces shall not be blocked.

f. The use shall not eliminate required off street parking.

g. Temporary uses shall obtain TVF&R approval, if applicable.

h. Temporary uses permitted by these criteria are not exempt from any other required permits such as temporary portable sign permits, City business license, sanitation facility permits, electrical permits, or any other required city, county or state permit.

i. The use shall comply with applicable noise, odor, nuisance, fire code and comply with other provisions of this Code.

C. Enforcement

If a short term event described in section A.2 and A.3 above is found to be out of compliance with the above criteria, the City shall enforce compliance or require the removal of the event in accordance with the City's code compliance procedures and 16.02.040.

16.86.030 ~~Applicability~~ Temporary Uses - Requiring Permits

A. Applicability

Approval may be granted for structures or uses which are temporary or seasonal in nature, such as temporary real estate offices, construction trailers and construction offices, provided such uses are consistent with the intent of the underlying zoning district and comply with other provisions of this Code. These activities are intended to be in use for a limited duration and shall not become a permanent part of a site.

BBC. Application and Fee

An application for a temporary use shall be filed with the City and accompanied by the fee specified by Section 16.74.010 in the adopted fee schedule. The applicant is responsible for submitting a complete application which addresses all review criteria. Temporary use permits shall be subject to the requirements set forth in Chapter 16.72.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; Ord. 86-851, § 3)

16.86.020-030C. Permit Approval

A1. Findings of Fact

A temporary use permit (TUP) may be authorized by the City Manager or his/her designee pursuant to Chapter 16.72 provided that the applicant submits a narrative and detailed site plan that demonstrates that the proposed use:

- 1a. Generally conforms to the standards and limitations of the zoning district in which it is located.
- 1b. Meets all applicable City and County health and sanitation requirements.
- 1c. Meets all applicable Uniform Building Code requirements.
- 1d. On-site real-estate offices, Construction offices and construction trailers shall not be approved until land use approval and building permits, if applicable, have been issued.

B2. Time Limits

The temporary use or structure shall be removed upon expiration of the temporary use permit, unless renewed by the City Manager or his/her designee. ~~In no case shall a temporary use permit~~

~~be issued for a period exceeding one (1) year, unless the permit is renewed pursuant to this Chapter.~~

- a. Temporary construction offices, construction trailers and real estate offices shall not be issued for a period exceeding one (1) year. The applicant may request a renewal for additional time to allow completion of the project provided that the applicant provides a narrative describing the need for additional time and an anticipated date of project completion.
- b. Other temporary uses, not otherwise exempt per 16.86.020.B, shall be issued a permit for up to one (1) year to accommodate the duration of the proposed temporary use.
 - a. Renewals may be provided as follows:
 - i. A renewal permit may be obtained for a period of one (1) year after providing a narrative discussing how the use will remain temporary and how the use is not and will not become permanent.
 - ii. A temporary use permit shall not be renewed for more than three consecutive years; however a renewal may be obtained annually for uses that do not exceed a four month period of time per year.

~~C~~3. ~~Additional~~ Conditions

In issuing a temporary use permit, the City Manager or his/her designee may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to the following: ~~increased yard dimensions; fencing, screening or landscaping to protect adjacent or nearby property; limiting the number, size, location or lighting of signs; restricting certain activities to specific times of day; and reducing the duration of the temporary use permit to less than one (1) year.~~

- a. increased yard dimensions;
- b. fencing, screening or landscaping to protect adjacent or nearby property;
- c. limiting the number, size, location or lighting of signs;
- d. restricting certain activities to specific times of day; and
- e. reducing the duration of the temporary use permit to less than one (1) year.

~~D~~4. Revocation

Any departure from approved plans not authorized by the City Manager or his/her designee shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of TUP approval are not or cannot be satisfied, the TUP approval, or building and occupancy permits, shall be revoked.

Chapter 16.98 ON-SITE STORAGE*

Sections:

16.98.010 Recreational Vehicles And Equipment

16.98.020 Solid Waste and Recycling Storage

16.98.030 Material Storage

16.98.040 Outdoor Sales and Merchandise Display

16.98.040 Outdoor Sales and Merchandise Display

A. Sales Permitted

Outdoor sales and merchandise display activities, including sales and merchandise display that is located inside when the business is closed but otherwise located outside, shall be permitted when such activities are deemed by the Commission to be a customary and integral part of a permitted commercial or industrial use.

1. Permanent outdoor sales and merchandise displayed are in use year round or in excess of four (4) months per year and require the location to be reviewed through a site plan review. They will be reviewed as conditional uses in accordance with Chapter 16.82.

Permanent outdoor and merchandise display are subject to the standards outlined in subsection B, below.

2. Temporary outdoor sales and merchandise display are seasonal and are not displayed year round and must meet the requirements of Chapter 16.86 (temporary uses). When the temporary use is not occurring the site shall return to its original state.

B. Standards

1. Outdoor sales and merchandise display areas shall be kept free of debris.

Merchandise shall be stacked or arranged, or within a display structure. Display structures shall be secured and stable.

2. Outdoor sales and merchandise display shall not be located within required yard, building, or landscape setbacks, except where there is intervening right-of-way of a width equal to or greater than the required setback; and shall not interfere with on-site or off-site pedestrian or vehicular circulation.

3. Outdoor retail sales and merchandise display areas for vehicles, boats, manufactured homes, farm equipment, and other similar uses shall be ~~paved~~ improved with asphalt surfacing, crushed rock, or other dust-free materials.

4. Additional standards may apply to outdoor sales and merchandise display dependent on specific restrictions in the zone. ~~in NC zones, as per Section 16.24.050A.~~



Resolution No. 2002-021

A RESOLUTION AUTHORIZING CITY STAFF TO REGULATE SHORT-TERM, TEMPORARY EVENTS THROUGH PRE-DETERMINED CRITERIA.

WHEREAS, short-term, temporary events such as carnivals, festivals, fireworks sales and rummage sales that take place within the City are currently reviewed and regulated by City Staff through the temporary use permit process, with few criteria upon which to make decisions and regulate such temporary uses; and,

WHEREAS, the cost and processing of temporary use permits is an inefficient way to deal with such uses; and,

WHEREAS, City Staff do have the authority to enforce the zoning code with corrective actions and/or fines when pre-determined criteria and/or regulations are present, and

WHEREAS, City Staff should review temporary events, individually and according to the criteria in the attached policy document, until the criteria can be adopted by ordinance; and,

WHEREAS, it is in the best interests of the City to encourage events without unnecessary regulation, and protect the citizens from potential impacts such events may have on the community; and,

WHEREAS, the season for temporary events is near, and policy should be established immediately to address them;

NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:

Temporary events will be regulated by the following criteria as policy. City Staff will review temporary events when complaints are received, and enforce criteria with corrective actions and/or fines if necessary to achieve compliance. The Council directs staff to implement the provisions of this policy immediately, and prepare an ordinance for adoption at a later date.

