



**City of Sherwood
PLANNING COMMISSION
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
December 9, 2008 – 7PM**

Work Session – 6:00 PM

The Planning Commission will hold a work session before the regular business meeting. Topics for the work session include:

- **SWOT (Strengths, weaknesses, opportunities, threats) analysis**
- **Area 48 concept plan update**
- **Adams Avenue concept plan update**

Work sessions are informal meetings where the Commission and staff can discuss topics but no formal action is taken from these meetings. Work sessions are open to the public in accordance with public meeting laws.

In the event the work session topics exceed one hour, the Commission may decide to reconvene the work session at the close of the business meeting

Business Meeting – 7:00 PM

1. **Call to Order/Roll Call**
2. **Agenda Review**
3. **Consent Agenda – Draft minutes from 10/14/08**
4. **Staff Announcements**
5. **Council Announcements (Mayor Keith Mays, Planning Commission Liaison)**
6. **Community Comments (The public may provide comments on any non-agenda item)**
7. **Old Business:**
 - a. **PA 08-01 - Brookman Road Concept Plan continuation of discussion.** The Planning Commission will re-convene the public hearing and take new testimony on the proposed concept plan and comprehensive plan amendments. The Planning Commission will make a recommendation to the City Council who will make the ultimate decision. The concept plan identifies zoning and provides strategies and recommendations on transportation, parks, infrastructure, and habitat friendly development. The date of the City Council hearing on the matter will be determined at the close of the Planning Commission hearing.
8. **New business**
 - a. **PA 08-03 – Sign Code update –** The City will consider updates to the sign ordinance to limit the height and size of free-standing signs city-wide with specific exceptions and to modify the non-conforming sign requirements so that signs that are non-conforming due to design or under a certain height or size are not required to come into compliance within a specific period of time.
9. **Comments from Commission**
10. **Next Meeting:** To be discussed – next scheduled meeting is 12/23/08, next meeting with agenda items currently scheduled is 1/23/09
11. **Adjourn**

City of Sherwood, Oregon
Planning Commission Minutes
October 14, 2008

Commission Members Present:

Chair Allen
Jean Lafayette
Todd Skelton
Raina Volkmer
Todd Skelton

Staff:

Julia Hajduk, Planning Manager
Heather Austin, Senior Planner
Karen Brown, Recording Secretary
Lee Harrington, Engineering Sr. Project Manager

Council Liaison – Absent

Commission Members Absent:

Adrian Emery
Matt Nolan

1. **Call to Order/Roll Call** – Chair Allen called the meeting to order. Roll was called by Karen Brown. Chair Allen mentioned that the Commission had finished a work session earlier in the evening on Sign Code Review and Commercial and Industrial Design Standards that will show up later at future meetings. He added that the Commission will not be going back into work session after this meeting.
2. **Agenda Review** – Oregon/Washington Lumber Site Plan and the Brookman Road Concept Plan and a new site plan review called Winslow Site Plan.
3. **Consent Agenda** – the Consent agenda consists of the Draft Meeting Minutes from the September 23, 2008 Planning Commission meeting. No changes or corrections were made. A motion was made to adopt the minutes. The motion was seconded and voted on. Motion approved.
4. **Staff Announcements** – **Julia** began with a brief overview of the work session. The City Council passed a resolution at their last meeting to direct the Staff and the city to begin looking at potential updates to the free standing sign code. At that meeting, they also passed a resolution to temporarily prohibit the acceptance of new “free standing” sign permit applications for the next 90 days while the sign code is reviewed. The Council also adopted the PUD Text Amendment that the Planning Commission had reviewed previously.
Julia mentioned that Staff is currently conducting interviews for the Area 48 Concept Plan and has already selected a consultant for the Adams Avenue Area North of Tualatin /Sherwood Road Concept Plan and will begin work shortly on that project.
5. **City Council Comments** – **Mayor Mays** was not present

6. **Community Comments – Lisa Jo Frech** from Raindrops to Refuge spoke to the Commission about the Brookman Road concept plan. Raindrops to Refuge has applied for a couple of grants and if that money is made available they will be able to put together a panel of local experts in the field of “green design.” They would then arrange a work session to allow the commission a chance to ask questions about what it would take to make the Brookman Road concept plan area a “green” development.

7. **Old Business –**

a. **Chair Allen** reconvened the public hearing on **SP08-09 Oregon/Washington Lumber**, Sherwood Industrial Park, Phase I. Chair Allen asked for any exparte’ contact. None was given.

Heather Austin presented the staff report. She noted that the staff report prepared for this continued meeting included “red” text which indicates changes from the original staff report. There are three changes in the conditions on pages 22 and 23 that are basically clarifications, no content changes. Staff is still recommending approval.

Tom Wright of Group Mackenzie spoke on behalf of the applicant. They have reviewed the revised findings and conditions and they are all acceptable to the applicant.

No one from the public chose to speak for or against the proposal; therefore, Chair Allen closed the public hearing portion of the meeting. He then asked if there were any final staff comments. There were none given. Chair Allen asked if the Commissioners had any further comments. Seeing none, Commissioner Lafayette made a motion to approve SP 08-09 Oregon/Washington Lumber. All present were in favor. Motion carried.

b. **Chair Allen** reconvened the **Brookman Road Concept plan** (PA 08-01) continuation of discussion. He reminded the audience that there will be further presentation of information and more discussion and public testimony to come and there will not be any final action taken at this time.

Chair Allen and Commissioner Volkmer both disclosed that they live in the Arbor Lane area and may be potentially effected by the concept plan.

Julia called the Commission’s attention to a memo dated October 7th, 2008. In the memo, she has summarized the remaining outstanding issues with a brief overview and a proposal or recommendation on how to proceed with each issue.

After presentation of the memo, she introduced Tom Pessemier, the Community Development Director, who will be presenting information on the I-5/99 connector.

Tom Pessemier first thanked the Commission for their patience while some of the issues that had come up were review again. Previously the I-5/99 W Project Management Team presented a comprehensive overview of where the project was at that time. It was his intention to have them come back at the next Planning Commission meeting and tie up the loose ends and explain what it would all mean to the Brookman Road Concept Area. However, the Project Steering Committee then made some decisions that really changed the paradigm of what is happening. He recapped the process as it has happened to this

point, including reviewing the 6 alternatives that had been proposed. He indicated that when the I-5/99W Steering Committee began to review the alternatives they basically jumped right into a hybridization plan without taking anything off the table. They developed a couple of new concepts that had not been discussed earlier. Tom walked the Commission through the alternatives and indicated that Hybridization Scenario I is basically a sub-set of Scenario II. The concept behind the Hybrid Scenario II is to try to meet the project purpose and need and provide the volume that was identified in the RTP by using arterials rather than building a freeway. That would mean building 3 arterials in the Northern, Central and Southern regions of the I-5/99W connector study area. Their plan analysis also included all the transportation demand management, transportation system management and commuter rail. The I-5/99W Steering Committee liked this plan because it could be phased over time. Tom indicated that as initially proposed there would be negative consequences to the Brookman Road Concept Plan and that frontage roads on either side of the Arterial would be necessary and that Brookman Road could be a collector to this arterial road. At this point Scenario II would need a lot of work before it could be moved forward. Costs are unknown at this time. Impact to habitat systems is also unknown.

On October 2nd there was a hybrid workshop where all of the project team members got together and looked in detail at the two scenarios. They looked at what would happen in each of the surrounding cities (Sherwood, Wilsonville, Tualatin and Tigard). They ran many different scenarios and looked at what the effects would be. Tom indicated that he asked that they run some specific ideas for the Brookman Road area and the southern arterial from I-5 to Tonquin Rd. including asking if they could actually make Brookman Road the arterial. Tom indicated that the answer to that was no - If there is a southern arterial it will have to be south of Brookman Road. Tom re-capped the answer to the question about how the I-5/99W connector will effect the Brookman Road Concept Plan: Alternatives 1-5 really won't have much effect on the Brookman Road Plan. The alternative 6 would have minimal impact on the Brookman Road Concept Plan infrastructure and could also change the land use that could be supported near Highway 99W due to increased connectivity. That plan can be discussed in more detail later. The concept has always been to realign Brookman. The intersection of Brookman would be ¼ of a mile away from an interchange that would connect a freeway type system. There would be a separation between the Freeway system and Brookman and then Brookman would end up being a collector type facility that would act as a frontage road. Under that concept there would be very limited access to Hwy 99.

If they move forward with the Brookman Road Concept Plan, Brookman will still really be a collector to an arterial or connector facility and there will be the ability to access it from multiple locations.

After the I-5/99 W Connector Steering Committee meeting there was still a lot of confusion regarding what an arterial would mean to Brookman. The committee needed to take another look at the plans. Hybrid I doesn't have any southern arterial piece, so that wouldn't have an impact. Hybrid II would be similar to Alternative 6 in the fact that the arterial would be separated from Brookman. It would be south of Brookman Road and would be a high capacity arterial and Brookman would be a collector. One concept proposed that Tom wanted to be sure to share is the possibility that there could be a phasing plan where Brookman was a collector for a few years until the arterial was built.

Studies show that it could not handle the traffic in the long run, but that it could be a collector until the arterial is built.

Chair Allen asked about the time frame for the completion of future phases. Tom said they are working on modeling to help determine a time frame, but do not have an answer yet.

Tom summarized his presentation by saying that he believes the team did a good job of trying to figure out what could be done that would be compatible with the Brookman Road Concept plan. There is no consensus at this time on the project team if there is even going to be a southern arterial or a southern alignment. From everything he has seen and heard, everyone wants to be sure that whatever is done is compatible with the Brookman Road Concept Plan.

Julia added that at the last Planning Commission meeting when this discussion was continued they weren't sure what the I-5/99W Connector was going to mean to Brookman Road. It sounds now like it may open up some more access which would increase the potential to add more employment land in the area. The transportation plan does not seem to be effected.

Julia introduced **Bill Reed from Johnson-Gardener** whom she had invited to speak to the Commission about the viability of additional employment land in the concept plan area. Bill stated that the market analysis that was done early in the process assumed that there would be no true connectivity for the southwest portion of the Brookman sight study area. Without the connectivity it is a very challenging area to try to get a lot different types of employment uses. Being at the very edge of the City and the UGB, lack of connectivity becomes an issue for attracting employers because of visibility issues and the potential use of Hwy 99. Mr. Reed indicated that with connectivity to I-5, everything changes with regard to employment uses. Retail/Commercial and Services development bumps up in terms of likelihood and feasibility, but not as dramatically as business park developments, light industrial uses, wholesale and light warehouse industrial distribution that would all take advantage of the quick connection to I-5. With the existing transportation system, over time as absorption occurs in Tualatin and Sherwood's industrial areas to the north and the east, the employment area that is being targeted in this area will become less feasible for lots of different types of non-retail users. However, with the connection to I-5 it is as compelling a site as many industrial sites in the area.

Chair Allen asked if the 10 to 26 acre range currently supported with no transportation investment would increase by factors of a few percent or multiples.

Bill's response was the he believes it will increase by multiples and a broadening of the types of uses would occur.

Commissioner Lafayette asked if he would recommend expanding what the offering is for that area and adding other non-retail type uses.

Bill agreed that it would be worthwhile looking at those types of uses and sees that it has the potential to broaden the uses well beyond commercial retail and potentially higher wage jobs.

Chair Allen asked if the type of development that has occurred along Upper Boones Ferry is similar to what we might see.

Bill agreed. He believes that this type of use would allow business owners and entrepreneurs that are moving to Sherwood to have ownership of industrial space of their own for wholesaling businesses and that type of use. This would enable a lot more local business creation.

Julia summarized by saying; we have a concept plan that could stand as is. If the transportation system was different, perhaps you could support more employment land and ultimately a policy decision for council will be to act now on what we know or do something different considering what may be. She urged the commission to keep that in mind as they determine what to forward to the City Council.

Commissioner Lafayette asked if Brookman Road ends up being an interim connector or a parallel connector, would it be recommended to remove some of the commercial area or remove some residential area.

Bill indicated that he doesn't believe an interim connector with a change over time will make that much difference in overall appeal of that part of the Concept Plan. On the retail side the knowledge that Brookman would be an interim connector would be a deterrent as developers would know that they would lose that visibility and connection in time. If the goal is to maximize local employment opportunity, then he believes that it would be worthwhile to explore increasing light industrial uses for employment purposes. The balance would need some more research on traffic numbers over time. Just the fact of being close to that intersection of Hwy 99 and the new connector to I-5 make it a very compelling site for these other uses.

Commissioner Lafayette stated that from experience these types of uses have different traffic patterns than what would already be generated by the residential use; would we potentially be reducing some of the traffic problems generated by putting in so much residential zoned land because we would have a different mix of traffic flow?

He said he would defer this question to the Traffic Engineers, but that the users coming into this type of land are relying on trucks having access to and from I-5 and then largely being South Washington County and Yamhill county serving firms so there would be a significant drop in the peak AM/PM major traffic load pattern. The daytime traffic, business traffic and industrial traffic would change accordingly. If the idea is to change the commuter pattern, peak AM peak PM that would absolutely have an effect.

Chair Allen posed a statement to Julia. He sees that there is a preference for more jobs vs. more houses. He is leaning toward recommending allowing zoning that would preserve the ability to capture the good community outcome from transportation investments, then if they find out down the road that they are not going to happen take a look at it again, but not to eliminate those options altogether at this time.

Julia indicated she understood. She has been looking for ways to move this out of the Planning Commission's responsibility onto a policy level decision. One option she is

contemplating would be to propose a recommendation to adopt the concept plan with an employment reserve that is not implemented for the central area, and maintain the ability to evaluate the plan at future date.

Julia summed up by stating that the commission has been given the information they had requested. They have talked with the Parks Board, discussed traffic in more detail, discussed economics, and discussed the I-5/99 connector. She would like to recommend opening up another public hearing and allowing the public to speak to all of the items the commission has been thinking about and then have the Commission deliberate on what to forward to the City Council. She can be prepared to recommend some options for policy after or as the Commission is hearing the information.

Due to holidays in November it was determined that the December 9th meeting would be the best time for public hearing.

A motion was made to continue the Brookman Road Addition Concept Plan to the December 9th meeting. All were in favor. The next public hearing will be December 9th, 2008.

8. New business – Chair Allen opened the public hearing for SP 08-08 the Winslow Site Plan.

Michelle Miller presented the Staff report for the Winslow Site Plan, located on Galbreath Dr. The project site is a 2 acre vacant lot. The proposed project will include a general industrial building on the site approximately 32,000 sq. ft. with 56 parking spaces. The site plan drawn includes an interesting feature in that the applicant plans to use low impact development for the storm drainage include flow-through planters that increase the landscaping on site. Michelle stated that there is an amended condition that the applicant is requesting and staff is supportive of. As proposed by the applicant, Condition C-4 will now read: prior to approval of the public improvements plans submit a signed non-remonstrance agreement to fully and completely waive the right to remonstrate against the formation of a local improvement district or other similar mechanism to fund future road improvements along SW Galbreath and a fair portionment of the cost of the signal at SW Gerda and SW Tualatin-Sherwood Road.”

Michelle stated that Washington County has noted safety concerns at the Galbreath/Gerda intersection and The City is in the process of establishing an Inter-Governmental Agreement with Washington County to fund the improvement of a signal at that intersection.

Michelle summarized stating that Staff recommends approval of the site plan.

Commissioner Lafayette asked about items on pages 17 and 18 in reference to Pride Disposal.

Michelle’s responded that the applicant has revised their site design to meet Pride’s requirements.

Commissioner Lafayette asked about the condition F-6 that states:” submit verification that the proposed tenants fall within the industrial use and not office category that are permitted in General Industrial zone.” And questioned how this can be required when office uses are allowed.

Chair Allen stated that the way he is reading the condition is that on a blank piece of ground you can do warehouse or office. The applicant has proposed to do a warehouse. Since the lot has been sited, the parking has been calculated and all of the other condition have been met the applicant has now locked themselves into this use only. Michelle concurred with Chair Allen’s statement.

Chair Allen opened the public testimony portion of the hearing.

Betty Sheppard of Mildren Design Group spoke on behalf of the applicant. She indicated that the building orientation will be back to back with the Treske building, leading to the storefront entries being on the southwest of the building. The building has been designed for up to 6 tenants each with a drive-in door and a shared dock. No large truck traffic is anticipated. They have added some architectural interest at each entrance. The building is designed with several “green” features to increase the energy efficiency of the building. The applicant agrees with the conditions of approval.

Commissioner Lafayette mentioned the concerns of safety at the intersection of Gerda and Tualatin/Sherwood Road.

Michelle explained that there is an agreement that has been made between Washington County and the City to address changes at that intersection.

There was no other testimony for or against the proposal; therefore Chair Allen closed the public hearing.

The Commission briefly discussed the proposal and a motion was made by Commissioner Lafayette to approve SP08-08 Winslow Site Plan. Motioned seconded and all were in favor. Motion carried.

Commission Comments - Commissioner Lafayette asked why the lighting plan was not required on the Winslow Site Plan. Michelle responded that when it is a general condition that all of the city ordinances, and codes be followed, then they are not required to include that information on the site plan.

No other Commission comments were raised.

8. Next Meeting: December 9 , 2008

Chair Allen closed the meeting at 8:55 pm

End of minutes.

Signed:


Julia Hajduk, Planning Manger**I. INTRODUCTION**

This report is the second staff report to the Planning Commission for the Brookman Addition Concept Plan. This report builds upon the June 3, 2008 staff report by reflecting the information and direction received from the Planning Commission during a series of work sessions held between June and October 2008. All exhibits and background information that contributed to the original staff report and this update are identified in Section VI of this staff report. For simplicity purposes, this report continues to reference the original proposed Comprehensive Plan policies, map and concept plan and recommends conditions as needed to modify the original documents to reflect additional information or modified direction.

This staff report and findings of fact is a compilation of land use planning proceedings for the development of a neighborhood concept plan for the Brookman Addition. The draft Concept Plan is included as Attachment 1 with Attachment 2 being an Appendix to the Concept Plan. The Concept Plan will be adopted and implemented through amendments to the Comprehensive Plan (Part 2) including proposed text changes to Chapter 8 (Attachment 3) and a proposed map amendment (Attachment 4). Further implementation of policies and recommendations in the newly adopted portions of the Comprehensive Plan will be forthcoming through amendments to the Sherwood Zoning & Community Development Code (SZCDC - Part 3), Transportation System Plan, Water Master Plan, Sanitary Sewer Master Plan, Park Master Plan and Stormwater Master plan. Finally, application of the Comprehensive Plan zone designation will not occur until the property is actually annexed into the City of Sherwood, at which time it is recommended that an annexation plan be required to ensure funding for necessary improvements, Transportation Planning Rule (TPR) compliance and implementation of the Concept Plan vision.

The report is organized into the following sections:

- I. Introduction (above)
- II. Background (Public Involvement & Proposal Overview)
- III. Affected Agency, Measure 56 Public Notice, and Public Comments
- IV. Type 5 – Legislative Plan Amendment Criteria and Findings of Fact
 - A. Local standards
 1. SZCDC – Section 4.203.01 Plan Text Amendment
 2. SZCDC - Section 4.203.02 Plan Map Amendment
 3. Comprehensive Plan policies
 - B. State standards
 1. Transportation Planning Rule (TPR) - OAR 660-012-0060
 2. Statewide Land Use Planning Goals
 - C. Regional standards
 1. Metro Ordinance No. 02-969B
 2. Metro Urban Growth Management Functional Plan - Title 11
- V. Recommendation
- VI. Attachments

Background

The purpose of this Brookman Addition Concept Plan is to provide a conceptual guide to the area's development as a new addition to Sherwood. As such, it articulates a clear and coherent vision for the area. The Concept Plan identifies future land uses, parks and trails, natural resource areas, transportation improvements, and public facilities – all guided by planning efforts developed with substantial public involvement.

This Concept Plan implements Metro's decision in 2002 to expand the regional urban growth boundary (Metro Ordinance 2002-969B). The Sherwood City Council initiated the public process to comprehensively plan for the area prior to annexation and development. This represents an update of a similar plan completed in 2000 for this area. The *Southern Expansion Concept Plan*, developed in 2000, was primarily for discussion purposes. While it was never fully adopted, that plan was detailed and went through a public involvement process. For those reasons, elements of that plan were considered in the development of this concept plan.

The plan area consists of 247 acres and is located at the southern edge of Sherwood. A relatively narrow swath of land (only 1,300 feet wide in its north-south dimension), it is generally defined as bordered by Pacific Highway (99W) to the west, Brookman Road to the south, Ladd Hill Road to the east and existing residential development (and the current city limits) to the north.

Running north-south through the site are the Old Pacific Highway, an existing rail corridor and Cedar Creek. The land is a combination of moderately sloped areas adjacent to Goose Creek and Cedar Creek, and the lower slopes of Ladd Hill along Ladd Hill Road. These landforms and drainages create a series of small hills and dips that one experiences when traveling east-west along Brookman Road.

To the north, the Brookman Addition is bordered by existing residential neighborhoods and Sherwood's largest master planned community, Woodhaven. The area is approximately 2 miles from downtown Sherwood via the direct connection of Main Street and Ladd Hill Road (one of few continuous north-south routes in the City). Brookman Addition borders rural and agricultural lands to the south, which transition to the beautiful and visually impressive slopes and ridgeline of Ladd Hill.

Process and Public Involvement

The Concept Plan was developed by a 16-member Steering Committee representing residents and property owners in the Brookman Road area, Sherwood citizens, the Woodhaven Homeowners Association, the Arbor Lane Homeowners Association, Sherwood City Council and Planning Commission, Sherwood Parks Board, Sherwood School District, Metro, Washington County, Clean Water Services, Oregon Department of Transportation, and Raindrops to Refuge. The committee met seven times between May 2007 and February 2008.

In addition to the Committee meetings, additional process steps and community involvement included:

- Study area tour by the consultant team
- Two public open houses
- Project website with regular updates
- On-line opportunities to comment following the open houses
- Monthly updates in the Sherwood Gazette
- Email notice and extensive mailing prior to each public event

Early and continuous public outreach and involvement was coordinated and timed to coincide with project tasks and key outcomes. The major milestones in the process were:

- Development of a public involvement plan
- Inventory of base conditions and projections of market demand, land use, transportation, natural resources and infrastructure needs
- Establishment of project and concept plan goals
- Development of three alternative concept plans
- Evaluation of alternatives and development of a draft concept plan incorporating the most desired elements
- Refinement of the concept plan and preparation of implementation strategies
- Submission and endorsement of the final Concept Plan and implementation strategies

Appendix A to the Draft Concept Plan is the public involvement report providing a detailed list of the public involvement milestones and outcomes during this process.

Proposal Overview

The Comprehensive Plan was amended in 2006 with the implementation of the Area 59 Concept Plan to provide a framework for future concept plans. The proposal is to adopt the Brookman Addition Concept Plan by reference and incorporate the key findings and recommendations from that concept plan into Chapter 8 of the Comprehensive Plan (Urban Growth Boundary Additions). Implementation of the Concept Plan as part of this proposal will also include the adoption of amendments to the Comprehensive Plan Map to include new zoning designations for the Brookman Road area. The actual zone does not change until annexation occurs.

III. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

The City of Sherwood sent an electronic notice to DLCD on April 25, 2008, 45 days prior to the first evidentiary hearing. Notice was sent to Metro and ODOT on May 13, 2008. Mailed public notice, including Measure 56 notice, was provided on May 21, 2008, which exceeds the City requirement of 10 days prior to the first evidentiary hearing. In addition, Metro's Title 11 (Chapter 3.07.1140) requires notice sixty (60) days prior to adoption. Notice was sent to all agencies on May 22, 2008 therefore Metro has received notice more than 60 days prior to adoption.

Agency Comments

Formal agency comments are included in the record and attached as Attachment 5A-5F. The following is a summary of agency and public comments received:

PGE indicates that "PGE has overhead poles & wire (facilities) on Brookman Rd.(the portion running N/S) west of Ladd Hill Rd. PGE overhead on Brookman Rd. running east - west on the south side of Brookman Rd. all the way to Pacific Hwy 99W. We have OH facilities on Old Pacific (Capital) Hwy. north of Brookman rd., SW Middleton Rd. north of Brookman & on SW Pearl St. off Middleton. These facilities could be relocated or undergrounded. per PGE Tariff filed with the PUC of Oregon. PGE would not underground our facilities if it didn't involve 5 poles or more at one time. If the subdivision development along any of the above mentioned roads were to be done, the city would need to provide the necessary facilities to underground our lines beyond the current development, if that development involved less than 5 PGE poles.

Any of the distribution lines, transformer and services currently serving PGE customers would be removed or relocated according to the disposition of the property it serves. If the structure was demolished PGE would remove any facilities that did not require a metered service or customer any more. If the home or facility we are serving remains within the new development, the developer would

be responsible for undergrounding the existing OH facilities or rerouting the current underground facilities with PGE replacing or rerouting their facilities.