TEMPORARY EVENTS

Temporary events are characterized by their short term or seasonal nature. Temporary events include but are not limited to: traveling carnivals, festivals, firework sales, sidewalk sales, tent sales, book sales, rummage sales, tree sales, and arts and craft fairs.

The following are criteria for all temporary events:

1. Site operations shall take place on private property for which the applicant has permission to use. No part of the site shall be located within the public right-of-way, unless a right-of-way permit has been previously granted by the City Engineer.
2. Temporary events can only occur on an improved site, one that has received site plan approval per the City of Sherwood Zoning and Development Code Section 5.100.
3. Operation of the site shall not result in cars stacking onto a public street or interfering with on-site traffic circulation.
4. Wheelchair paths and handicapped parking spaces shall not be blocked.
5. Pedestrian pathways such as; sidewalks bike-paths, walkways and breezeways, shall not be blocked.
6. All signs shall meet the sign code requirements set forth in Chapter 5.700 of the Development and Zoning Code.
7. The use proposed is temporary in nature, and is consistent with the intent of the underlying zone. Temporary events are prohibited in all industrial zones and residential zones except for publicly owned properties when authorized by the City Manager.
8. The event may take place annually for up to (4) four consecutive weeks in any given calendar year, with the exception of fairs, carnivals and other major public gatherings, these events are allowed for up to 9 consecutive days.
9. Temporary activities may not cause the elimination of required off-street parking.
10. Permanent changes to the site are prohibited.
11. These regulations do not exempt the operator from any other required permits such as City Business License, sanitation facility permits, electrical permits, or allow violations of code (e.g. Noise, nuisance, fire code, etc.)

12. Temporary activities on sites where the primary use is a conditional use may not violate the conditions of approval for the primary use.

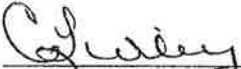
Enforcement for non-compliance is applied as follows:

- a. First time violations receive written notice of correction; if the violation/s are not corrected immediately, fines may be levied in accordance with the relevant ordinance.
- b. Second time violations will receive a written notice of correction and will be subject to a fine.
- c. Third time violations are subject to fines and the use may be terminated and removed immediately.

Duly passed by the City Council this 28th day of May 2002.


Mark O. Cottle, Mayor

ATTEST:



C.L. Wiley, City Recorder

New Business 8.b.



Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

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Robyn Folsom

City Manager
Jim Patterson

DATE: November 1, 2011
TO: Planning Commission
FROM: Julia Hajduk
SUBJECT: SWOT analysis

At our November 8th meeting, we will discuss the SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis to be provided to the Council at the Board and Commission recognition dinner on December 20th at 6:00 PM. For your reference, attached is the SWOT analysis that you provided to Council last year. In addition to the SWOT, Council has asked for you to answer the following question: **"What are your top 3 things you would like to work on in 2012?"**

SWOT analysis (Strengths, Weaknesses, Opportunities, Threats)
Planning Commission – December 14, 2010

The Planning Commission met on December 14, 2010 to discuss the SWOT. They decided to keep the items simple and focus on the elements that they felt were most important to share with the Council.

Strengths

- ◆ Very good public involvement this year. The e-communication tools are helping get people engaged in the process and at the point where their input has the most benefit to the process
- ◆ Effective communication with Council
- ◆ Better communication with boards and committees when doing concept plans
- ◆ Great results and positive feedback from Council from last SWOT
- ◆ Joint work sessions really helpful

Weaknesses

- ◆ Lack of data and performance data to gauge how well we are doing our jobs (are we accomplishing our goals)
- ◆ Communication tools, while getting better, still have a long way to go; such as ability to get better two way conversations and to get more information out to the public about the process
- ◆ Citizens general lack of familiarity with the planning process

Opportunities

- ◆ Construction down turn allows staff time to be reallocated to long range planning efforts including code clean-up, code updates and concept plans.
- ◆ Web cast or broadcast meetings to allow more engagement
- ◆ Using technology to better convey public information
- ◆ Code clean-up will help streamline the processes to make it easier to do the right thing.

Threats

- ◆ Cost of doing business and developing in Sherwood may be a threat to potential developers

Relationship to the Council Goals:

The Commission notes that everything they do centers around getting the public involved and engaged in the process. They believe they apply the Council Goals regularly as they provide input on concept plans, recommend code updates and review land use proposals. Specifically:

- Ensuring that there are adequately sized streets, walkways and access for emergency vehicles, ensures *public safety*.
- Review of public infrastructure needs at the conceptual stage all the way to the site plan or subdivision review addresses the *Infrastructure* goal.
- Application of aesthetic design standards, open space standards, and the standards of the zone, etc helps maintain the *livability* of the community.
- As plans are being developed the Commission consistently considers how the outcome will result in more *economic development* opportunities to the City. As the Commission is developing recommendations on design standards that provide for more livability, the Commission also directs staff to coordinate with local business owners and developers to ensure that the standards being developed do not unintentionally impede the ability to provide jobs in the community.

**Continued Work
Session a.**



Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

City of Sherwood
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DATE: November 1, 2011
TO: Sherwood Planning Commission
FROM: Brad Kilby, AICP
SUBJECT: Tree Code Amendments and Parking Lot Landscaping

Mayor
Keith Mays

Council President
Dave Grant

Councilors
Linda Henderson
Robyn Folsom
Bill Butterfield
Matt Langer
Krisanna Clark

City Manager Pro Tem
Tom Pessemier

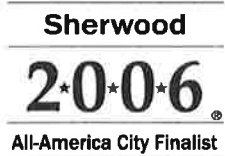
The purpose of the memorandum is to describe the difference between the code amendments that would pertain to tree preservation and parking lot landscaping provisions that the Planning Commission is going to discuss at the upcoming work session on November 8th. This memorandum is not intended to explain the intricacies of both sections, but rather to highlight the primary purpose of each, and discuss some issues that staff would like further direction on.



2009 Top Ten Selection



2007 18th Best Place to Live



The tree code attempts to eliminate the requirement of inch-for-inch mitigation and instead relies upon a minimum percentage of tree canopy once the trees have matured with the intent to make existing trees an asset as opposed to a burden on developers. Specifically, the tree code would mandate a minimum of 40% canopy coverage for residentially zoned properties, and 30% for non-residential and multi-family residential properties.

The parking lot landscaping code is intended to require more specific standards than the existing code. The goals of this chapter are to improve aesthetics of a development, increase the amount of trees, and afford developers the flexibility to base their landscape scheme on the size of trees that they choose to incorporate into the plan. For example, choosing large variety trees would require less plantings than choosing smaller, more ornamental trees.