PGE has no transmission (115KV and above) facilities within this current Brookman Study area.”

Clean Water Services provided general comments that will apply when development occurs but also noted that the area would need to be annexed into Clean Water Services District boundaries before any development could occur that would require Sanitary or storm sewer.

Washington County indicated that they did not have specific comments at this time, but noted that Brookman Road and Middleton are County Facilities.

Kinder Morgan, The City of Sherwood Broadband Manager and **ODOT Sign Program** responded indicating that they did not have any comments.

ODOT submitted comments prior to the public hearing with recommended changes to ensure compliance with the Transportation Planning Rule. There recommendations have been incorporated in to the staff report. The ODOT letter is Exhibit 5F.

Public Comments

Public comments may be provided at any time prior to the close of the public hearing, The Commission took verbal and written testimony and left the record open at the end of the June 10th meeting. Written public comments between the June 10th meeting and the date of this report are identified as Exhibits 6a-6j. The Commission heard many issues raised by the public and determined they wanted more information prior to taking action. The Commission held five (5) work sessions discussing elements of the concept plan, primarily in response to public input received.

IV. REQUIRED FINDINGS FOR A PLAN TEXT AMENDMENT

A. Local Standards

The City shall find that the following criterion is met by the proposed amendment:

1. Section 4.203.01 Text Amendment Review Criteria

“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.”

FINDING: The following section of this report addresses the need for the plan map and text amendments as well as consistency with the Plan policies and applicable regional and state standards.

2. Section 4.203.02 Map Amendment Review Criteria

A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

Compliance with the Comprehensive Plan policies is discussed below in IV.A.3

B. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of the

City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.

Metro underwent an exhaustive and rigorous process to determine a regional residential land supply and made a policy decision to add the Brookman Addition (Area 54/55) into the Urban Growth Boundary. In addition, at the beginning of the process to develop the concept plan, a market analysis was done to determine the need for the zones currently proposed. This analysis found that the need exists for the zones proposed. During Planning Commission work sessions, much discussion occurred regarding whether additional employment land could be supported in this area given the Economic Opportunities Analysis (EOA) the City has recently adopted. Based on initial Commission direction, the consultant team re-designed the concept plan to increase employment to 28.71 acres (which is roughly equivalent to the high end demand identified in the market analysis) and modified the density accordingly to stay within the Metro requirements. Based on this revision, DKS determined that an increase in employment land had no significant effect on the transportation system and identified improvements.

During the discussions with the Commission and the consultant team it was revealed that the market analysis assumed the existing transportation system and did not factor in increased transportation connections resulting from a new road south of the project area. Bill Reid of Johnson Gardner spoke to the Commission and indicated that, if a good transportation connection were available south of the project area, it would open up the project area to better market conditions and would likely support more employment land. However, designation of employment land that is not supported by a good transportation system could result in no growth or "low" growth (single story, low investment).

FINDING: As recommended by the Steering Committee and in consideration of the EOA, the Commission does not concur that there was adequate demonstration for the amount of employment land compared to residential land proposed. The Commission finds that substantial evidence supports employment land at the high end of the market analysis recommendations and the following condition:

CONDITION: Modify the concept plan consistent with (Exhibit 9-2) which provides 28.71 acres of employment land and adjusts the remaining residential densities to maintain the required 10 dwelling units per acre. Modify the corresponding comprehensive plan map (exhibit 9-3) and proposed comprehensive plan changes accordingly to reflect the updated metrics.

C. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.

Clearly, the proposal is timely given the Brookman area was added to the UGB in 2002 and the original deadline to complete concept planning was March 2006. While Metro approved an extension for two years for the development of a concept plan to allow the City additional time to secure funding and see how the I-5/99W connector project was proceeding, a concept plan still must be completed to comply with the Metro requirements. The concept plan outlines the need for new residential, commercial and

office land in a pattern that is interconnected where possible and compatible in land use. The concept plan has determined that public facilities are available and could be extended to serve the concept plan area. The planning effort identified cost estimates, however, because the cost to extend services exceeds existing funds and funding sources in some instances, it is recommended that prior to annexation, a potential developer work with the City to submit a plan for how they intend to develop the area and provide services. The plan would need to be approved by the City Council prior to or concurrent with annexation.

FINDING: As discussed above, because utilities are not immediately available to serve this concept plan area, it is recommended that annexation of the area be subject to a detailed plan for funding and extending services. This is condition further in this report under B (State standards), 1 (Transportation Planning Rule).

D. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.

This criterion is intended for zone change applications for land inside the city limits instead of new UGB additions and therefore, this standard is not applicable to UGB expansion areas. In addition, based on the market analysis performed at the beginning of the concept planning process, it was found that additional properties with the proposed zones are needed to meet a demonstrable need, regardless of the "other lands in the City already zoned for the proposed uses".

FINDING: As discussed above, this standard is satisfied.

3. Comprehensive Plan Policies

Chapter 4:

Section E (Residential Land Use), Subsection 2 (Residential Planning Designations)

Policy 1 - Residential areas will be developed in a manner which will insure that the integrity of the community is preserved and strengthened.

Policy 2 - The City will insure that an adequate distribution of housing styles and tenures are available.

Policy 3 - The City will insure the availability of affordable housing and locational choice for all income groups.

Policy 4 - The City shall provide housing and special care opportunities for the elderly, disadvantaged and children.

Policy 5 - The City shall encourage government assisted housing for low to moderate income families.

Policy 6 - The City will create, designate and administer five residential zones specifying the purpose and standards of each consistent with the need for a balance in housing densities, styles, prices and tenures.

The plan is consistent with the residential planning designation policies by providing a range of densities from Medium Density Residential Low to High Density Residential which will provide for a mix of housing types that meets the needs at all income levels, including single-family detached and attached, townhouses, condominiums and apartments. Of the five potential residential zones available, three have been allocated for the Brookman Area. This mix of densities provides the Metro-required average density of 10 units per acre while allowing for transitions from the existing residential areas to the north towards a higher density mixed use neighborhood center along Old Pacific Highway.

FINDING: The concept plan and proposed map and text amendment are consistent with these policies.

Section I.2 (Commercial Planning Designations)

Policy 1 - Commercial activities will be located so as to most conveniently service customers.

Policy 2 - Commercial uses will be developed so as to complement rather than detract from adjoining uses.

Policy 3 - Highway 99W is an appropriate location for commercial development at the highway's intersections with City arterial and major collector roadways.

The concept plan is consistent with the applicable commercial designation policies by providing for commercial uses within close proximity to 99W and along Old Pacific Highway, a designated Collector. The locations are conveniently located to serve the High Density Residential and Medium Density Residential zones within the concept plan area as well as the existing community.

FINDING: The concept plan and proposed map and text amendment are consistent with these policies as proposed and modified with recommended conditions.

Section K.2 (Industrial Planning Designation)

Policy 1 - Industrial uses will be located in areas where they will be compatible with adjoining uses, and where necessary services and natural amenities are favorable.

Policy 2 - The City will encourage sound industrial development by all suitable means to provide employment and economic stability to the community.

The plan proposes light industrial office uses as a complement to the commercial and residential uses proposed. Because the LI zone allows manufacturing, which may not be compatible with the residential portion, it may be necessary to limit the uses to ensure the area is developed in the way envisioned in the concept plan. This can occur through the master planning process recommended for the western area (discussed further in this report) and further implementation of the concept plan vision through updates to the development code.

FINDING: The concept plan and proposed map and text amendment are consistent with these policies as proposed and modified with recommended conditions.

Section O (Community Design)

Policy 1 -The City will seek to enhance community identity, foster civic pride, encourage community spirit, and stimulate social interaction through regulation of the physical design and visual appearance of new development.

Policy 2 - The formation of identifiable residential neighborhoods will be encouraged.

Policy 3 - The natural beauty and unique visual character of Sherwood will be conserved.

Policy 4 - Promote creativity, innovation and flexibility in structural and site design.

The plan and plan policies meet the above policy goals by establishing a conceptual plan that includes preservation of open spaces, parks, an integrated trail system, mixed use commercial areas and both residential and commercial/office uses in close proximity to reinforce the area as a new residential neighborhood that is also connected to and expands upon the existing community.

FINDING: The concept plan and proposed map and text amendment are consistent with these policies.

Chapter 5:

Section C.3 (Natural resources and Hazards)

Policy 2 - Habitat friendly development shall be encouraged for developments with Regionally Significant Fish and Wildlife Habitats identified as Map V-2

Policy 3 - Prime agricultural soils will be reserved from development until required for other uses

Policy 4 - Provide drainage facilities and regulate development in areas of runoff or erosion hazard.

Open space, fish and wildlife habitat, and historic resources (Goal 5) will be protected. The plan has been developed with consideration of Metro's Goal 5 inventory. The concept plan reflects those areas identified under the Tualatin Basin Program as undevelopable by removing them from the density calculations. Underlying zoning has been applied, even to those identified as potential natural resources, because on the ground determinations were not made as part of this project. The City can and will require a wetland determination and delineation of wetlands and floodplains when a land use action is proposed if deemed necessary.

FINDING: The concept plan and proposed map and text amendment is consistent with these policies.

Section E.3 (Recreational Resources Policies)

Policy 1 - Open Space will be linked to provide greenway areas.

Policy 2 - The City will maximize shared use of recreational facilities to avoid cost duplication.

Policy 5 - The City will protect designated historic and cultural landmarks in accordance with the Code standards.

The plan is consistent with the applicable recreational resources Policy 1 by providing linked greenways connecting to exiting greenways and providing a trail network connection both the new development and the existing developments. The plan also recommends combing water quality facilities with parks and open spaces to maximize shared uses consistent with policy 2.

Regarding Policy 5, the planning process did not evaluate historic features as part of this scope, and therefore there are no "designated" historic resources. Staff conducted a review of state database records as well at the City's inventory of historic resources and found none previously designated. However there are some "features" of potential historical significance. Most notably is the Middleton Cemetery which was platted by the County in 1899 and the "Town of Middleton" which was originally platted in 1889 with some right of way vacations in 1911. The plan assumes that the cemetery will remain undeveloped and the Plan builds upon the historic Middleton subdivision pattern by keeping the street network generally intact. A review of the tax assessor's data indicates that the oldest structure was built in 1901 (24351 SW Middleton Rd). There are 6 additional structures built prior to 1930 which are generally located in the vicinity of the Middleton Subdivision. While there is no proposal to formally identify resources within this area as historic, the development code currently specifies a process for designation of Historic Landmarks. Should the Council,

property owner or citizens initiate a landmark designation, it would be reviewed consistent with Chapter 16.166.030 of the Sherwood Development Code as a Plan Amendment.

FINDING: The concept plan and proposed map and text amendment are consistent with these policies.

Section F.(Energy Resources)

Policy 4 - The City will encourage energy efficiency in the design and use of sites, structures, transportation systems and utilities.

The area has been designed, consistent with Metro requirements, to provide an average residential density of 10 units per acre with higher densities focused around a mixed use commercial and employment area. This compact design with multi-modal transportation choices encourages energy efficiency by providing opportunities for people to live near where they work and walk instead of drive.

FINDING: The concept plan and proposed map and text amendment are consistent with these policies.

Chapter 6, Goal 1

Provide a supportive transportation network to the land use plan that provides opportunities for transportation choices and the use of alternative modes serving all neighborhoods and businesses.

Policy 1 – The City will ensure that public roads and streets are planned to provide safe, convenient, efficient and economic movement of persons, goods and services between and within the major land use activities. Existing rights of way shall be classified and improved and new streets built based on the type, origin, destination and volume of current and future traffic.

Policy 2 – Through traffic shall be provided with routes that do not congest local streets and impact residential areas. Outside traffic destined for Sherwood business and industrial areas shall have convenient and efficient access to commercial and industrial areas without the need to use residential streets.

Policy 3 – Local traffic routes within Sherwood shall be planned to provide convenient circulation between home, school, work, recreation and shopping. Convenient access to major out-of-town routes shall be provided from all areas of the city.

Policy 4 – The City shall encourage the use of more energy-efficient and environmentally-sound alternatives to the automobile by:

- The designation and construction of bike paths and pedestrian ways;
- The scheduling and routing of existing mass transit systems and the development of new systems to meet local resident needs; and
- Encouraging the development of self-contained neighborhoods, providing a wide range of land use activities within a single area.

Policy 6 – The City shall work to ensure the transportation system is developed in a manner consistent with state and federal standards for the protection of air, land and water quality, including the State Implementation Plan for complying with the Clean Air Act and the Clean Water Act.

Policy 7 – The City of Sherwood shall foster transportation services to the transportation-disadvantaged including the young, elderly, handicapped, and poor.

Policy 8 – The City of Sherwood shall consider infrastructure improvements with the least impact to the environment.

The planned transportation system is generally consistent with the existing Transportation System Plan (TSP) by providing as much connectivity as possible while respecting the natural resources and physical barriers such as the railroad, topography and Pacific Highway. Recommendations for specific improvements will ensure that traffic routes and intersections are not congested beyond acceptable levels. The recommendation to limit traffic on Red Fern to no more than 1,000 vehicles per day (VPD) addresses Policy 2 by ensuring that, if a connection is made to Red Fern, it will not result in congestion of local streets beyond a typical local street standard. This is reflected in proposed Policy 4.10. There was considerable discussion at the public hearing and in the Commission worksessions about whether the Red Fern connection was needed and whether there were options available to ensure the 1,000 vpd standard was met after a project was built. Chris Maciejewski of DKS spoke at the July 22, 2008 work session and provided information as well as discussed options for ensuring the traffic volumes were not exceeded. While the comprehensive plan and concept plan policies are clear, to address this concern it is recommended that an additional comprehensive plan standard be included stating that the concept plan area, specifically the area adjacent to the Red Fern connection cannot be annexed (and hence developed at the identified densities) until development code amendments are adopted to fully implement the comprehensive plan policy amendments.

The transportation concept was developed with consideration to the infrastructure costs and potential impact to the environment and, as a result, fewer connections through natural resource areas are planned.

FINDING: As discussed above, while the proposed concept plan and Comprehensive Plan zoning is consistent with this policy a condition is recommended to ensure the development code is updated to fully implement the policies prior to annexation.

CONDITION Add a new Comprehensive Plan policy “8.2” which states: “to facilitate and ensure implementation in accordance with the concept plan policies, annexation of the properties within the Brookman Addition concept plan area may not occur until development code amendments are made to implement applicable policies, including but not limited to policy 4.10.”

Chapter 7:

Objective 1 – Develop and implement policies and plans to provide the following public facilities and services: public safety fire protection, sanitary facilities, water supply, governmental services, health services, energy and communication services, and recreation facilities

Objective 2 - Establish service areas and service area policies so as to provide the appropriate kinds and levels of services and facilities to existing and future urban areas. (Page 2)

Objective 3 - Coordinate public facility and service plans with established growth management policy as a means to achieve orderly growth. (Page 2)

Objective 4 - Coordinate public facility and service provision with future land use policy as a means to provide an appropriate mix of residential, industrial and commercial uses. (Page 2)

The City of Sherwood will be the primary provider of urban services with the exception of fire protection. Service areas will not extend outside the Brookman area with the exception of sanitary sewer which is proposed to extend within the creek bed of Cedar Creek. This creek runs outside the existing UGB for a distance of approximately 2,250 feet before returning back to the Brookman area and continuing northwest; however, this line will not provide sewer service to any areas outside the UGB. The plan has been developed with consideration of existing and recently adopted master plans and considered the appropriate mix of residential, industrial and commercial uses with the ability to serve them in mind.

FINDING: The concept plan and proposed map and text amendment is consistent with these policies.

Chapter 8 (Urban Growth Boundary Additions)

Policy 1 - Focus growth into areas contiguous to existing development rather than "leap frogging" over developable property.

Policy 2 - Encourage development within areas that have access to public facility and street extensions in the existing city limits.

Policy 6 - Provide multi-modal access and traffic circulation to all new development that reduces reliance on single occupant vehicles (SOV) and encourages alternatives to cars as a primary source of transportation.

Policy 7 - Establish policies for the orderly extension of community services and public facilities to areas added for new growth consistent with the ability of the community to provide necessary services. New public facilities should be available in conjunction or concurrently with urbanization in order to meet future needs. The City, Washington County, and special service districts should cooperate in the development of a capital improvements program in areas of mutual concern. Lands within the urban growth boundary shall be available for urban development concurrent with the provision of the key urban facilities and services.

Policy 8 - Provide for phased and orderly transition from rural to suburban or urban uses. Larger UGB expansion areas shall include a phased development plan to achieve a sustainable transition over time.

The plan has been developed consistent with the applicable Urban Growth Boundary Addition policies 1, 2 and 6 by providing for a transportation system that builds upon the existing network along with mitigating improvements where impacts are anticipated. Development is planned with higher densities near employment and retail areas along with a network of walking trails connecting the developments within the concept plan area and the existing community. The Brookman Addition is contiguous to the existing city limits and no "leap frogging" over developable property is proposed.

Through the implementation and annexation of the Concept Plan area, it is recommended that an annexation plan be required prior to consideration for annexation. A plan for annexation should detail more specifically a proposed development plan consistent with the Concept Plan along with a funding plan to ensure that improvements are made in an orderly and sustainable manner. By making this a condition of any annexation within this area, Policies 7 and 8 identified above would be

addressed. This is discussed in more detail and an additional condition recommended further in this report under discussion of the Transportation Planning Rule (IV.B.1)

FINDING: As discussed above, the Urban Growth Management Policies are not fully met, but will be met as conditioned further in this report.

B. State Standards

1. **Transportation Planning Rule (TPR):** The City finds that the proposed concept plan complies with applicable requirements of the state Transportation Planning Rule (OAR 660-12-0060) Plan and Land Use Regulation Amendments:

(1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:

- (a) Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;
- (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;
- (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or
- (d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.

(2) A plan or land use regulation amendment significantly affects a transportation facility if it:

- (a) Changes the functional classification of an existing or planned transportation facility;
- (b) Changes standards implementing a functional classification system;
- (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
- (d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

The plan does not envision changing the functional classification of any of the existing roads from the current TSP; however, without mitigation, the concept plan zoning would reduce the performance standards below the minimum acceptable level of the TSP. It is therefore determined that the plan, once implemented via annexation and assignment of the specific zoning, would significantly affect the transportation system. Staff has analyzed the plan for compliance with the Transportation Planning Rule (TPR). The plan has been developed to comply through a combination of 1a-1c. Specifically:

1a - as the plan was developed, commercial zones were modified/limited from the original plans to ensure level of service remained within acceptable ranges on existing roads and intersections. The plan provides for high density residential near mixed use, commercial and office areas which will allow and encourage non-vehicular transportation. In addition, the plan identifies a network of multi-use paths that will

encourage residents to walk to the new commercial areas as well as connect to the existing pedestrian system that connects to Old Town.

1b - The TSP will need to be updated to ensure full compliance with the TPR to reflect the recommendations of the Concept Plan. The TSP is scheduled for an update to address a few specific issues as well as to incorporate assumptions and recommendations of the concept plan.

1c - The plan and specifically Appendix B (Attachment 2) identifies specific improvements and costs to mitigate the impacts to comply with the TPR and level of service (LOS) standards. In order to fully comply with the TPR, a funding commitment for the improvements specified to comply with the TPR must be demonstrated. The plan identifies potential funding sources/options but does not provide or recommend a specific funding plan or mechanism for funding specific improvements. Because properties cannot develop until they have been annexed and zoning subsequently changed to reflect urban zoning, it is necessary and appropriate to require that, prior to annexation, an annexation plan, accepted by the City via resolution, be required that identifies specific improvements. ODOT provided comments indicating that the annexation plan must also establish a funding mechanism or combination of mechanisms to ensure that land is not brought into the City and zoned for urban development without funding determined.

FINDING: As discussed above, in order to fully comply with the TPR, the plan must specifically state that the City is confident that they will be able to fund the improvements identified in the concept plan and is committed to funding improvements with the funding options identified in the Plan. Upon annexation and assignment of zoning, the City must specifically identify a funding mechanism or combination of funding mechanisms for the improvements identified. Therefore, the following condition is needed.

CONDITION: Modify the proposed Comprehensive Plan policies to create a policy 8.2.a stating that "Annexation, and assignment of zoning can only occur if a plan is prepared and adopted to ensure that a funding mechanism or combination of funding mechanisms are in place for the necessary infrastructure improvements consistent with the funding options identified in the concept plan and in full compliance with the Transportation Planning Rule."

2. Statewide Land Use Planning Goals

Goal 1: Citizen Involvement – This Goal calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

Appendix A to the concept plan (Attachment 2) provides a summary of the citizen involvement opportunities provided through the development of the Steering Committee recommendation. The Planning Commission, which is the designated Citizen Involvement Committee under this goal, provides advisory recommendations to the City Council for review and adoption.

FINDING: The plan has been developed consistent with this Goal.

Goal 2: Land Use Planning - outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

The concept planning process weighed a number of land uses and zoning designations that address the local, state and regional standards. The plan was developed based on factual information regarding existing conditions and projected demands on infrastructure and density. The plan was developed with Washington County, Metro and ODOT representation on the Steering Committee and adjacent communities notified of key actions, updates and meetings through the interested parties' list notifications.

FINDING: The plan has been developed consistent with this Goal.

Goal 3: Agriculture

This goal does not apply.

Goal 4: Forestry

This goal does not apply.

Goal 5: Natural Resources - covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

The plan was developed using the Metro inventory of significant natural resources and, once brought into the City, the Tualatin Basin Program as implemented by the City will apply. The City implemented the Basin program in 2007 after over 5 years of regional, county-wide and local discussion of the resource values compared to the ESEE consequences of prohibiting development in those resources. Because the Basin program as implemented by the City is compliant with Goal 5 at both the Regional and State level, additional Goal 5 analysis was not conducted for this project in respect to natural resources.

As discussed previously under IV.A.3, Chapter 5, Section E.3, the project did not include scope to analyze in depth the potential for historic resources and none were raised as significant at the steering committee or public open house discussions. State rules encourage inventorying of historic resources, but does not mandate it to comply with Goal 5. In addition, unless a property owner accepts being designated as a historic resource, the City cannot designate a specific property as a historic resource that is subject to restrictions. Because the concept planning process did not designate historic resources, this element of the goal 5 standards is not applicable.

FINDING: The plan has been developed consistent with this Goal.

Goal 6: Air and Water Quality - requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Sherwood is located in the Portland Metropolitan Air Quality Management Attainment Area. The proposal encourages alternative modes and transportation demand management to reduce reliance on the automobile and improve air quality.

FINDING: The plan has been developed consistent with this Goal.

Goal 7: Natural Hazards - deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.

FINDING: This goal does not apply to this concept plan as the City already has "appropriate safeguards" in place for development within the floodplain.

Goal 8: Recreation - This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.

The plan in Exhibit A provides for approximately 6.21 acres of neighborhood and community park land in addition to tot lots and open spaces associated with natural resource protection, pedestrian paths and water quality facilities. While the intent was that the allocation of park land was based on the existing comprehensive plan dwelling unit to park acreage ratio, it was determined that the park acreage had not been updated when the dwelling unit number was updated. Upon additional review during the work sessions and consideration of hybrid modifications to allow additional employment land, the actual park acreage was determined to be 8.29, not including tot lots. In order to fully implement the park standard an update to the Park System Master Plan to ensure this acreage is factored into the Parks Board program and allocation of potential SDC's will be needed. In addition, it will be necessary to update the development code to require the dedication of land for small neighborhood lots in conjunction with individual developments to ensure that the "tot-lots" are provided in addition to the community and neighborhood parks at the local level.

While there has been some discussion from concerned property owners that the park locations identified in the hybrid plan are inappropriately located due to topography and proximity to natural resources, it is understood that the locations identified only conceptually illustrate the overall size of parks and the desire to distribute the parks amongst the 2 sub-areas. To ensure this is more clear, it is recommended that proposed comprehensive plan policy 5.1 be amended to state "Establish an open space network consistent with the Open Space Framework plan in terms of overall park acreage, general size of neighborhood and community parks and distribution of parks amongst the 3 sub-areas. The ultimate locations of parks shall be determined by the City and Parks Board as land becomes available and in consideration of all applicable park needs and siting standards."

FINDING: The plan has been developed consistent with this Goal, however as discussed above, conditions are needed to reflect accurate park acreage needs and to make the intent more clear regarding conceptual locations of parks.

CONDITIONS:

1. Amend the park acreage assumptions identified in the first bullet under Parks, Open Space and Natural Resource Preservation (Exhibit 3, Chapter 8, page 12) to reflect the updated population identified in Exhibit 9-2.
2. Amend proposed comprehensive plan policy 5.1 to read Establish an open space network consistent with the Open Space Framework plan in terms of overall park acreage, general size of neighborhood and community parks and distribution of parks amongst the 3 sub-areas. The ultimate locations of parks shall be determined by the City and Parks Board as land becomes available and in consideration of all applicable park needs and siting standards.