As we found through the testing of each set of standards, one of the likely consequences of these two codes is that you would attain a higher amount of canopy in the non-residential projects because of the parking lot landscaping, so the minimum 30% established in the tree code would most likely always be exceeded.

Obviously, moving from a requirement for mitigation to a model that does not require mitigation, and from a less restrictive landscape

standard, to a more restrictive model will bring up a whole host of issues.

1. With no mitigation requirements, is the minimum tree canopy adequate to encourage a developer to retain existing trees?
2. What other incentives can be used to encourage the preservation of existing trees?
3. Should street trees count towards the prescribed canopy cover requirements?
4. With more specific landscape standards in commercial and industrial projects, is a 30% canopy cover appropriate?

As you read through the materials, and listen to the presentations from Zoe and Michelle next Tuesday, your careful consideration and input on these issues are needed to ensure that we are in fact achieving the goals that the Planning Commission has in mind prior to bringing the language forward. The goals that were endorsed by the Planning Commission at the outset of the tree review are attached to this memo.

Finally, and most importantly, we want to ensure that we are conveying the correct message to the public, and that our information is presented in a manner that affords the public the best opportunity to comment on the standards.

Tree Code Update: Goals and Objectives Part of the Code Clean-up Project

Goal 1: Establish and maintain the maximum quality tree cover.

Objective: Encourage the preservation of natural habitat for wildlife.

Objective: Encourage the preservation of established tree stands during development.

Objective: Encourage area cooling while not degrading solar photovoltaic potential.

Goal 2: Maintain trees in a healthy condition through good practices.

Objective: Conserve woodland resources during development.

Objective: Provide clear tree maintenance guidelines for citizens and developers.

Objective: Establish clear guidelines for safely removing trees that are unhealthy or posing a threat to life or property.

Goal 3: Establish and maintain an ideal level of tree diversity in age and species.

Objective: Establish clear planting requirements.

Objective: Conserve woodland resources during development.

Goal 4: Foster community support for the local urban forestry program and encourage good tree management on privately-owned properties

Objective: Provide clear tree maintenance guidelines for citizens and developers.

Objective: Establish a committee to review the tree standards periodically

Goal 5: Establish clear, fair and easily implemented code changes that meet Sherwood's current values.

Objective: Establish regulations that provide clear and diverse options to citizens and developers.

Objective: Create code changes that are consistent with the community's values on trees.

Goal 6: Revise or maintain tree standards that meet the values of the community and provide clear and reasonable standards that seek to preserve trees that are valued by the community without causing unnecessary hardships for developers

Objective: Promote retaining natural tree groves without penalizing developers who develop heavily wooded lots.

Goal 7: Establish standards for commercial, industrial and residential zones to meet the intent of these zones to ensure that development of land is not inhibited while also preserving trees.

Objective: Create code changes that meet the intent of the concept plan that brought the area into the city as well as the needs of the underlying zone

Objective: Consider economic impacts. Provide removal and mitigation options for residential or commercial and industrial developments.

Objective: Create flexible criteria that allow developers to provide mitigation or maintenance of an area depending on the constraints of the site.



MEMORANDUM

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Krisanna Clark

City Manager Pro-Tem
Tom Pessemier

DATE: November 1, 2011
TO: Planning Commission
FROM: Zoe Monahan, Assistant Planner
SUBJECT: Analysis of Draft Tree Code Language

The purpose of this memorandum is to provide the Planning Commission with the results of the code testing that has been performed for the draft Tree Code language, and to discuss specific issues that were raised through the testing process.

As you are already aware, the draft tree code is currently being developed based on feedback from the community, an expert tree panel, a multi-jurisdictional review and the Planning Commission. In order to ensure that the language can be applied to future development without conflicting with current and draft code language, the proposed standards were tested by reviewing them against six previously approved developments within Sherwood. The proposed language was applied to three commercial and industrial areas (Act III Cinema, Target and Olds Business Park Lot 7) as well as three residential areas (Timbrel Lane, Woodhaven Phase 1D and Woodhaven Crossing II AKA Creekview Condos).

By testing the code using existing developments we can determine whether or not the existing developments would have met the standards, what would need to be done to meet the standards and what the site would look like if it had met the proposed standards. Additionally, for the purposes of this testing it should be noted that street trees and landscape trees counted towards the required canopy for each site.

Staff reviewed the existing conditions, and proposed landscape plans for each of the six developments to determine what was removed and what was planted as part of the landscape. In order to apply the standards the canopy for each type of tree was determined using the following resources:

- If the trees that were retained or planted were on the City's recommended street tree list, then the prescribed canopy measurement from that list was used.
- If the trees that were retained or planted were not on the recommended street tree list then the tree canopy was calculated utilizing either an online search, the American Horticultural Society's *Northwest Smart Garden Regional Guide*, or Roger Holmes and Don Marshall's *Home Landscaping Northwest Region*. If there was a range listed for the canopy spread, the lower number in the range was used.

Name of Development	Case File Number	Type of Development	Canopy %
Timbrel Subdivision	SUB 03-01	Four Lot Subdivision	36.27%
Woodhaven (Phase 1d)	SUB 95-03	54 Lot Subdivision	59.4%
Creekview Condos	SP 06-02	183 Unit Apartments	70%
Olds Business Park (Lot 7)	SP 07-06	Industrial development	27%
Act III Cinema	SP 97-04	Commercial development	36.9%
Target*	SP 00-22	Commercial development	Approx. 1%

*Analysis based on the information available however the plan sets reflecting the onsite development were not available and staff made assumptions based on an older plan set.

Conclusion

As these case studies have demonstrated, it is possible to meet the proposed language either as the sites have been developed or by adding additional trees to the site. As there will be less street trees required it is likely that wooded residential properties will be rewarded by maintaining the trees that they have on site. This review includes street trees in each of the examples.

By providing a minimum tree canopy requirement developers will be encouraged to preserve existing trees on site, especially in residential developments. This will also insure that a certain canopy is provided for each development regardless of the types of existing and proposed trees. The overall canopy requirement gives developers more flexibility and leads the City towards sustained or increased tree canopy over time. This option is preferred over a DBH requirement since the DBH does not impact the amount of shading and cooling that is provided, this merely tells you the girth of the tree at a common measuring point.

The canopy requirement also removes the need for mitigation standards which can be cumbersome for developers. The \$75 fee per caliper inch is daunting and there is often not enough space on site to plant replacement trees inch for inch.

Planning Commission Considerations based on this review:

1) A question for the Commission is whether the canopy percentage is high enough given that we are proposing to remove the mitigation requirement?