Goal 9: Economic Development - calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs

Although employment zones are not a requirement by Metro for the Brookman area, the proposal allows for a mix of commercial, office and mixed use. Metro verified that, while not required, there is not a specific limit on the amount of employment land provided for in the concept planning area provided justification can be made for the need.

In 2007, the City completed an Economic Opportunities Analysis (EOA) in compliance with Goal 9 that identified a long term commercial and industrial land need. While the City has not conducted a housing needs analysis since the Comprehensive Plan was updated in 1991, it is known that there is currently a jobs/housing imbalance of 80% housing to 20% jobs. With that in mind, along with the EOA findings, a market analysis was conducted to determine the market viability for commercial and/or industrial land in this specific location. The analysis (Attachment 7) analyzed a 20 year demand for residential, commercial and industrial uses and made specific recommendations for the Brookman Addition area. The recommendation was for 10-26 acres of non-residential zoning in this location. While the Steering Committee recommended the version that provided 14.09 acres, the Commission questioned whether this was sufficient and requested staff and the consultant to re—review the steering committee recommendation provide the maximum employment land identified by the Market Analysis. Exhibit 9-2 illustrates the revised concept plan with the maximum employment land recommended.

In addition, the Commission heard from Bill Reid of Johnson Gardner that additional employment land may be justified if an arterial road (consistent with the current I-5 to 99W connector concepts) is constructed. However, because this transportation connection is not adopted and funded, it may be premature to plan for it in determining the appropriate mix of employment and residential land uses. For this reason, the Commission recognizes that a policy choice for the Council is whether to fully implement the concept plan as revised or whether to implement the east and west sub-areas only while leaving the central sub-area unimplemented until further transportation decisions are made on the connector project.

FINDING: The plan has been developed consistent with this Goal.

Goal 10: Housing - This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

The plan is consistent with Goal 10 by providing a range of densities from Medium Density residential Low to High Density Residential which will provide for a mix of housing types that meet the needs at all income levels, including single-family detached and attached, townhouses, condominiums and apartments. The planned land uses are consistent with the Metro 2040 Growth Concept Map design type for Outer Neighborhood and Title 11. A slightly higher density with mixed-use and interconnected transportation system will support transit and allow people to walk or bike. Sherwood will enter periodic review for Goal 10 in 2009 and will include a Goal 10 inventory and analysis in an approved work program to determine if a new land and housing policy is necessary.

FINDING: The plan has been developed consistent with this Goal.

Goal 11: Public Facilities - calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

This goal is addressed by the existing water, sanitary and storm sewer master plans that already have anticipated development within this area and identified projects that will ensure this area will be adequately served.

FINDING: The plan has been developed consistent with this Goal.

Goal 12: Transportation - The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

FINDING: The proposed concept plan was reviewed using the TPR standards. This staff report evaluates TPR criteria to make findings of fact and demonstrate compliance as discussed previously in this report.

Goal 13: Energy Conservation - declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Compliance with Goal 13 is addressed through compliance of the City's Comprehensive Plan Policy (Chapter 3, Section F, Policy 4) regarding energy resources. As discussed previously the area has been designed to provide higher densities focused around a mixed use commercial and employment area. This compact design with multi-modal transportation choices encourages energy efficiency by providing opportunities for people to live near where they work and shop and further encourages people to walk instead of drive.

FINDING:The plan has been developed consistent with this Goal.

Goal 14: Urbanization - This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

FINDING: In the Portland Metropolitan Area, Metro has the burden and authority to conduct growth and land need projections and determine whether and where to expand the Urban Growth Boundary, therefore, Sherwood cannot address urbanization criteria outside the existing Comprehensive Plan policies.

C. Regional Standards

1. Title 11

All territory added to the Urban Growth Boundary as either a major amendment or a legislative amendment pursuant to Metro Code Chapter 3.01 shall be subject to adopted comprehensive plan provisions consistent with the requirements of all applicable titles of the Metro Urban Growth Management Functional Plan and in particular this Title 11. The comprehensive plan provisions shall be fully coordinated with all other applicable plans. The comprehensive plan provisions shall contain an urban growth plan diagram and policies that demonstrate compliance with the RUGGO, including the Metro Council adopted 2040 Growth Concept design types. Comprehensive plan amendments shall include:

A. Provision for annexation to the district and to a city or any necessary service districts prior to the urbanization of the territory or incorporation of a city or necessary service districts to provide all required urban services.

The Brookman Addition is currently in Washington County (with a small portion in Clackamas County). The City of Sherwood and Washington County have an urban planning area agreement (UPAA) specifying the City of Sherwood as the ultimate provider of urban services with the exception of Tualatin Valley Fire & Rescue, which will continue to provide emergency response services. Sherwood and Clackamas County have an Urban Growth Management Area agreement (similar to the UPAA) for the 27.3 acre portion in the eastern section of the planning area that is in Clackamas County. Under both agreements (the Washington County UPAA and Clackamas County Urban Growth Management Agreement, UGMA) it is agreed that the zoning shall be maintained as is so that development to urban densities cannot occur until the area is brought into the City.

Once the concept plan has been adopted and comprehensive plan zoning applies, annexation could potentially occur; however, as previously conditioned a plan for annexation would have to be accepted by the Council prior to annexation demonstrating how the area brought into the City would be developed without negative financial impact to the existing Sherwood citizens.

FINDING: As discussed above, the concept plan is consistent with this standard provided an annexation plan is required prior to annexation of any or all of the Brookman Addition area.

B. Provision for average residential densities of at least 10 dwelling units per net developable residential acre or such other densities that the Council specifies pursuant to Section 3.01.040 of the Urban Growth Boundary Functional Plan.

The draft concept plan provides for a combination of zones including office and retail commercial, light industrial and medium density to high density residential. The average density for all land zoned residential is 10 units per acre. The determination of net developable residential acre was made after deducting the land assumed as wetland, floodplain, vegetated corridor, steep slopes, parks and open spaces, the existing cemetery and the proposed commercial and industrial zoned portions. As a result, if changes are made to the underlying assumptions, particularly regarding the amount of commercial or industrial zoned property, parks and/or open spaces, the overall density will need to be recalculated to ensure continued compliance through adoption and implementation. Upon direction from the Commission to provide employment land at the maximum end identified in the market analysis, the dwelling unit mix and park land calculations were revised to ensure that the residential density continue to average 10 units be net residential acre.

There was discussion and a recommendation from the Steering Committee to coordinate with Metro to determine if an overall lower density would be permitted in order to provide larger lot sizes (and thus potentially greater protection) adjacent to the Cedar Creek area. After speaking with Metro staff, it was determined that there was not support and that if density were decreased in one area, it would need to be increased in another. It is recommended that the Commission and Council consider whether it is appropriate to shift the zoning around to accommodate a lower density in the Cedar Creek area or leave the zoning as currently proposed with the understanding that development in this area will need to be sensitive the natural habitat.

FINDING: As currently proposed, this standard has been met. In the event the Commission or Council determine the need to modify the amount or location of certain types or densities of zoning, additional findings may be required to confirm compliance continues to be achieved.

C. Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by ORS 197.303. Measures may include, but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan.

The existing Code and zones proposed for this area provide for a variety of lot sizes as well as the possibility for single family attached and detached dwellings, multi-family developments, condominiums and townhouses. In addition, the existing code allows for accessory dwelling units (ADU's) and home occupations to allow live/work which provide options for people to have additional income to off-set the costs of home ownership. The proposed zones do not distinguish among renter, owner occupied, or government assisted units thereby allowing all three types consistent with ORS 197.303.

FINDING: As discussed above, this standard is met.

D. Demonstration of how residential development will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80 percent of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined permitting processes, extensions to the time at which systems development charges (SDCs) and other fees are collected, and other exercises of the regulatory and zoning powers.

Affordable housing (Title 7) has largely been voluntary and Sherwood has made a policy choice not to adopt all of the land use provisions as a strategy to achieve affordable housing. However, the City has adopted provisions to allow: (1) accessory dwelling units (ADUs), (2) small lot sizes for attached housing, (3) manufactured housing, (4) encourage mixed-use development that typically includes apartments above commercial, (5) density transfer for open space, (6) waive planning fees under certain circumstances and conditions, and (7) streamlined most land use applications for housing to an "Administrative" (Type 2) and "Hearings' Officer" (Type 3) format in a 6-8 week processing performance goal. Notwithstanding these measures, the City Council also has the capability to waive SDC fees for affordable housing.

Even with all these land use and administrative measures, the median price of housing has continued to rise faster than median family income (MFI). According to the US Department of Housing and Urban Development (HUD), affordable housing is defined as a home that costs less than 30 percent of household income. Consequently, the overwhelming majority of new housing stock in the last five years has been single-family detached, generally above the median home price, and therefore out of reach for most households making at or below 80 percent of the median family income. **Table 2** illustrates the MFI and **Table 3** depicts the percentage of MFI for rent. The HUD Portland Area Median Income as of February 9, 2005 was \$67,900 for a family of four¹. Sherwood is part of the Metropolitan Statistical Area (MSA) that includes the four county region.

Based on 2000 Census data, the average home price in Sherwood is \$187,500, the median family income \$67,277, and the average household size 2.77. Both tables have **bolded** household sizes for comparison and reference. The Portland area

Household Size	30%	50%	60%	80%	100%	120%	150%
1	14,250	23,750	28,500	38,000	47,550	57,050	71,300
2	16,300	27,150	32,600	43,450	54,300	65,200	81,500
3	18,350	30,550	36,650	48,900	61,100	73,350	91,650
4	20,350	33,950	40,750	54,300	67,900	81,500	101,850
5	22,000	36,650	44,000	58,650	73,350	88,000	110,000
6	23,650	39,400	47,250	63,000	78,750	94,500	118,150
7	25,250	42,100	50,500	67,350	84,200	101,050	126,300
8	26,900	44,800	53,800	71,700	89,650	107,550	134,450

¹ Portland Development Commission, Housing Services. Median Income Levels (2005), April 21, 2005. http://www.pdc.us/housing_serv/general/mil.asp

median sales price in March 2005 as compiled by the Regional Multiple Listing Service (RMLS) was \$223,000.² Based on 2005 median family income and median sales price, a family would spend 30 percent of their income on a single-family unit.

No. of Bedrooms	Household Size	30%	50%	60%	80%	100%	120%	150%
Group Home	0.75	267	445	534	713	892	1,070	1,337
0	1	356	594	713	950	1,189	1,426	1,783
1	1.5	382	636	764	1,018	1,273	1,528	1,910
2	3	459	764	916	1,223	1,528	1,834	2,291
3	4.5	529	883	1,059	1,412	1,766	2,119	2,648
4	6	591	985	1,181	1,575	1,969	2,363	2,954
5	7.5	652	1,086	1,304	1,738	2,173	2,608	3,259

Alternatives to large lot single-family detached units, which would ideally cost less for first time homebuyers or provide a bridge to owner-occupied housing, are proposed through smaller lot sizes allowing single-family detached and attached units as in rowhouses and townhouses and multi-family development. According to Chapter 4 of the Comprehensive Plan (Part 2) the City has met its policy objectives.

FINDING: As demonstrated above, this standard has been met.

E. Provision for sufficient commercial and industrial development for the needs of the area to be developed consistent with 2040 Growth Concept design types. Commercial and industrial designations in nearby areas inside the Urban Growth Boundary shall be considered in comprehensive plans to maintain design type consistency.

As part of the development of the concept plan, a market analysis was completed to determine the demand for commercial and industrial land in the expansion area taking into account the location, transportation network, local needs and the needs of the neighboring market area (see Exhibit 7, Market Analysis). The market analysis determined that there is some small scale demand/support for commercial and office uses to support the local market but that the location was not ideal as a “draw” from the larger Market area due to its location, proximity to the transportation system, topography, etc. The recommendation was for 10-26 acres of non-residential zoning in this location. While the Steering Committee recommended the version that provided 14.09 acres, the Commission questioned whether this was sufficient and requested staff and the consultant to re-review the steering committee recommendation provide the maximum employment land identified by the Market Analysis. Exhibit 9-2 illustrates the revised concept plan with 28.71 acres of employment land. The location of employment in both the steering committee recommended version and the hybrid version from July 2008 provides access to the existing Sherwood residents as well as

² RIVERA, DYLAN. Want to buy a home? Good luck: Portland-area inventory hits a new low despite big demand, *The Oregonian*. April 19, 2005.

the higher density areas planned in the Brookman addition. The hybrid plan (Exhibit 9-2) will provide for approximately 1,029 jobs to support the 1088 households that would be added to the area.

FINDING: As demonstrated above, this standard has been met.

F. A conceptual transportation plan consistent with the applicable provision of the Regional Transportation Plan, Title 6 of the Urban Growth Management Functional Plan, and that is also consistent with the protection of natural resources, either identified in acknowledged comprehensive plan inventories or as required by Title 3 of the Urban Growth Management Functional Plan. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.

The transportation concept included in the concept plan provides for connections to the existing street system. Because of the limited number of existing streets, the impacts of traffic from the development of this area were carefully considered. In addition, there are several physical and environmental constraints that prohibit a traditional grid type street network as envisioned by the RTP, Title 6 and the TSP. Specifically, the existing railroad presents a barrier that does not allow for multiple small block crossings. Existing stream and floodplains essentially prohibit crossing because the costs to construct a connection would not be able to be supported by the limited development receiving benefit from such a connection.

During the June 10th Commission hearing, testimony was received raising concern about maintaining the "S" curves at the east end of the concept plan area. As a result of the input received, the Commission asked the consultant team to revise the plan to show a straighter connection as opposed to following the existing Brookman right of way and to re-run the transportation numbers accordingly. The revised alignment was designed to not attract additional trips onto Red Fern. Exhibit 9-2 illustrates this change. The traffic consultant reviewed this revised alignment and determined that there would be no significant change to the traffic volumes.

The transportation system planned includes specific improvements with funding estimates to ensure the area can develop while maintaining acceptable levels of service. The plan also identifies a variety of options to close the funding gap between the costs and the projected revenues generated from existing fees and funding sources. This plan does not recommend specific funding packages, however a previous recommended condition would require a potential developer to work with the City to identify a specific plan for extension of public facilities prior to annexation.

As illustrated on the concept plan map, multiple bike/pedestrian trails are planned throughout the area to connect to existing built or planned trails and provide direct alternate connectivity options where roads are not planned. Conflicts with delineated wetlands and Goal 5 areas will be resolved through future design review of development.

FINDING: As demonstrated above, this standard has been met.

G. Identification, mapping and a funding strategy for protecting areas from development due to fish and wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation. A natural resource

protection plan to protect fish and wildlife habitat, water quality enhancement areas and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the Urban Growth Boundary prior to urban development. The plan shall include a preliminary cost estimate and funding strategy, including likely financing approaches, for options such as mitigation, site acquisition, restoration, enhancement, or easement dedication to ensure that all significant natural resources are protected.

The plan incorporated the Metro Inventory of Significant Wildlife Habitat and assumes that the Tualatin Basin program as implemented by the City of Sherwood will apply. With that said, it is assumed that no floodplain will be developed and that wetlands will be protected or mitigated consistent with CWS, DSL and US Army Corps of Engineers standards. Habitat areas such as heavily treed areas will be encouraged to be protected through the ability to vary standards when preserving resources. In addition, the City of Sherwood has tree removal standards that provide a disincentive to removing trees. The plan has been developed so as to maximize the natural resource value by orienting trails, parks and water quality facilities adjacent to the resources. By doing this, funding would become available to protect and preserve the habitat areas as improvements are made consistent with the plan.

FINDING: As demonstrated above, this standard has been met.

H. A conceptual public facilities and services plan for the provision of sanitary sewer, water, storm drainage, transportation, parks and police and fire protection. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.

The public facility maps illustrate the general location, size, and capacity of new sanitary sewer, storm, and transportation facilities to serve the proposed land uses in the Brookman Addition.

FINDING: As demonstrated above, this standard has been met.

I. A conceptual school plan that provides for the amount of land and improvements needed, if any, for school facilities on new or existing sites that will serve the territory added to the UGB. The estimate of need shall be coordinated with affected local governments and special districts.

The Sherwood School District was represented on the Steering Committee. As a result of input from the School District, a potential 10 acre school site was considered within the planning area. Figure 6 identified potential locations that a school could be sited within the context of the Concept Plan diagram. It was determined not to propose specific zoning to facilitate any one site over the other, however and the ultimate determination of whether to site a school within the Brookman Addition area will be made by the School District. This was supported by Superintendent Dan Jamison at the June 24, 2008 Commission work session. Mr. Jamison has indicated that the District anticipates a need for a new elementary school with the build out of this area and they will be looking closely at the three potential sites identified, but they are fully considering their options for location of a new school site which may or may not be within this area.

FINDING: As demonstrated above, this standard has been met.

- J. An urban growth diagram for the designated planning area showing, at least, the following, when applicable:**
- 1. General locations of arterial, collector and essential local streets and connections and necessary public facilities such as sanitary sewer, storm sewer and water to demonstrate that the area can be served;**
 - 2. Location of steep slopes and unbuildable lands including, but not limited, to wetlands, floodplains and riparian areas;**
 - 3. General locations for mixed use areas, commercial and industrial lands;**
 - 4. General locations for single and multi-family housing;**
 - 5. General locations for public open space, plazas and neighborhood centers; and**
 - 6. General locations or alternative locations for any needed school, park or fire hall sites.**

The draft concept plan map (figure 1, page 15 of the Draft Concept Plan report) provides the general location of zones including single- and multi-family residential, industrial, commercial and mixed use areas as well as potential parks and open spaces. This figure also identifies the general location of constrained lands including possible wetlands, floodplains and Goal 5/Title 13 resource lands. Figure 5 identifies the general location of arterials, collectors, neighborhood routes and a potential local street network. Figure 6 (page 26) identifies 3 alternatives for a potential 10 acre school site, trails and open space plans. Figure 7 (page 30) identifies all natural resources including steep slope constraints. Figures 8, 9 and 10 show the conceptual location of stormwater lines, water system lines, and sanitary sewer system network.

As discussed previously throughout this report, the Commission directed modifications to the steering committee recommended concept plan to: increase the amount of employment land, modify the density accordingly to meet the Metro requirement of 10 units per net residential acre, adjust the amount of park land to ensure accuracy and modify the alignment of Brookman Road at the east end of the project area to remove the "S" curve" from the collector. Exhibit 9-2 provides the modified diagram and continues to provide the general location of zones including single- and multi-family residential, industrial, commercial and mixed use areas, potential parks and open spaces. Exhibit 9-2 also continues to identify the general location of constrained lands including possible wetlands, floodplains and Goal 5/Title 13 resource lands. The hybrid plan does not change the classification of streets; however if the hybrid plan is accepted the street classification map will be modified accordingly to reflect the revised alignment. The hybrid plan does not affect Figures 7, 8, 9 or 10.

FINDING: The concept plan, both the proposed Steering Committee version and the July 2008 hybrid plan, identifies at a conceptual level or better the required elements of Title 11, requirements J 1-6.

K. The plan amendments shall be coordinated among the city, county, school district and other service districts.

As stated previously, the concept plan process included extensive public involvement overseen by the project Steering Committee consisting of representatives from ODOT, the School District, Washington County and Clean Water Services. Clackamas County was not represented on the Steering Committee but was included on the interested parties list and often had a representative in attendance at the meetings.

FINDING: As demonstrated above, this standard has been met.

V. RECOMMENDATIONS

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 to the City Council of the plan amendment (PA 08-01), subject to any additional amendments, and the following conditions:

1. Modify the concept plan consistent with (Exhibit 9-2) which provides 28.71 acres of employment land and adjusts the remaining residential densities to maintain the required 10 dwelling units per acre. Modify the corresponding comprehensive plan map (exhibit 9-3) and proposed comprehensive plan changes accordingly to reflect the updated metrics.
2. Add a new Comprehensive Plan policy "8.2" which states: "to facilitate and ensure implementation in accordance with the concept plan policies, annexation of properties within the Brookman Addition concept plan area may not occur until development code amendments are made to implement applicable policies, including but not limited to policy 4.10."
3. Modify the proposed Comprehensive Plan policies to create a policy "8.2.a" stating "prior to or concurrent with annexation, and assignment of zoning of properties within the Brookman addition area, a plan shall be prepared and adopted by Council to ensure that necessary infrastructure improvements will be available and a funding mechanism or combination of funding mechanisms are in place for the necessary infrastructure improvements consistent with the funding options identified in the concept plan and in full compliance with the Transportation Planning Rule. The plan for annexation may address all or part of the concept plan area, subject to Council approval."
4. Amend the park acreage assumptions identified in the first bullet under Parks, Open Space and Natural Resource Preservation (Chapter 8, page 12) to reflect the updated population identified in Exhibit 9-2.
5. Amend proposed comprehensive plan policy 5.1 to read Establish an open space network consistent with the Open Space Framework plan in terms of overall park acreage, general size of neighborhood and community parks and distribution of parks amongst the 3 sub-areas. The ultimate locations of parks shall be determined by the City and Parks Board as land becomes available and in consideration of all applicable park needs and siting standards.
6. Modify the proposed Comprehensive Plan policy changes to add an Implementation Policy 8.3 which states: "The portion of the concept plan area west of Old Pacific Highway and east of Highway 99W shall be subject to Master Plan or PUD approval. Development of this area shall be approved by the City Council following a public hearing and shall generally be consistent with the Concept Plan and shall provide no net change in the amount of land area designated to a specific zone; however the exact location may change depending on the development proposed through the master plan."

In addition, based on Commission input, staff recommends that the Commission forward the Concept Plan to the Council with the following Policy analysis:

The Commission notes that, upon further review, there could be opportunity to provide more employment land, specifically within the Central Sub-area, if increase transportation connection is available via a southern alignment of the I-5/99W connector. A scenario with significantly more employment would require further analysis to ensure continued compliance with the stated concept plan goals, state and regional standards as well as public review. However, partial implementation of the concept plan, either through adoption of comprehensive plan zoning or annexation, may allow time for I-5/99 W connector decisions to proceed to a point where more certainty on the long term viability of employment land in this area is known.

VI. ATTACHMENTS

Exhibits – these are part of the record and have been presented to the Commission during the course of their review.