2) Should street trees be included in the minimum percentage for non-residential developments? After testing was complete, it became evident that street trees should not be included in the minimum percentage for non-residential developments because street trees will not result in tree preservation. The requirements vary based on the development and the trees will provide street shading however they are subject to different removal standards and new trees will generally be planted rather than retained in order to meet the criteria. The street trees account for much of the required canopy however they do not help to reduce the heat islands on the rest of the lot.



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MEMORANDUM

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City Manager Pro Tem
Tom Pessemier

DATE: November 1, 2011
TO: Planning Commission
FROM: Michelle Miller, AICP, Associate Planner
SUBJECT: Division V.: Parking Lot Layout and Landscaping

Chapters **16.92 Landscaping** and **16.94 Parking** of the Sherwood Zoning and Community Development Code (SZCDC) describe the requirements for landscaping and parking for a proposed development. Initially, the Planning Commission reviewed the issue topic paper on June 28, 2011 and provided initial direction for staff. The Planning Commission then held work sessions on September 13, and September 27, 2011 and discussed the initial proposed code language.

Based on the comments received, staff then amended the code language to reflect the discussion and direction that the Planning Commission provided. This includes incorporating landscaping requirements from the City of Portland's Code. The following illustrates the new provision language:



2009 Top Ten Selection



2007 18th Best Place to Live



- Trees are categorized into small, medium and large using a canopy factor which multiplies mature height, canopy cover and growth rate of particular trees on list of recommended trees
- Require a specific number of trees, shrubs, and ground cover based upon number of parking spaces in the parking area using the category of small, medium or large:

Small	1 tree per 2 spaces
Medium	1 tree per 3 spaces
Large	1 tree per 4 spaces
Shrubs	2 shrubs per space
Ground cover	Covers the remainder of the site within 3 years

- The applicant can use any combination of sized tree to vary the landscaping of the site.
- Existing vegetation counts toward the amount of required landscaping

- Landscape islands need to be placed evenly throughout the site and the number of islands between spaces is based on the type land use, i.e. residential, commercial or industrial
- Pedestrian pathway description within a parking area
- Screening for equipment and loading areas from the street
- Irrigation options

Highlights of the Parking Lot Minimum Parking, Layout and

Dimensional Requirements- new provisions based on previous work sessions include the following:

- Minimum and maximum number of parking spaces required-revised since the last meeting
- Shared/joint and mixed use parking requirements-include options for reducing the required parking
- Bicycle parking requirements *recommend* rather than require covered spaces
- Appendix G revisions-parking area layout lane depth and aisle widths are modified per industry standards and incorporated into the chapter itself rather than an appendix figure. It includes a corresponding figure and table.

At the upcoming work session, staff will review a couple of previously approved and built site plans within the City to illustrate how the proposed code updates would alter those parking lots with the application of the new landscape standards. We will be asking the Commission to provide feedback on the draft parking lot layout concepts that will be reviewed at the upcoming Open House. After receiving this feedback, staff will follow-up as needed and revise the language for further work sessions or public hearing.

Chapter 16.10 DEFINITION
Chapter 16.10.020 SPECIFICALLY*

Development Plan: Any plan adopted by the City for the guidance of growth and improvement in the City.

Diameter at Breast Height (DBH): Shall be measured as defined by the International Society of Arboriculture.

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Drive-In Restaurant: Any establishment dispensing food and/or drink, that caters primarily to customers who remain, or leave and return, to their automobile for consumption of the food and/or drink, including business designed for serving customers at a drive-up window or in automobiles.

*Note: The entire code section is not included, this is only a reference point indicating where the inserted language should go, the rest of the definition section will not be changed.

Chapter 16.142 – PARKS, TREES AND OPEN SPACES

16.144.040 – Visual Corridors

A. Corridors Required

New developments located outside of the Old Town Overlay with frontage on Highway 99W, or arterial or collector streets designated on Figure 8-1 of the Transportation System Plan shall be required to establish a landscaped visual corridor according to the following standards:

	Category	Width
1.	Highway 99W	25 feet
2.	Arterial	15 feet
3.	Collector	10 feet

In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk. In all other developments, the visual corridor shall be on private property adjacent to the right-of-way.

B. Landscape Materials

The required visual corridor areas shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section ~~16.142.050~~ 16.142.060, shall be planted in the corridor by the developer. The improvements shall be included in the compliance agreement. In no case shall trees be removed from the required visual corridor.

C. Establishment and Maintenance

Designated visual corridors shall be established as a portion of landscaping requirements pursuant to Chapter 16.92. To assure continuous maintenance of the visual corridors, the review authority may require that the development rights to the corridor areas be dedicated to the City or that restrictive covenants be recorded prior to the issuance of a building permit.

D. Required Yard

Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited within the required visual corridor, with the exception of front porches on townhomes, as permitted in Section 16.44.010(E)(4)(c).

E. Pacific Highway 99W Visual Corridor

1. Provide a landscape plan for the highway median paralleling the subject frontage. In order to assure continuity, appropriate plant materials and spacing, the plan shall be coordinated with the City Planning Department and ODOT.
2. Provide a visual corridor landscape plan with a variety of trees and shrubs. Fifty percent (50%) of the visual corridor plant materials shall consist of groupings of at least five (5) native evergreen trees a minimum of ten (10) feet in height each, spaced no less than fifty (50) feet apart, if feasible. Deciduous trees shall be a minimum of four (4) inches DBH and twelve (12) feet high, spaced no less than twenty-five (25) feet apart, if feasible.

16.142.060 – Street Trees

A. Installation of Street Trees on New or Redeveloped Property.

Trees are required to be planted to the following specifications along public streets abutting or within any new development or re-development. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.

1. Location: Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.
2. Size: Trees shall have a minimum trunk diameter of two (2) caliper inches DBH and minimum height of six (6) feet when planted. ~~Diameter at breast height (DBH) shall be measured as defined by the International Society of Arboriculture.~~
3. Types: Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.142.080 of this Code.
4. Required Street Trees and Spacing:
 - a. The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in section 16.142.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If

the tree is not on the list, the mature canopy width must be provided to the planning department by a certified arborist.

- b. All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type of tree and the spacing standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.
- c. A new development may exceed the forty-foot spacing requirement under section b. above, under the following circumstances:
 - (1) Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or
 - (2) There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and
 - (3) The street trees are spaced as close as possible given the site limitations in (1) and (2) above.
 - (4) The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or Washington County and are subject to the relevant state or county standards.
 - (5) For arterial and collector streets, the City may require planted medians in lieu of paved twelve-foot wide center turning lanes, planted with trees to the specifications of this subsection.

B. Removal and Replacement of Street Trees.

The removal of a street tree shall be limited and in most cases, necessitated by the tree. A person may remove a street tree as provided in this section. The person removing the tree is responsible for all costs of removal and replacement. Street trees less than five (5) inches DBH can be removed by right by the property owner or his or her assigns, provided that they are replaced. A street tree that is removed must be replaced within six (6) months of the removal date.

1. Criteria for All Street Tree Removal for trees over five (5) inches DBH. No street tree shall be removed unless it can be found that the tree is:
 - a. Dying, becoming severely diseased, or infested or diseased so as to threaten the health of other trees, or
 - b. Obstructing public ways or sight distance so as to cause a safety hazard, -or
 - c. Interfering with or damaging public or private utilities, or
 - d. Defined as a nuisance per City nuisance abatement ordinances.
2. Street trees between five (5) and ten (10) inches DBH may be removed if any of the criteria in 1. above are met and a tree removal permit is obtained.
 - a. The Tree Removal Permit Process is a Type I land use decision and shall be approved subject to the following criteria:

- (1) The person requesting removal shall submit a Tree Removal Permit application that identifies the location of the tree, the type of tree to be removed, the proposed replacement and how it qualifies for removal per Section 1. above.
 - (2) The person shall post a sign, provided by the City, adjacent to the tree for ten (10) calendar days prior to removal that provides notice of the removal application and the process to comment on the application.
 - (3) If an objection to the removal is submitted by the City or to the City during the ten (10) calendar day period, an additional evaluation of the tree will be conducted by an arborist to determine whether the tree meets the criteria for street tree removal in Section 1. above. The person requesting the Tree Removal Permit shall be responsible for providing the arborist report and associated costs.
 - (4) Upon completion of the additional evaluation substantiating that the tree warrants removal per Section 1. above or if no objections are received within the ten-day period, the tree removal permit shall be approved.
 - (5) If additional evaluation indicates the tree does not warrant removal, the Tree Removal Permit will be denied.
3. Street trees over ten (10) inches DBH may be removed through a Type I review process subject to the following criteria.
- a. The applicant shall provide a letter from a certified arborist identifying:
 - (1) The tree's condition,
 - (2) How it warrants removal using the criteria listed in Section 1. above, and identifying any reasonable actions that could be taken to allow the retention of the tree.
 - b. The applicant shall provide a statement that describes whether and how the applicant sought assistance from the City, HOA or neighbors to address any issues or actions that would enable the tree to be retained.
 - c. The person shall post a sign, provided by the City, adjacent to the tree for ten (10) calendar days prior to removal that provides notice of the removal application and the process to comment on the application.
 - d. Review of the materials and comments from the public confirm that the tree meets the criteria for removal in Section 1. above.

C. Homeowner's Association Authorization.

The Planning Commission may approve a program for the adoption, administration and enforcement by a homeowners' association (HOA) of regulations for the removal and replacement of street trees within the geographic boundaries of the association.

1. An HOA that seeks to adopt and administer a street tree program must submit an application to the City. The application must contain substantially the following information:
 - a. The HOA must be current and active. The HOA should meet at least quarterly and the application should include the minutes from official HOA Board meetings for a period not less than eighteen (18) months (six (6) quarters) prior to the date of the application.

- b. The application must include proposed spacing standards for street trees that are substantially similar to the spacing standards set forth in ~~16.142.050~~ 16.142.060.A above.
 - c. The application must include proposed street tree removal and replacement standards that are substantially similar to the standards set forth in ~~16.142.050~~ 16.142.060.B above.
 - d. The application should include a copy of the HOA bylaws as amended to allow the HOA to exercise authority over street tree removal and replacement, or demonstrate that such an amendment is likely within ninety (90) days of a decision to approve the application.
 - e. The application should include the signatures of not less than seventy-five (75) percent of the homeowners in the HOA in support of the application.
2. An application for approval of a tree removal and replacement program under this section shall be reviewed by the City through the Type IV land use process. In order to approve the program, the City must determine:
- a. The HOA is current and active.
 - b. The proposed street tree removal and replacement standards are substantially similar to the standards set forth in ~~16.142.050~~ 16.142.060.B above.
 - c. The proposed street tree spacing standards are substantially similar to the standards set forth in ~~16.142.050~~ 16.142.060.A above.
 - d. The HOA has authority under its bylaws to adopt, administer and enforce the program.
 - e. The signatures of not less than seventy-five (75) percent of the homeowners in the HOA in support of the application.
3. A decision to approve an application under this section shall include at least the following conditions:
- a. Beginning on the first January 1 following approval and on January 1 every two (2) years thereafter, the HOA shall make a report to the city planning department that provides a summary and description of action taken by the HOA under the approved program. Failure to timely submit the report that is not cured within sixty (60) days shall result in the immediate termination of the program.
 - b. The HOA shall comply with the requirements of Section 12.20 of the Sherwood Municipal Code.
4. The City retains the right to cancel the approved program at any time for failure to substantially comply with the approved standards or otherwise comply with the conditions of approval.
- a. If an HOA tree removal program is canceled, future tree removals shall be subject to the provisions of section ~~16.142.050~~ 16.142.060.
 - b. A decision by the City to terminate an approved street tree program shall not affect the validity of any decisions made by the HOA under the approved program that become final prior to the date the program is terminated.
 - c. If the city amends the spacing standards or the removal and replacement standards in this section (SZCDC ~~16.142.050~~) the City may require that the HOA amend the corresponding standards in the approved street tree program.

5. An approved HOA tree removal and replacement program shall be valid for five (5) years; however the authorization may be extended as approved by the City, through a Type II Land Use Review.

D. Exemption from Replacing Street Trees.

A street tree that was planted in compliance with the Code in effect on the date planted and no longer required by spacing standards of section A.4. above may be removed without replacement provided:

1. Exemption is granted at the time of street tree removal permit or authorized homeowner's association removal per Section ~~16.142.050~~ 16.142.060.C. above.
2. The property owner provides a letter from a certified arborist stating that the tree must be removed due to a reason identified in the tree removal criteria listed in Section ~~16.142.050~~ 16.142.060.B.1. above, and
3. The letter describes why the tree cannot be replaced without causing continued or additional damage to public or private utilities that could not be prevented through reasonable maintenance.

E. Notwithstanding any other provision in this section, the city manager or the manager's designee may authorize the removal of a street tree in an emergency situation without a tree removal permit when the tree poses an immediate threat to life, property or utilities. A decision to remove a street tree under this section is subject to review only as provided in ORS 34.100.

F. Trees on Private Property Causing Damage.

Any tree, woodland or any other vegetation located on private property, regardless of species or size, that interferes with or damages public streets or utilities, or causes an unwarranted increase in the maintenance costs of same, may be ordered removed or cut by the City Manager or his or her designee. Any order for the removal or cutting of such trees, woodlands or other vegetation, shall be made and reviewed under the applicable City nuisance abatement ordinances.