1. Draft concept plan
2. Appendix to the Concept Plan including:
 - A. Public Involvement Report
 - B. Transportation
 - C. Stormwater
 - D. Water, Sanitary and Sewer
 - E. Fiscal Impact Analysis
 - F. Existing Conditions
3. Proposed Comprehensive Plan Changes (Draft May 2008)
4. Proposed Comprehensive Map
5. Agency Comments (5a-5f)
6. Public Comments

At the hearing, written testimony was submitted which included Exhibits 6b through 6g. Specifically:

- 6b – e-mail letter from Kim Barry, dated June 7, 2008
- 6c – letter from Doug and Paulina Davina, dated June 10, 2008
- 6d – Written testimony from Neil Shannon, submitted at hearing, not dated
- 6e – letter from Sue Drouin, dated January 18, 2008 to Julia Hajduk
- 6f – Copy of police report submitted by David Villapando

The Planning Commission left the written record open and to date, the following additional public testimony letters have been submitted:

- 6g – Letter from Ryan and Charise Weller, received June 11, 2008
- 6h – e-mail from Stephanie Austermann, dated June 12, 2008
- 6i – letter from Kelly Housanni, dated August 19, 2008
- 6j – e-mail letter from Kim Barry dated September 4, 2008

7. Market Analysis from Johnson Gardner dated June 2007
8. June 17, 2008 Commission memo from staff including the following documents from the Steering Committee phase:
 - Existing Conditions report (from Steering Committee meeting #2)
 - Design alternatives report (from Steering Committee meeting #4) – this report was in preparation of the open house #1
 - Open House #1 summary report and DKS memo dated 9/17/07 (from Steering Committee meeting #5)
 - Hybrid plan developed at meeting #5 by the Steering Committee after consideration of the Open House #1 comments (Steering Committee meeting #6)
 - Open House #2 summary report (Steering Committee meeting #7)
9. July 15, 2008 Commission memo from staff including 4 attachments (1 –comparison of park acreage, 2 - updated hybrid map, 3 – revised draft zoning map to reflect updated Hybrid map, and 4 – Exhibit 6g referenced above)
10. Copy of Powerpoint provided by DKS at the July 22, 2008 meeting
11. August 1, 2008 Commission memo from staff
12. August 19, 2008 Commission memo from staff
13. October 7, 2008 Commission memo from staff

PA 08-01 Brookman Addition Concept Plan Attachments (December 2, 2008) Links:

1. Draft Concept Plan
http://www.ci.sherwood.or.us/government/departments/planning/brookman/draft_concept_plan.pdf
2. Appendix to the Concept Plan
http://www.ci.sherwood.or.us/government/departments/planning/brookman/appendix_050908.pdf
3. Proposed Comprehensive Plan Changes (Draft May 2008)
http://www.ci.sherwood.or.us/government/departments/planning/brookman/proposed_changes.pdf
4. Proposed Comprehensive Map
<http://www.ci.sherwood.or.us/government/departments/planning/brookman/brookmanzoning051408.pdf>
5. Agency Comments (5a-5f) *(pages 199-207 in the June 10, 2008 PC packet)*
6. Public Comments (6b-6g) *(pages 3-14 in the June 24, 2008 PC packet)*
http://www.ci.sherwood.or.us/city_boards/planning_commission/pc_packet/2008/06_24_08.pdf

Public Comment (6h) *(page 29 in the July 22, 2008 PC packet)*
http://www.ci.sherwood.or.us/city_boards/planning_commission/pc_packet/2008/07_22_08.pdf

Public Comment (6i) *(pages 9-14 in the August 26, 2008 PC packet)*
http://www.ci.sherwood.or.us/city_boards/planning_commission/pc_packet/2008/08_26_08.pdf

Public Comment (6j)
http://www.ci.sherwood.or.us/city_boards/planning_commission/pc_packet/2008/1014publiccomments.pdf

Market Analysis from Johnson Gardner *(pages 208-273 in the June 10, 2008 PC packet)*
http://www.ci.sherwood.or.us/city_boards/planning_commission/pc_packet/2008/06_10_08.pdf
7. June 17, 2008 Commission Memo from staff *(page 2 in the August 26, 2008 PC packet)*
http://www.ci.sherwood.or.us/city_boards/planning_commission/pc_packet/2008/06_24_08.pdf
8. Existing Conditions Report (steering committee #2) *(pages 1-11 in the June 27, 2007 Steering Committee packet)*
http://www.ci.sherwood.or.us/government/departments/planning/brookman/packet/brookman_packet2.pdf

Design Alternatives (steering committee #4) *(pages 2-30 in the August 22, 2007 Steering Committee packet)*
http://www.ci.sherwood.or.us/government/departments/planning/brookman/packet/brookman_packet4.pdf

Open House #1 Summary and DKS Memo (steering committee #5)
http://www.ci.sherwood.or.us/government/departments/planning/brookman/packet/brookman_packet5.pdf

Hybrid Plan (steering committee #6) *(page 3 in the December 12, 2007 Steering Committee packet)*
http://www.ci.sherwood.or.us/government/departments/planning/brookman/packet/brookman_packet6.pdf

Open House #2 Summary (steering committee #7) *(pages 2-65 in the February 27, 2007 Steering Committee packet)*
http://www.ci.sherwood.or.us/government/departments/planning/brookman/packet/brookman_packet7.pdf

9. July 15, 2008 Commission Memo and 4 attachments *(pages 23-29 in the July 22, 2008 PC packet)*
http://www.ci.sherwood.or.us/city_boards/planning_commission/pc_packet/2008/07_22_08.pdf

10. Copy of PowerPoint provided by DKS at the July 22, 2008 meeting
http://www.ci.sherwood.or.us/government/departments/planning/brookman/brookman_072008.pdf

11. August 1, 2008 Commission Memo from Staff *(page 34 in the August 12, 2008 PC packet)*
http://www.ci.sherwood.or.us/city_boards/planning_commission/pc_packet/2008/08_12_08.pdf

12. August 19, 2008 Commission Memo from Staff *(page 8 in the August 26, 2008 PC packet)*
http://www.ci.sherwood.or.us/city_boards/planning_commission/pc_packet/2008/08_26_08.pdf

13. October 7, 2008 Commission Memo from Staff *(page 39-42 in the October14, 2008 PC packet)*
http://www.ci.sherwood.or.us/city_boards/planning_commission/pc_packet/2008/10_14_08.pdf

Signed:



Julia Hajduk, Planning Manger

Proposal: Update the sign code to further limit the height and size of free-standing signs city-wide with specific exceptions. Modify the non-conforming sign requirements so that signs that are non-conforming due to design or under a certain height or size are not required to come into compliance within a specific period of time. The proposed amendments are attached to this report as Exhibit A. Exhibit B provides a summary explanation and impact of the proposed changes.

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 does not apply to a specific location.
- 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 would go directly to the Land Use Board of Appeals.
- H. Public Notice and Hearing: Notice of the December 9, 2008 Planning Commission hearing on the proposed amendment was published in *The Times* on 11/27 and 12/4. Agency notice was provided and notice was posted in 5 public locations around town on 11/18/08.
- 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. Legislative background:
The sign ordinance was updated in 2004 via PA 04-01, Ordinance 2004-006. At that time, the height of signs was reduced from 45 feet down to a maximum of 35 feet (for commercial plazas) and the sign size was reduced from 750 square feet (with options to go larger in certain circumstances) down to 300 square feet per sign face. Ordinance 2004-006 also defined column signs, monument signs and prohibited pole signs. At that time, the non-conforming section stated that all non-conforming signs must be brought into compliance within 5 years. With the new standards, the non-conforming language was amended to exempt residential signs, church signs and public signs from the amortization requirement.

The sign code was amended further in 2005 via Ordinance 2005-002 (PA 04-05) to clarify that signs that were non-conforming as of the date that ordinance was passed must be brought into compliance within 5 years from that date and any sign erected after that date that were non-compliant (because permits were in process) would have to be brought into compliance within 5 years after they were constructed. The deadline, then for all non-conforming signs, except those erected after February 22, 2005, would be February 22, 2010.

In preparation of compliance action, the City conducted an inventory of all free-standing signs in the city to determine which would be required to be brought into compliance. The inventory revealed that, with the new definitions of signs regarding differences in design, of the 99 free-standing signs inventoried, approximately 45 were non-conforming. Of those, 38 were non-compliant due to design only. In addition, there was concern about whether the existing sign standards sufficiently represented the community values for aesthetics and community character. As a result, the City determined it necessary to evaluate whether the sign code and amortization requirements truly reflected the community goals. The Council passed Resolution 2008-056 to prohibit staff from accepting new free-standing sign permit applications for 90 days while the city looked more closely at the sign ordinance.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The City sent request for comments to the standard agency notification list. The City received responses indicating that there were no concerns from: ODOT Rail, TVF&R, Washington County Kinder-Morgan and Metro

CWS provided the following comments: "The signs CWS puts up on Water Quality Facilities and Vegetated Corridors/Sensitive Areas I believe are exempted under 16.102.010 (3-H). If correct, then no further comments."

The City received no response from the following: ODOT, Tri-met, NW Natural Gas, DLCD, DEQ, BPA, Sherwood Public Works, Sherwood Engineering, Pride Disposal, PGE, TVWD and Washington County.

Public:

A letter was submitted to the Planning Department from Pride Disposal. While this letter was provided to the Commission during work session meetings, a copy is included in this packet as Exhibit C-1.

A letter to Chair Allen was submitted by Jim Claus along with published materials for his review. A copy of the letter is included as Exhibit C-2. The published materials provided may be reviewed at City Hall.

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.

Demonstrated Need

As discussed under the legislative background section of this report, the City determined there was a need to evaluate the sign standards. The Planning Commission held two work sessions to discuss the current sign standards and to see where Sherwood's standards were in relation to neighboring jurisdictions. The City evaluated the standards of Tigard, Tualatin, Lake Oswego, West Linn and Wilsonville to see how Sherwood's standards compared. Exhibit D provides a comparison table of the commercial and industrial sign standards of each jurisdiction and Sherwood. As the information demonstrates, Sherwood's standards for height and size exceed all other jurisdictions. The Planning Commission determined that it was not appropriate for the height and size of signs throughout the City to be the same for all commercial and industrial zones regardless of location. The Commission provided direction to set as a standard that no signs shall exceed 6 feet but recognized the need for larger signs

along Pacific Highway and as part of larger commercial developments and provided direction that exceptions to the 6 foot standard should be provided. To ensure uniformity citywide except those exception areas, they supported modifying the height of signs in residential zones as well.

The Commission closely reviewed the sign inventory compiled by staff (Exhibit E) as they provided direction to staff for development of the sign code amendments. It was recognized that while many signs were non-conforming as a result of Ordinance 2004-006 they were not so egregious that they must be removed immediately. The commission did not want, however, to modify the design standards developed with Ordinance 2004-006. For that reason, it was determined that an additional modification to the non-conforming section in the sign code was appropriate to exempt signs that were non-conforming due to design alone. In addition, because the proposed amendments would further reduce the height permitted, resulting in signs being non-conforming for height that were not previously non-conforming it was determined that signs under a certain height or size would also be exempt from the amortization requirement. The Commission determined that signs exceeding 25 feet in height or 150 square feet in size would be inconsistent with the aesthetic objectives and should continue to be regulated by the amortization clause.

Consistency with the Comprehensive Plan

The proposed sign code amendments are consistent with the objectives and policies of the Comprehensive Plan, specifically Part 2, Chapter 4 *Community Design*:

2. General Findings

- a. *Community design and aesthetic quality must be consciously considered in the review of new developments in order to ensure that Sherwood continues to be an attractive and efficiently functioning urban area.*
- b. *The visual attractiveness of site and structures will enhance property values.*
- c. *Careful attention to site design can result in protection of natural and man-made features which contribute to the community's identity.*
- d. *Visual variety in the mass, form, height, texture and color is necessary to avoid the monotonous urban landscape resulting from urban sprawl.*
- e. *Since 1976, the Sherwood Design Review Board or the Planning Commission has taken effective action to further community design values in the development of sites and structures. Explicit reference to community design and aesthetics goals, objectives and strategies will serve to strengthen the basis for their continuing efforts.*

3. General Objectives

- a. *To establish community design and aesthetics as a planning consideration in evaluating new development.*
- b. *To develop and implement policy which will encourage appropriateness and compatibility of new development with the existing natural and man-made environment, existing community activity patterns and community development.*
- c. *To develop and implement policy which will minimize or eliminate adverse visual effects caused or perpetuated by the design and location of new development including but not limited to effects from:*
 1. *The scale, mass, height, area and architectural design of buildings and structures.*
 2. *Vehicular and pedestrian ways and parking areas.*
 3. *Existing or proposed alteration of natural topographic features, vegetation and waterways.*
 4. *Other developments or structures including, utility lines, storage, or service areas and advertising features which may interfere with sun and light exposure, views, vistas, privacy and general aesthetic value of the neighborhood and area.*

4. Policies and Strategies

Policy 3 The natural beauty and unique visual character of Sherwood will be conserved.

Strategy:

Adopt a sign ordinance which regulates the number, size and quality of signs and graphics. Standardize and improve the quality of public signs and traffic signalization.

The text amendments propose regulations that will allow for signs to be of adequate size for advertising as demonstrated in other jurisdictions with similar sign regulations as well as signs in the city that would fully comply with the proposed modified standards. In addition, the sign standards will result in signs that are visually pleasing to the citizens of Sherwood. Adopting code language that requires smaller signs will help to lessen the distraction motorists may face when traveling on major roadways such as Tualatin-Sherwood Road and US Highway 99W. This will also preserve the character of Sherwood in commercial and industrial areas elsewhere in the City where larger signs are not necessary because the speed of travel is less. The amendments will help to preserve the views of the surrounding countryside and enhance the general aesthetic value of the city.

Applicable Regional (Metro) standards

There are no known Metro standards that this proposed sign code amendment would conflict with.

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 sign code amendment would conflict with.

The process used is consistent with the Goal 1 and 2 requirements (and the development code). The Commission had two (2) work sessions that were open to the public. The hearings were noticed via postings in 5 locations around the city, at the City Hall counter, on the City's web site and notice publicized in The Times newspaper. There are no other relevant statewide planning goals.

FINDING: As demonstrated in the above analysis, there is a need for the proposed amendments to the sign standards of the development code and the amendments are consistent with the Comprehensive Plan and applicable City, regional and State regulations and policies.

16.80.030.2 – 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 amendment will not result in a change of uses otherwise permitted and will have no impact on the amount of traffic on the 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 08-03 to the City Council.

V. EXHIBITS

- A. Proposed development code changes
- B. Sign Code Amendment summary table
- C. Public comments
 - 1. Pride Disposal
 - 2. Jim Claus
- D. Comparison Table of nearby jurisdictions' sign standards

E. Sherwood inventory of Free standing signs

16.102.010 GENERALLY

1. Sign Permits

A. Except as otherwise provided in this Section and Sections 16.102.040 through 16.102.070, no person shall construct, install, structurally alter or relocate any sign without first obtaining an administrative sign permit from the City as required by Chapter 16.72 and making payment of the fee required by Section 16.74.010. In addition, all permitted illuminated signs shall be subject to the provisions of the State Electrical Code and any applicable permit fees. (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 or lot 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. 2004-006 § 3; 86-851)

3. Exceptions

The following signs shall 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. Messages on a legally erected, painted or printed advertising sign, theater marquee or similar sign specifically designed for the use of replaceable copy.
- 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 construction site sign denoting an architect, engineer, contractor, subdivision or development, not exceeding 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 3 square feet or less per sign face and under 3 feet tall when freestanding and installed to be readable on private property.

(Ord. 2002-1132 § 3; 86-851)

4. Violations

The City shall order the removal of any sign erected or maintained in violation of the provisions of this Chapter. 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 such 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. 86-851 § 3)

5. Nonconforming Signs

a. Signs which do not conform to the provisions of this Chapter shall be regarded as non-conforming signs and shall be brought into compliance with this Code's standards.

b. Any nonconforming sign in existence as of the effective date of Ordinance 2005-002, shall be brought into compliance within five (5) years of the effective date of Ordinance 2005-002. Any 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 years of the issuance of a building permit to construct the sign or adoption of the ordinance creating the non-conformity. Any nonconforming sign not brought into compliance within five years shall be removed at the expense of its owner or the owner of the property upon which it is located.

c. Except as exempted in d below, Any nonconforming sign which is structurally altered, relocated or replaced shall immediately be brought into compliance.

d. Permanent residential development signs, signs in I-P zones or property developed with public and church usessigns, and signs under 25 feet tall and/or 150 square feet in size are exempt from the requirement to come into compliance within 5 years and may remain until structurally altered, relocated or replaced.~~this section.~~ (Ord. 2005-002 § 5; 2004-006)

6. Abandoned Signs

Any person who owns or leases a sign shall remove the sign and sign structure 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 for removal of the sign. After ninety (90) days the City may remove such 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. 86-851 § 3)

7. Additional Setbacks

Where the supporting member of any sign is permanently erected or affixed to the ground within a setback area established pursuant to Section 16.58.020, no

permit shall be issued for such sign until the owner(s) of the sign and premises upon which the sign will be erected, enter into a written agreement with the City providing the supporting member within ninety (90) days of written notice by the City. The agreement shall further provide that after ninety (90) days the City may remove such sign at the expense of the owner(s). All costs incurred by the City may be a lien against such land or premises and may be collected or foreclosed in the same manner as similar liens. (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. 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 facia 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. 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 ~~and a maximum width of thirty-six (36) inches. The columns must extend uninterrupted from grade level to the base of the sign face.~~

~~G3.~~ Pole Sign: A free-standing sign mounted on one (1) vertical support less than 36 inches wide.

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

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)

J. 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, flashing or changes in intensity of lighting. 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)

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. (Ord. 86-

851 § 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, flashing or changes in intensity of lighting. (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 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)

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 ~~eight (8)~~six (6) feet from ground level at its base.

B. Multi-Family Development Signs

One (1) non-illuminated free-standing ~~monument~~ 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 ~~five (5)~~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.; ~~however~~ 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 300 feet of frontage

2. Height Limit: The maximum sign height shall not exceed six (6) feet in all commercial zones except that in Commercial zones on or within 100 feet of Pacific Highway or commercial centers or plazas in commercial zones elsewhere in the city that are greater than 10 acres, 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 following:~~

1.	Single Business Site	25 feet
2.	Commercial Center	30 feet
3.	Commercial Plaza	35 feet

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:

~~a. Single Business Site: The maximum sign face area for a single business site shall be no more than one-hundred fifty (150) square feet. The total for all free-standing sign faces shall not exceed three-hundred (300) square feet.~~

~~b. Commercial Center: The maximum sign face area for a commercial center sign shall be no more than two-hundred (200) square feet. The total for all free-standing sign faces shall not exceed four-hundred (400) square feet.~~

~~c. Commercial Plaza: The maximum sign face area for a commercial plaza sign shall be no more than three-hundred (300) square feet. The total for all free-standing sign faces shall not exceed six-hundred (600) square feet.~~

~~d. Maximum sign face area on any sign for any one (1) legally permitted business shall not exceed one-hundred fifty (150) square feet.~~ The maximum sign area for all commercial zones shall not exceed 36 square feet per sign face with a maximum of 2 sign faces permitted except that in Commercial zones on or within 100 feet of Pacific Highway or commercial centers and plazas in commercial zones that are greater than 10 acres elsewhere in the City, the sign area may be increased up to 150 square feet for no more than one sign per single business site, commercial center or 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 16.102.070 and defined in Section 16.102.040C, 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.
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. No projecting sign shall be supported by a frame, commonly known as an "A frame" or other visible frame located on the roof of a building.
7. 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. ~~Signs permitted in commercial zones, provided that only one~~ 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 in any setback area, if the area of any one face of such free-standing sign does not exceed sixty (60)thirty six (36) square feet per sign face for a maximum of and the total area of all faces of such free-standing sign does not exceed one hundred and twenty (120)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.

PA 2008-03 Proposed Sign Code Amendment Summary Table

Proposed change	Explanation	Impact
<p>5. Nonconforming Signs</p> <p>a. Signs which do not conform to the provisions of this Chapter shall be regarded as non-conforming signs and shall be brought into compliance with this Code's standards.</p> <p>b. Any nonconforming sign in existence as of the effective date of Ordinance 2005-002, shall be brought into compliance within five (5) years of the effective date of Ordinance 2005-002. Any nonconforming sign erected after the effective date of Ordinance 2005-002 <u>or made non-conforming by subsequent sign ordinance amendments</u>, shall be brought into compliance within five years of the issuance of a building permit to construct the sign <u>or adoption of the ordinance creating the non-conformity</u>. Any nonconforming sign not brought into compliance within five years shall be removed at the expense of its owner or the owner of the property upon which it is located.</p> <p>c. <u>Except as exempted in d below</u>, any nonconforming sign which is structurally altered, relocated or replaced shall immediately be brought into compliance.</p> <p>d. Permanent residential development <u>monument signs, signs in I-P zones or property developed with public and church uses, and signs under 25 feet tall and/or 150 square feet in size</u> are exempt from the requirement to come into compliance within 5 years and may remain until structurally altered, relocated or replaced. (Ord. 2005-002 § 5; 2004-006)</p>	<p>Exempts all non-confirming signs from 5 year amortization requirement except those over 25 feet tall</p>	<p>Existing signs that are non-conforming due to design and those made non-conforming as a result of the proposed code update under 25 feet tall will not be required to be removed unless structurally altered, relocated or replaced.</p> <p>Does not affect the ability to change sign content as long as the structure does not change.</p>
<p>F. Free-Standing Signs:</p> <p>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.</p> <p>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 <u>or a single square column with a minimum width of thirty-six (36) inches</u></p> <p>3. Pole Sign: A free-standing sign mounted on one (1) vertical support less than 36 inches wide.</p>	<p>It was determined that requiring 2 columns may not always be necessary to ensure the desired aesthetic affect. Changes will allow for more flexibility in design.</p> <p>In addition, while signs have been successfully constructed in compliance with the existing standards, they have had to be creative in the design simply to meet the standard with questionable visual/aesthetic benefit.</p>	<p>Several existing signs (3) will not longer be non-conforming.</p> <p>Allows move flexibility resulting in fewer "loophole" designs.</p>

Proposed change	Explanation	Impact
<p>16.102.010.9.J. <u>Electronic Message signs: Consistent with 16.102.020.6, electronic message signs may not change more than once every 30 seconds.</u> In addition, the change may not involve movement, flashing or changes in intensity of lighting. Electronic message signs are limited to no more than thirty five (35) percent of the total allowable sign area per sign face.</p>	<p>Concern was expressed that electronic displays could potentially be the entire sign face whereas the intent is to allow messages to change. This change would address that concern while still allowing a portion of the sign to be changeable</p>	<p>Any new electronic message sign would be limited to 35 % of the total sign face. Existing signs would be non-conforming but would be exempt from amortization unless required due to height or size.</p>
<p>16.102.020.7. Pole Signs, <u>over six (6) feet in height</u> (Ord. 2004-006 § 3)</p>	<p>With the limit of all signs, with exception, to 6 feet or less, this modification allows flexibility in sign design and removed non-conforming status for pole signs under 6 feet.</p>	<p>14 signs currently non-conforming due to design would be conforming.</p>
<p>16.102.030.1.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 <u>six (6) feet</u> from ground level at its base.</p>	<p>Changes from current standard of 8 feet to create citywide uniformity of signs</p>	<p>Would result in at least 1 sign becoming non-conforming</p>
<p>16.102.030.1B. 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 <u>six (6) feet</u> from ground level at its base. (Ord. 2005-002 § 5; 2004-006)</p>	<p>Changes from current standard of 5 feet to create citywide uniformity of signs</p>	
<p>16.102.030.2.A. Free-Standing Signs 1. Number Permitted: <u>Except as otherwise provided in a.-c.</u></p>	<p>Clarifies how the number of signs permitted is determined.</p>	<p>May result in potential for more signs depending on commercial center or plaza lotting pattern; however as discussed</p>

Proposed change	Explanation	Impact
<p><u>below</u>, one (1) multi-faced, free-standing sign designating the principal goods or services available on the premises shall be permitted <u>per lot</u>. 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.</p> <p>a. Where the total street frontage exceeds three-hundred (300) feet in length, one (1) additional free-standing sign is permitted. <u>Except as otherwise permitted in b. or c. below</u>, no more than one (1) free-standing sign per street frontage shall be permitted. Where two (2) or more signs are allowed <u>due to multiple frontages</u>, each sign shall be oriented to face a different direction or street frontage.</p>	<p>Current standards are not clear if it is determined per lot, business or development site.</p>	<p>below, the signs would be 6 feet or less with the exception of 1 sign per commercial center or plaza along Pacific Highway or greater than 10 acres elsewhere.</p> <p>This is still 5 feet shorter than the existing permissible signs.</p>
<p><u>b. One additional free-standing monument sign may be provided for fueling stations to provide required pricing information.</u></p>	<p>Clarifies that service stations may have one additional sign, regardless of the amount of frontage to convey pricing information</p>	
<p><u>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 300 feet of frontage</u></p>	<p>Because the size of signs are being reduced, it is recommended that for larger sites (with more than 300 feet frontage) with multiple businesses, one additional sign be permitted</p>	<p>May result in potential for more signs depending on size of commercial center or plaza; however the height and size will be less than currently permitted.</p>
<p>2. Height Limit: <u>The maximum sign height shall not exceed six (6) feet in all commercial zones except that in Commercial zones on or within 100 feet of Pacific Highway or commercial centers and plazas greater than 10 acres elsewhere in the City, 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.</u></p>	<p>Limits the height of all commercial signs to 6 feet with exceptions if the site is on or within 100 feet of Pacific Highway (regardless of size) or is a commercial center or plaza greater than 10 acres.</p> <p>Limits the height increase exception to apply to only one sign per site (other permitted signs may only be 6 feet)</p>	<p>The current sign height limits for commercial zones, regardless of location, is 25 feet -35 feet. There are 38 signs that are greater than 6 feet or greater than 20 feet in areas with height exceptions and would be considered non-confirming.</p> <p>3 signs would not be exempt from amortization that are not currently considered non-confirming.</p>
<p>4. Area: <u>The maximum sign area for all commercial zones shall not exceed 36 square feet per sign face with a maximum of 2</u></p>	<p>Limits the sign area for all commercial zones to no more than 36 square feet per sign face with exceptions for</p>	<p>The current size for signs in commercial zones, regardless of location is 150-300 square feet per sign face. This standard</p>

Proposed change	Explanation	Impact
<p><u>sign faces permitted except that in Commercial zones on or within 100 feet of Pacific Highway or commercial centers and plazas greater than 10 acres elsewhere in the City the sign area may be increased up to 150 square feet for no more than one sign per single business site, commercial center or plaza.</u></p>	<p>commercial centers or plazas on or within 100 feet of Pacific Highway or 10 acres ore greater elsewhere. For exception areas, the size may be increased to 150 square feet for sign face.</p> <p>Limits the size increase to only one sign per site.</p>	<p>will make 40 signs non-conforming.</p> <p>6 of these would not be exempt from amortization that are currently conforming.</p> <p>Current shopping centers on corners with more than one street frontage will have at least one non-conforming sign.</p>
<p>3. Industrial Zones No sign requiring a permit shall be allowed in industrial zones except for the following:</p> <p>A. One (1) multi-faced free-standing sign designating the principal uses of the premise shall be permitted <u>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 72 square feet.</u></p>	<p>Currently the same size signs are permitted in industrial zones as in commercial zones – height and size is determined based on the number of businesses in the development, not the location of the development.</p> <p>This change limits all industrial developments to 6 foot high and 36 square foot large signs. The justification of this distinction between commercial and industrial zones is that the signs are needed to identify the property but not “draw” customers in from the street as is the intention</p>	<p>See impact information above – Industrial signs calculated with commercial signs in determining how many were conforming.</p>

Impact summary

Currently, 99 signs are inventoried and 48 are non-conforming and would be required to come into compliance by 2-22-10
Not including billboards, 7 are non-compliant because of height, 4 are non-compliant because of size.