G. Penalties. The abuse, destruction, defacing, cutting, removal, mutilation or other misuse of any tree planted on public property or along a public street as per this Section, shall be subject to the penalties defined by Section 16.02.040, and other penalties defined by applicable ordinances and statutes, provided that each tree so abused shall be deemed a separate offense.

16.142.070 Trees on Property Subject to Certain Land Use Applications

A. Generally

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

B. Applicability

1. ~~All Planned Unit Developments, land use actions subject to Chapter 16.40, site developments subject to Section 16.92.020, and subdivisions subject to Chapter 16.122,~~ shall be required to preserve trees or woodlands, as defined by this Section to the maximum extent feasible within the

context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, as determined by the City. ~~This Section shall not apply to any PUD, site development or subdivision, or any subdivision phase of any PUD, having received an approval by the Commission prior to the effective date of Ordinance No. 94-991, except for Subsection C5 of this Section, which shall apply to all building permits issued after the effective date to that Ordinance.~~

2BC. Inventory

1. To assist the City in making its determinations on the retention of trees and woodlands, the land use applications of this Section shall include a tree and woodland inventory and report. The report shall be prepared by a certified arborist and must contain the following information:
 - a. Tree size (in DBH and canopy area)
 - b. Tree species
 - c. The condition of the tree with notes as applicable explaining the assessment
 - d. The location of the tree on the site
 - e. The location of the tree relative to the planned improvements
 - f. Assessment of whether the tree must be removed to accommodate the development
 - g. Recommendations on measures that must be taken to preserve trees during the construction that are not proposed to be removed.
2. Trees removed on the property within one year prior to the submittal of the development application shall also be included in the inventory. In the event that adequate data is not available to address the specific inventory requirements below, an aerial photo may be utilized to determine the approximate number, canopy size and type of trees on the property.
3. In addition to the general requirements of this Section, the tree and woodland inventory's mapping and report shall also include, but is not limited to, the specific information outlined in the appropriate land use application materials packet.

34. Definitions ~~For~~ for the inventory purposes of this Section

~~1a.~~ a ~~A~~ tree is a living woody plant having a trunk diameter as specified below at four and one-half (4- 1/2) feet above mean ground level at the base of the trunk, also known as Diameter at Breast Height (DBH). Trees planted for commercial agricultural purposes, and/or those subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition and from regulation under this Section, as are any living woody plants under five (5) inches DBH.

~~a(1). Douglas fir, ponderosa pine, western red cedar, white oak, big leaf maple, American chestnut, ten (10)~~ All trees five (5) inches or greater shall be inventoried.

~~b. All other tree species, five (5) inches or greater.~~

~~In addition, any trees of any species of five (5) inches or greater DBH that are proposed for removal as per the minimally necessary development activities defined in subsection C3 of this Section shall be inventoried.~~

2b. ~~For the inventory purposes of this Section,~~ a ~~A~~ woodland is a biological community dominated by trees covering a land area of 20,000 square feet or greater at a density of at least fifty (50) trees per every 20,000 square feet with at least fifty percent (50%) of

those trees of any species having a five (5) inches or greater DBH. Woodlands planted for commercial agricultural purposes and/or subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition, and from regulation under this Section.

c. A mature tree is one with a well-developed or established tree canopy. A small tree will be ... and a large tree will be...

d. A large stature tree is over 40 feet tall and wide with a minimum trunk diameter of 30 inches at DBH.

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Comment [ZM1]: Modified from The Large Tree Argument prepared by the Center for Urban Forest Research and Southern Center for Urban Forestry Research & Information.

D. Retention requirements

D1. —Required Tree Canopy - Residential Zones

Each net development site shall provide a minimum total tree canopy of 40 percent. This can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist shall provide the estimated tree canopy of the proposed trees to the planning department for review.

D2. —Required Tree Canopy – Non-Residential Zones and Multi-Family developments

Each net development site shall provide a minimum total tree canopy of 30 percent. This can be achieved by retaining existing trees or planting new trees. Required landscaping trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist shall provide an estimated tree canopy for all proposed trees to the planning department for review as a part of the land use review process.

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3. Only trees minimally necessary shall be removed, regardless of D.1 or D.2, above. Minimally necessary shall be trees needed to be removed to accommodate the proposed development including buildings, parking, walkways, grading etc.

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

a. Native trees over 20 inches DBH in size.

b. Native tree stands with 10 or more trees.

c. Trees of special importance to the city because of historical association or horticultural value.

5. Tree retention requirements for properties located within the Old Town Overlay or Projects subject to the infill standards of Chapter 16.68 are only subject to retention requirements identified in D.4. above.

BE. —Tree and Woodland Inventory

1. —To assist the City in making its determinations on the retention of trees and woodlands, the land use applications referenced in subsection A of this Section shall include a tree and woodland inventory and report, in both map and narrative form, addressing the standards in subsection C-C or D of this Section (above), and a written report by an arborist, forester, landscape architect, botanist, or other qualified professional, as determined by the City, that generally evaluates the

nature and quality of the existing trees and woodlands on the site and also provides information as to the extent and methods by which trees and woodlands will be retained. The inventory shall include a resume detailing the qualified professional's applicable background and experience. The City may also require the submission of additional information as per Section 16.136.030.

~~2.~~ Trees removed on the property within one year prior to the submittal of the development application shall also be included in the inventory. In the event that adequate data is not available to address the specific inventory requirements below, an aerial photo may be utilized to determine the approximate number, size and type of trees on the property.

~~23.~~ In addition to the general requirements of this Section, the tree and woodland inventory's mapping and reports shall include, but are not limited to, the following specific information outlined in the appropriate land use application materials packet. Mapping shall include a composite map, illustrating as much required information as possible while retaining map readability.

a. The location of the property subject to the land use application and tree and woodland inventory, including street addresses, assessors' map and tax lot numbers, and a vicinity map.

b. Mapping indicating the location of trees and woodlands, as defined by subsections A2 through 3. Mapping shall include typical tree root zones, given tree species, size, condition and location.

For any woodland, inventory data and mapping is required only for the group, rather than on a tree by tree basis.

c. Mapping and other inventory data shall include, but is not limited to, the boundaries and/or types of soils, wetlands, and floodplains underlying the tree or woodland; site hydrology; drainage, and slope characteristics; the condition, density, form, root zone and aspect of the tree or woodland, including in the case of a woodland, associated understory.

d. Mapping and other inventory data shall be of sufficient detail and specificity to allow for field location of trees and woodlands by the City, and shall include but is not limited to, existing and proposed property lines, topography at the intervals otherwise specified for the type of land use application being considered, and any significant man-made or natural features that would tend to aid in such field location.

e. The number, size, species, condition, and location of trees and woodlands proposed for removal, the timing and method of such removal, and the reason(s) for removal.

f. The number, size, species, condition, and location of trees and woodlands proposed for retention, and the methods by which such trees and woodlands shall be maintained in a healthy condition both during and subsequent to development activity.

g. Proposed mitigation and replacement efforts as per subsection D of this Section, including a description of how proposed replacement trees will be successfully replanted and maintained on the site.

~~CE.~~ Tree and Woodland Retention

1. The review authority shall make findings identifying all trees and woodlands, or additional trees not inventoried, that merit retention. Alternatively, the City may require planting of new trees in lieu of retention as per subsection D1 through D3 of this Section, or acquire said trees and woodlands as per subsection D4 of this Section. Prior to making any such determinations or recommendations, the review authority may seek the recommendations of the City Parks Advisory Board. Special consideration shall be given in making these determinations to the retention or replanting of trees native to the Willamette Valley and Western Oregon, except in areas where such trees are prohibited as per Section 16.142.050B.

~~2.—To require retention of trees or woodlands as per subsection B-D of this Section, the Commission or Council must make specific~~ Specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:

- a. Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or
- b. A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or
- c. Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per ~~Unified Sewerage Agency Clean Water Services~~ stormwater management plans and standards or the City Comprehensive Plan, or
- d. Necessary as buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or
- e. Otherwise merit retention because of unusual size, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.

~~3.—In general, the City shall permit only the removal of trees, woodlands, and associated vegetation, regardless of size and/or density, minimally necessary to undertake the development activities contemplated by the land use application under consideration. For the development of PUDs and subdivisions, minimally necessary activities will typically entail tree removal for the purposes of constructing City and private utilities, streets, and other infrastructure, and minimally required site grading necessary to construct the development as approved. For site developments, minimally necessary activities will typically entail tree removal for the purposes of constructing City and private utilities, streets and other infrastructure, minimally required site grading necessary to construct the development as approved, construction of permitted buildings, and City required site improvements such as driveways and parking lots.~~

~~4.15. The Notice of Decision issued for the land use applications subject to this Section shall indicate which trees and woodlands will be retained as per subsection C2-D of this Section, which may be removed or shall be retained as per subsection B-D of this Section, and which shall be mitigated as per subsection D of this Section, and any limitations or conditions attached thereto. The applicant shall prepare and submit a Final Tree and Woodland Plan prior to issuance of any construction permits, illustrating how identified trees and woodlands will be retained, removed or mitigated as per the Notice of Decision. Such Plan shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. At a minimum, trees to be protected shall have the area within the drip line of the tree protected from grading, stockpiling, and all other construction-related activity unless specifically reviewed and recommended by a certified arborist.~~

~~5.—At the time of building permit issuance for any development of a site containing trees or woodlands identified as per subsection C of this Section, the Building Official shall permit only the removal of trees, woodlands and associated vegetation, regardless of size and/or density,~~

~~minimally necessary to undertake the development activities contemplated by the building permit application under consideration. The permit shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. Minimally necessary activities will typically entail tree removal for the purposes of construction of City and private utilities, streets and other infrastructure, minimally required site grading necessary to construct the development as approved, construction of permitted buildings, and City required site improvements such as driveways and parking lots. A fee for this inspection shall be established as per Section 16.74.010, provided however that said inspection is not deemed to be a land use action.~~

~~6.—When a tree or woodland within an approved site plan, subdivision or Planned Unit Development subsequently proves to be so located as to prohibit the otherwise lawful siting of a building or use, retention of said trees or woodlands may be deemed sufficient cause for the granting of a variance as per Chapter 16.84, subject to the satisfaction of all other applicable criteria in Chapter 16.84.~~

67. All trees, woodlands, and vegetation located on any private property accepted for dedication to the City for public parks and open space, greenways, Significant Natural Areas, wetlands, floodplains, or for storm water management or for other purposes, as a condition of a land use approval, shall be retained outright, irrespective of size, species, condition or other factors. Removal of any such trees, woodlands, and vegetation prior to actual dedication of the property to the City shall be cause for reconsideration of the land use plan approval.

FE. Re-Development Incentives

1. General Provisions. To assist in the preservation and/or planting of trees, the City may apply one or more of the following flexible standards as part of the land use review approval. To the extent that the standards in this section conflict with the standards in other sections of this Title, the standards in this section shall apply except in cases where the City determines there would be an unreasonable risk to public health, safety, or welfare. Flexibility shall be requested by the project arborist as part of the land use review process and is only applicable to trees that are eligible for credit towards the effective tree canopy cover of the site. A separate adjustment application as outlined in Section 16.84.030.A is not required.

2. Flexible Standards. The following flexible standards are available to applicants in order to preserve trees on a development site. These standards cannot be combined with any other reductions authorized by this code.

a. Lot size averaging. To preserve existing trees in the development plan for any Land Division under Division VII, lot size may be averaged to allow lots less than the minimum lot size required in the underlying zone as long as the average lot area is not less than that allowed by the underlying zone. No lot area shall be less than 90 percent of the minimum lot size allowed in the zone;

b. Setbacks. The following setback reductions will be allowed for lots preserving existing trees using the criteria in subsection (1) below.

(1) Reductions allowed:

(a.) Front yard – up to a 25 percent reduction of the dimensional standard for a front yard setback required in the base zone. Setback of garages may not be reduced by this provision.

(b.) Interior setbacks - up to a 40 percent reduction of the dimensional standards for an interior side and/or rear yard setback required in the base zone. Perimeter side and rear yard setbacks shall not be reduced through this provision.

3. Approval criteria:

a. A demonstration that the reduction requested is the least required to preserve trees; and

b. The reduction will result in the preservation of tree canopy on the lot with the modified setbacks; and

c. The reduction will not impede adequate emergency access to the site and structure.

4. Sidewalks. Location of a public sidewalk may be flexible in order to preserve existing trees or to plant new large stature street trees. This flexibility may be accomplished through a curb-tight sidewalk or a meandering public sidewalk easement recorded over private property and shall be reviewed on a case by case basis in accordance with the provisions of the Engineering Design Manual, Street and Utility Improvement Standards. For preservation, this flexibility shall be the minimum required to achieve the desired effect. For planting, preference shall be given to retaining the planter strip and separation between the curb and sidewalk wherever practicable. If a preserved tree is to be utilized as a street tree, it must meet the criteria found in the Street Tree section, 16.142.050

5. Commercial/Industrial/Civic Use Parking. For each 2 percent of effective canopy cover provided by preserved or planted trees incorporated into a development plan for commercial, industrial or civic uses listed in Sections 16.94.020, Minimum and Maximum Off-Street Parking Requirements, a 1 percent reduction in the amount of required parking may be granted. No more than a 20 percent reduction in the required amount of parking may be granted for any one development.