Under proposed changes, 38 signs would be non-conforming due to height, 40 would be non-conforming due to size, 28 would be non-conforming due to both height and size

Only 6 would be required to come into compliance within 5 years in addition to the 6 that are already in an amortization timeline.

City of Sherwood Planning Department
Heather Austin
22560 SW Pine Street
Sherwood, Oregon 97140

RE: Sign Ordinance

Dear Heather,

Please enter our letter into the discussion for a possible revision of the sign ordinance.

This is a brief update of why Pride Disposal Co. would like to see some updated language or possible changes to the sign ordinance. We do understand why there is a need for rules for this or the city would be overwhelmed with signs of all different types.

Recently we applied for a reader board type sign to be added to the company's eleven acre site. A brief overview of our application by the City was first Ok'd with the understanding the sign had to be on the corner of Tualatin-Sherwood Rd and Oregon Street and it needed to be facing North and South. A second decision was later made by the City, noting that 2 signs are not allowed on the same site. There is currently a cement monument at our entrance with our logo and address. We thought that with this vast space a second sign would be appropriate as a reader to show coming community events, etc. We then looked at the tax lot boundaries closer and found the Oregon St. side of the property was a different tax lot, so we re-applied and denied as the ordinance states no signs on an empty lot.

There is a lot of variation to the number and types of signs currently seen around Sherwood. And there are many reasons for rules and guide lines for them, to ensure the quality of our community. But the current restrictions make it difficult for businesses to advertise themselves and help promote Sherwood. Hopefully, the changes that are being considered will meet everyone's goals.

We would still like to add the reader board to our site, in addition to the twenty-two year old monument which has become a landmark for the community.

Thank you for giving us the opportunity to share our frustrations about the current sign ordinance and the interpretations of its intent. We encourage the City of Sherwood to update the language of the current sign ordinance.

Sincerely,

Barry Graham
Operations Manager
Pride Disposal Company

Mr. Patrick Allen, Chairman
Sherwood Planning Commission
22560 SW Pine Street
Sherwood, Oregon 97140

October 29, 2008

Re: New Sign Code/Sign Code Modifications

Dear Mr. Allen:

On October 20, July Hajduk told my wife, Susan, that sign code revisions were in the works for Sherwood. Susan noticed that a temporary moratorium on freestanding signs has been included.

The last time we were working on the sign code in Sherwood, I offered to help early on because that is my area of expertise. The administration that was in place at the time rebuffed my offer and the City simply moved forward with its plans. I hope that the current administration will be more open to my input and assistance. I know the subject is an extremely difficult one, so this time around I will communicate in writing.

One of the basic matters to understand in sign regulation is that signs fit into three distinct categories. The first is political speech. I am not speaking here about election signs such as "Vote for Ted Jones"; rather, I refer to opinion signs, such as the banners frequently displayed on the purple house along Hwy. 99 in Dundee. You should look up *Ladue v. Gilleo*, 512 U.S. 43 (1994) and see how the Supreme Court has reacted to attempts to manipulate political speech through regulation. It can be a Title 42 USC §§ 1983 and 1988 Civil Rights violation, meaning that damages and attorney costs must be paid if the Court finds a citizen's freedom of speech has been violated.

Regulation of the "time, place and manner" of this type of signage is subject to the most stringent of evidentiary standards in land use planning – that being "Strict Scrutiny." In other words, the time, place and manner of display of political speech via signage can be regulated, but doing so is a very tricky proposition that goes beyond mere content neutrality. Adequate opportunity must exist for citizens to freely and effectively communicate their opinions to others. For instance, I don't believe you could get away with restricting the posting of political signs on private property to a maximum of six months out of the year. I do not believe the courts would see any justification for that restriction.

I'm not suggesting that the City of Sherwood is intending to regulate political speech, though if that is your intent I hope you will enlist the help of experts to avoid the many costly pitfalls. What concerns me here is that if you fail to adequately define what is political speech, the City might inadvertently be regulating it. Civil rights violations can occur whether or not the infringement was intentional.

The second category of signs is outdoor advertising, commonly called "billboards," though it includes a wide range of other signage that advertises a good, product or service

that is not inherently part of the activity going on at the site where the sign is located. This is an extremely complex area, as well, and perhaps even the most contentious because of the incredible amount of outdoor advertising that is now displayed on public transit vehicles, shelters, etc. Claims of distraction, aesthetics, safety, etc. associated with outdoor advertising located along the roadway are difficult to prove when the government's own transit vehicles are carrying large advertising signs placed right in front of drivers directly on the roadway. Regulating this type of signage involves a fairly rigorous standard of judicial scrutiny, known as "Intermediate Scrutiny," which goes beyond what is required for traditional land use. To meet this standard, the City will have to provide reproducible research to justify any restrictions.

If you intend to modify your outdoor advertising regulations, I can tell you some ways to do it that will satisfy the "time, place and manner" requirements and be content-neutral. I will also tell you that if you are intending to use "amortization" as a tool to take billboards without paying just compensation, you will run afoul of the State's compliance agreement with the Federal Highway Administration. Federal compensation laws must be followed within 600 feet of a federally-funded highway or freeway, as is the case with 99W. Because compensation is being paid for outdoor advertising signs in other cities, a Fourteenth Amendment issue of due process and equal treatment also exists. If the City of Sherwood proceeds to apply non-compensatory amortization to billboards within that zone, you can bet that FHWA will immediately move to withhold 10% of the highway funds provided by the federal government to the State of Oregon. Several years ago when I wrote the sign code for the City of San Diego, we were told precisely that by FHWA.

If you do intend to try to take any billboards, understand that when those who own outdoor advertising decide to litigate, they get very serious. Ackerley Outdoor Advertising took the City of Portland to the cleaners on their outdoor advertising regulation a few years ago. If you take them on, you will be facing not only Schwabe, Williamson & Wyatt, but also a bevy of outside lawyers from well-known national law firms. These will be people who do nothing but litigate outdoor advertising cases, and based on what I have seen of Sherwood's outside legal staff, I don't believe they will be any match for the billboard companies' well-funded lawyers. They will have all the cases, research and experts on their side, as well as the capacity to outspend the City by a significant amount.

The third category of signs is on-premise signage. This category is made up of both permanent and temporary signs that are related to the activity occurring on the premises. The reason Susan, my son Thomas, our associates, and I work so hard with the U.S. Small Business Administration is because of the incredible importance of signage for the small business community. SBA's research has found that the third largest reason for business failure, after management and capital, is lack of adequate marketing or advertising. Their research has also led them to conclude that the most affordable and effective form of marketing and advertising available to the typical small business is its on-premise storefront and signage. If you value your local small businesses, this is an area in which you should be extremely careful.

Just as with billboards, if you decide to take existing on-premise signs you will be tackling a very prickly issue. In doing so, you could be substantially impacting the financial viability of the businesses whose signs are being lost and the consequences could be expensive. I worked on the groundbreaking California case *Denny's Inc. et al. v. City of Agoura Hills*, 66 Cal. Rptr. 2d 382 (Cal. App. 1997). In that case, which was litigated to the fullest extent, several freeway-oriented pole signs were taken. The signs provided the only visibility the businesses had to the freeway. As a result, the businesses were negatively impacted to such a degree that the Appellate Court in California required the City to purchase the businesses themselves. Ultimately, that case has reversed amortization in California. If the litigants know what they are doing, amortization of high-rise signs will not stand in that state. Even if you never have to purchase the businesses, the negative impact on them could result in tax revenue losses that could harm the City's ability to provide essential services to the population. I was involved in a successful lawsuit in Ohio in which we proved beyond the shadow of a doubt that at least half of the value of many retail sites comes from their street exposure. It is, therefore, entirely illogical to destroy the visibility of a retail site because in so doing, you are destroying the community's tax base.

Part of what led to the Cottle administration's reactive sign code was the KFC sign, which was designed to be seen from 99W. From a tax base perspective, that reaction made no sense. As competitive as restaurants are and as many of them as fail, it is essential that they be allowed to reach out and draw business in to their locations. I think we would all agree that it is better to have traffic on 99W stop and eat at a Sherwood restaurant than to have them drive on through and stop in another town.

Despite its recognized importance, on-premise signage as a category is far from simple to regulate; in fact, it can be quite a challenge. If you are not careful, you can find yourself accidentally regulating gravestones, gas pumps, product dispensers, etc. To avoid unintended consequences, when I write a sign code I always begin by breaking it down into five sections: Definitions; Purpose, Scope and Intent; Regulations; Administrative; and Material, Electrical and Structural. (You may be tempted to leave out that last section, believing those issues are covered by the building code, but that would be a mistake. The regulations you are passing will themselves directly manipulate the manner in which signs can be built.)

The Definitions section should be written in conjunction with the Purpose, Scope and Intent so that your definitions do not unintentionally skew the outcome. When writing these sections, I spend a great deal of time asking people what they are trying to accomplish through the regulations, and specifically what they are attempting to regulate. For instance, I ask whether they are trying to regulate any form of religious signs. When I was in Bozeman, MT, the city had unwittingly banned every holiday and religious sign unless it was Christian. They were surprised when they realized this because it was a university town that was very tolerant, and that had not been their intent. I suggested they add a statement to the code specifically stating that it was not their intent to regulate any religious or holiday signs. Sometimes such statements can save the day.

One of the most overlooked issues in defining "signs" is the phenomenon of signature buildings. Most people think of on-premise signs as falling into three categories: building-mounted, freestanding, and temporary. It never occurs to them that the building itself can be a sign. Companies like McDonald's, Burger King, Les Schwab, and many other chains use standardized buildings that act as giant signs for the business. When signature buildings are ignored by the sign code, but comprehensive storefront signage is not addressed, the result can be open discrimination against small businesses. Fighting that sort of discrimination is the primary reason I have been involved in this issue for so many years.


I can help you write a section for your code that would address comprehensive design so as to ensure your independent small businesses are being treated the same as the chains and franchises in town. It is particularly important in the current economic environment to encourage good design. I have found that where the sign code includes a comprehensive design section, businesses tend to have more attractive signage.

The sign code needs to be a careful, content-neutral regulation of time, place and manner of display. To ensure the protection of the civil rights of your business community, you will need to be sure signs are allowed adequate readability and conspicuity. The sign must be large enough, high enough, appropriately placed, and sufficiently illuminated so that passing motorists have enough time to be read and respond to it safely and so that it can communicate effectively. If it does not stand out from its background or it cannot be read, then it cannot "speak." If it is hidden behind street trees or other vegetation, it cannot "speak." It is no accident that Ken Shannon's business manages to attract the amount of business that it does. He has visible and readable signage that draws passing traffic to his site.

Sherwood's current sign code has some problems, too, that I believe ought to be addressed as part of any code revision process. For instance, the City requires construction of a pole cover on freestanding pole signs, meaning in essence that the sign must have a square pole. Yet the building department bars square poles, which would be just as attractive as round poles with square pole covers. If we had been allowed to put our sign up with a square pole, we would have spent a lot less money than we will have to spend now that our round pole must be covered with a pole cover.

Whether intentional or not, the sign code will have serious public policy consequences. If you will provide me with some policy direction, I can help you translate that policy into a sign code that will be legally sound and work to enhance both the aesthetics and economy of Sherwood.

Sincerely,


Jim Claus

cc: Jim Patterson
Keith Nays
Michelle Miller

City of Sherwood Planning Department
Heather Austin
22560 SW Pine Street
Sherwood, Oregon 97140

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December 8, 2008

City of Sherwood
Planning Commission

RE: Proposed Sign Code Ordinance

I own a sign company in Portland. We have been designing, building, and installing custom signs in the Pacific Northwest for 83 years. I first learned of your sign code moratorium when my permit acquisition person was unable to secure a permit for a customer. As a member of the Northwest Sign Council Board of Directors, I am especially interested when a city goes through the process of changing the sign code. Usually someone from the sign industry has input into the proposed code to help structure uniform language and to assure that legality is built into the sign code. I personally have worked with the cities of Lake Oswego, Hillsboro, Vancouver WA, and others. This process is a win-win because the city gets free expert input and the sign industry has a code that has consistent, easy-to-understand language.

In reviewing the proposed sign code there are a couple of issues of concern: Mainly the restricting of pole signs to 6' monument signs in commercial areas except for the Pacific Highway or 10-acre plus sites. This is extremely restrictive, both for the economic vitality of the businesses but also because the smaller signs are, the more dangerous it becomes for drivers trying to find businesses. (There is substantial documentation to on this through the International Sign Association.) The second area of concern is making non-conforming signs come into conformance. These signs are the livelihood of a business and since they were permitted, to make a business pay tens of thousands of dollars to have them conform is not very realistic in these economic times.

Should the city wish to have someone from the sign industry spend some time reviewing the proposed code before it goes to the City Council, I would offer such services because that is what we do through the Northwest Sign Council.

I am asking that you take more time for input and consider especially the two issues I have raised. Thank you so much for all the hard work the Planning Commission and staff has put into this effort.

Respectfully,

Carol Keljo, Owner

Julia Hajduk

From: NWSC [info@nwsigncouncil.org]
Sent: Monday, December 08, 2008 3:35 PM
To: Julia Hajduk; Julia Hajduk
Subject: Modification of Sign Code

Importance: High

Dear City of Sherwood Planning Commission Members and Ms. Hajduk:

I represent the Northwest Sign Council (NWSC), the trade association representing the on-premise sign industry in the Pacific Northwest and, therefore, an important stakeholder with respect to sign regulation. We routinely work with and assist local officials with issues concerning sign regulations and procedures, bringing expertise relating to technology, regulatory options and procedures to the table. The association has recently learned that the City of Sherwood has undertaken the task of updating its sign code to modify the maximum height allowed for freestanding signs throughout the city and to modify the non-conforming language.

We have concerns with both the height restrictions and handling of nonconformance in the proposed code language. We are in full agreement with the concerns conveyed by Jim Claus, a noted expert in the field of on-premise sign regulation, and would also be willing to work with the city to draft code language that would protect the interests of the business community in Sherwood as well as the safety of its residents. On behalf of the members of NWSC and the business community they represent in their customers, I respectfully request that you table this item to allow member of NWSC the opportunity to actively participate in the code revision process.

Following is a link to a brief (3 minutes) but powerful video that conveys the importance of signs to a vibrant community (<http://www.signs.org/Default.aspx?tabid=518>). I strongly encourage you to take a moment to view it.

Respectfully,
Patti King
Executive Director



Julia Hajduk

From: pf6@comcast.net
Sent: Monday, December 08, 2008 4:23 PM
To: Julia Hajduk
Subject: signage

Hi-- I would like to remain anonymous.

I think the signs in Sherwood that were written up in the Gazette are too high and should be made to be brought down to code. I think the billboards are ridiculous and they too should come down. Sherwood is beginning to look like Tigard and McMinnville--and from Sleighbells down to Dundee no sign is taller than that of Sherwood's Walgreen's sign. I do not believe in grandfathering in those tall ones. When the KFC sign came in I felt I was driving on I-5.

Sherwood is getting uglier and uglier with all the condos and buildings being build 5 feet from the sidewalks. It is losing its charm. I am not alone in this as we have lived here long enough to watch the metamorphosis take place.

I could not make the meeting--but wanted to give my input.

Thanks



December 9, 2008

Via E-Mail and Hand Delivery

City of Sherwood
Planning Commission
Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140
Attention: Julia Hajduk, Planning Director

RE: Sign Code Update (PA 08-03)

Dear Planning Commissioners:

My name is Matt Grady , Senior Project Manager for Gramor Development and I'm representing the Langer family properties, specifically, 65 acres encompassing those properties located immediately east of SW Adams Road and (PUD Phases 6, 7 and 8) and a smaller parcel west of SW Adams Road North and north of SW Tualatin Sherwood Road (PUD Phase 4) [Exhibit 1]. I'm here tonight to explain some of the impacts the proposed language could inflict on these properties and to offer a potential change to the proposed language.

Existing Code Interpretation

As you may or may not know these properties are zoned Light Industrial and therefore the applicable sign code section applies to the industrial zoning. The Community Development and Zoning Code (CDZC) under section 16.102.030 3. Industrial Zones, subsection A. Cited below:

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

- A. Signs permitted in commercial zones, provided that only one (1) multi-faced free-standing sign designating the principal uses of the premise shall be permitted in any setback area, if the area of any one face of such free-standing sign does not exceed sixty (60) square feet and the total area of all faces of such free-standing sign does not exceed one hundred and twenty (120) square feet."*

Our interpretation of this leads to the conclusion that signs permitted in Section 16.102.030 2. Commercial zones are permitted, including free standing signs, wall signs, projecting signs, directional signs and temporary signs. The multi-faced free standing sign is more limited compared to the commercial zoned district.

Proposed Text Amendment

The proposes language strikes a crucial phrase in the first sentence, that eliminates the use of the commercial signs in the Industrial district and seems to only permit one multi-faced free-standing sign.

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

- A. ~~Signs permitted in commercial zones, provided that only 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 in any setback area, if the area of any one face of such free-standing sign does not exceed sixty (60) thirty six (36) square feet per sign face for a maximum of and the total area of all faces of such free-standing sign does not exceed one hundred and twenty (120) 72 square feet.~~”*

As explained in the staff report the intent is to differentiate the sign sizes and numbers of signs in industrial districts, compared to the commercial districts. Staff researched and assessed the needs in an appropriate manner for the zoned districts and normally industrial zoned districts do not require as much signage as commercial districts.

Impacts and Proposed Changes

We present a unique situation in that the Langer family sought a modification to their PUD Light Industrial zoned properties that included approval by City Council to allow the development of “permitted commercial uses” through a PUD Modification request and a Development Agreement with the City. This was approved in final form on January 3, 2008. If this text amendment is adopted as written we would be unable to lease any stores, or secure anchor tenants, and therefore not be able to proceed with the development including the construction of Adams Road and Century Drive. The reality is, signage for commercial uses is **critical**. Another observation is that as written, Industrial zones are not permitted any other types of signs aside from the free standing signs. It is recommended to permit wall signs in some shape or form.

We propose a few changes that could resolve this dilemma:

Insert the wording in subparagraph A, that provides for an exception for those Industrial zoned properties that have an approved PUD and approval for permitted commercial uses, shall follow 16.102.030 2. A. (a) – (c), 2, 3, 4, 5, 6, B. Wall signs, C. Projecting Signs, D Directional Signs, E Temporary signs. Additionally, insert wording to permit wall signs in Industrial Districts.

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

- A. Signs permitted in commercial zones, provided that 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. only ~~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 in any setback area, if the area of any one face of such free-standing sign does not exceed sixty (60) thirty six (36) square feet per sign face for a maximum of and the total area of all faces of such free-standing sign does not exceed one hundred and twenty (120) 72 square feet.~~*
- B. Directional Signs – the requirements of subsection C shall apply.*
- 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.*

Our company appreciates the opportunity to provide testimony and we would urge you to consider making these important positive changes to the proposed text amendment. Absent this change, the Langer's 65 acre PUD would be halted from successful development. I can be reached at 503-245-1976 if you have further questions.

Sincerely,
Gramor Development, Inc.



Matt Grady, AICP
Senior Project Manager

MG:kw
Attachment

Cc: Matt Langer

**Sherwood Planning commission
Sign Code Hearing
12/09/08**

**John Alto
Testimony**

Key points

This and future sign rules should be simple to understand and simple to enforce.

Changes to the sign rules should not put a heavy financial burden on an existing permitted sign owner.

I submit the sign code for the city of Scottsdale, Arizona as some components may help tighten up, clarify, and enhance our new sign code.

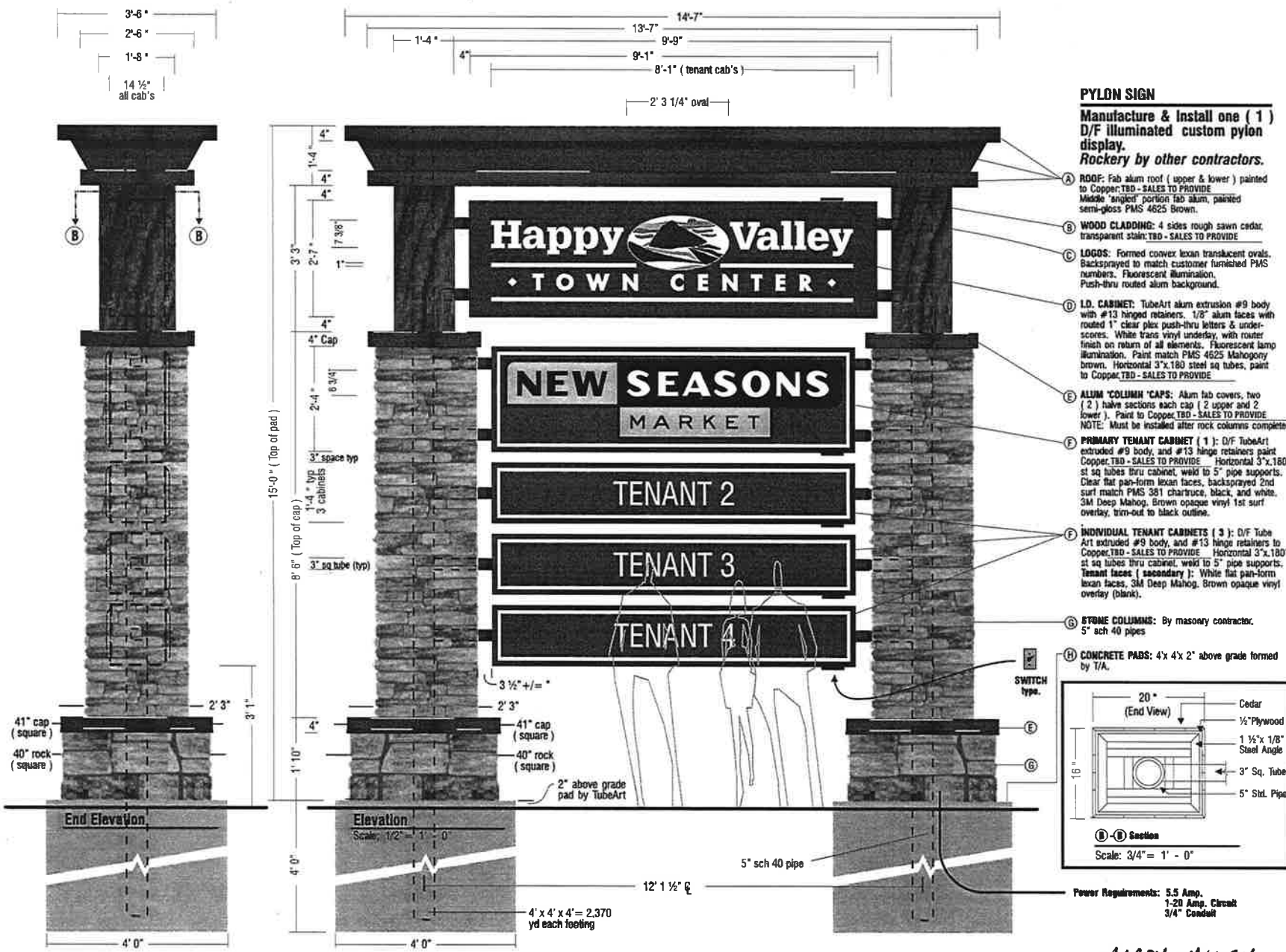
The height of our pole sign on 99w should remain the same as travelers need time to react and enter our facility in a safe manner.

The city should be clear what the purpose of the new sign code is and why do we need change now.

**John Alto
President
Alto Automotive Inc.**

C8

6

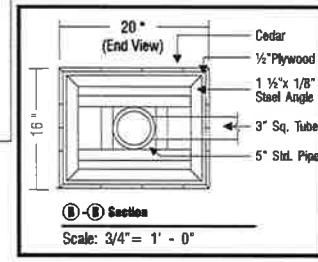


PYLON SIGN
 Manufacture & Install one (1) D/F illuminated custom pylon display.
 Rockery by other contractors.

- A ROOF: Fab alum roof (upper & lower) painted to Copper; TBD - SALES TO PROVIDE. Middle "angled" portion fab alum, painted semi-gloss PMS 4625 Brown.
- B WOOD CLADDING: 4 sides rough sawn cedar, transparent stain; TBD - SALES TO PROVIDE
- C LOGS: Formed convex lexan translucent ovals. Backsprayed to match customer furnished PMS numbers. Fluorescent illumination. Push-thru routed alum background.
- D I.D. CABINET: TubeArt alum extrusion #9 body with #13 hinged retainers. 1/8" alum faces with routed 1" clear plex push-thru letters & underscores. White trans vinyl underlay, with router finish on return of all elements. Fluorescent lamp illumination. Paint match PMS 4625 Mahogany brown. Horizontal 3"x180 steel sq tubes, paint to Copper; TBD - SALES TO PROVIDE
- E ALUM "COLUMN" CAPS: Alum fab covers, two (2) 1/2 sections each cap (2 upper and 2 lower). Paint to Copper; TBD - SALES TO PROVIDE. NOTE: Must be installed after rock columns completed.
- F PRIMARY TENANT CABINET (1): D/F TubeArt extruded #9 body, and #13 hinge retainers paint Copper; TBD - SALES TO PROVIDE. Horizontal 3"x180" st sq tubes thru cabinet, weld to 5" pipe supports. Clear flat pan-form lexan faces, backsprayed 2nd surf match PMS 381 chartruce, black, and white. 3M Deep Mahog. Brown opaque vinyl 1st surf overlay, trim-out to black outline.
- F INDIVIDUAL TENANT CABINETS (3): D/F Tube Art extruded #9 body, and #13 hinge retainers to Copper; TBD - SALES TO PROVIDE. Horizontal 3"x180" st sq tubes thru cabinet, weld to 5" pipe supports. Tenant faces (secondary): White flat pan-form lexan faces, 3M Deep Mahog. Brown opaque vinyl overlay (blank).
- G STONE COLUMNS: By masonry contractor. 5" sch 40 pipes
- H CONCRETE PADS: 4'x4'x2' above grade formed by T/A.



SWITCH type.



Power Requirements: 5.5 Amp. 1-20 Amp. Circuit 3/4" Conduit

TubeArt
 Signs & Sports Displays

4810 E Jeromko, Med. WA 99021
 TEL 509-484-2622
 FAX 509-464-2722
 DEL 509-979-5544
 mmckinlay@tubeart.com

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106167
 CUSTOMER NUMBER

QUOTE NUMBER
 HappyValley1575e
 FILE NAME

Mark McKinley
 SALESPERSON

SRN / TJH
 DRAWN BY

Sep 27, 2006 Sep 28, 2006
 DATE

Sep 29, 2006 Oct 10, 2006 (GM)
 DATE

Oct 11, 2006 (KF) R-5 Oct 17, 06 SRN
 DATE

Jan 23, 2007 (TJH)
 DATE

Feb 6, 2007 (TJH)
 DATE

Feb 7, 2007 (TJH)
 DATE

Feb 26, 2007 (SRN)
 DATE

Apr. 11, 2007 (TJH) - Production.
 DATE

REVISIONS
 [] Approved
 [] Approved with changes noted

CUSTOMER SIGNATURE

DATE

LANDLORD SIGNATURE

DATE



Happy Valley, OR

Calculations	I.D. cabinet	= 23.5
	New Seasons	= 18.8
	Tenant #2	= 10.75
	Tenant #3	= 10.75
	Tenant #4	= 10.75
	TOTAL SQ. FT.	= 74.55

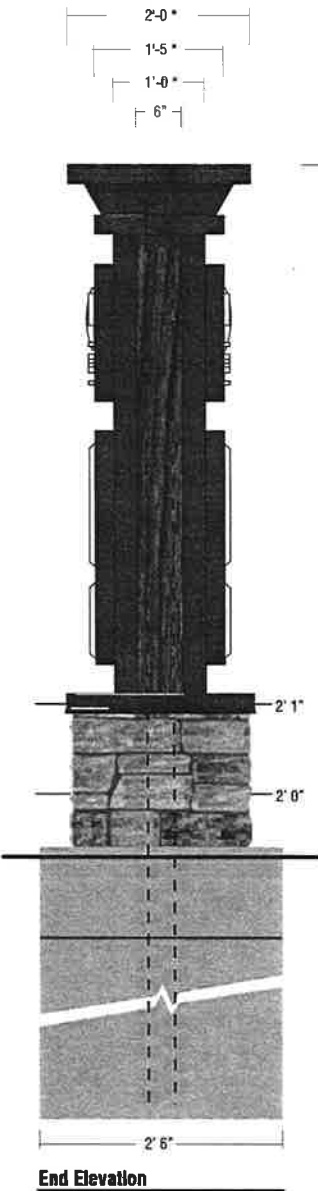
Colors on print do not accurately depict specified colors.

HAPPY VALLEY
 FREE STANDING
 15' TALL, 100 SF MAX. PER FACE

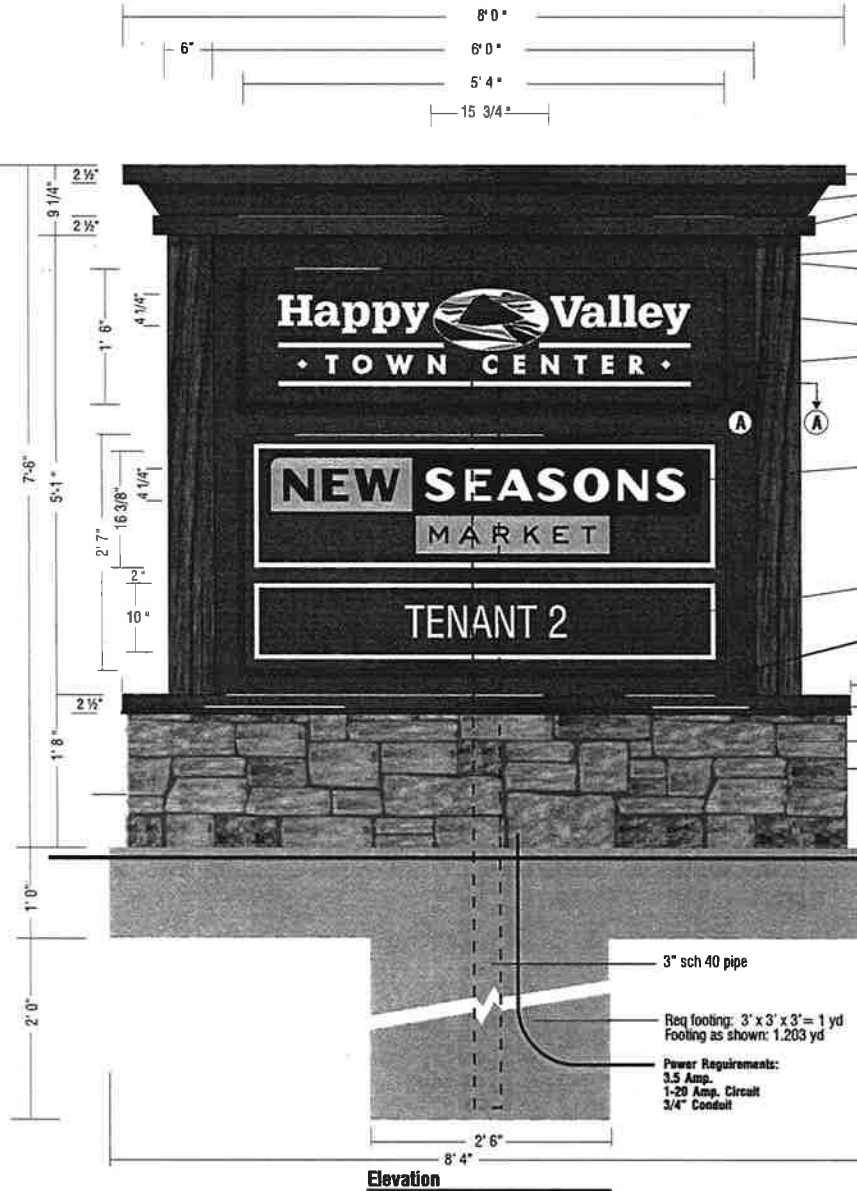
C-8

C8

7



End Elevation



Elevation

Scale: 3/4" = 1' - 0"

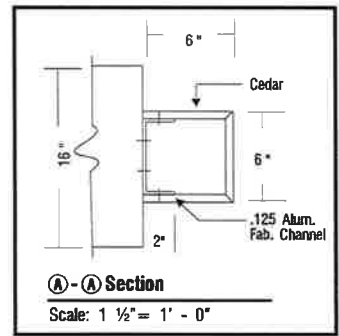
MONUMENT SIGNS (2)

Manufacture & Install two (2)
D/F illuminated custom pylon
displays.
Rockery by other contractors.

- A ROOF: Fab alum roof (upper & lower) painted Copper, TBD - SALES TO PROVIDE
Middle "angled" portion fab alum, painted semi-gloss PMS 4625 Brown.
- B WOOD CLADDINGS: 4 sides rough sawn cedar, transparent stain. TBD - SALES TO PROVIDE
- C LOGOS: Formed convex lexan translucent oval. Backsprayed to match customer furnished PMS numbers. Fluorescent illumination. Push-thru routed alum background.
- D BACKGROUND / I.D. CABINET: Fab alum D/F framed background (center pole, verticle lamps) cabinet, with #13 hinged retainers. 1/8" alum faces with routed 1" clear plex push-thru letters & under-scores. White trans vinyl underlay, with router finish on return of all elements. Paint bkgrd match PMS 4625 brown.
- E TENANT PORTION: T/A #13 slide-face modified retainers, with T/A 2" divider bar, paint to Copper. TBD - SALES TO PROVIDE
"NEW SEASONS" faces: Clear flat pan-form lexan faces, backsprayed 2nd surf match PMS 381 charcoal, black, and white. 3M Deep Mahogany Brown vinyl 1st surf overlay, trim-out to black outline.
"TENANT (lower)" Clear flat pan formed lexan, 3M Deep Mahog. Brown overlay.
NOTE: Tenant name to be furnished by customer prior to delivery for install, to be reversed out of vinyl read white.
- F ALUM "ROCK BASE "CAP": Alum fab cover, two (2) half sections. Paint to Copper, TBD - SALES TO PROVIDE
NOTE: Must be installed after rock base completed, after sign installed.

SWITCH type.

G STONE BASE: By masonry contractor.



A-A Section

Scale: 1 1/2" = 1' - 0"

3" sch 40 pipe
Req footing: 3' x 3' x 3' = 1 yd
Footing as shown: 1.203 yd
Power Requirements:
3.5 Amp.
1-20 Amp. Circuit
3/4" Conduit

TubeArt
Signs & Sports Displays

4810 E Jeromko.
Mead, WA 99021
TEL 509-464-2522
FAX 509-464-2722
CEL 509-979-5544
mmckinlay@tubeart.com

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186157
CUSTOMER NUMBER

HappyValley1576e
FILE NAME

Mark McKinlay
SALESPERSON
SRN / TJH

DRAWN BY
Sep 27, 2006 Sep 28, 2006
DATE
Sep 29, 2006 Oct 10, 2006 (GM)

Oct 11, 2006 (KF) R-5 Oct 17, 06 SRN

Jan 23, 2007 (TJH)

Feb 6, 2007 (TJH)

Feb 7, 2007 (TJH)

Feb 26, 2007 (SRN)

Apr 11, 2007 (TJH)- Production.

REVISIONS
[] Approved
[] Approved with changes noted

CUSTOMER SIGNATURE

DATE

LANDLORD SIGNATURE

DATE

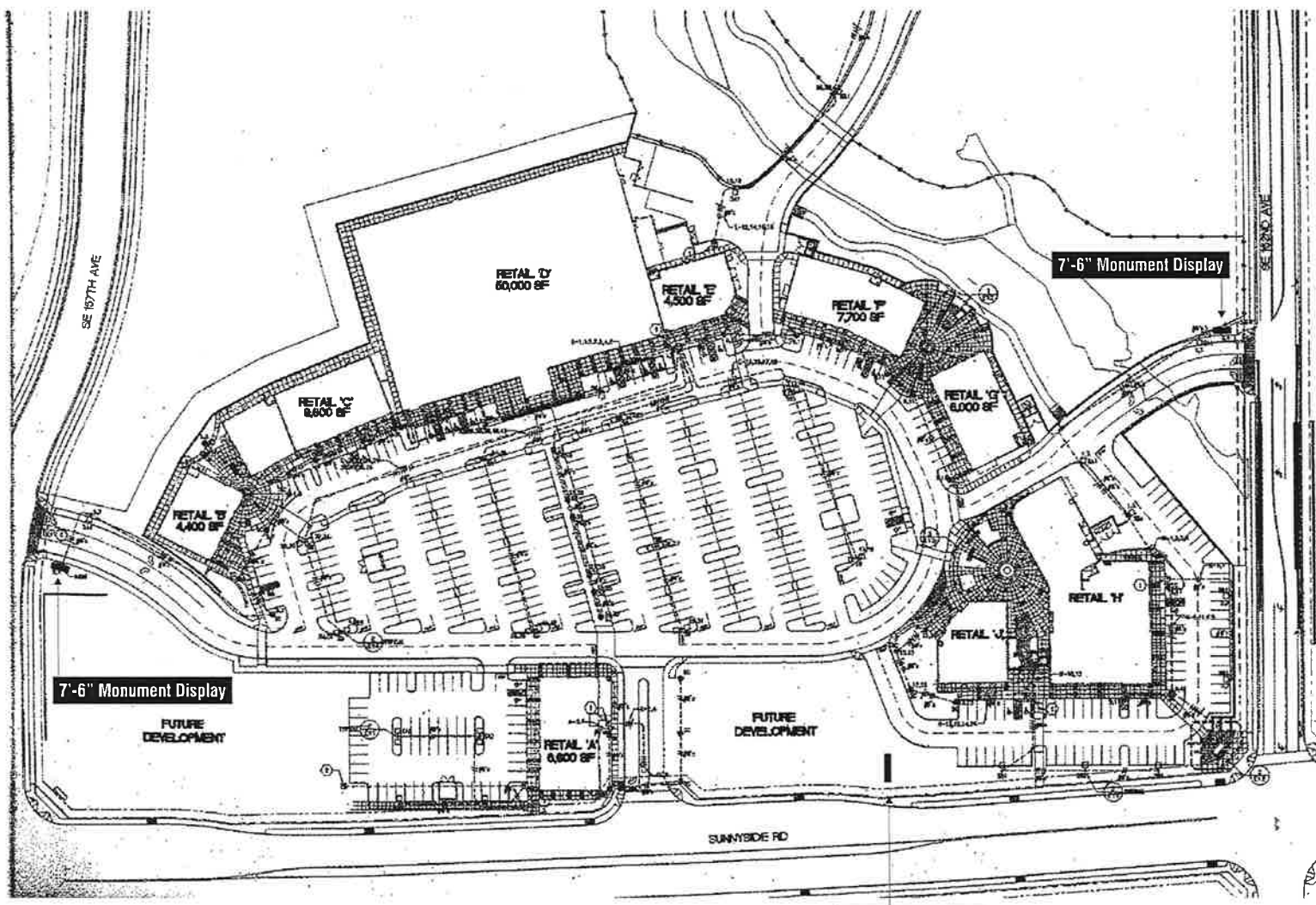


Square Foot Calculations	"Happy Valley" = 8.00
	"New Seasons" = 6.40
	Tenant #2 = 3.75
	Total Sq.Ft. = 18.15

Colors on print do not accurately depict specified colors.

429F 7'0" TALL

C8



TubeArt

Signs & Sports Displays

4810 E Jeramko,
 Med., WA 99021
 TEL 509-464-2622
 FAX 509-464-2722
 CEL 509-979-5544
 mmckinlay@tubeart.com

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108157
 CUSTOMER NUMBER

QUOTE NUMBER
 HappyValley157r6

FILE NAME

Mark McKinlay
 SALESPERSON

SRM / TJH

DRAWN BY

Sep 27, 2006 Sep 28, 2006

DATE

Sep 29, 2006 Oct 10, 2006 (GM)

Oct 11, 2006 (KF) R-5 Oct 17, 06 SRN

Jan 23, 2007 (TJH)

Feb 6, 2007 (TJH)

Feb 7, 2007 (TJH)

Feb 26, 2007 (SRN)

Apr. 11, 2007 (TJH) - Production.

REVISIONS

Approved

Approved with changes noted

CUSTOMER SIGNATURE

DATE

LANDLORD SIGNATURE

DATE



Square Foot Calculations	"Happy Valley" = 8.00
	"New Seasons" = 6.40
	Tenant #2 = 3.75
	Total Sq.Ft. = 18.15

Colors on print do not accurately depict specified colors.

HAPPY VALLEY 7'6" TALL

28

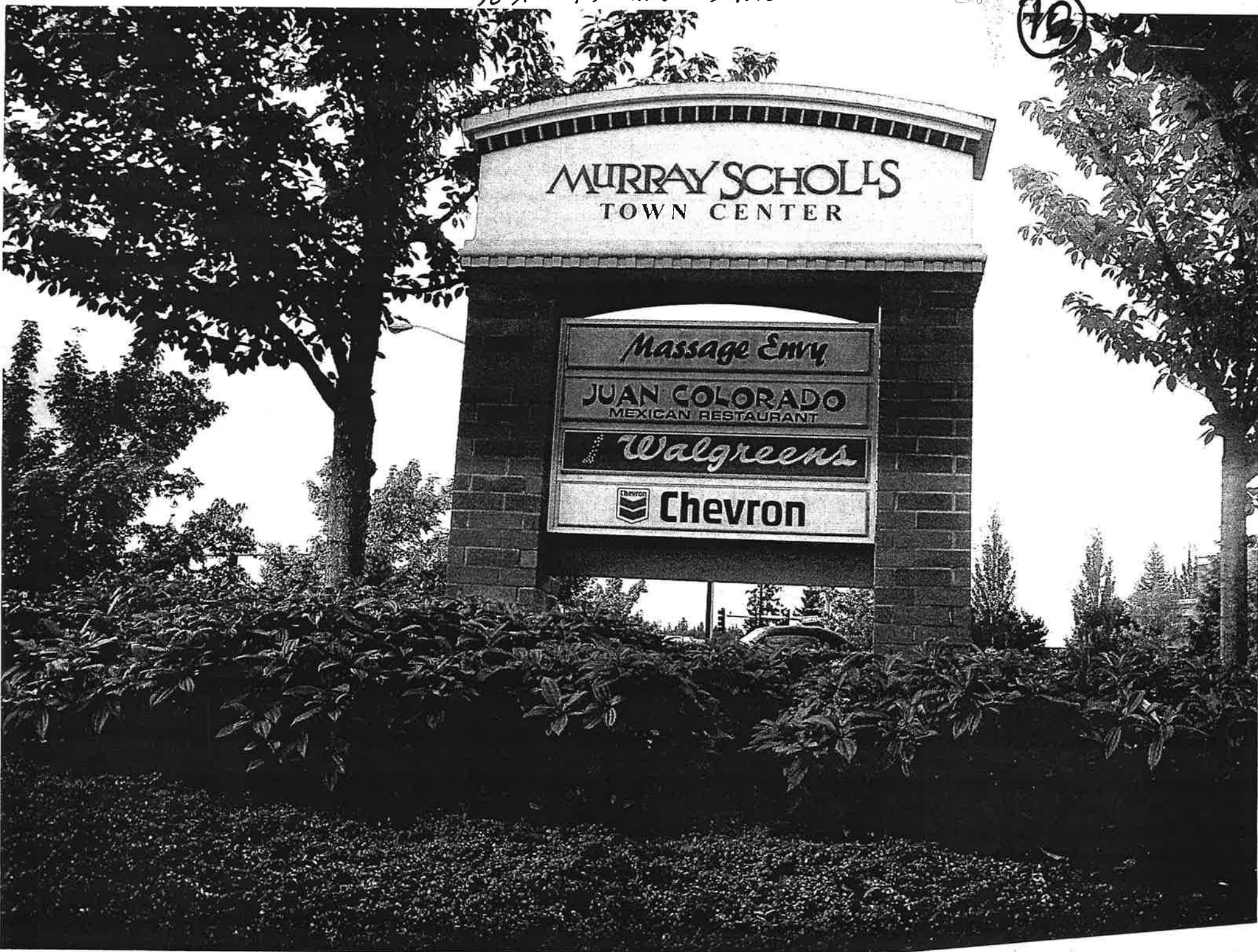
9



32 SF. 15' TALL - BEAVERTON

C8

72



Industrial Sign Comparisons

City/ Zoning	# Allowed	Max sq. ft.	Max Height	ROW Setback	Notes
Lake Oswego	1 ¹	32 sq. ft.	8 ft.	None specified	Only Monuments
Sherwood	1	60 sq. ft. per side not to exceed 120 sq. ft.	Same as commercial zone ²	None specified	
Tigard	1	70 sq feet ³	20 feet ⁴		
Tualatin	1 ⁵	40 sq. ft.	Above grade 10 ft.	No greater than 110 ft. from frontage property line along ROW	Only mentions monument signs in the list approved
West Linn	1	32 sq. ft.	8 ft.	5 ft.	
Wilsonville	1 ⁶	N/A ⁷	20 ft. ⁸	Cannot be within ROW	

¹ Another sign is allowed if there is a secondary frontage of that is 300' or more in length.

² 25 feet for single business site, 30 feet for "Commercial Center" (2-3 businesses) and 35 for "commercial plaza" (4 or more businesses)

³ Sign area may be increased by 1 sq ft for each food sign is moved back from the front property line for a maximum of 90 sq ft

⁴ Height may be increased 1 foot for each 10 feet sign is setback from the property line for a maximum of 22 feet,

⁵ Two (2) are allowed as long as there is no more than one on each frontage.

⁶ for the first 200' (linear) of site frontage. One (1) additional sign may be added for lots with 200' on one street frontage and 100' on the other street.

⁷ There is not a specific maximum square footage for freestanding signs. A maximum of 200 sq. ft. of signage is allowed per lot. The signs go through design review unless they are part of and in compliance with a sign master plan.

⁸ if there is a building is a building on site, the maximum height shall be 20 ft. above the average grade of the building foot print.

Industrial Sign Comparisons

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Lake Oswego	1 ¹	32 sq. ft.	8 ft.	None specified	Only Monuments
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Tualatin	1 ⁵	40 sq. ft.	Above grade 10 ft.	No greater than 110 ft. from frontage property line along ROW	Only mentions monument signs in the list approved
West Linn	1	32 sq. ft.	8 ft.	5 ft.	
Wilsonville	1 ⁶	N/A ⁷	20 ft. ⁸	Cannot be within ROW	

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⁸ if there is a building is a building on site, the maximum height shall be 20 ft. above the average grade of the building foot print.