D.—Mitigation

~~1. The City may require mitigation for the removal of any trees and woodlands identified as per subsection C of this Section if, in the City's determination, retention is not feasible or practical within the context of the proposed land use plan or relative to other policies and standards of the City Comprehensive Plan. Such mitigation shall not be required of the applicant when removal is necessitated by the installation of City utilities, streets and other infrastructure in accordance with adopted City standards and plans. Provided, however, that the City may grant exceptions to established City street utility and other infrastructure standards in order to retain trees or woodlands, if, in the City's determination, such exceptions will not significantly compromise the functioning of the street, utility or other infrastructure being considered. Mitigation shall be in the form of replacement by the planting of new trees.~~

~~2. Replacement trees required as part of mitigation as per this Section shall, as determined by the City, be generally of a substantially similar species, size and quantity to those trees proposed for removal, taking into account soils, slopes, hydrology, site area, and other relevant characteristics of the site on which the mitigation is proposed. In consideration of the foregoing factors the City may require replacement trees to be replanted at greater than a 1:1 caliper inch ratio. Exotic or non-native trees shall generally be replaced with species native to the Willamette Valley or Western Oregon, except where such native trees are prohibited by Section 16.142.050B2. Said replacement trees shall be in addition to trees along public streets required by Section 16.142.050A. Standards for trees along public streets may be different than those for trees required for retention or replacement under this Section.~~

~~3. If replacement trees of the species, size or quantity being removed are not available, or cannot be successfully replanted due to soils, slopes, hydrology, site area, or other relevant characteristics of the site, the City may require:~~

~~a. Different species of trees to be submitted, or~~

~~b. Replacement trees to be planted on another, more suitable site within the City, or~~

~~c. Cash payments equivalent to the fair market value of the otherwise required replacement trees, including estimated installation costs, said payments to be set aside by the City in a dedicated fund for eventual purchase and planting of trees when suitable sites become available.~~

~~4. The Commission may also make recommendation to the Council, based on the recommendation of the Parks Advisory Board, that trees or woodlands identified as per this Section be purchased by the City, if such trees cannot otherwise be retained as part of the proposed land use plan, obtained as a parks and open space or other dedication to the City, or otherwise be mitigated as per subsection D of this Section.~~

F. Tree Protection During Development

The applicant shall prepare and submit a Final Tree and Woodland Plan prior to issuance of any construction permits, illustrating how identified trees and woodlands will be retained, removed or mitigated as per the Notice of Decision. Such Plan shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. At a minimum, trees to be protected shall have the area within the drip line of the tree protected from grading.

stockpiling, and all other construction related activity unless specifically reviewed and recommended by a certified arborist. Any work within the dripline of the tree shall be supervised by the arborist being onsite during construction.

EG. Penalties

Violations of this Section shall be subject to the penalties defined by Section 16.02.040, provided that each designated tree or woodland unlawfully removed or cut shall be deemed a separate offense. (Ord. 2006-021; Ord. 91-922, § 3)

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

A. Generally

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

B. Residential Standards

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

1. Removal of up to five (5) trees, or up to 10 percent of the number of trees on site, whichever is greater, within one (1) calendar year period. Properties one-half acre or less in size developed with a detached dwelling may remove any number of trees. No review or approval required provided that the planning department is notified in writing 48 hours prior to removing the tree, including the property address, property owner name and contact information, type and size of the tree. Failure to notify the Planning Department shall not result in a violation of this code unless it is determined that the tree removal is in excess of that permitted outright.
2. Removal of six (6) or more trees, or more than 10 percent of the number of trees on site, whichever is greater, within one (1) calendar year period except as allowed in subsection 1, above.
 - a. The applicant shall submit the following:
 - (1.) A narrative describing the need to remove the tree(s).
 - (2.) A statement describing when and how the Homeowner's Association was informed of the proposed tree cutting and their response. If there is not an active HOA, the applicant shall submit as statement indicating that there is not a Home Owner's Association to contact.
 - (3.) A plan showing the location of the tree and
 - (4.) The applicant shall submit a replacement tree plan. Half of the number of trees removed shall be replaced on site with native trees. up to 5 trees per acre per calendar year by right, not to exceed 100 inches total dbh. The property owner shall document the number of trees and the date removed for their records and shall notify the City Planning Department 48 hours prior to tree removal. Failure to notify the Planning Department shall not result in a violation of this code unless it is determined that the tree removal is in excess of that permitted outright.

~~If the property owner determines that it is necessary to remove more trees than is permitted by right, the act is considered to be an alteration of the exterior appearance of the property and site plan review is~~

~~required. In that instance, the requirements of Section 16.142.060 shall apply. The review authority shall be determined by the square footage of the area to be disturbed.~~
(Ord. 2006-021)

C. Non-Residential Standards

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

1. Trees required by a land use decision after the effective date of this code can be removed. Any trees removed shall be replaced within six months of removing the tree with an appropriate tree for the area.
2. Trees that were not required by land use or planted prior to the effective date of this code can be removed after receiving approval from the City of Sherwood.
 - a. Removal of up to 25 percent of the trees on site can be removed and replaced through a type I review process. The applicant shall submit the following:
 - (1.) A narrative describing the need to remove the trees,
 - (2.) A plan showing the location of the trees and
 - (3.) A replacement tree plan. Half of the number of trees removed shall be replaced on site with similar trees.
 - b. Removal of more than 25 percent of the trees on site can be removed and replaced through a type II review process. The applicant shall submit the following:
 - (1.) An arborists report describing the need to remove the trees. The cause for removal must be necessitated by the trees,
 - (2.) A plan showing the location of the tree and
 - (3.) A replacement tree plan. Two – thirds of the number of trees removed shall be replaced on site with similar trees.



Home of the Tualatin River National Wildlife Refuge

MEMORANDUM

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City Manager Pro Tem
Tom Pessemier

DATE: November 8, 2011
TO: Planning Commission
FROM: Zoe Monahan, Assistant Planner
SUBJECT: Solar Access

The Planning Commission expressed concerns about the draft tree code as it relates to solar access. Since the draft code proposes to move away from standards using DBH to a standard focused on canopy, there was concern that the canopy requirement and solar access rights could conflict.

At this time, the City of Sherwood does not regulate solar access. The Building Department permits solar panels however there are not specific requirements other than the structural component. They do not require that the panels be south facing. The reason that this is not regulated is because the solar panels are not required. The proposed tree canopy requirement does not prohibit solar access.

There are some communities that regulate vegetation surrounding buildings with a solar access permit. ~~Below, please find a summary of existing code language below.~~

Here are a few communities that regulate solar access:
Clackamas County, OR
City of Corvallis, OR
City of Ashland, OR
City of Wilsonville