Key - Y=yes, N=no, U=unknown, ~=approximately







site ref	location	Business Name	Sign information	sign location	size	height	<25'	< 6'	type	reference	Photo	Conforming?
13 C	15900 SW. Tual.-Sher. Rd. 2S129B000600 Sherwood Market Center	76 Gas	76 Gas/ Circle K	Roadside	~157 sq. Ft.	~10'	Y	N	C	Photo # A-082 Permit #		Appears so
6/7 A	16455 SW Langer Dr. 2S130D000100	Abba Day Spa	Abba Day Spa	Roadside	~47 sq. ft.	~6.75'	Y	N	M	Photo # Permit # 10717		Y
17/ 18/ 19 A	21433-21555 SW Oregon St. 2S128C000501/202/201	Allied Systems Company	Allied Systems Company	Roadside	~47 sq. ft.	~4.7'	Y	Y	M	Photo # B-127 Permit #		Y
5 F	21090 SW Pacific Hwy 2S130D000500	Alto, Chevron	Chevron	Roadside	~39 sq. ft.	~6.5'	Y	N	C M(2)	Photo # Permit # 1 M "Diesel"		Too many signs for this site Y
							U	Y				N - design
					~85 sq. ft.	~10'	Y	N				Y

Key - Y=yes, N=no, U=unknown, ~=ap.






site ref	location	Business Name	Sign information	sign location	size	height	<25'	< 6'	type	reference	Photo	Conforming
11/12 H	16386 SW Langer Dr. 2S130D000400/ 2S130D000490	B&G Motors	B&G Motors	Roadside	~6 sq. ft.	~5' (on roof)	U	Y	C	Photo # A-4-162 Permit # roof sign		N - Roof signs prohibited
19 B	15561 SW Oregon St. 2S132AB01100	Bilet Products Co.	Bilet Products Co.	Roadside-Oregon St.	~31.8 sq. ft.	~5.3'	Y	Y	M	Photo #B-132 Permit #		N - design
67 A	13939 SW Tual.-Sher. Rd. 2S128BD00400	Bilet Products Company Annex	Bilet Products Company Annex	Roadside	~47.5 sq.ft.	~9'	Y	N	M	Photo #B-041 Permit #		Appears so
57 A	14085 SW Galbreath Dr. 2S128BC00400	Bonds Automotive	Bonds Automotive	Roadside	~5.7 sq. ft.	~2.25'	Y	Y	M	Photo # B-084 Permit #		N - design
3 A	21859 SW Sherwood Blvd. 2S129CC0700	Burnit Studio	Burnit Studio	Roadside	18.96 sq.ft.	5.6'	Y	Y	P Awnin g	Photo # Permit # SIGN2626		N - design
21 A	21287 SW Oregon St. 2S128C000102	C&M Construction	C&M Construction	Roadside	~9.16 sq. Ft.	~6.8'	Y	N	C	Photo # B-125 Permit #		N - design

site ref	location	Business Name	Sign information	sign location	size	height	<25'	< 6'	type	reference	Photo	Conforming?
27/ 28 A	17680 SW Handley St. 2S130CD01650	Cedar Brook Prof. Bldg. Pacific Family Dental	Cedar Brook Professional Building	Entrance to Lot	41 sq ft	8'2"	Y	N	M	Photo #C-003 Permit #SIGN 4190		Y
27/ 28 C	17680 SW Handley St. 2S130CD01650	Cedar Brook Prof. Bldg. Pacific Family Dental	Cedar Brook Professional Building	Roadside-Pacific Hwy	150 sq ft	24'8"	Y	N	C	Photo # C-005 Permit #SIGN 4190		Y
33 A	15677 SW Oregon St. 2S132BA04400	Cedar Creek Assisted Living	Cedar Creek Assisted Living	Roadside-Oregon St.	12.88 sq. ft.	4'	Y	Y	M	Photo # Permit # 9001 hanging sign on telephone pole		Y
20 A	21345 SW Oregon St. 2S128C000100	Cedar Creek Custom Lumber	Cedar Creek Custom Lumber	Roadside	~34 sq. ft.	~5'	Y	Y	M	Photo # B-124 Permit #		Y
59 A	14145 SW Galbreath Dr. 2S128BC00300	Cedar Landscape	Cedar Landscape	Roadside	Info. Not avail.		Y	Y	M	Photo #B-085 Permit #		N - design
18 A	21900 SW Alexander Ln. 2S130D000901	Cheyenne Plaza	Cheyenne Plaza	Roadside	48 sq. ft	20'6"	Y	N	P	Photo # C-044 Permit #SIGN 2310		N - design, but permitted after new sign code



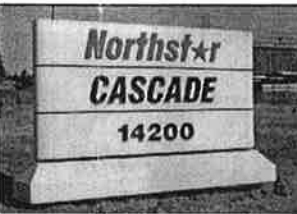


site ref	location	Business Name	Sign information	sign location	size	height	<25'	< 6'	type	reference	Photo	Conforming
38 A	20475 SW Cipole Rd. 2S128A000601	Cipole Rd. Mini Storage	Cipole Rd. Mini Storage	Roadside	~75 sq. f.t	~20'	Y	N	P	Photo # B-111 Permit #		N - design height?
49 A	13735 SW Galbreath Dr. 2S128BA00100	CNC Precision MFG, Inc.	CNC Precision MFG, Inc.	Roadside	~19.6 sq. ft.	~4.2'	Y	Y	M	Photo # B-105 Permit #		Y
25 A	21000 SW Dahlke Ln. 2S128A000506	Dental Care of Sherwood	Dental Care of Sherwood	Roadside (Tualatin- Sherwood side)	Info. Not avail.		Y	U	M	Photo # B-120 Permit #		Y
3 B	14963 (14962?) SW Tual.- Sher. Rd. 2S129D000700	DEQ	DEQ Clean Air Station	Roadside	~18.4 SQ. FT.	~ 4'	Y	Y	C	Photo # B-008 Permit #		N - design
64 A	14240 SW Galbreath Dr. 2S128BC00800	DMV	DMV	Roadside	~35.2 sq. ft.	~4.4'	Y	Y	M	Photo # B-078 Permit #		Y
35 A	20548 SW Wildrose Pl. 2S128A001700	Hardwood Industrial, Inc.	Hardwood Industrial, Inc.	Front	~83.2 sq. ft.	~8.4'	Y	N	M	Photo # B-116 Permit #		Y






site ref	location	Business Name	Sign information	sign location	size	height	<25'	< 6'	type	reference	Photo	Conforming?
25 A	20260 SW Pacific Hwy 2S129A001400	Home Depot	Home Depot	Roadside	280 Sq. ft.	20'	Y	N (99w)	C	Photo # A004 Permit # 8229		N - size design?
13 A	21920 SW Sherwood Blvd. 2S129CC10600	Hopkins Elementary	Hopkins Elementary	Roadside	~32 sq. ft.	~6.75'	Y	N	C	Photo # D-158 Permit #		N - design
13 C	21920 SW Sherwood Blvd. 2S129CC10600	Hopkins Elementary	Hopkins Elementary	Roadside	~18sq. Ft.	~3.5'	Y	Y	M	Photo # D-160 Permit #		Y
19 A	21830 SW Alexander Ln. 2S130DC07400	HTG M&R Properties LLC	HTG M&R Properties LLC	Roadside- Meinecke/Pacific Hwy	31 sq ft	4'4"	Y	Y	M	Photo # C-042 Permit # 8771		Y
26 A	13635 SW Tual.-Sher. Rd. 2S128BD00600	Jerry Bullock Enterprises	Jerry Bullock Enterprises	Roadside	~63 sq.ft.	~7'	Y	N	M	Photo # B-031 Permit #		Y
62 A	15690 SW Oregon St. 2S132BD06600	Jim Fisher Roofing and Construction, Inc.	Jim Fisher Roofing and Construction, Inc.	Roadside-Oregon St.	~8 sq. ft.	~4.25'	Y	Y	C	Photo # Permit #		N - design






Key - Y=yes, N=no, U=unknown, ~=a,

site ref	location	Business Name	Sign information	sign location	size	height	<25'	< 6'	type	reference	Photo	Conforming
27 A	22021 SW Sherwood Blvd. 2S132BB00400	Jomar Property Real Estate Services, etc.	Jomar Property Real Estate Services, etc.	Roadside	~152 sq. ft.	~20'	Y	N	C	Photo # D-133 Permit #		N - design
7 B	22700 SW Pacific Hwy 2S131B000400	Ken's Stump Grinding & Chipping Service	Ken's Stump Grinding & Chipping Service	Roadside-Pacific Hwy	Info. Not avail.		Y	Y	C	Photo # Permit #		N - design
20 A	15905 SW Taul.-Sher. Rd. 2S129B001400	Les Schwab Tire Centers	Tires Les Schwab	Roadside	100 sf.	25'	Y	N	P	Photo # Permit # 8514		N - design
43 A	20403 SW Borchers Dr. 2S130AD14900	Manzanillo	Manzanillo	Roadside	59.63 sf.	18' 8"	Y	N	C	Photo # Permit # sign 3757		N - design, but permitted after new sign code
66 A	13939 SW Tual.-Sher. Rd. 2S128BD00400	Meineke Car Care Center	Meineke/ AAMCO/ Sherwood Auto Body	Roadside	~79 sq. ft.	~9.9'	Y	N	M	Photo # B-042 Permit #		Y
70 A	SW Tual.-Sher. Rd. 2S129A000102	N/A	All New Industrial	Roadside- Tualatin-Sherwood Rd.	Info. Not avail.		U	U	M	Photo # Permit # Also a blank F/T sign	NO PICTURE	



Key - Y=yes, N=no, U=unknown, ~=approximately







site ref	location	Business Name	Sign information	sign location	size	height	<25'	< 6'	type	reference	Photo	Conforming?
36 A	20915 SW Pacific Hwy 2S129B000500	Napa Auto Parts	Napa Auto Parts	Roadside	~35 sq. ft.	~20'	Y	N (99w)	C	Photo # Permit #		N - design
18 A	15659 SW Oregon st. 2S132BA00200	New Life Church	God Bless America	Roadside-Oregon St.	~54 sq. ft.	~6.2'	Y	N	M	Photo # Permit #		N - design
15 A	14200 SW Tual.-Sher. Rd. 2S128C000200	Northstar Cascade	Northstar Cascade	Roadside	40 sq ft	6'6"	Y	N	M F/T	Photo # B-021 Permit # 5740 F/T- "Driver Wanted"		Y
53 A	13945 SW Galbreath Dr. 2S128BA00300	Northwest Fourslide	Northwest Fourslide	Roadside	Info. Not avail.		Y	Y	C	Photo # Permit # 4766	NO PICTURE	
28 A	20345 SW Pacific Hwy 2S129B000102 Sherwood Bus. Park	Oak Barrel, Progressive Fitness	Sherwood Business Park	Roadside	~35 SQ. FT.	~20'	Y	N (99w)	P	Photo # Permit #		N - design
75 A	22464 sw Pine St. 2S132BA02700	Big Foot Bakery formerly:Old Town Coffee Station	Big Foot Bakery	Roadside	total of ~34 sq. ft.	~20'	Y	N	P	Photo # Permit #		N - design






site ref	location	Business Name	Sign information	sign location	size	height	<25'	< 6'	type	reference	Photo	Conforming
56 A	15855 SW 1st St. 2S132BA02200	Omnia Salon and Day Spa	Omnia Salon and Day Spa	Roadside	~18 sq. ft.	~3'	Y	Y	M A (2)	Photo # D-019 Permit #		Y
22 A	13980 SW Tual.-Sher. Rd. 2S128C000101	Pride Disposal	Pride Disposal	Roadside	~56.25 sq.ft.	~8'	Y	N	M	Photo # B-024 Permit #		Y
51 B	16770 SW Edy Rd. 2S130D001400 Providence Medical Plaza	Providence Sherwood Medical Plaza	Providence Sherwood Medical Plaza	Roadside	~63 sq. ft.	~9'	Y	N	M(2)	Photo # Permit # 1- Pacific Hwy/1-Edy Rd.		Y
					~39 sq. ft.	~6'	Y	Y				Y
22 L	15971 SW Tual.-Sher. Rd. 2S129B001100	Regal Cinemas	KFC/A&W	Roadside	152 sf.	45'	N	N	C	Photo # A065 Permit # 9748		N - design and height
114/ 115 A	SW 1st St./SW Pine St. 2S132BC03700	Robin Hood Theater	Robin Hood Theater	Roadside	~158 sq.ft.	~18'	Y	N	C	Photo # D-040 Permit #		N - design







site ref	location	Business Name	Sign information	sign location	size	height	<25'	< 6'	type	reference	Photo	Conforming?
10 A	16380 SW Langer Dr 2S129CB00400 Sherwood Plaza	Safari Sam's, Shari's, Mudpuddles	Sherwood Plaza Safari Sam's, Shari's, etc.	On Langer Drive, near Shari's	200 sq. ft.	~ 43'	N	N	C	Photo # A- 249 Permit # 8287		N - design, height and size
18 A	15555 SW Tual.-Sher. Rd. 2S129B000900	Sentinel Self Storage, LLC	Sentinel Self Storage	Roadside	50 sf.	5'	Y	Y	M B	Photo # A-4-071 Permit # 5292 Many banners on building		Y
38 A	21003 SW Pacific Hwy	Sharkies Coffee	Sharkies Coffee Co	Pacific Highway	100 sf.	15'	Y	N	C	Photo # Permit # SIGN 4540		
36/ 37 B	20945 SW Pacific Hwy 2S129B000501	Shell	Shell	Roadside	90 sq. ft	25'	Y	N	M(2)	Photo # Permit # 4158 originally issued as Texico		N - design
37/ 38 A	22770 SW Elwert Rd. 2S131B000601	Sherwood "Robin Hood" Elks	Sherwood "Robin Hood" Elks	Roadside- Elwert Rd.	~20 sq. ft.	~5'	Y	Y	M	Photo # Permit #		N - design
37/ 38 B	22770 SW Elwert Rd. 2S131B000601	Sherwood "Robin Hood" Elks	Sherwood "Robin Hood" Elks	Entrance to Lot	~62.5 sq. ft.	~5'	Y	Y	C (2)	Photo # C-023 Permit # 1C- "Harold Baker Dr."		Y







Key - Y=yes, N=no, U=unknown, ~≈a







site ref	location	Business Name	Sign information	sign location	size	height	<25'	< 6'	type	reference	Photo	Conformi
68 B	13921 SW Tual.-Sher. Rd. 2S128BD00500	Sherwood Auto Center	Sherwood Auto Center	Roadside	25 sq ft	13'10"	Y	N	C	Photo # B-035 Permit # 4663		Y
54 A	13950/13910 SW Galbreath Dr. 2S128BD00800	Sherwood Business Center	Sherwood Business Center	Roadside	35 sq ft	5'	Y	Y	M	Photo # B-092 Permit # 8104		Y
54 C	13950/13910 SW Galbreath Dr. 2S128BD00802	Sherwood Business Center	Sherwood Business Center	Front of Lot	31.5 sq. ft	5'	Y	Y	M	Photo # B-090 Permit # 8104		Y
27 A	13565 SW Tual.-Sher. Rd. 2S128BD00700	Sherwood Business Center	Sherwood Business Center	Roadside/ Front of Lot	45.82 sq ft	5'	Y	Y	M(2)	Photo # B-029 Permit # 5035		Y
34 O	Roy Rogers Rd. 2S129BC00100 Sherwood Crossroads	Sherwood Crossroads, Safeway, etc.	Regency Centers Thank You	Roadside- Roy Rogers	~12 sq. ft.	~4'	Y	Y	C	Photo # A-4-031 Permit #		N - design
34 B	Roy Rogers Rd. Sherwood Crossroads	Sherwood Crossroads, Safeway, etc.	Sherwood Crossroads, Safeway, etc.	Roadside- Pacific Hwy	~525 sq. ft.	~35'	N	N	C	Photo # A-4-005 Permit #		

site ref	location	Business Name	Sign information	sign location	size	height	<25'	< 6'	type	reference	Photo	Conforming?
34 P	Roy Rogers Rd. 2S129BC00100 Sherwood Crossroads	Sherwood Crossroads, Safeway, etc.	Sherwood Crossroads, Safeway, etc.	Roadside- Roy Rogers	~450 sq. ft.	~25'	Y	N	C	Photo # Permit #		
44 A	20407 SW Borchers Dr. 2S130AD14800	Sherwood Ice Arena	Ice Arena, Eye Health, Hair Studio, etc.	Roadside	72 sf.	18'	Y	N	C	Photo # Permit # sign3923		Y
13 A	16030 Tualatin-Sherwood Rd.2S129B000600 Sherwood Market Center	Sherwood Market Center, Albertsons, etc.	Sherwood Market Center, Albertsons, etc.	Entrance Roadside	146.68 sf	29.8	N	N	C	Photo # A-079 Permit #		Y
13 AK	Tualatin-Sherwood Rd. 2S129B000600 Sherwood Market Center	Sherwood Market Center, Albertsons, etc.	Sherwood Market Center, Albertsons, etc.	Roadside- Pacific Hwy	146.68	29'.8'	N	N	C	Photo # A-166 Permit #		Y
2 H	16685 NW 12th St. 2S130D002500 Marketplace at Sherwood	Sherwood Marketplace, Joes, McDonalds	Marketplace At Sherwood	Roadside	64 sf.	14.5'	Y	N	M	Photo # A-4-131 Permit # 10131		Y
3 D	SW Sherwood Blvd 2S130D002501 Marketplace at Sherwood	Sherwood Marketplace, Joes, McDonalds	Marketplace At Sherwood, Joe's, McDonalds, etc.	Roadside	544.5 sf.	appx. 42'	N	N	C	Photo # A-4-124 Permit # 8784		N - size and height







site ref	location	Business Name	Sign information	sign location	size	height	<25'	< 6'	type	reference	Photo	Conforming
15 A	21970 SW Sherwood Blvd. 2S132BA00800	Sherwood Middle School	Sherwood Middle School	Roadside	~27 sq. ft.	~4.5'	Y	Y	M	Photo # D-161 Permit #		Y
15 C	21970 SW Sherwood Blvd. 2S132BA00800	Sherwood Middle School	Sherwood Middle School	Roadside	Infor. Not avail.		Y	U	M	Photo # D-162 Permit #		Y
119 A	16043 SW Railroad St. 2S132BC04300	Sherwood Old Town Dental	Sherwood Old Town Dental	Front	~39 sq. ft.	~13.5'	Y	N	C W	Photo # D-053 Permit #		N - design
10 A	21907 SW Sherwood Blvd. 2S129CC07300	Sherwood Presbyterian Senior Center	Sherwood Presbyterian Senior Center	Roadside	~12 sq. ft.	~3'	Y	Y	P A	Photo # Permit #		Y
7 B	21888 SW Sherwood Blvd. 2S129CC07400	Sherwood Professional Center	Sherwood Professional Center	Roadside	~52 sq. ft.	~8'	Y	N	M/C	Photo # Permit #		N - design
58 B	22467 SW Ash St. 2S132BA02300	Sherwood Tax and Accounting, PC	Sherwood Tax and Accounting, PC	Roadside	25 sq. ft	~4.6'	Y	Y	M	Photo # Permit # Planning only (08-01)		N - design

site ref	location	Business Name	Sign information	sign location	size	height	<25'	< 6'	type	reference	Photo	Conforming?
21 A	22280 SW Washington St. 2S132BB00301	Sherwood United Methodist Church	Sherwood United Methodist Church	Front	15 sq ft		Y	Y	M C (2) B	Photo # D-167 Permit # Planning only		Y
							Y	Y		D-169		N - design and too many per lot
27 A	20015 SW Pacific Hwy 2S129B000105 Sherwood Family Med.	Sherwood West, LLC	Sherwood Family Medicine, Sherwood Endodontics, HBH Con.	Front of lot	100 sq. ft	7'	Y	N (99w)	M	Photo # A-011 Permit # 10193		Y
26 B	20055 SW Pacific Hwy 2S129B000103 Sherwood West Office	Sherwood West, LLC	Sherwood West Office Campus, Chiropractic, etc.	Front of lot	90 sq. ft	8'	Y	N (99w)	M	Photo #A-007 Permit # 7793		Y
52 A	22444 SW Oak St. 2S132BA02000	Smockville Montesori Pre-School-- Kindergarten		Front	Infor. Not avail.		Y	Y	C B	Photo # D-017 Permit #		N - design
14 A-2	15651 SW Oregon St. 2S129CD12500	St. Frances Catholic Church	St. Frances Catholic Church	Roadside-Oregon St.	~22.5 sq. ft.	~5'	Y	Y	C- roadside	Photo # Permit # multiple hanging signs on telephone poles		N - design and too many per lot



site ref	location	Business Name	Sign information	sign location	size	height	<25'	< 6'	type	reference	Photo	Conformi.
14 A-1	15651 SW Oregon St. 2S129CD12500	St. Frances Catholic Church	St. Frances Catholic Church	Roadside-Oregon St.	Infor. Not avail.		Y	Y	M	Photo # Permit #		Y
65 A	14270 SW Galbreath Dr. 2S128BC00900	Stark Street Lawn and Garden	John Deere	Roadside	56 sq ft	8'4"	Y	N	M	Photo #B-060 Permit # 9843		Y
24 A	21973 SW Sherwood Blvd. 2S132BB00200	State Farm	State Farm	Roadside	Infor. Not avail.		Y	Y	C W	Photo # D-139 Permit # Canopy Tent		Y
39/ 40/41 A	17070 SW Sunset 2S131DC00400	Steel Tek	Steel Tek	Roadside-Pacific Hwy	Info. Not avail.		Y	Y	C	Photo # C-041 Permit #		N - design
15 B	21365 SW Baler Wy 2S129CA01000 Langer Farms Shop. Ctr.	Target, Red Robin, etc.	Target, Red Robin, etc.	Roadside	290.25	35'	N	N	C	Photo # A-184 Permit #9613		Y
31 A	13025 SW Tual.-Sher. Rd. 2S128A000400	The Outdoor Wood Store	The Outdoor Wood Store	Roadside	~49 sq. ft.	~8'	Y	N	C	Photo # B-114 Permit #		N - design

site ref	location	Business Name	Sign information	sign location	size	height	<25'	< 6'	type	reference	Photo	Conforming?
31 B	13025 SW Tual.-Sher. Rd. 2S128A000400	The Outdoor Wood Store	The Outdoor Wood Store	Front	~36 sq. ft.	~10'	Y	N	C	Photo #B-115 Permit #		N -design and too many per lot
34 A	20525 SW Cipole Rd. 2S128A000505	Therm Tec	Therm Tec	Roadside	Info. Not avail.		Y	Y	M	Photo #B-113 Permit # 1127 and 1532		Y
34 B	22275 SW Pacific Hwy 2S131BA01900	Trading Post/ Antique Mall	Buy-Sell Used Furniture	Roadside-Pacific Hwy	Info. Not avail.		Y	N	C	Photo # C-016 Permit # Open Sign Below C		N -design and too many per lot
34 A	22275 SW Pacific Hwy 2S131BA01900	Trading Post/ Antique Mall	Trading Post/ Antique Mall	Roadside-Pacific Hwy	Info. Not avail.		U	N	C	Photo # C-015 Permit #		N -design and too many per lot
72 B	14841-14997 SW Tual.- Sher. Rd 2S129A000401	Tualatin-Sherwood Business Park	Directory	Front of Lot	~40 sq. ft.	~4'	Y	Y	M	Photo # B-136 Permit #		Y
72 A	14841-14997 SW Tual.- Sher. Rd 2S129A000400	Tualatin-Sherwood Business Park	Tualatin-Sherwood Business Park	Roadside	~40 sq. ft.	~6.5'	Y	N	M	Photo #B-135 Permit #		Y

Key - Y=yes, N=no, U=unknown, ~=.

site ref	location	Business Name	Sign information	sign location	size	height	<25'	< 6'	type	reference	Photo	Conform.
159 A	15440 SW Oregon St. 2S132AB01200	TVFR	TVFR	Front	~35 sq. ft.	~3.5'	Y	Y	M	Photo #B-133 Permit #		N - design
42 C	21065 SW Pacific Hwy 2S130D001700	Walgreens	Walgreens	Roadside	125 sf.	25'	Y	N (99w)	C	Photo # Permit # 9564		N - design
11 A	14440 SW Tual.-Sher. Rd. 2S128C000301	Wellons	Wellons	Roadside	~22 sq.ft.	~5'	Y	Y	M/C	Photo # B-018 Permit #		N - design
94 A	22461 SW Pine St. 2S132BC03600	What Goes Around Comes Around	What Goes Around Comes Around	Front/Side	~13.5 sq. ft.	~9'	Y	N	P A B	Photo # D-037 Permit #		N - design
29 A	22240 SW Washington St. 2S132BB00700	Woodhaven Community Church	Woodhaven Community Church	Front	23 sq. ft		Y	Y	C B (4)	Photo # Permit # Planning only (08-01)		N - design
5 A	22802 SW Forest Creek Dr. Ste. 102 2S131BC90000	Woodhaven Crossing	Woodhaven Crossing	Roadside-Pacific Hwy	45.6 sq ft	23'2"	Y	N	P	Photo # C-032 Permit #		N - design, but permitted after new sign code

Key - Y=yes, N=no, U=unknown, ~=approximately

site ref	location	Business Name	Sign information	sign location	size	height	<25'	< 6'	type	reference	Photo	Conforming?
4 B	23000 SW Pacific Hwy. 2S131CB09100	YMCA	Sherwood Family YMCA	Roadside-Pacific Hwy	32 sq ft	11'	Y	N (99w)	M	Photo # C-029 Permit # 7324		Y
49 A	22350 SW Pine St. 2S132BA01400	Your Journey Counseling Services	Your Journey Counseling Services	Front	12 sq. ft	~6'	Y	Y	C W	Photo #D-026 Permit #		N - design
	22211 SW pacific Hwy	Claus Consulting	Claus Consulting and reader board	Roadside-Pacific Hwy	84 sq. ft.	23' 4"	Y	N (99w)	C P	Photo # Permit #	NO PICTURE	Y

Date: _____ Non-Agenda Topic: _____

Agenda Item: Sign Code

I have read & understand Rules for Mtgs, Resolution 98-743

Applicant: Proponent: Opponent:

Name: R. J. CLAUS

Address: 2221 SW Pacific

City/State/Zip: Sherwood

Email Address: claus@aol.com

I represent: Myself Other

Date: 12/9/08 Non-Agenda Topic: _____

Agenda Item: Brookman Road

I have read & understand Rules for Mtgs, Resolution 98-743

Applicant: Proponent: Opponent:

Name: LBA Jo Frech

Address: Raindrops to Refuge

City/State/Zip: Sherwood

Email Address: _____

I represent: Myself Other

Date: 12/9/08 Non-Agenda Topic: _____

Agenda Item: Sign code

I have read & understand Rules for Mtgs, Resolution 98-743

Applicant: Proponent: Opponent:

Name: John ~~W~~ AUTO

Address: P.O. Box 1090

City/State/Zip: Sherwood, OR 97146

Email Address: JAUTO@att.net

I represent: Myself Other

Date: 12.9.08 Non-Agenda Topic: _____

Agenda Item: SIGN CODE PA-08-03

I have read & understand Rules for Mtgs, Resolution 98-743

Applicant: Proponent: Opponent:

Name: MATT BRADY

Address: 19767 SW 72ND AVE, SUITE 100

City/State/Zip: TUALATIN, OR

Email Address: MATT@GRAMOR.COM

I represent: Myself Other

Date: 12/9 Non-Agenda Topic: _____

Agenda Item: BROOKMAN ROAD

I have read & understand Rules for Mtgs, Resolution 98-743

Applicant: Proponent: Opponent:

Name: DENNIS DERBY

Address: 10275 SE CRESCENT RIDGE LOOP

City/State/Zip: PORTLAND, OR 97086

Email Address: dderby@aol.com

I represent: Myself Other

Date: 12/9/08 Non-Agenda Topic: _____

Agenda Item: BROOKMAN ADDITION

I have read & understand Rules for Mtgs, Resolution 98-743

Applicant: Proponent: Opponent:

Name: DOUGLAS DAVINA

Address: 23819 SW RED FERN DR

City/State/Zip: SHERWOOD OR 97140

Email Address: ddavina@comcast.net

I represent: Myself ^(HOUSEHOLD) Other

Date: 12/9/08 Non-Agenda Topic: ~~_____~~

Agenda Item: BROOKMAN RD

I have read & understand Rules for Mtgs, Resolution 98-743

Applicant: Proponent: Opponent:

Name: CRAIG LARKIN

Address: 23801 SW REDFERIN

City/State/Zip: SHERWOOD OR

Email Address: csllarkin@verizon.net

I represent: Myself Other

Date: _____ Non-Agenda Topic: _____

Agenda Item: SIGN CODE

I have read & understand Rules for Mtgs, Resolution 98-743

Applicant: Proponent: Opponent:

Name: CAM DURRELL

Address: 22631 SW SAUNDERS

City/State/Zip: SHERWOOD OR

Email Address: CAM.T.DURRELL@LASSCHWAB.COM

I represent: Myself Other

Date: 12/9/08 Non-Agenda Topic: _____

Agenda Item: BROCKMAN addition

I have read & understand Rules for Mtgs, Resolution 98-743

Applicant: Proponent: Opponent:

Name: Maureen Pierce

Address: 18180 SW Pearl St

City/State/Zip: Sherwood

Email Address: _____

I represent: Myself Other

Date: 12/9 Non-Agenda Topic: _____

Agenda Item: Brockman Rd

I have read & understand Rules for Mtgs, Resolution 98-743

Applicant: Proponent: Opponent:

Name: Neil Shannon

Address: 23997 S.W. Red Fern Dr.

City/State/Zip: Sherwood

Email Address: Neilshann@msn.com

I represent: Myself Other

Date: 12-9 Non-Agenda Topic: _____

Agenda Item: BROOKMAN ROAD

I have read & understand Rules for Mtgs, Resolution 98-743

Applicant: Proponent: Opponent:

Name: DAVID DeHARPORT

Address: 14985 S.W. Ruby St.

City/State/Zip: BEAVERTON, OR 97007

Email Address: FOURDCONST@MSN.COM

I represent: Myself Other

APPROVED MINUTES

City of Sherwood, Oregon
Draft Planning Commission Minutes
December 9, 2008

Commission Members Present:

Chair Allen
Jean Lafayette
Matt Nolan
Raina Volkmer
Adrian Emery

Staff:

Julia Hajduk, Planning Manager
Heather Austin, Senior Planner
Karen Brown, Recording Secretary

Commission Members Absent:

Todd Skelton

City Attorney: Heather Martin

Council Liaison –

1. **Call to Order/Roll Call** – **Chair Allen** called the meeting to order. **Karen Brown** called roll
2. **Consent Agenda** – **Chair Allen** asked if anyone had comments or changes to make to the October 14, 2008 draft meeting minutes. No changes were made. Commissioner Lafayette made a motion to approve the consent agenda. The motion was seconded by Commissioner Walker and all were in favor, the motion carried.
3. **Staff Announcements** – There were no staff announcements made at this meeting.
4. **City Council Comments** – **Mayor Mays** had been present during the work session, but was not at the meeting. There were no City Council comments made.
5. **Community Comments** – No community comments were given.
6. **Old Business**
 - a. **Chair Allen** re-opened PA08-01 The Brookman Road Concept Plan continuation. He started by summarizing the process to this point. The Plan has been in review with the Planning Commissioner for a number of months. There have been public hearings held as well as several work sessions over the spring and summer. Tonight's meeting is another public hearing opportunity for comments from the public. He read the public hearing statement, and then asked for any exparte contact or conflicts of interest. He and Commissioner Volkmer both disclosed that they live in the Arbor Lane neighborhood that could potentially be affected by decisions made on this plan. He then asked Julia to present her staff report.

Julia Hajduk – began with a brief summary of the history of the project to date. The 1st public hearing was held in June of 2008. Many questions were raised both by the Planning Commission and members of the public and additional information was requested. Staff then

broke those out into a series of work sessions during the past several months. Some changes have been directed by the Commission and currently staff is moving forward with the directives. The Staff report being reviewed in this meeting is a modification to the June 3rd Staff report. While there are some changes, it has been built upon the original Steering Committee recommendations. The Steering Committee recommendations are exhibits 1 – 4, and there are recommended conditions throughout the Staff Report based on new information received and questions that were answered in those work sessions. This Staff Report contains a recommendation to forward a recommendation to the City Council for the updated hybrid map and zoning map changes that are identified in exhibit 9. The area of employment has also been a topic of many discussions. Due to the fact that there are still many unknowns within the Brookman Road connector, staff has recommended some specific conditions as well as a policy analysis for Council's consideration that is on page 25 of the Staff Report. Julia read the policy analysis to the commission and public and with that closed her staff report presentation.

Chair Allen asked what the Council would potentially do with the language included in her conditions.

Julia explaining what some of the options could be: they could proceed with adoption, adoption with specific additional amendments to the comprehensive plan regarding phasing or possibly adopt the concept plan and only implement portions through the comp plan map changes. The Council will need to decide at a policy level how they want to proceed with the project.

Chair Allen asked if an option for the Commission would be to strengthen the language from a policy analysis to one or more policy recommendations.

Julia agreed.

Commissioner Emery asked what the time constraints are that have been set by Metro and what Metro's options are if the time constraints are not met.

Julia was not aware of a specific deadline date. She noted that we are already beyond the original date required for a response. An extension was requested. As long as progress is being shown she believes they will not raise too much of an issue. There are however funding restraints. We have received funding through the Metro Construction Excise tax funds. The last payment of those funds is paid upon adoption of something. That should not be the driving factor, but is something to be considered. We do need to continue to proceed and show that an effort is being made. Julia added that this issue has been with the Planning Commission for almost 6 months now and that something needs to get to the City Council for their consideration at a policy level.

Commissioner Lafayette asked what Julia would predict the Council doing with a partial recommendation from the Commission and if the Council could send it back to the Commission.

Julia explained that there are basically 3 distinct areas. She sees that there are several options that the Council could take in making their policy decision that include: taking what is in place now and what is in the near future and move the plan on to implementation, or implement the plan in pieces and not implement the central piece and send that back at a later date, they could also adopt the concept plan but choose not to implement it, they could also say they are not going

to adopt or implement the plan, etc. Julia feels that this is a conversation the Council needs to begin having very soon.

Chair Allen gave a quick history for the people in the audience to help them understand the process and how it has come to this point. He then opened the meeting up for public testimony.

Maureen Pierce a Sherwood resident testified that she understands that the proposal is for 11 units where she lives and 11 around her and 24 units across the street. She feels this will impact her quality of life as well as her neighbors that are all on septic systems and wells. She feels there will be an increase in traffic and crime in the area due to the location of an apartment building. She is against the proposal.

Dennis Derby who, with partners, owns land in the Brookman Road addition area and was also on the Steering Committee testified that his main concern is the wetland area that is identified in the center of the concept plan. He provided copies of a handout that he wanted the Commission to see. (That exhibit will be labeled as 14-B in the record). There is a potential that the concept plan includes some mapping of a wetland 4-5 acres in size that through their wetland delineation may only be 4000 sq. ft. There may be approximately 4 acres of additional buildable land that could be added to the residential area.

Lisa Jo Frech testified on behalf of Raindrops to Refuge. Their main concern is Green Design. They strongly advocate the use of "Green Design Principals", which can take place across a wide range of green. Raindrops to Refuge will be more than willing to assemble a panel of experts to help city and county councils and staff to discuss what has happened in other areas. Their support of the project is contingent upon use of "Green Design Principles." They are writing a special grant to pay for the local experts to assist the Commission. They are also creating a resource library of "Green Development Resources" collected from all around the state and the country, so that people can learn from others experiences.

Commissioner Lafayette asked how the Commission could change or improve what they have done so far to highlight the idea of Green Building.

Ms. Frech directed the question to Julia whose response was to say that the recommendations in the Comprehensive Plan already say "encourage use of low impact development practices and storm water system designs where appropriate and permissible that mimic natural hydrologic processes, minimize impacts to natural resources and eliminate pollution to water sheds." That is a proposed policy within the comprehensive plan to implement the Brookman Road concept plan.

David DeHarpport introduced himself as a property owner (with partners) of several pieces of property on the eastern section of the concept plan. They do support the draft zoning plan and the concept plan with the exception of the east park. They have drafted a letter with several points defending their suggestion for moving the park further to the west. They respectfully request that the Commission consider relocating the park to the eastern sub-area as shown on the July map.

Craig Larkin a Sherwood resident living on Redfern Drive is opposed to the plan as it shows Redfern as a through street. He feels it would be a safety issue for the children as well as creating noise problems.

Neil Shannon a Sherwood resident living on Redfern read a statement he had prepared voicing his opinion that connecting Redfern Drive would be a disaster to the neighborhood. He suggests that Redfern Drive should not be shown as a connection until a specific proposal from a developer can show a plan for a limited traffic and mitigation if necessary. He also requests that the Commission consider modifications to allow pedestrian, bicycle and emergency vehicle traffic only.

Doug Davina a Sherwood resident living on Redfern Drive supports the two previous speakers in their opposition to connecting Redfern Drive. His concern is for the traffic impact and for the safety of the children in the neighborhood.

No other persons were signed up or chose to testify, therefore, Chair Allen closed the Public Hearing on PA 08-01 Brookman Road Concept Plan and asked for any more staff comments.

Julia responded by saying that she believes that all of the issues raised at this meeting have been raised and addressed within the Staff Report and recommendations. She responded to a question from Chair Allen regarding funding for park development by saying that as part of the fiscal analysis that was done, SDC fees will partially fund the park land. There are no development code requirements that require parks to be dedicated at this time in Sherwood. The parks shown may not be developed where indicated.

Chair Allen summarized what decisions he sees need to be made or considered including:
Considering testimony received at this meeting that said don't proceed
Green Development standards issues
Park area adequacy issue
What to do within the central sub-area regarding residential vs. jobs generating land
Redfern connectivity issue
Wetland issue near area on North side
East park location

Commissioner Nolan added that he has concerns about what the residential vs. industrial mix should be. He feels without knowing where the I-5/99 connector will go through, they are ahead of things making their decision. Commissioner Emery agreed 100% and added that he feels it is too early in the process to make a decision and would be happy to see the question tabled for a year.

Julia recommended that a decision like that should come as a policy decision and that the City Council needs to be the group that makes that determination. The Commission can raise all their issues and concerns, but that the Council needs to consider their options.

Commissioner Nolan added that he feels that while the advisory committee did a great job, there is such a huge uncertainty about what will happen to make a decision.

The Commission continued to discuss options for zoning possibilities. Chair Allen asked Tom Pessemier (the City's Community Development Director and member of the I-5/99 W Stakeholder's committee) to address the Commission and public. Tom indicated that originally a decision was anticipated to be made regarding the connector more than a year ago. He stated that there are no further meetings planned on the project until at least mid January or February. At best there may be a decision made on a corridor to revise the RTP within 2009, but any decisions regarding construction would be many, many years in the future.

Chair Allen asked Heather Martin, from the City's Attorney's office when and if they owners in that area ever get the chance to argue their case, and say the process has taken too long and now we can develop our land as we want.

Heather explained that she would have to look into a get a bit more information.

Chair Allen rephrased his question by saying that he is worried about the unintended consequences that if the Commission takes a deferral action that could end up taking years, would that then allow the land owners to fight and win a case that they have been held up too long and be allowed to move forward.

Julia, as with Heather, would like to look more closely at that question, but she sees this as more of a Metro issue. She doesn't see immediate issues, but the question will arise when Metro starts looking at their next UGB expansion they will have to factor in the amount of area previously brought in that are still not being developed and why. As far as a legal right to develop land based on a time limit for being in the UGB she is not aware of any issues. The area will have to be concept planned and zoned.

The Commission continued to discuss what the ramifications would be of any decision or choice not to make decision at this time would be.

Julia strongly encouraged the Commission to move this process onto the City Council, and to give the Council an opportunity to hear and think about everything the Commission has said. If they are in full agreement they can then remand the issue back to the Commission or they can table it, but that at this point it really needs to be elevated to the next level, so a policy level decision can be made about how to proceed.

The Commission discussed the benefits and options of having a work session with the City Council.

Chair Allen then asked if any of the outstanding issues would impact what the decision about Redfern might be. Commissioners Nolan and Emery both feel that Redfern should not have any connection and should be removed from the plan regardless of any other connections made, however preserving the pedestrian, bike and emergency connection.

Commissioner Lafayette voiced a concern about modifying connectivity promised in the TSP.

Chair Allen took an informal poll of the Commissioner to see if they were all in favor of modifying the connectivity of Redfern. All were in favor. He then called for a 5 minuet recess to speak with staff.

Chair Allen called the meeting back to order and suggested moving forward with a recommendation to the City Council to adopt a modified version of the Hybrid Concept plan pending a couple issues that need to be decided east of Cedar Creek, then go into a work session with the Council to discuss a policy decision about what the Council would like to see for the central and western parts of the plan with respect to waiting or not for the I-5/99 connector decisions to be made.

Commissioner Emery would like to see something in writing from staff before any decisions are made showing exactly what is being proposed. He also asked for a tax lot break down of the effected areas.

A discussion ensued about the property needing to go through annexation and what the Commission's recommendations would mean. For clarification, Julia explained the process of annexation to the Commission and members of the public including the need to be voted on by the citizens of Sherwood and the potential time frame of 6 months for the process to take place.

Chair Allen proposed continuing the deliberation on the plan amendment to the first meeting in January. He asked staff to provide the material needed to consider a recommendation on the portion of the concept plan east of Cedar Creek, with revised finds that deal with limiting the connectivity on Redfern and any guidance from the City's Attorney about what the risks are of a long term failure to Master Plan. He asked if there is a motion to continue deliberation on PA 08-01 Brookman Road Concept Plan to the January 13th, 2009 meeting. Commissioner Nolan so moved and Commissioner Lafayette seconded the motion. All were in favor, the motion carried.

6.b. **Chair Allen** opened the public hearing for PA08-03 City of Sherwood Sign Code. He read the public hearing statement then asked the Commission for any exparte' contact, bias or conflicts of interest. None were given.

Julia presented the staff report by first reminding everyone that the Sign Code had been update in 2004/2005. In the 2005 ordinance there was an amortization clause in the non-conforming section that says any non-conforming signs would have to be removed within 5 years of that ordinance. In preparation for implementing that clause the city did an inventory on all of the free standing signs in the city. In that inventory it was discovered that over half of the current signs are non-conforming due to design and/or height and size. Another issue that has been raised is that the current sign code does not make a distinction in size based on location. The Commission has met in two different work sessions and compared Sherwood's sign code to neighboring jurisdictions and the sign inventory. What is being recommended is that uniformly all free standing signs in the City can be 6' tall and 36 sq. ft. in size. However, there is an understanding that along Pacific Hwy. and larger commercial areas may need larger signs as traffic is going much faster reducing visibility. The proposed exception is that sites along or within 100' of Pacific Hwy. be allowed to be increased to 20' per development site and 150 sq. ft. in size. In addition commercial plazas and centers greater than 10 acres elsewhere in the city may also be increased to the 20', 150' sq. ft. limits as well. Another concern raised was the electronic messaging signs. There is a proposal included to limit the area of a sign that can be electronic messages.

Exhibit C (distributed at the meeting) is from Matt Grady with Gramor recommending some modifications. He points out that the proposed code unintentionally regulates away wall signs in industrial areas, which was not the intent. He suggests referring back to wall signs for commercial standards. He also recommends adding a caveat for the Langer project as it is a pre-approved PUD that is allowed to have commercial development.

Another point of clarification is that the intent is to rectify the issue that over half of the existing signs are non-conforming and under the current standards would have to come down by 2010. The proposal is to modify the non-conforming section to say that except for those signs deemed to be really too tall and too big all currently non-conforming signs would continue to be classified as non-conforming but would not have to come down. The signs that currently have to come down within 5 years will still have to be removed if they are too tall or too big. The signs that are non-conforming based on design would not have to be removed. The proposal only exempts those under 25' in height. Julia then asked if there were any questions.

Chair Allen asked if the proposed language has been reviewed by legal counsel.

Julia confirmed that it has.

He also suggested clarifying the language on page 2, adding "subject to the exemptions in A & B" Julia agreed and added that staff proposed changing the language to say "any" sign under 25' tall. Commissioner Lafayette suggested deleting "under" 25' and changing the wording to "all signs up to 25 ft."

Julia added that the Council has a resolution in place that temporarily prohibits the acceptance of free standing sign permit applications while the code is being updated. Due to the holidays and scheduling staff will not meet the 90 period given to update the code, so council may decide on December 16th, to extend that resolution by an additional 45 days.

Chair Allen opened the meeting up to public testimony.

Matt Grady of Gramor Development's testimony was mainly directed at the Langer PUD which is an industrial zoned property of approximately 65 acres. He worked with Julia to create some revised language that would allow commercial type signs in this industrial area, which is included in the letter he has submitted. He urged the Commission to adopt the new code.

Jim Claus began by saying he has sent the Planning Staff a Best Practice Manual that has been reviewed by most of the leading authorities on signs in the United States. He believes that the code being proposed needs a very thorough review. He went on to say that sign codes were given 1st Amendment protection by the Supreme Court. He mentioned that if signs were not time, place and manner content neutral one would have to pay damages and costs for litigation. He feels the proposed code is not time, place and manner and not content neutral. He finds it very unfortunate that as he sees it we have rules being proposed now that are contrary to the State Compliance agreement. He pointed out to Chair Allen that this could be a real consideration because some of the provisions being proposed, if implemented on Hwy 99 and brought into the Billboards would instantly introduce a 10% withdraw of highway funds.

As his 5 minute time limit ran out, Chair Allen asked Mr. Claus for an example of something in the code that would not be content neutral.

Mr. Claus pointed out the 35% message center proposal. "That's been held not to be content neutral..." Why are we picking 35% of a sign that can change? The latest revolution in signs is LEDs, which can be seen on the sign Mr. and Mrs. Claus have recently erected. He also believes the City has stepped outside the compliance agreement that has been signed with the Federal Government on 99W with the 30 second review. Those areas are what need to be reviewed. He offered to review the code for the City to help find the areas that are unconstitutional. He doesn't believe we need more billboards and audacious signs and he doesn't feel that we should have more signs that are not time, place and content neutral.

Commissioner Emery asked if Mr. Claus is familiar with regulations or limitations on the brightness or suggested lumen ratings.

Mr. Claus's sign has an automatic dimmer. He believes this a valid point. The incandescent lights tend to have a halation effect. The automatic dimmer devices remove the halation effect, which needs to be done. The foot lumens on florescent lights do need to be controlled.

John Alto representing Chevron and **Cam Durrell** representing Les Schwab Tire Center testified together. Mr. Alto believes that the image of our community is developed as they drive through. What they see is from the edge of the road into about 50'. He feels there is nothing more important than signs and the sign ordinance in the city. If we don't have a good, simple sign ordinance it will go the wrong direction. He fully supports what the Planning Commission and Staff have done. He doesn't believe that what is being proposed will have a big financial burden on existing signs which is a critical item for him. He submitted, as reference the sign code for Scottsdale, Arizona, which has the reputation for having the tightest sign ordinance in the country. While he believes it is not perfect, it may have elements that could help tighten the sign code in Sherwood. He wanted to emphasize that it is important his sign on Hwy. 99 W be allowed to maintain its height as people have to make a decision at 45 mph to safely enter their facility.

Mr. Durrell does feel that these changes may put a financial burden on some of the businesses in Sherwood as they try to bring their signs into compliance. He feels that with the state of the economy at this time and as we try to encourage new business to even up our tax base that it is important to look at the burden that could be created for small businesses. He also asked that the Commission think about, in addition to Hwy 99 and the sight lines, that Tualatin/Sherwood Road be considered in this light as well. If people are traveling east to west on Tualatin/Sherwood road, his sign is not visible until after you have passed the driveway. He recommended that the City notify business owners when their signs are out of compliance. He was not aware that his sign was out of compliance until he read it on the front page of the Sherwood Gazette.

Commissioner Emery asked regarding the Scottsdale sign ordinance if he liked it and if he felt it worked for the businesses.

Mr. Alto does like their code and the detail it goes into regarding wall signs and landscaping around free standing signs. He feels that the big challenge now is not with the permanent signs that he and Les Schwab have, but rather the temporary banners, posters and plywood that will be difficult to regulate.

Both gentlemen offered their information and help to the Commission and Staff if needed.

Chair Allen closed the public testimony on PA 08-02. He asked for legal counsel's take on the 35% allowed for message centers not being content neutral.

Heather Martin from the City Attorney's office response was that it is content neutral issue. As long as we are not controlling what is being written on the board, we are not reviewing for content.

Julia added that it is an issue of design, how it's constructed, not the content. She suggested that perhaps a more thorough legal review needs to be done. She sees that the distinction is that there may be aspects of the existing code that may not be fully content neutral. Changes can continue to be made to try to obtain content neutrality. This review was focused on free standing signs, so there has not been a legal analysis on the full sign code.

Chair Allen would feel more comfortable seeing the proposed language in writing and that could buy some more time if there are more legal reviews needed. At a minimum he would like to see the changes say that anything built new the rules will be X and take more time to deal with any non-conforming signs and height and size issues. He does want to keep the changes that have been discussed so far including: the references to A and B in 5, changing the language in D to say "up to and including 25" and 100 sq. ft. in size.

Julia clarified where she thought the meeting was going by saying she is assuming that there will be a motion made to continue and that the Commission would want Staff to come back with all of the changes discussed this evening as well as a legal response on whether or not additional changes may be appropriate or necessary to insure compliance with current sign rules. Staff will also review the sign code from Scottsdale provided by Mr. Alto and have an initial response to that.

She added a response to Mr. Durrell's statement about the Les Schwab sign, under the proposed amendments that sign would not have to come down.

After some discussion among the Commission about determining the "Town Center" as the location of where the signs could be up to 20 feet tall and 150 square feet in size Chair Allen asked if the Town Center is defined well enough to say if a business is outside the town center area.

Julia confirmed that it is well defined.

Chair Allen asked if staff could bring back language that expands the area that is entitled to higher and larger signs to either use an existing definition or propose something that captures a commercially viable distance around both main intersections on Hwy 99.

Commissioner Lafayette asked for clarification on existing code language in several places in the code. Julia answered her questions and also explained that the proposed changes are not looking at the entire code at this time. Chair Allen added that the mission for this review is height and size.

Chair Allen summarized that he is looking for language that makes the adjustments discussed around the 6 corners area to be reviewed at the January 13th. He reminded everyone of the expiration date of the moratorium and suggested at a minimum they come out of that meeting with something regarding new construction so the moratorium on applications can be lifted. There will be additional review by the City's Attorney as well as a review of the issues raised in Jim Claus' letter. There will also be a copy of the Scottsdale code (exhibit C-9) distributed for review. Chair Allen asked that Julia bring up the issue of the proposed Pride Disposal sign at the next meeting since it is late and he would like to give it some quality attention.

Commissioner Lafayette made a motion to continue PA 08-03 Sign Code Amendment to the January 13th, meeting. Commission Nolan seconded the motion. All were in favor, the motion carried.

Chair Allen closed the meeting at 9:30

7. Next Meeting: January 13th, 2009

End of minutes.